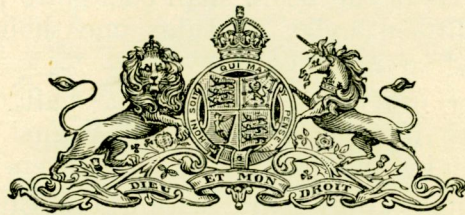


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

S. G. BOYDELL,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 24 March, 1927.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. , 1927.

An Act to provide for the regulation and control of the supply and sale of milk for consumption or use in certain areas in and around the City of Sydney; to constitute a Metropolitan Milk Board and to define its jurisdiction, powers, and duties; to amend the Dairies Supervision Act, 1901, and certain other Acts; and for purposes connected therewith.

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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
5 the same, as follows:—

PART I.

PRELIMINARY.

- 1.** (1) This Act may be cited as the “Metropolitan Milk Act, 1927.” Short title and commencement.
- 10** (2) This Act shall come into operation as follows:—
- (a) The provisions of this Act relating to elections of members of the board shall come into force on the fifteenth day of June, one thousand nine hundred and twenty-seven.
- 15** (b) The other provisions of this Act shall come into force on the first day of August, one thousand nine hundred and twenty-seven.
- 2.** This Act shall apply only within the City of Sydney within the Port of Sydney as defined in the Sydney Harbour Trust Act, 1900, and within the areas mentioned in the first part of the Schedule to this Act and within such other areas as the Governor by proclamation, made upon the recommendation of the board, and published in the Gazette, may from time to time add to that part of that Schedule. Application of Act.
- 20** **3.** This Act is divided into Parts as follows:— Division into Parts.
- PART I.—PRELIMINARY—*ss.* 1-5.
- PART II.—METROPOLITAN MILK BOARD, OFFICERS, &C.—*ss.* 6-28.
- 30** PART III.—FUNCTIONS AND POWERS OF THE BOARD—*ss.* 29-38.
- PART IV.—FINANCE—*ss.* 39-46.
- PART V.—REGULATIONS AND BY-LAWS—*ss.* 47-49.
- 35** PART VI.—SUPPLEMENTAL—*ss.* 50-55.

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4. In this Act, unless the context otherwise indicates Interpretation.
or requires,—

“Area” means any municipality or shire.

5 “Board” means the Metropolitan Milk Board
constituted under this Act.

“By-laws” means by-laws made under this Act.

10 “Dairy premises” means any building, shed, land,
or place used for the stalling, grazing, feeding,
or milking of cattle for the purpose of
producing milk to be sold or supplied for
profit, or any building or place used for the
purpose of depositing or storing milk when so
produced.

15 “Dairyman” includes the occupier of any dairy
premises or any person engaged in the produc-
tion of milk for sale or supply for profit.

“District” means any production or distributing
district defined under this Act.

20 “Factory” includes any building, shed, or place
used in connection with the treatment of milk
for sale or supply for profit.

25 “Metropolitan milk area” means that part of the
State included in the municipalities and shires
for the time being set out in the second part
of the Schedule to this Act together with the
Port of Sydney as defined in the Sydney
Harbour Trust Act, 1900.

“Milk” includes cream.

30 “Milk store” means any building, shed, or stall
used for the purpose of depositing, storing,
or exposing milk for the purpose of selling or
disposing thereof.

35 “Milk vendor” includes the occupier of any milk
store or factory or any person engaged in the
storage, treatment, or distribution of milk for
sale or supply for profit.

“Prescribed” means prescribed by this Act or by
regulations or by-laws made thereunder.

40 “Registered” means registered under the Dairies
Supervision Act, 1901, or under this Act.

“Regulations” means regulations made under this
Act. “Treatment”

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“Treatment” includes the examination, cleansing, pasteurisation, modification, testing, grading, cooling, refrigerating, or bottling of milk.

5. Unless otherwise in this Act expressly provided ^{Saving of certain Acts.}
5 this Act shall not affect any provision of the Dairies Supervision Act, 1901, the Public Health Act, 1902, the Public Health (Amendment), Act, 1915, the Pure Food Act, 1908, the Factories and Shops Act, 1912, the Dairy Industry Act, 1915, the Weights and Measures
10 Act, 1915, the Stock Diseases Act, 1923, or any Act amending those Acts, or take away powers vested in any person or body by any of such Acts or by any by-laws or regulations made thereunder :

Provided that no person shall be punished twice in
15 respect of offences depending upon the same facts :

Provided also that compliance with any specific provision of this Act or of a by-law made thereunder shall be deemed to be a sufficient compliance with the corresponding provision of any such enactment or of
20 any by-law or regulation thereunder.

