

*Margarine Act.*

7 ELIZ. II. No. 75,

the treatment, sorting, handling, storage, transport, sale, destruction, or other disposal by any means whatsoever of any such fruit, vegetables, or package and the disposal of the proceeds of any such sale or other disposal ;

- (xvi.) Prescribing the matters or things in respect whereof fees, costs, charges, and expenses shall be payable under this Act, and the amounts of such fees, costs, charges, and expenses, and prescribing the persons who shall be liable for the payment of such fees, costs, charges, and expenses, and when such fees, costs, charges, and expenses shall be payable and paid, and providing for the manner of payment thereof and for the recovery of any amount thereof not duly paid."

7 ELIZ. II.  
No. 75.  
THE  
MARGARINE  
ACT OF 1958.

**An Act to Consolidate and Amend the Law relating to the Manufacture and Sale of Margarine, and for other purposes.**

[ASSENTED TO 19TH DECEMBER, 1958.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1.) This Act may be cited as "*The Margarine Act of 1958.*"

Commence-  
ment of Act.

(2.) This Act shall come into operation on the first day of January, one thousand nine hundred and fifty-nine.

Repeal and  
savings.

2. \*"*The Margarine Acts, 1910 to 1950,*" are hereby repealed.

\* 1 G. 5 No. 9 and amending Acts.

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3. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say :—

- “ Agent—A person who, on behalf of another person who manufactures margarine, takes delivery of, or controls, manages or directs the delivery of, margarine for the purposes of sale or disposal otherwise than by sale ; Agent.
- “ Analyst ”—A person appointed, or deemed to be, an analyst under this Act ; Analyst.
- “ Butter ”—The fatty substance derived from the mechanical agitation of the milk of a cow or of cream derived from the milk of a cow ; Butter.
- “ Butter fat ”—The fat of cow’s milk ; Butter fat.
- “ Cooking margarine ”—Margarine which contains beef fat or mutton fat or beef fat and mutton fat in a quantity of not less than ninety per centum by weight of the total quantity of fat and oil contained in such margarine ; Cooking margarine.
- “ Cooking margarine license ”—A license to manufacture only cooking margarine ; Cooking margarine license.
- “ Inspector ”—A person appointed, or deemed to be, an inspector under this Act ; Inspector.
- “ License ”—A license, including any renewal of a license, granted under this Act and in force at the material time, and with reference to any particular provision of this Act a license of the description appropriate according to that provision ; License.
- “ Manufacture ”—Includes prepare, process and pack ; Manufacture.
- “ Margarine ”—Any solid or semi-solid substance which— Margarine.
- (i.) Is capable of being used as a substitute for butter whether for cooking or for eating purposes or for both cooking and eating purposes ; and
  - (ii.) Is manufactured wholly or mainly from one or more fats or oils or a combination of one or more fats and oils, but does not include dripping or lard or any single fat sold as such fat ;

<b>Mark.</b>	“ Mark ”—Includes brand or stamp ;
<b>Minister.</b>	“ Minister ”—The Minister for Agriculture and Stock or other Minister of the Crown for the time being charged with the administration of this Act ;
<b>Package.</b>	“ Package ”—Includes every means by which goods may be cased, covered, enclosed, contained or packed ; and “ to pack ” has a corresponding interpretation ;
<b>Place.</b>	“ Place ”—Includes any house, shop, warehouse, structure, building, ship, barge, boat, vehicle, car, aeroplane, station, wharf, shed, or any land or premises whatsoever and wheresoever situated ;
<b>Sell.</b>	“ Sell ”—Includes sell by wholesale or by retail or by auction, and barter, exchange or supply for profit, assign or part with possession for valuable consideration, offer or expose for sale, keep or have in possession for sale, or send, forward, consign or deliver for or on sale, and to authorise, cause, permit, allow, suffer or attempt any of such things ; and “ sale ” has a corresponding meaning ;
<b>Table margarine.</b>	“ Table margarine ”—Margarine which is not cooking margarine ;
<b>Table margarine license.</b>	“ Table margarine license ”—A license to manufacture only table margarine ;
<b>Under Secretary.</b>	“ Under Secretary ”—The Under Secretary, Department of Agriculture and Stock : The term includes any person for the time being discharging the duties of that office.

