



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 114 of 1985

An Act to amend the Metropolitan Milk Supply Act, 1946.

[Assented to 10 November 1985]

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

1. (1) This Act may be cited as the "Metropolitan Milk Supply Act Amendment Act, 1985". Short title.

(2) The Metropolitan Milk Supply Act, 1946, is in this Act referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. The following sections are inserted after section 30 of the principal Act: Insertion of new sections 30aa to 30ac.

30aa. (1) The holder of a milk treatment licence (whether issued before or after the enactment of this section) shall pay to the board a licence fee in respect of each calendar month. Fees payable by holders of milk treatment licences.

(2) The fee payable by the holder of a milk treatment licence is—

(a) a fee of \$2;

or

(b) a fee calculated, as prescribed by regulation, by reference to the quantity of milk treated by the licence holder during the relevant antecedent period,

whichever is the greater.

(3) The holder of a milk treatment licence shall within 14 days after the end of each calendar month—

(a) lodge with the board a return, in a form approved by the board—

(i) specifying the quantity of milk treated by the licence holder in pursuance of the licence during the relevant antecedent period;

and

(ii) containing such other information as may be prescribed;

and

(b) pay to the board the licence fee in respect of the calendar month last preceding lodgment of the return.

Penalty: \$10 000.

(4) In this section—

“relevant antecedent period”, in relation to a calendar month, means the last calendar month but one before the commencement of that calendar month.

30ab. (1) Where the holder of a milk treatment licence fails to pay a fee in accordance with this Act—

(a) any unpaid amount may be recovered by the board as a debt due to the board in a court of competent jurisdiction;

and

(b) the board may, by written notice served personally or by post on the licence holder, suspend the licence until the fee is paid.

(2) A suspension of a licence takes effect when notice of the suspension is served on the holder of the licence or such later date (if any) as is specified in the notice.

(3) During the period for which a licence is suspended under this section, the holder of the licence shall be deemed to be unlicensed.

(4) Where a milk treatment licence has been under suspension for 3 months or more, the Minister may, by notice in writing to the holder of the licence, cancel the licence.

30ac. (1) All licence fees in respect of milk treatment licences shall be paid into a fund to be applied, after deduction of administrative costs, for the purposes of an equalization scheme under this section.

(2) The Minister may, by notice published in the *Gazette*—

(a) declare that an equalization scheme, in the terms stated in the notice, shall come into force as from a date stated in the notice;

or

(b) vary or revoke an equalization scheme.

(3) An equalization scheme in respect of which a declaration has been made under subsection (2) (a)—

(a) comes into force as from the date stated in the declaration;

Powers of board where the holder of a milk treatment licence fails to pay a fee.

Application of milk treatment licence fees.

and

(b) subject to subsequent variation or revocation, has effect in accordance with its terms.

(4) In this section—

“equalization scheme” means a scheme providing for the payment of amounts from the fund to, or for the benefit of, unlicensed producers of milk or any specified class of such producers.

4. Section 31 of the principal Act is amended—

(a) by striking out paragraph (c) of subsection (1) and substituting the following paragraph:

(c) except in the case of an application for a milk treatment licence—be accompanied by the appropriate fee.;

(b) by striking out from subsection (2) the passage “all licences under this Act” and substituting the passage “milk producers’ licences and milk vendors’ licences”;

and

(c) by striking out subsection (3) and substituting the following subsection:

(3) If an application is refused, the fee (if any) paid on the application shall be refunded to the applicant.

5. Section 37 of the principal Act is repealed and the following section is substituted:

37. (1) Subject to subsection (2), a licence shall, unless sooner cancelled or suspended, remain in force until the thirtieth day of June next ensuing after the issue of the licence.

(2) A milk treatment licence shall, unless cancelled or suspended, remain in force until surrendered by the holder of the licence.

(3) Notwithstanding subsections (1) and (2), the board may issue a licence on a temporary basis and, in that event, the licence shall, subject to cancellation or suspension, remain in force for the period stated in the licence.

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

D. B. DUNSTAN, Governor

Amendment of
s. 31—
Applications for
licences.

Repeal of s. 37
and substitution
of new section.

Term of licence.