PART II.

METROPOLITAN MILK BOARD, OFFICERS, &C.

6. (1) The provisions of this Act, save where ^{Metropolitan Milk Board.}
therein otherwise provided, shall be administered by a
25 board to be styled the Metropolitan Milk Board.

(2) The board shall be composed of seven members to be respectively elected and appointed as provided in this Part.

(3) One member shall be appointed by the Govern-
30 nor by commission under the Seal of the State, shall hold office for five years, and shall be eligible for reappointment.

Such appointed member shall in and by his commission be appointed president of the board.

(4)

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(4) Four members shall be elected by registered dairymen producing milk for sale or consumption within the metropolitan milk area who occupy and work registered premises situated within the areas for the time being included in the first part of the Schedule to this Act.

Members so elected shall hold office for four years :

Provided that of the members elected at the first election held under this Act two shall hold office for two years only. The two members to retire shall be chosen by lot. Any member retiring in accordance with this provision, if otherwise qualified, shall be eligible for re-election.

(5) Two members shall be appointed by the Governor by commission under the Seal of the State as representatives of the consumers of milk within the metropolitan milk area. The members appointed under this subsection shall hold office for four years and be eligible for reappointment.

7. (1) Each of the members to be elected in pursuance of section six of this Act shall be elected for a constituency. A constituency shall comprise the areas for the time being grouped in the first Part of the Schedule to this Act as being that constituency.

(2) The Governor may, by proclamation published in the Gazette, amend the Schedule to this Act by—

- (a) adding the names of other areas or parts thereof to the names of the areas mentioned in the first or second parts of the Schedule ;
- (b) removing the names of areas or parts thereof from the first or second parts of the Schedule ;
- (c) regrouping the areas included in any of the constituencies set out in the Schedule by including or excluding areas or parts of areas in or from such constituencies.

8. (1) No person who is a director or officer of any firm, company, society, or association carrying on the business of or having for its objects the wholesale or retail distribution of milk in the metropolitan milk area, shall be eligible for election as a member of the board as provided in subsection four of section six of this Act :

Provided that this subsection shall not apply to a registered dairyman distributing milk on his own behalf.

(2)

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(2) No person shall be eligible for appointment as provided in subsection five of section six who is a director or a member of any firm or corporation directly or indirectly connected with the milk industry, or who
5 directly or indirectly holds any share or interest in any such firm or corporation, or is directly or indirectly interested in any business connected with such industry.

9. (1) For the purpose of the election of members of the board the Governor may appoint a returning
10 officer and such deputy returning officers as he may deem necessary.

Returning officer and elections.

(2) The elections shall be carried out at the times and in the manner prescribed and the result thereof certified to the Governor as prescribed.

10. (1) If a candidate at an election or any other
15 person shall, directly or indirectly by himself or his agent, offer to pay or give money, food, drink, or valuable consideration to induce any person to vote or abstain from voting at the election, he shall be guilty
20 of an offence against this Act.

Bribery.

(2) The election of a candidate shall upon his conviction for an offence under this section be null and void.

11. (1) If at the time appointed for an election to
25 be held in a constituency there is no candidate, the Governor may appoint a person qualified under the provisions of this Act to be a member of the board for the constituency.

Appointment where no candidate.

(2) The person so appointed shall hold office for
30 the term for which the member to be elected would have held office, and shall for the purposes of this Act be deemed to be an elected member.

12. No election under this Act shall be questioned
35 by reason of any defect in the appointment of any person before whom such election shall have taken place if such person shall have really acted at the election, nor by reason of any formal error or defect in any publication under this Act or the regulations (or purporting so to be), nor by reason of any publication being out of time.

Election not to be questioned for informality.

13.

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13. (1) A member of the board may resign his office by writing under his hand addressed to the Governor, and in that event, or in the event of the death of any member, or if any member of the board declines office, or if he
5 without the permission of the board fails to give his attendance at four consecutive meetings of the board, or becomes bankrupt, or assigns his estate for the benefit of creditors, or is convicted of a felony or misdemeanour, or becomes an insane person or patient or an incapable
10 person within the meaning of the Lunacy Act, 1898, or becomes ineligible for election or appointment as a member of the board, or being the president engages in any trade or business or in any employment other than the performance of his duties under this Act, his
15 seat shall become vacant.

(2) Any person declining to accept office shall not be eligible for reappointment or re-election to fill the extraordinary vacancy created.