**Inspectors,  
analysts,  
&c.**

4. The Governor in Council may from time to time appoint such inspectors, analysts and other officers as he deems necessary for the administration of this Act.

Every inspector or analyst appointed under \* “ *The Dairy Produce Acts, 1920 to 1952,* ” shall during the continuance of that appointment and without further or other appointment under this Act be also an inspector or analyst, as the case may be, under and for the purposes of this Act.

\* 10 G. 5 No. 15 and amending Acts.

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5. No person shall manufacture margarine or act as an agent in respect of any margarine—

Unlicensed persons not to manufacture margarine.

- (i.) Unless he holds a license ;
- (ii.) At any premises other than the premises specified in the license ; or
- (iii.) In contravention of any condition of the license.

Penalty : Two hundred pounds and in the case of a person who continues any offence against this section after he has been convicted therefor twenty pounds for each and every day on which the offence is continued.

6. (1.) Every application for a license or the renewal or transfer of a license shall be made to the Under Secretary, shall be in the prescribed form and shall contain or be accompanied by the prescribed information.

Licenses.

(2.) Subject as hereinafter in this section provided the Minister may in his absolute discretion grant or refuse to grant a license or a renewal or transfer of a license.

The Minister may grant the license or renewal or transfer of a license subject to such terms and conditions as may be fixed by him.

(3.) An applicant who makes application in that behalf shall be entitled to be granted a renewal of a license upon and subject to the conditions to which the license is then subject unless in respect of the license in question the applicant—

- (i.) Has been convicted of an offence against this Act ; or
- (ii.) Has contravened or failed to comply with any of the conditions of the license.

(4.) Every license and every renewal of a license shall expire on the thirty-first day of December next after the date of the issue or, as the case may be, any renewal thereof.

For the purposes of this subsection the renewal for any period of a license shall be deemed to be made on the first day of January of that period.

The application for the renewal or further renewal of a license shall be made as prescribed on or before the thirty-first day of December, whereon that license will expire unless renewed or, as the case may be, further renewed.

(5.) Every license shall be in the prescribed form and shall be deemed to be granted subject to all terms and conditions, if any, specified therein and to all other terms and conditions as may for the time being be prescribed for the description of license to which that license belongs.

(6.) On application in the prescribed form, a license may at any time during the currency thereof be transferred in the prescribed manner so as to apply to any other person or premises approved by the Minister.

(7.) Every application for a license or the renewal or transfer of a license shall be accompanied by the prescribed fee.

Classes of  
licenses.

7. A license shall be of the following descriptions, namely :—

- (i.) A table margarine license ;
- (ii.) A cooking margarine license ; and
- (iii.) An agent's license.

Registered  
marks.

8. (1.) Every licensee shall mark all margarine manufactured by him with a mark registered by the Minister as prescribed by this section.

(2.) Application for the registration of a mark shall be made to the Under Secretary and shall contain the prescribed information and particulars.

Such an application shall be made in connection with every application for a license.

(3.) The Minister may register or refuse to register any mark in accordance with the application therefor.

(4.) A person who holds licenses to manufacture both table margarine and cooking margarine shall register different marks for each such class of margarine and the Minister shall not register any mark which is identical with, or which so nearly resembles as to be capable of deceiving, any other mark registered under this Act.

(5.) A person shall not mark any margarine manufactured by him with any mark other than a mark registered by him under this Act in respect of that margarine.

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9. (1.) The maximum amount of table margarine to be manufactured in Queensland (otherwise than for export beyond the Commonwealth of Australia) in any period of twelve months ending on the thirty-first day of December shall be four thousand two hundred and thirty-six tons.

Limitation  
of amount  
of table  
margarine  
to be manu-  
factured.

(2.) Every table margarine license shall contain a condition specifying the maximum amount of table margarine which may be manufactured by the licensee during any period of twelve months ending on the thirty-first day of December during which the license or any renewal thereof is in force :

Provided that in the case of a license issued after the first day of January in any year such condition may specify such a quantity in respect of the part of the year during which that license will be in force after the issue thereof and before it is first renewed.

(3.) Except as prescribed by this subsection a licensee shall not during any quarter in any calendar year manufacture a quantity of table margarine exceeding the quarterly allowance :

Provided that a licensee who in any quarter manufactures a quantity of table margarine deficient of the quarterly allowance may in any subsequent quarter in the same year manufacture table margarine in excess of the quarterly allowance sufficient to make up the whole or any part of the deficiency.

