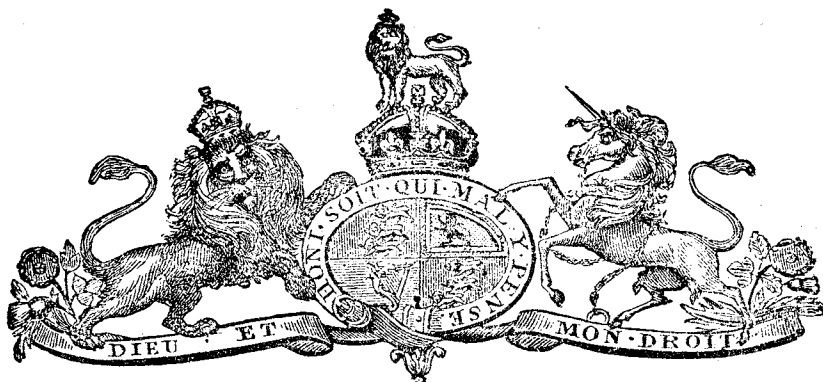


1391

TASMANIA.



1935.

ANNO VICESIMO SEXTO

GEORGI V. REGIS.

No. 87.

ANALYSIS.

1. Short title.
2. Repeal.
3. Amendment of 24 Geo. V. No. 56.
 - Section 7.
 - Section 8.
 - Section 9.
 - Section 12.
 - Section 13.
 - Section 17.
4. Poll to be taken.
5. Provision for repeal of negative vote cast.

AN ACT to amend the *Dairy Products Act*
1933. [16 January, 1936.]

A.D.
1935.
—

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as the *Dairy Products Act 1935*.

Short title.

2—(1) The enactments enumerated in the schedule are hereby Repeal.
repealed to the extent therein specified.

4d.]

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(2) The repeal by this Act of the enactments set forth in the fourth column of the schedule shall not affect the operation of the amendments inserted or effected in the Principal Act by such repealed enactments, and the Principal Act shall continue to be read and construed as altered by such repealed enactments as if the same had not been repealed, subject, however, to any amendments or alterations therein made by any subsequent enactments.

Amendment of
24 Geo. V. No.
56

Section 7.

Section 8.

Section 9.

Section 12

Section 13.

Section 17.

3 The Principal Act is hereby amended—

I. By expunging the word “manufacturer” in the first line of section seven and substituting therefor the words “owner of a factory”:

II. By inserting “Secretary of the” (before “Board” in the first line of section eight thereof):

III. By expunging subsection (2) of section nine thereof and renumbering “(3)” as “(2)” and inserting in paragraph ii. of that subsection:—

(a) “of the kind to which the quota relates” (after “products” in the third line thereof): and

(b) “of such dairy products” (after “quantity” in the fourth line thereof)—

and by deleting “to the satisfaction of the Court before which he is charged” (in the first and second lines of that subsection):

IV. By inserting “(1)” at the commencement of section twelve thereof and adding at the end of that section the following new subsection (2):—

“(2) No person shall—

i. Knowingly purchase from any person any dairy products sold in contravention of any provision of this Act:

ii. Procure, instigate, incite, or advise any person to sell any dairy products in contravention of this Act.

Penalty: Fifty pounds”.

V. By expunging subsection (2A) of section thirteen thereof: and

VI. By inserting after subsection (2) of section seventeen thereof the following new subsections (3), (4), and (5):—

“(3) For the purposes of this Act, any person who has registered a brand under the provisions of section fourteen of the *Dairy Produce Act 1932*, in respect of whose brand the certificate of registration is still in force, shall be deemed to be and to have acted as a manufacturer; and, in any proceedings in respect of any contravention of this Act,

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a certificate under the hand of the Director of Agriculture that the defendant has so registered a brand and that the certificate of registration is still in force shall be evidence of those facts. A.D. 1935.

(4) In any proceedings in respect of any contravention of section nine or section thirteen, the allegations set forth in the complaint shall be deemed to be proved in the absence of proof by the defendant to the contrary.

(5) In any such proceedings as aforesaid, where any dairy products are shown to have been manufactured on any property, such dairy products shall be deemed to have been manufactured by or on behalf of the occupier of such property unless such occupier proves that the same were not manufactured by him or on his behalf and that he has no pecuniary interest in such products."

4—(1) Immediately after the passing of this Act the Director of Agriculture shall cause a poll to be taken as prescribed of all owners of dairies registered under the *Dairy Produce Act 1932*. Poll to be taken.

(2) At such poll every such owner as aforesaid shall have one vote.

(3) The question to be submitted at such poll shall be—

“ Are you in favour of the continuance of the *Dairy Products Act 1933* ? ”

(4) The Director of Agriculture may appoint such officers as may be required for taking such poll.

(5) Every person voting at such poll shall vote by writing “ Yes ” or “ No ” against the question.

5—(1) The Director shall report to the Governor forthwith the result of the poll taken as provided by section four.

(2) If as the result of such poll it is found that the majority of the voters thereat casting valid votes are against the continuance of the Principal Act, the Governor, by proclamation, shall repeal the said Act and this Act forthwith, and upon the publication of such proclamation the said Acts shall be repealed.

Provision for
repeal if negative
vote cast.

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THE SCHEDULE.

Regnal Year and Number.	Title of Act.	Extent of Repeal.	Enactments the Operation of which is preserved notwithstanding Repeal.
24 Geo. V. No. 56	<i>The Dairy Products Act 1933</i>	Section 20	
25 Geo. V. No. 79	<i>The Dairy Products Act 1934</i>	The whole Act	Division (a) of paragraph I. and paragraphs II. to VII. of section 2