14. (1) An election to fill an extraordinary vacancy
20 in respect of the office of an elected member of the board shall be carried out and conducted as prescribed by regulations.

(2) A person elected or appointed to fill an extraordinary vacancy shall hold office until the time
25 when his predecessor's term of office would have expired and no longer, but shall be eligible for re-election or appointment if otherwise qualified.

15. The expenses incurred in the conduct of an election shall, when certified under the hand of the
30 returning officer, be paid out of the funds of the board.

16. (1) The president of the board shall be paid an annual salary of one thousand two hundred and fifty
pounds.

(2) The president shall not during his term of
35 office engage in any trade, business, or in any employment other than the performance of his duties under this Act.

(3) Each of the members of the board other than the president shall be entitled to receive a fee of
40 such amount and travelling expenses at such rates as may be prescribed by the regulations for each meeting of the board attended.

(4)

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(4) The salary of the president and the fees and travelling expenses of members of the board shall be paid out of the funds of the board.

(5) The office of a member of the board other than the president shall not, for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1902, be deemed to be an office or place of profit under the Crown.

17. (1) The board shall elect one of its members to be the vice-president thereof. Vice-president.

(2) In the absence of the president the vice-president may act in his stead, and whilst so acting shall have the same powers and duties as the president, if present, would have.

18. (1) The president, or in his absence the vice-president, shall preside at all meetings of the board, and the president shall have a casting vote but no deliberative vote. The vice-president when presiding at a meeting of the board shall have a casting vote in addition to a deliberative vote. Meetings.

(2) Any four members of the board, of whom the president or vice-president for the time being shall be one, shall be a quorum thereof, and shall have and may exercise all the powers and authorities which by this Act are conferred on the board.

(3) All questions arising at any meeting of the board shall be decided by the majority of the votes of the members present.

(4) The board shall keep full and accurate minutes of all its proceedings in such manner and form as may be prescribed by the regulations.

19. (1) The board is hereby declared to be a body corporate with perpetual succession and a common seal. Incorporation and style of board.

(2) The board may sue and be sued in the corporate name of the Metropolitan Milk Board.

(3) The common seal shall be kept in the custody of the president or of such member of the board as the board may determine, and shall not be affixed to any instrument or writing except in the presence of a quorum of the board, and two of the members

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members in whose presence the seal is affixed shall attest by their signatures the fact and date of the seal being so affixed.

(4) All courts and persons having by law or
5 consent of parties authority to hear, receive, and examine evidence—

(a) shall take judicial notice of the seal of the board affixed to any document; and

(b) shall, until the contrary be proved, presume
10 that such seal was properly affixed thereto.

(5) No proceedings of the board shall be invalid or illegal in consequence only of the fact that there was at the time a vacancy on the board.

20. The board shall be capable of purchasing,
15 holding, granting, demising, disposing of, and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Legal status of board.

21. Any moneys due to the board shall, for the
20 purposes of the recovery thereof, be deemed to be moneys due to His Majesty, and may be sued for and recovered by the board. Crown debts.

22. (1) No matter or thing done and no contract
25 entered into by the board, and no matter or thing done by any member or officer of the board or by any other person whomsoever acting under the direction of the board shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject any such member, officer,
30 or person to any action, liability, claim, or demand whatsoever. Member acting bona fide not personally liable.

(2) Nothing in this section shall exempt any member of the board from liability to be surcharged with the amount of any payment which is disallowed
35 by the auditor or auditors in the accounts of the board, and which such member authorised or joined in authorising.

23. Any president of the board who at the date of
his appointment is an officer of the Public Service shall,
40 in the event of his office on the board terminating, be eligible on the recommendation of the Public Service Board President eligible for Public Service.

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Board to be appointed to some office in the Public Service corresponding in classification and salary to that which he held at the date of his appointment to the board.

5 **24.** The president shall be the permanent head President to be permanent head,
 within the meaning of the Public Service Act, 1902, and any Act amending the same.

25. (1) The Governor may in accordance with the Secretary and officers.
 Public Service Act, 1902, or any Act amending that
 10 Act, appoint a secretary and such other officers as are necessary for carrying out the provisions of this Act :

Provided that no such appointment shall be made without the concurrence of the board.

(2) The board may employ and dismiss at
 15 pleasure such casual employees as it deems necessary.

26. (1) All officers and employees shall be subject Officers and employees.
 to the control and governance of the board, shall be subject to the provisions of any by-laws made by the board in that behalf, and (where required by the board)
 20 shall give such security for the performance of their several duties as the board shall require.