For the purposes of this subsection—

- (i.) "Quarterly allowance" means an amount calculated by dividing the maximum quantity of table margarine which the licensee in question is allowed to manufacture during any period of twelve months by four ; and
- (ii.) "Quarter" (in relation to a calendar year) means the period of three months commencing on the first day of January, April, July or October.

10. (1.) The Governor in Council may by Order in Council cancel any license held by any person who is convicted of an offence against section five or section eleven of this Act.

Cancellation  
of licenses.

Powers of Governor in Council on cancellation of table margarine licenses.

(2.) If a table margarine license is so cancelled the Minister may subject to this Act—

- (a) Grant a new table margarine license for the unexpired term of the cancelled license; or
- (b) Vary the conditions of the other current table margarine licenses by increasing proportionately the respective maximum amounts specified therein.

Permits to manufacture margarine for export.

11. (1.) Notwithstanding anything in this Act or in any license—

- (i.) The Minister may grant to any person who holds a license a special permit authorising such person to manufacture for export beyond the Commonwealth of Australia such quantity of table margarine for such period as is specified in the permit; and
- (ii.) Such person may in accordance with the conditions of such permit manufacture such margarine for export.

(2.) Every such special permit—

- (i.) Shall contain such conditions as the Minister thinks necessary to ensure that none of the margarine manufactured thereunder shall be sold or distributed for use within the Commonwealth of Australia and such other conditions as are prescribed; and
- (ii.) May be cancelled by the Minister upon breach of any of the conditions thereof.

(3.) Any person who contravenes or fails to comply with any condition of any such special permit shall be guilty of an offence against this Act.

Packing and labelling of table margarine.

12. (1.) No person shall sell (otherwise than for export beyond the Commonwealth of Australia) any table margarine unless—

- (i.) Such margarine is made up in cube form and in lumps of one pound or of half a pound; and
- (ii.) Such margarine is packed in a package on which is printed or written—
  - (a) On the top, bottom and two sides thereof the words “table margarine” in capital letters not less than three-eighths of an inch in height;

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- (b) The name and address of the manufacturer of the margarine ;
- (c) The net weight of the margarine contained in the package ; and
- (d) The registered mark of the manufacturer of the margarine.

(2.) The vitamin content of the table margarine contained in the package may be written or printed on the package.

(3.) No person shall sell (otherwise than for export beyond the Commonwealth of Australia) any table margarine packed in a package on which is written or printed any word, figure or mark which is not required or permitted by this section to be written or printed on that package.

**13.** (1.) No person shall sell (otherwise than for export beyond the Commonwealth of Australia) any cooking margarine unless—

- (i.) Such margarine is made up in cube form and in lumps of one pound or of half a pound ; and
- (ii.) Such margarine is packed in a package on which is printed or written—
  - (a) On the top, bottom and two sides thereof the words “cooking margarine—for cooking purposes only” in capital letters of not less than one quarter of an inch in height except in the case of the words “cooking margarine” which shall be not less than three-eighths of an inch in height ;
  - (b) The name and address of the manufacturer of the margarine ;
  - (c) The net weight of the margarine contained in the package ; and
  - (d) The registered mark of the manufacturer of the margarine.

(2.) No person shall sell (otherwise than for export beyond the Commonwealth of Australia) any cooking margarine packed in a package on which is written or printed any word, figure or mark which is not required by this section to be written or printed on that package.



(3.) This section does not apply with respect to cooking margarine sold to a person carrying on the business of baker, cake-maker, pastry-cook or confectioner for use in his business in a quantity of not less than fourteen pounds net weight and contained in a package upon which is written or printed the words "cooking margarine—for cooking purposes only" in capital letters not less than one inch in height.

Manufacture  
by cooking  
margarine  
licensee of  
certain type  
of margarine  
for sale to  
prescribed  
classes of  
persons.

14. (1.) Notwithstanding anything in this Act or in any license any person who holds a cooking margarine license may manufacture for sale only to any prescribed person or class of persons in lumps of not less than fourteen pounds margarine which contains beef fat or mutton fat or beef fat and mutton fat in a quantity of between seventy-five and ninety per centum by weight of the total quantity of fat and oil contained in such margarine.

