

DAIRY INDUSTRY (AMENDMENT) ACT.

Act No. 28, 1938.

An Act to make further provision in relation to the registration of dairy produce factories; to amend the Dairy Industry Act, 1915-1932, in certain respects; and for purposes connected therewith. [Assented to, 14th December, 1938.]

George VI.
No. 28, 1938.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Dairy Industry (Amendment) Act, 1938."

Short title,
citation and
commence-
ment.

(2) The Dairy Industry Act, 1915-1932, as amended by the Statute Law Revision Act, 1937, and this Act, may be cited as the "Dairy Industry Act, 1915-1938."

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Dairy Industry Act, 1915-1932, is amended—

Amendment
of Act No.
45, 1915.

(a) (i) by inserting in the definition of "Dairy produce factory" in section two after the words "place where" the words "dried milk";

Sec. 2.
(Definitions.)

(ii) by inserting in the definition of "Store" in the same section after the word "where" the words "dried milk";

(b) by inserting in subsection two of section five after the word "pound" the words "and subject to the provisions of section 5B of this Act";

Sec. 5 (2).
(Registra-
tion.)

N

(c)

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New secs.
5A, 5B.Dairy
Produce
Factories
Advisory
Committee.

(c) by inserting next after section five the following new sections:—

5A. (1) There shall be constituted a Dairy Produce Factories Advisory Committee (in this Act referred to as the "Advisory Committee") which shall consist of three members who shall be appointed by the Governor.

(2) The appointment of the Advisory Committee shall be notified by proclamation published in the Gazette and the Governor may by a like proclamation cancel any such appointment.

(3) One of the members shall in and by his appointment be chairman of the Advisory Committee.

(4) It shall be the function of the Advisory Committee to consider each application for registration referred to it by the Minister pursuant to section 5B of this Act and to report to the Minister as to whether in its opinion it is or is not in the best interests of the dairying industry in New South Wales that the premises to which the application relates should be registered. The report shall contain a statement of the facts and circumstances upon which the conclusion of the Advisory Committee is based.

In considering any such application the Advisory Committee shall take into account—

- (a) the locality of the State in which the premises to which the application relates are situated;
- (b) the class of dairy produce which is or is proposed to be manufactured, prepared or treated at such premises;
- (c) the number and efficiency of dairy produce factories which are situated in the same locality;
- (d) any commercial or economic factor relating to the dairying industry which the Advisory Committee thinks necessary to take into account.

5B.

5B. (1) (a) Subject to subsection two of this section the provisions of this subsection shall apply to and in respect of every application for the registration of premises as a dairy produce factory made after the commencement of the Dairy Industry (Amendment) Act, 1938.

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Power of Minister to refuse registration in certain cases.

(b) The application shall be made to the Minister.

(c) The Minister shall refer the application to the Advisory Committee.

(d) If the Minister, after considering the report of the Advisory Committee in relation to the application, is satisfied that it is not in the best interests of the dairying industry in New South Wales that the premises to which the application relates should be registered, he may in his absolute discretion refuse the application.

(2) Subsection one of this section shall not extend to or in respect of—

- (a) an application for the registration of premises as a dairy produce factory where the construction on such premises of the proposed dairy produce factory was commenced before the twenty-ninth day of November, one thousand nine hundred and thirty-eight;
- (b) an application for the registration of premises as a dairy produce factory where such premises are to be used solely for the manufacture of butter or cheese from cream or milk produced by the applicant.
- (d) by inserting next after paragraph (q) of subsection one of section twenty-five the following new paragraph:—
 - (r) regulating the proceedings and procedure of the Advisory Committee and fixing the quorum of members for any meeting of the Advisory Committee.

Sec. 25 (1).
(Regulations.)