(2) Any person in any office or employment under this Act who without lawful authority demands or receives from any person any payment, gratuity, or
 25 present in consideration of doing or of omitting to do any act or thing pertaining to his office or employment shall be liable to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years.

(3) Any person who without lawful authority offers, makes, or gives to any person in any office or employment under this Act any payment, gratuity, or
 30 present in consideration that the latter will do or omit to do some act or thing pertaining to his office or employment shall be liable to a penalty not exceeding one hundred pounds or to imprisonment with or without
 35 hard labour for a term not exceeding two years.

27. (1) If any officer or employee, when required Failure to account, &
 by the president or secretary, fails--

40 (a) to render account of moneys which shall have come into his hands or under his control and
 of

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of his dealings therewith, or to pay to the president or secretary the balance of such moneys; or

- 5 (b) to deliver up within two days to the president or secretary all papers, property, and things in his possession or power relating to the execution of this Act or belonging to the board,

any stipendiary or police magistrate or any two justices may on the complaint of the president or secretary order
10 such officer or employee to render the accounts, pay the balance, or deliver up the papers, property, and things as the case may be, and that on non-compliance with the order the officer or employee may be imprisoned for a term not exceeding six months.

- 15 (2) Proceedings under this section shall not affect the liability of any surety of any officer or employee or relieve any officer or employee from being held to answer any criminal information, charge, or proceedings.

20 (3) For the purposes of this section "officer" or "employee" shall include a person who has within twelve months prior to any requirement aforesaid been an officer or employee.

25 **28.** Any officer, employee, or other person who wilfully destroys any document of or belonging to the board shall be guilty of a misdemeanour. Wilful destruction of documents.

PART III.

FUNCTIONS AND POWERS OF THE BOARD.

30 **29.** (1) Subject to the provisions of this Act the board is hereby charged with the regulation and control of the supply of milk for sale and consumption within the metropolitan milk area. Supply of milk within metropolitan milk area.

(2) The board shall—

- 35 (a) carry on research and investigation relating to milk and milk products (including chemical, physical, bacteriological, and economic research);
- (b) devise and initiate improved methods of collecting, treating, carrying, and distributing milk (including the distribution of milk in sealed containers);
- 40 (c)

Powers of board.

Metropolitan Milk.

- (c) devise and initiate means to eliminate wasteful, unnecessary, or unhygienic agencies, methods, practices, costs, or charges in connection with the collection, treatment, carriage, distribution, or sale of milk ;
- 5 (d) encourage the formation of co-operative societies having for their objects the production or distribution of milk ;
- 10 (e) cause an adequate supply of milk to be provided for the use of infants ;
- (f) publish reports, information, and advice concerning methods to be adopted in connection with the production, treatment, carriage, delivery, keeping, storing, preservation, and use of milk and the prevention of the deterioration or contamination thereof ;
- 15 (g) report to the Minister from time to time upon matters affecting the supply of milk and upon any amendments which it thinks desirable in the law ;
- 20 (h) establish grades of milk ;
- (3) (a) The board shall determine, after public inquiry to be held in the manner prescribed by regulations, the price or prices which may be paid to or
- 25 charged by any person for milk or for the treatment, storage, distribution, or delivery of milk and make payments to dairymen according to such grade quality.
- (b) Prices so determined shall be notified in the prescribed manner.
- 30 (c) Any person who contravenes any provision of such notification shall be guilty of an offence against this Act.
- 30.** (1) The Governor may on the recommendation of the board authorise the board to exercise within the
- 35 whole or any part of the metropolitan milk area all or any of the following powers, that is to say :—
- (a) to engage in the wholesale and retail distribution of milk on its own behalf or on behalf of any person ;
- 40 (b) to acquire or resume the undertaking of any wholesale or retail milk vendor ;

(c)

Powers of the board.

Metropolitan Milk.

- (c) to license wholesale or retail milk vendors to undertake the distribution of milk on behalf of the board on such terms and conditions as may be prescribed ;
- 5 (d) to manufacture, distribute, and sell milk products and ice ;
- (e) to establish and conduct cool stores ;
- (f) to establish and conduct depots or shops for the distribution and sale of milk, milk products,
- 10 ice, and other foodstuffs.

(2) The board shall not exercise any power conferred by this section before the first day of August, one thousand nine hundred and twenty-nine.