(2.) Any person who—

(a) Packs any such margarine so manufactured in lumps of less than fourteen pounds ; or

(b) Sells any such margarine so manufactured—

(i.) In lumps of less than fourteen pounds ; or

(ii.) Otherwise than to any such prescribed person or any person being a member of any such prescribed class of persons ; or

(iii.) Otherwise than contained in a package upon which is written or printed the words "cooking margarine—for cooking purposes only" in capital letters not less than one inch in height,

shall be guilty of an offence against this Act.

Penalty : Two hundred pounds and in the case of a person who continues any offence against this section after he has been convicted therefor twenty pounds for each and every day on which the offence is continued.

Substance  
to be  
included in  
margarine.

15. No person shall manufacture or sell any margarine unless one-tenth of one per centum by weight of such margarine consists of dry starch or arrowroot intimately mixed with the other constituents of the margarine.

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**16.** Every person who—

- (i.) Uses butter or milk other than skim milk containing not more than .05 per centum of butter fat in the manufacture of margarine ;
- (ii.) Keeps any quantity of butter or milk other than skim milk containing not more than .05 per centum of butter fat on any premises where margarine is manufactured ;
- (iii.) Manufactures or sells margarine which contains butter fat ; or
- (iv.) Sells margarine under any name other than that of margarine,

Offences as to manufacture, sale, &c., of margarine.

shall be guilty of an offence against this Act.

**17.** (1.) The occupier of every store, shop, stall in market or other place where margarine is sold shall place and keep placed in a conspicuous position on such store, shop, stall or other place a sign conspicuously displaying the words “ margarine sold here.”

Notices to be displayed in shops, &c., where margarine sold.

(2.) The occupier of every hotel, cafe, restaurant, tea-room or other place where margarine is supplied for consumption by customers on the premises shall conspicuously display the word “ margarine ” on every vessel containing any such margarine.

**18.** (1.) An inspector may at any time—

- (i.) Enter and search any place where margarine, or any fat, oil or other substance of any kind commonly used in the manufacture of margarine, is manufactured, stored, packed or sold or is suspected by the inspector to be manufactured, stored, packed or sold ;
- (ii.) Inspect any such margarine, fat, oil or other substance and any plant, machinery, apparatus or utensil in or upon any such place ; and
- (iii.) Without payment take samples of any such margarine, fat, oil or other substance and for such purpose open or cause to be opened any package which contains or which the inspector suspects to contain any such margarine, fat, oil or other substance.

Power of inspectors as to entry, inspection and samples.

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(2.) When an inspector takes any such sample he shall—

- (i.) Divide the sample into three approximately equal parts ;
- (ii.) Place each such part in a separate package and seal or fasten each such package ;
- (iii.) Attach to each such package a label stating, so far as known to him, the name of the occupier of the place where the sample was taken ;
- (iv.) Deliver one of the parts to the person in charge or apparently in charge of such place ;
- (v.) Retain one of the parts for future comparison ; and
- (vi.) Forward the other part to an analyst for analysis.

Inspection  
of books  
and  
accounts.

19. For the purposes of this Act any inspector may at any reasonable time enter any place where he suspects that any accounts, books or documents relating to margarine or to any fat, oil or other substance of any kind commonly used in the manufacture of margarine are kept, and may inspect, make copies of and take extracts from, any such accounts, books or documents.

Returns  
by table  
margarine  
licensees.

20. (1.) Every person who holds a table margarine license shall, not later than the seventh day of each month, furnish to the Minister in writing—

- (i.) Information as to the amount of margarine manufactured and sold, or manufactured or sold, during the preceding month at the premises specified in the license ; and
- (ii.) Such other information as is prescribed.

Information  
as to  
margarine  
to be  
furnished  
when  
required.

(2.) The Under Secretary may by notice in writing require any person to furnish to him in writing, to the best of the knowledge and ability of such person, and within a time specified in the notice, any information as to any margarine or any fat, oil or other substance of a kind commonly used in the manufacture of margarine which is or has at any time been in the possession, custody or control of that person.

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(3.) Any person who—

Penalty.

- (i.) Fails to comply in any particular with the requirements of this section or of any notice under this section; or
- (ii.) Furnishes under this section any information which is false or misleading,

shall be guilty of an offence against this Act.

