



ANNO VICESIMO QUINTO

GEORGII V REGIS.

A.D. 1934.

No. 2166.

An Act relating to the marketing of dairy produce.

[*Assented to, November 15th, 1934.*]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the “ Dairy Produce Act, 1934 ”, Short title.
and shall come into operation on a day to be fixed by proclamation.

2. In this Act—

Interpretation.

“ board ” means the Dairy Produce Board appointed under this Act :

“ dairy produce ” means butter and cheese :

“ manufacturer ” means a person who manufactures for sale or barter any butter or cheese :

“ quota ” means the maximum proportion of butter or cheese manufactured by a manufacturer within South Australia which he may sell in the course of his intrastate trade or commerce in South Australia :

“ sell ” includes barter or exchange and “ sale ” has a corresponding meaning.

*Dairy Produce Act.—1934.**Administration.*

Constitution
of board.

3. (1) For the purposes of this Act there shall be a board to be known as the Dairy Produce Board.

(2) The board shall consist of three members appointed by the Governor, one of whom shall be nominated by the Governor to be chairman, one of whom shall be a person who in the Governor's opinion is suitable to represent the interests of the consumers of dairy produce, and one of whom shall be a person who in the Governor's opinion is suitable to represent the interests of producers of such produce.

Incorporation
of Board.

4. The board shall be a body corporate and shall have a common seal and be capable in law of suing and being sued.

Term of office
of members
of board.

5. (1) The members of the board shall hold office until the thirtieth day of September, nineteen hundred and thirty-five.

(2) A member chosen to fill a casual vanancy shall hold office only for the balance of the term of the member in whose place he was appointed.

Vacation of
seats on the
board.

6. (1) The seat of any member of the board shall become vacant if—

(a) he becomes insane or dies, becomes bankrupt or assigns his estate for the benefit of his creditors, or compounds with his creditors for less than twenty shillings in the pound :

(b) he is convicted for any indictable offence or any offence punishable by imprisonment :

(c) he resigns by notice in writing posted or delivered to the Minister :

(d) without leave of the board he absents himself from three consecutive meetings of the board :

(e) he is dismissed by the Governor.

(2) The Governor may dismiss any member of the board from his office for dishonesty, misconduct, or incapacity.

Validity of
acts of the
board.

7. No act or proceeding of the board shall be invalid on account of—

(a) any defect in the appointment of any member ; or

(b) any vacancy in any seat on the board.

Quorum and
majority
decisions.

8. Any two members of the board shall form a quorum, and all questions arising for decision by the board shall be

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decided by a majority of the members present at any duly constituted meeting of the board. If the voting on any question is equal the chairman shall have a casting as well as a deliberative vote.

9. The board may exercise any such powers as are conferred upon it by or under any Act of Parliament of the Commonwealth of Australia relating to dairy produce.

Duties of Board under Commonwealth law.

10. (1) If any member of the board is for any reason temporarily unable to carry out his duties as a member the Governor may appoint some person to act as his deputy for the period specified by the Governor.

Deputy members of board.

(2) If the chairman is absent from any meeting of the board the members present may elect one of their number to act as chairman at that meeting.

11. The members of the board shall receive such salaries and allowances as the Governor fixes, and such salaries and allowances shall be costs of the administration of this Act.

Salaries.

12. Subject to the control of the Minister, the board shall be charged with the administration of this Act.

Administration of Act.

13. The Board may appoint such inspectors and other officers and servants as are necessary for the due administration of this Act. The board may, with the consent of the Minister controlling any Department of the Public Service, make use of the services of any public servant in that Department on any terms which are agreed upon between the Minister and the board.

Officers and servants.

14. Any person who communicates any information acquired by him in carrying out his duties under this Act except in accordance with the instructions of the Minister or for the purpose of proceedings in a court of law shall be guilty of an offence, and liable to a penalty not exceeding one hundred pounds.

Secrecy of information.

15. The board shall as soon as possible after the close of each financial year prepare a report of its proceedings during that financial year, and a statement showing its receipts and expenditure during that year, and shall present the report and statement to the Minister. The Minister shall as early as practicable lay the report before Parliament.

Annual report.

Sale of Dairy Produce.

16. The Governor after consultation with the board may from time to time determine what are to be the quotas for butter and cheese respectively, and shall by notice in the *Gazette* and in two newspapers circulating generally in the

Determination of quotas.

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State give public notice of these quotas, and shall specify the butter or cheese to which each quota relates by reference to the period of production thereof.

Penalty for exceeding quotas.

17. Any manufacturer whose average weekly production of butter or cheese for sale over any calendar month exceeds ten pounds avoirdupois and who, in the course of his intrastate trade or commerce within the State sells a proportion of the butter or cheese produced for sale in that month, which proportion is in excess of the quota applicable to that butter or cheese, shall be guilty of an offence, and liable to a penalty of not more than five pounds for every hundredweight, or part of a hundredweight, of the butter or cheese sold in excess of the quota.

Dairy produce made on farm.

18. (1) For the purposes of this Act the occupier of a farm shall be conclusively presumed—

(a) to have manufactured for sale all dairy produce manufactured by any member of his family on his farm for sale :

(b) to have sold all dairy produce which has been manufactured by any member of his family on his farm and sold, notwithstanding that he did not personally sell it.

(2) In this section “farm” includes any land used for agriculture, dairying, grazing, or other purposes of a like nature: “member of a family” means wife, husband, son, or daughter.

Duty to supply information as to dairy produce.

19. (1) The board or any inspector may in writing require any person having or believed to have any butter or cheese in his possession for the purposes of sale to supply to the board any information in relation thereto which is required for the purposes of this Act.

(2) Any person who without reasonable excuse fails to supply any information so asked for within the time specified by the board or person requiring it, or who knowingly gives any false information, shall be guilty of an offence, and liable to a penalty not exceeding fifty pounds.

Inspection of accounts.

20. (1) For the purposes of this Act any member of the board or any inspector may enter any premises and inspect any books, accounts, registers, or documents found in or upon such premises relating to the manufacture of or any transactions in connection with butter or cheese and may take copies thereof.

(2) Any person who obstructs any such person in the exercise of his powers under this section or who, on being requested to do so, does not produce any such books, accounts, registers,

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or documents in his possession or under his control, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

21. Proceedings for offences against this Act shall be disposed of summarily. Summary proceedings for offences.

22. No prosecution for any offence against section 17 of this Act shall be instituted without the consent of the Minister given on the recommendation of the board. Consent to prosecutions.

23. The allegation in any complaint for an offence against this Act that any person is a manufacturer shall be *prima facie* evidence of the fact so alleged. Evidentiary provision.

24. The Governor, on the recommendation of the board, may make regulations necessary or convenient for carrying this Act into effect and may by any regulation impose penalties not exceeding fifty pounds for breach of any regulation. Regulations.

25. (1) The board may by notice published in the *Gazette* and in one newspaper, circulating generally in the State, require every manufacturer to pay to the board an equitable contribution towards the cost of administering this Act. The mode of computing the contribution of each manufacturer shall be specified in the notice, and the contributions may be proportionate to the quantity of dairy produce manufactured by each manufacturer. Administrative expenses.

(2) The board may recover the contribution due by any manufacturer as a debt due to the board, by action in any court of competent jurisdiction.

(3) The board shall defray the cost of administering this Act from the money received under this section.

26. This Act shall expire on the thirtieth day of September, nineteen hundred and thirty-five. Duration of Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.