- 31.** (1) The board may—
- 15 (a) define production districts within which milk to be sold or distributed in the metropolitan milk area may be produced or treated ;
- (b) divide the metropolitan milk area into distributing districts and regulate the number of
- 20 persons who may treat, store, distribute, or sell milk within any such distributing district ;
- (c) grant franchises conferring exclusive or partial rights to collect or treat milk in production districts defined by the board, or to treat, store,
- 25 distribute, or sell milk within distributing districts defined by the board ;
- (d) issue certificates in the prescribed form to producers of milk supplying milk for sale, or to persons treating, distributing, or selling
- 30 milk, specifying the grade or grades of milk which any such producer is authorised to supply, or which any person treating, distributing, or selling milk is authorised to distribute or sell: Provided that no certificate
- 35 authorising the supply, distribution, or sale of milk as the product of tuberculin tested cows shall issue unless the cows producing such milk have been certified as free from tubercle by the Department of Agriculture ;
- 40 (e) establish and maintain laboratories to carry on researches into matters relating to milk and the

Further powers.

Metropolitan Milk.

- the products and by-products of milk; and adopt the results of any such researches and investigations made in any other laboratories;
- 5 (f) at any reasonable time by authorised officers enter any dairy premises, factory, store, depot, or shop, and examine any books, documents, papers, and any scales, measures, appliances, apparatus, or utensils referring to or used in connection with the supply, treatment, distribution, or sale of milk;
- 10 (g) call for and obtain such information or returns from dairymen and milk vendors as may be thought necessary or desirable;
- 15 (h) prohibit the use for human consumption in any form of milk which appears to be deleterious to health or unwholesome;
- (i) require dairymen and milk vendors to keep such books and records as may be prescribed and in such forms as may be prescribed;
- 20 (j) take or purchase samples of milk from any dairy premises, factory, store, depot, shop, conveyance, utensil, or container.
- (2) (a) Where the board proposes to grant a franchise it shall cause a notice of the proposal to be
25 published in the Gazette and in at least two daily newspapers circulating in the district in which the proposed franchise is to be exercised.
- (b) The notice shall—
- 30 (i) define the extent of the franchise and of the rights to be granted thereby; and
- (ii) contain such further details and information relating to the proposal as are prescribed; and
- 35 (iii) appoint a date which shall be not less than twenty-one days after the publication of the notice upon which a public inquiry as to the desirability of giving effect to the proposal shall be held.
- (c) The inquiry shall be held by a person
40 authorised in writing in that behalf by the Minister, and shall be conducted in the manner prescribed.
- (d)

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(d) The holder of the inquiry shall have due regard to the claims of any person already engaged in or interested in the collection, treatment, storing, distributon, or sale of milk within the district in which
5 the franchise is to be exercised, and every such person shall be given an opportunity to be heard at the inquiry in support of any objection to the grant of the franchise.

(e) The holder of the inquiry shall, upon the completion of the inquiry, forward to the board for
10 its consideration and guidance a report of the proceedings together with such recommendation as to the desirability of granting the franchise as he thinks fit.

(f) The board shall not grant the franchise except upon competition by public tender.
15 Tenders shall be called for and dealt with by the board in the manner prescribed.

(g) Where the board after consideration of tenders decides to grant a franchise to any person an agreement shall be entered into between the board and
20 such person.

The agreement shall contain articles dealing with the following subjects :—

- (i) the extent of the franchise and the rights which it confers ;
- 25 (ii) the term of years for which the franchise is conferred ;
- (iii) the consideration to be paid to the board for the franchise ;
- 30 (iv) the regulation of the charges to be made for commodities supplied or services performed in pursuance of the franchise ;
- (v) such other subjects as the board may deem necessary in the public interest or as may be prescribed.

35 (h) Any such agreement shall not be binding upon either of the parties thereto or have any force or effect in law or equity unless and until the approval of the Governor has been signified in writing upon such agreement or a certified copy thereof,

(i)

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(i) Before the approval of the Governor is given under this subsection, the agreement, or a certified copy thereof, shall be laid before both Houses of Parliament, and if either House pass a resolution (of which
5 notice has been given at any time within fifteen sitting days after such agreement or a certified copy thereof has been so laid before Parliament) disallowing the agreement or any part thereof, the agreement or part thereof, as the case may be, shall be disallowed.

10 (3) In the exercise of the powers conferred by paragraphs (b) and (c) of subsection one of this section the board shall have regard to supplies of both pasteurised and unpasteurised milk being available to consumers in any district.