**21.** (1.) Any inspector may at any time require the purchaser of any margarine to state the name and address of the vendor from whom he purchased such margarine. Information as to name and address of vendor of margarine.

(2.) Any person who when so required—

- (i.) Does not state the name and address of any such vendor; or
- (ii.) States a name or address which is false or misleading,

shall be guilty of an offence against this Act.

**22.** Any person who—

Hindering inspectors an offence.

- (i.) Prevents or attempts to prevent any inspector from exercising any power conferred on him by or under this Act; or
- (ii.) Hinders or obstructs any inspector in the exercise of any such power,

shall be guilty of an offence against this Act.

**23.** (1.) Any inspector may seize, detain or remove any margarine which he has reason to believe does not comply with or has been manufactured in contravention of this Act or in respect of which he has reason to believe an offence against this Act has been committed. Seizure, &c., of margarine which does not comply with Act, &c.

(2.) Where any margarine is so seized, detained or removed by an inspector, he shall forthwith— Notice of seizure, &c.

- (i.) Give notice of the seizure, detention or removal to any person apparently in charge thereof;
- (ii.) If there is no person apparently in charge thereof, give notice of the seizure, detention or removal to any person appearing to be the consignor or owner thereof by any name and address attached thereto or to any package containing the same if such address is a place in Queensland, and otherwise to the importer or consignee or his agent.

Complaints  
as to  
seizure,  
&c.

(3.) Any person claiming any margarine so seized, detained or removed may within forty-eight hours after such seizure, detention or removal complain thereof to a justice, and the complaint shall be heard and determined by a stipendiary magistrate who (after hearing the evidence) may either confirm wholly or in part or disallow the seizure, detention or removal and may make an order accordingly.

Disposal of  
margarine  
seized, &c.

(4.) If no such complaint is made, or if the seizure, detention or removal is confirmed, then to the extent of such confirmation, the margarine seized, detained or removed shall become the property of the Crown and shall be destroyed or otherwise disposed of.

Protection  
of  
inspectors.

(5.) No inspector who has so seized, detained or removed any margarine shall be liable for any costs, expenses or damages on account of such seizure, detention or removal if he acted under a reasonable belief that such margarine did not comply with or was manufactured in contravention of this Act or that an offence against this Act has been committed in respect of such margarine.

Certain  
fraudulent  
acts.

24. Every person who with a fraudulent intention—

- (i.) Alters or obliterates, wholly or partially, or causes to be altered or obliterated, an inspector's mark or any registered mark on any margarine, or on any package containing such margarine ;
- (ii.) Counterfeits any such mark, or places on any margarine or package any mark purporting to be the mark of an inspector or of the manufacturer, either with the proper marking instruments of such inspector or manufacturer, or with counterfeit imitations ;
- (iii.) Empties, or partially empties, any package marked after inspection in order to put into the same any margarine, of the same or any other kind, not contained therein at the time of such inspection ;
- (iv.) Uses for packing margarine any package previously used for that purpose without effacing all previous marks thereon,

shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

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**25.** Every person who, being in the employ of any manufacturer of margarine— Offences by employees.

- (i.) Hires or lends the marks or marking instruments of his employer to any person ;
- (ii.) Connives at or is privy to any fraudulent evasion of this Act with respect to any such marks,

shall be guilty of an offence against this Act.

Penalty : Fifty pounds.

**26.** A person shall not use howsoever in relation to the advertisement for sale or for any purpose of or connected with the advertisement for sale of any margarine any advertising matter containing in relation to the margarine any word, brand, descriptive name or pictorial device which indicates or suggests, or tends so to do, that the margarine is a dairy product or contains any solid derived from the milk of the cow or is an equivalent substitute for butter or any other dairy product or that cooking margarine is suitable for use for any purpose other than cooking. Advertisements concerning margarine.

For the purposes of this section—

- (i.) “Advertisement ” means in relation to any margarine any method of advertising or conveying information or making any claim with respect to the margarine, whether orally or by writing or pictorially or otherwise, including any circular, catalogue, leaflet, pamphlet or other document, and any public announcement made orally or by writing or by means of producing or transmitting light or sound ; and
- (ii.) “Advertising matter,” when used in relation to any margarine, includes any advertisement and any matter whatsoever containing or in the nature of an advertisement.