15 **32.** (1) From and after the thirty-first day of December, one thousand nine hundred and twenty-seven, no dairyman, milk vendor, or other person shall supply, treat, distribute, or sell milk for use within the metropolitan milk area unless he is registered by the board as
20 prescribed.

Persons to register and board to be local authority.

(2) From and after the thirty-first day of December, one thousand nine hundred and twenty-seven, the board shall be the local authority under the Dairies Supervision Act, 1901, in respect of dairymen,
25 milk vendors, or other persons, and of dairy premises, factories, or milk stores engaged or used in the supply, treatment, distribution, or sale of milk for use within the metropolitan milk area.

(3) The Metropolitan Water, Sewerage, and Drainage Act, 1924, is amended by omitting from
30 paragraph (e) of subsection five of section fifty-five the words "the Dairy Supervision Act, 1901," and by inserting in lieu thereof the words "The Dairies Supervision Act, 1901, the Metropolitan Milk Act,
35 1927."

Amendment of Act No. 50, 1924, s. 55 (5).

(4) It shall not be necessary for a local authority other than the Metropolitan Milk Board to keep a register under the Dairies Supervision Act, 1901, in respect of dairymen, milk vendors, or other persons, or
40 of dairy premises, factories, or milk stores registered by the Metropolitan Milk Board.

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33. In addition to the powers conferred upon the local authority under the Dairies Supervision Act, 1901, the board may require all dairymen to keep a register in or to the effect of the prescribed form showing the prescribed particulars of their herds.

Additional powers under Dairies Supervision Act, 1901.

34. (1) The board may refuse or cancel the registration of any person—

Refusal or cancellation of registration.

10 (a) if he has been convicted of three or more offences against the Dairies Supervision Act, 1901, the Pure Food Act, 1908, or this Act, or any regulations made under any such Act ;
or

15 (b) if in the opinion of the board he has unsuitable dairy premises, milk store, or factory.

(2) (a) Before exercising the power of cancellation under paragraph (a) of subsection one of this section the board shall in the manner prescribed notify the person whose registration it is proposed to cancel of the decision of the board.

20 (b) The person so notified may in the manner and within a time prescribed appeal against the decision of the board to a court of petty sessions presided over by a stipendiary or police magistrate.

25 (c) The magistrate shall inquire into the circumstances of the case, including the nature of the offences for which the appellant has been convicted, and shall decide upon the appeal. The magistrate's decision shall be final and shall be given effect to by the board.

35. (1) When any animal on any dairy premises registered by the board is notified in accordance with the provisions of section nine of the Stock Diseases Act, 1923, as being diseased, the inspector receiving such notification shall notify the board through the Chief Veterinary Surgeon of the Department of Agriculture.

Diseased animal.

35 (2) The board or any authorised officer of the board may notify the appearance of disease in any cow to an inspector appointed under the Stock Diseases Act, 1923, or any Act amending the same, and such inspector shall act upon such a notice as though it were a notice under section nine of that Act.

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36. The milk of any diseased cow isolated in accordance with the provisions of section nine of the Stock Diseases Act, 1923, shall not be supplied or sold for human consumption until such animal is released from isolation.

Prohibition
of use of
diseased
animal.

37. (1) The board shall have regard to services maintained or supervision exercised under statutory authority by the Department of Public Health, the Department of Agriculture, or any other department and shall avoid duplication of such services or supervision.

Other
authorities.

(2) The board with the consent of the department or other authority concerned may authorise any officer of the Department of Public Health or of the Department of Agriculture or of any other department or of any municipality or shire or any member of the police force to act in its behalf, and persons so authorised shall be deemed authorised officers of the board.

(3) The board shall pay to the departments or authorities concerned such contributions towards the salaries and expenses of officers authorised to act on its behalf or towards the costs of services carried out on its behalf as may be arranged or prescribed.

Authorised
officers.

38. Every person who—

(a) resists or obstructs any authorised officer of the board in the course of his duty;

(b) refuses to give information or gives false information in answer to any inquiry made by any authorised officer in the course of his duty;

(c) refuses or neglects to comply with any order, notice, prohibition, or requirement of the board, or of an authorised officer lawfully made under this Act or the regulations or by-laws made thereunder;

(d) being the holder of a certificate issued under paragraph (d) of subsection one of section thirty-one, sells or distributes or supplies for sale milk of a grade inferior to that which he is authorised in the certificate to sell, distribute, or supply;

Offences.

(e)

Metropolitan Milk.

- (e) is guilty of an offence against this Act, or by any act or omission is guilty of any contravention of this Act for which no specific penalty is provided,
- 5 shall be liable on summary conviction to a penalty not exceeding twenty pounds.