**27. (1.)** Any notice or other document whatsoever under the provisions of this Act may be given or delivered to or served upon any person— Service of documents.

- (i.) By delivering the same to such person personally ; or

- (ii.) By leaving the same at the usual place of business or address of such person or at his last known place of business or address or, in the case of a holder of a license or permit under this Act, at the place of business or address, if any, stated in the license or permit; or
- (iii.) By forwarding the same by post in a prepaid letter addressed to such person at his usual place of business or address, or at his last known place of business or address, or in the case of a holder of a license or permit under this Act, at the place of business or address, if any, stated in the license or permit.

(2.) In any prosecution for an offence against this Act a certificate under the hand of the Under Secretary that a writing annexed to the certificate is a true copy of a notice or document forwarded by post by prepaid letter by the Under Secretary to the defendant on the date stated in the certificate shall be evidence (and in the absence of evidence in rebuttal shall be conclusive evidence) of the matters certified to and that the original notice or document of which the writing purports to be a copy was received by the defendant on or about the time at which it would be delivered in the ordinary course of post if it had been posted on the date stated in the certificate and that the signature on the certificate is the signature of the person by whom it purports to have been signed.

Facilitation  
of proof.

**28.** In a proceeding under or for a purpose of this Act—

- (i.) It shall not be necessary to prove the appointment of any inspector or analyst;
- (ii.) A signature purporting to be that of any inspector or analyst shall be taken to be the signature it purports to be until the contrary is proved;
- (iii.) A document purporting to be a duplicate or copy of a license, permit, certificate, notice or order granted, given or made under this Act shall, upon its production in evidence, be evidence of that license, permit, certificate, notice or order, and in the absence of evidence in rebuttal, shall be conclusive evidence thereof;

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- (iv.) A document purporting to be signed by the Under Secretary and stating that at any specified time there was or was not in force a license or permit under this Act as described therein issued to a specified person, or in respect of a specified thing, or that any such license or permit was or was not subject to terms, conditions or restrictions or was or was not issued subject to the terms, conditions and restrictions set out in that document shall, upon its production in evidence, be evidence of the matter or matters in the document, and in the absence of evidence in rebuttal shall be conclusive evidence of such matter or matters ;
- (v.) A document purporting to be signed by the Under Secretary and certifying that the amount of fees or other moneys specified therein is payable under this Act and has not been paid by a specified person shall, upon its production in evidence, be evidence of the matter or matters certified to therein, and in the absence of evidence in rebuttal shall be conclusive evidence of such matter or matters ; and
- (vi.) The averment in any complaint of the date on which the commission of any offence under this Act came to the knowledge of the complainant shall be evidence of that matter, and in the absence of evidence in rebuttal shall be conclusive evidence of such matter.

29. In a prosecution for an offence under this Act—

- (i.) The production by the prosecutor of a certificate of analysis purporting to be under the hand of an analyst shall be sufficient evidence of the facts stated therein unless the defendant requires that the analyst shall be called as a witness, in which case he shall give notice thereof to the prosecutor not less than three clear days before the return day ;

Analyst's  
certificate  
*prima facie*  
evidence.



(ii.) In like manner the production by the defendant of a certificate of analysis purporting to be under the hand of an analyst or of a person duly registered as a duly qualified analyst under \**"The Health Acts, 1937 to 1955,"* shall be sufficient evidence of the facts stated therein, unless the prosecutor requires that the analyst or other such person be called as a witness. A copy of such last named certificate shall be sent to the prosecutor at least three clear days before the return day, and if it is not so sent the Court may adjourn the hearing on such terms as it thinks proper.

General  
penalty.

30. (1.) Every person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(2.) Every person guilty of an offence against this Act for which no penalty is specifically provided shall be liable to a penalty of not more than one hundred pounds and in the case of a continuing offence to an additional penalty of not more than twenty pounds for each day on which the offence is continued after a conviction or order of any court in relation to the offence.

(3.) All offences under this Act may be prosecuted and all fees and other moneys payable under this Act and not paid may be recovered in a summary way under †*"The Justices Acts, 1886 to 1958."*

(4.) The summons in any such proceeding in which an analyst's certificate is used shall not be made returnable in less than seven days from the day on which it is served.