PART IV.

FINANCE.

- 39.** The board may—
- 10 (a) levy at the times and in the manner prescribed by the by-laws such rate as is so prescribed, upon dairymen whose dairy premises are
- 15 situate within the areas comprised in the first Part of the Schedule to this Act, and who supply milk for use within the metropolitan milk area.
- The amount of such rate shall not exceed in any case a sum equivalent to one farthing per gallon upon the milk so supplied;
- 20 (b) demand and receive the prescribed tolls, dues, rates, fees, and charges for services performed by the board.
- 40.** The Colonial Treasurer may advance such moneys to the board as the Governor may approve, 25 upon such terms and conditions as to repayment and interest as may be agreed upon.
- 41.** The board may, with the approval of the Governor, borrow money for—
- 30 (a) the purpose of carrying out and performing any of the powers, duties, and functions of the board;
- (b) the renewal of loans; and
- (c) the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to
- 35 any bank.

Board
to receive
certain fees.

Advance by
Treasurer.

Power to
borrow.

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- 42.** The board shall not borrow money in excess of an amount which will bring the total amount of its indebtedness to more than three hundred thousand pounds. Limit of power to borrow.
- 5 **43.** The certificate of the Auditor-General as to the total indebtedness of the board at any time shall, in favour of a lender, be conclusive evidence that the indebtedness stated in the certificate is the total indebtedness of the board at the date therein specified.
- 15 **43.** Loans shall be secured upon the income of the board from any source or upon any property vested in the board. Security for loans.
- 44.** There shall be a reserve created for loan repayments in respect of any loan raised. Loan repayment reserve.
- 15 **45.** The board shall establish such funds and accounts as are prescribed by regulation. Accounts.
- 46.** (1) The board shall prepare an annual report of its operations and such statements of account as are prescribed. The report and statements shall be laid before both Houses of Parliament. Report.
- 20 (2) The statements of account so prepared shall be audited and reported upon by the Auditor-General, who shall have in respect to the accounts of the board all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of the public accounts, as well as all powers conferred by this Act.
- (3) The Auditor-General shall report to the board and the Minister—
- 30 (a) whether or not in his opinion—
- (i) due provision has been made for the repayment of loans; and
- (ii) the value of assets has (so far as he can judge) been in all cases fairly stated; and
- 35 (iii) due diligence and care have been shown in the collection and banking of income; and
- (iv) the expenditure incurred has been duly authorised, vouched, and supervised; and
- 40 and

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- (v) proper account has been kept of plants, stores, and materials; and
- (vi) any of the moneys or other property of the board have been misappropriated or improperly or irregularly dealt with; and
- (b) as to any other matters which in his judgment call for special notice or which are prescribed by the regulations.
- (4) The board shall in each year pay into the Treasury such sum as is fixed by the Colonial Treasurer towards the amount payable by the Crown in respect of the salaries of the officers of the Auditor-General engaged in the audit of the accounts of the board.

15

PART V.

REGULATIONS AND BY-LAWS.

- 47.** (1) The Governor may make regulations prescribing all matters required or permitted to be prescribed by regulation and in particular in relation to—
- (a) the election of the members of the board and their fees;
- (b) the funds to be established and the accounts to be kept by the board;
- (c) the method in which the accounts are to be kept and shown.
- (2) Regulations relating to the election of members of the board may include provision for preferential or postal voting.
- Different regulations may be made and applied to different constituencies.
- 48.** (1) The board may with the approval of the Governor make by-laws not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and without limiting the generality of the foregoing power, in particular—
- (a) prescribing grades for milk which may be supplied for sale or sold in the metropolitan milk

Metropolitan Milk.

- milk area, including the prescribing of different grades for different classes of milk ;
- 5 (b) prescribing methods to be followed in the collection, treatment, carriage, storage, distribution, and sale of milk ;
- (c) prescribing the maximum temperatures at which milk is to be kept at any and every stage from its production to its delivery to a purchaser for consumption ;
- 10 (d) requiring milk of any prescribed grade to be sold in prescribed containers labelled as prescribed ;
- (e) prescribing methods of dealing with milk which does not comply with the requirements of the Act or of the board ;
- 15 (f) prescribing methods of cleansing and sterilising cans, vessels, utensils, appliances, and equipment used in connection with the production, collection, treatment, carriage, distribution, supply, or sale of milk ;
- 20 (g) prescribing the particulars of their herds to be kept by dairymen ;
- (h) prescribing the books and records to be kept by persons engaged in the treatment, carriage, storage, distribution, or sale of milk ;
- 25 (i) prescribing the means to be adopted in respect to the inspection of dairy premises, factories, milk stores, depots, and shops ;
- (j) defining the duties and powers of officers and employees of the board ;
- 30 (k) providing for the fixing and collecting of tolls, dues, rates, fees, and charges, and providing different methods of collection in respect of different dairymen or milk vendors or different areas or parts thereof, including the collection of such tolls, dues, rates, fees, and charges from persons holding moneys to the credit of any person liable in respect of any tolls, dues, rates, fees, or charges ;
- 35 (l) prescribing forms for use under this Act ;
- 40 (m)