(5.) There shall be served with the summons a copy of the analyst's certificate (if any) obtained on behalf of the prosecution.

The endorsement of the analyst's certificate with an oath of service shall be *primâ facie* evidence of the service of such copy.

\* 1 G. 6 No. 31 and amending Acts.

† 50 Vic. No. 17 and amending Acts.

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(6.) A prosecution for any offence against this Act may be instituted at any time within twelve months after the offence was committed or within six months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

(7.) (a) Where a body corporate offends against this Act each and every one of the following persons shall be deemed to have committed the offence, and shall be liable to be proceeded against and punished accordingly namely:—

Liability for offence by corporations.

- (i.) The managing director, manager or other governing officer, by whatever name called, and every member of the governing body, by whatever name called thereof; and
- (ii.) Every person who in Queensland manages or acts or takes part in the management, administration or government of the business in Queensland of the corporation:

Provided that any such person proceeded against pursuant to this subsection shall not be convicted if he satisfies the Court that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(b) This subsection applies so as not to limit or affect howsoever the liability of a corporation to be proceeded against and punished for an offence against this Act committed by it.

(8.) On any conviction under this Act the Court may order such payment as it thinks fit as compensation for loss of time or expense incurred in consequence of the offence of which the defendant was convicted, or in connection with the proceedings to secure such convictions:

Compensation on conviction.

Provided that all fees and other expenses incident to the analysis of any margarine or ingredients used or of a kind commonly used in the manufacture thereof in respect of which the conviction is obtained, shall be deemed to be an expense incurred in connection with the proceedings to secure the conviction.

Issue of licenses between passing and commencement of Act.

**31.** For the purpose of bringing this Act into operation on the first day of January, one thousand nine hundred and fifty-nine, licenses under this Act may be issued after the passing of this Act and before the said first day of January, one thousand nine hundred and fifty-nine, and for that purpose all steps and things necessary for or incidental to the issue of any such licenses may be taken and done after the passing of this Act but so that any license so issued shall not have any effect until this Act comes into operation on the said first day of January, one thousand nine hundred and fifty-nine.

Application of Act to table margarine.

- 32.** Every provision of this Act relating to—
- (i.) The entry and search of any place where table margarine or any fats, oils or other substance commonly used in the manufacture of table margarine are suspected to be stored, packed or sold ;
  - (ii.) The inspection and obtaining of samples of any such table margarine or other substance ;
  - (iii.) The inspection and making copies of and taking extracts from any accounts, books or documents relating to table margarine or any such substance ;
  - (iv.) The securing of information as to table margarine or any such substance ;
  - (v.) The sale of any table margarine or other such substance ;
  - (vi.) The ingredients of table margarine ;
  - (vii.) The making of regulations,

shall apply in relation to all table margarine and every such other substance in the State, irrespective of whether that table margarine or other substance was or was not manufactured in the State.

Regulations.

**33.** (1.) The Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying

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out or giving effect to this Act and, without limiting the generality of the foregoing provisions of this subsection, in particular—

- (i.) Prescribing and regulating the labelling of or the writing or printing of particulars on packages of margarine ;
- (ii.) Prescribing returns of any prescribed information as to sales, stocks, manufacture, packing and ingredients of margarine by such persons or all persons prescribed in such classes of persons as may be prescribed and the time and mode of making and furnishing the same ;
- (iii.) Prescribing, regulating and controlling the situation, construction, operation, maintenance and cleanliness of premises where margarine is manufactured ;
- (iv.) Prescribing, regulating and controlling the packing of margarine ;
- (v.) Prescribing the methods of analysis of any margarine for the purposes of this Act ;
- (vi.) Prescribing chemical and physical criteria for the fatty portion of any type of margarine which may constitute the basis of proof for the purposes of this Act that any margarine is or is not of such type ;
- (vii.) Prescribing, regulating and controlling the classes of licenses which may be issued under this Act ; applications for and the granting of, or any class of, licenses under this Act and the subscribing of declarations as to the truth of any statements in such applications ; the provisions, conditions and restrictions subject to which in pursuance of this Act such licenses or any class thereof may be granted, and all or any matters and things relating to the renewal, cancellation, suspension and endorsement of such licenses, the notification of change in any of the particulars required to be inserted in applications or in licenses, and the issue of duplicates for any of them which may be lost or destroyed, or whereon the particulars have become illegible ;

- (viii.) Prescribing forms under this Act and the respective purposes for which such forms or forms to the like effect shall be used and the time within which any notice must be given ;
- (ix.) Prescribing, regulating and controlling the ingredients to be used in the manufacture of table margarine ;
- (x.) Regulating or prohibiting the sale of table margarine not containing the prescribed ingredients ;
- (xi.) Prescribing, regulating and providing for the inspection in the State of the ingredients used in the manufacture of table margarine sold or intended to be sold in the State ;
- (xii.) Prohibiting the sale of table margarine which does not comply with the regulations as to wholesomeness and freedom from adulteration or the ingredients of which have not been inspected in accordance with the regulations ;
- (xiii.) Prescribing fees payable under this Act on such basis or bases as the Governor in Council considers appropriate and the matters in respect of which such fees shall be paid, and prescribing the persons by whom and the places and times when and where such fees shall be paid so that fees of different amounts and different bases for the calculation of fees may be prescribed both in relation to different matters and, by reference to different persons, localities or circumstances, the same matters ;
- (xiv.) Prescribing, regulating and controlling the inspection of margarine and the marks to be used by inspectors ;
- (xv.) Prescribing, regulating and controlling the registration of marks to be used in relation to margarine ;
- (xvi.) Prescribing, regulating and controlling the manufacture of margarine so as to secure wholesomeness, freedom from adulteration and hygienic practices therein ;
- (xvii.) Prescribing, providing for, regulating and controlling the powers and duties of inspectors and other officers ;

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- (xviii.) Prescribing, regulating and controlling the standards for the chemical composition of margarine, or any other standards in relation to margarine ; and
- (xix.) Prescribing the amount of any penalty for any offence against any regulation, provided that any such penalty shall not exceed one hundred pounds and (if the offence is a continuing one) a further sum not exceeding ten pounds for each and every day on which the offence continues.

(2.) The power to make, with respect to any margarine or any other matter or thing whatsoever, any regulation under this Act shall include power to make that regulation so that it may be of general or specially limited application according to time, place, purposes, class or circumstances, or otherwise as is prescribed, and so that any regulation of specially limited application may or may not differ from any other regulation of specially limited application with respect to the same persons, matters or things.

The power to make any regulation shall include power thereby to prohibit either generally or to meet particular cases.

**34.** (1.) Every Order in Council and regulation made under this Act shall—

Publication  
of Orders  
in Council,  
regulations,  
&c.

- (i.) Be published in the *Gazette* ;
- (ii.) Upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
- (iii.) Take effect from the date of such publication unless, in the case of any such regulation, a later date is specified in that or any other regulation for its commencement, when in such event it shall take effect from that later date ; and
- (iv.) Be laid before the Legislative Assembly within fourteen sitting days after such publication if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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*Wheat Industry Stabilisation Act.*      7 ELIZ. II. No. 63,

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(2.) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such Order in Council or regulation has been laid before it disallowing such Order in Council or regulation or part thereof, that Order in Council or regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Order in Council or regulation.

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7 ELIZ. II.  
No. 63.  
THE WHEAT  
INDUSTRY  
STABILISATION  
ACT OF 1958.

## An Act Relating to the Stabilisation of the Wheat Industry, and for other purposes.

[ASSENTED TO 16TH DECEMBER, 1958.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1.) This Act may be cited as "*The Wheat Industry Stabilisation Act of 1958.*"

Commence-  
ment of Act.

(2.) (a) This Act shall come into operation on the day on which the \**Wheat Industry Stabilization Act 1958* of the Commonwealth comes into operation.

(b) If the \**Wheat Industry Stabilization Act 1958* of the Commonwealth came into operation on a day earlier than the date on which this Act received the Royal Assent, this Act shall be deemed to have come into force on that earlier day and shall operate retrospectively accordingly :

Provided that an act or omission which occurred before the date on which this Act received the Royal Assent shall be deemed not to have been an offence against this Act.

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\* No. 58 of 1958 of the Commonwealth. Commenced 1 Dec., 1958 (see Proc. publ. Commonwealth Gaz., No. 73 of 27 Nov., 1958).