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- 5 (m) relating to any premises, person, or matter in any case where by this Act the board or any authorised officer is empowered or required to control, regulate, maintain, establish, appoint, inspect, examine, register, authorise, permit, prohibit, prevent, devise, initiate, require, define, or classify ;
- 10 (n) prescribing the methods of giving or serving notices, orders, demands, or requirements by the board or any authorised officer.

All by-laws made for the purposes set out in paragraphs (a), (b), (c), (d), or (f), shall before publication be concurred in by the Board of Health.

15 (2) Different by-laws may be made and applied to different areas or parts thereof.

49. (1) Any regulations or by-laws so made may ^{Penalties.} impose a penalty not exceeding twenty pounds for any breach thereof or where the breach is a continuing one not exceeding two pounds for every day during which
20 the breach continues.

(2) A by-law may—

- 25 (a) provide that in addition to a penalty any expense incurred by the board in consequence of a breach of the by-law or in the execution of work directed by the by-law to be executed by any person and not executed by him shall be paid by the person committing such breach or failing to execute such work ;
- 30 (b) require any work or thing to be executed or done of such materials within such time or in such manner as is directed or approved in any particular case by the board or any person duly authorised ;
- 35 (c) provide for the payment of fees for inspections and for services rendered by the board.

(3) Any regulations or by-laws so made shall— ^{Publication.}

- (a) be published in the Gazette ;
- 40 (b) take effect from the date of publication or from a later date to be specified in such regulations or by-laws ; and

(c)

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- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.
- 5 If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations or by-laws have been laid before such House disallowing any regulation or by-law or part thereof, such regulation, by-law, or part shall thereupon cease to have effect.

PART VI.

SUPPLEMENTAL.

- 15 **50.** (1) The board may purchase from any person ^{Purchase.} (including the Crown) any land which it may require for any of the purposes of this Act.
- (2) The board may acquire a leasehold estate ^{Leases} in any land.
- (3) If the purchase money exceeds five thousand pounds or the term of the lease exceeds five years the approval of the Governor to the purchase or the acquisition of the lease shall be first obtained.
- 20 **51.** (1) Where the board proposes to acquire land ^{Resumption.} by appropriation or resumption it may apply to the Governor through the Minister.
- (2) The board shall make provision to the satisfaction of the Governor for the payment of compensation for the land, together with interest and all necessary charges and expenses incidental to the appropriation or resumption.
- 30 (3) The Governor may authorise the appropriation or resumption of the land.
- (4) Thereupon the Minister for Public Works may—
- 35 (a) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912; and
- (b) notify that the land is vested in the board.
- (5) Thereupon the land shall vest in the board.
- (6)

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(6) For the purposes of the Public Works Act, 1912, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

5 (7) Whenever land is appropriated or resumed under this Act a copy of the Gazette notification declaring such land to be so appropriated or resumed, certified under the hand of the Minister for Public Works, shall in every case be lodged with the Registrar-
10 General, and be registered by him in the general register of deeds, unless the land so resumed is wholly or in part comprised in a grant or a certificate of title under the Real Property Acts, in which case, upon production of
15 such copy of the Gazette notification so certified as aforesaid, it shall be the duty of the Registrar-General to deal with and give effect to such notification as if the same were a memorandum of transfer duly executed under the said Acts.

(8) Where, in pursuance of the power conferred
20 by paragraph (b) of subsection one of section thirty, an undertaking is resumed, the Governor may, by notice in the Gazette, notify that the undertaking is so resumed, and thereupon all the personal property and plant used in connection therewith shall become vested
25 in the board, and the interest of the owners thereof shall be converted into a claim for compensation.

The procedure as to claims for compensation, delivery
of the articles resumed, and all matters incidental to the carrying out of the resumption shall be as
30 prescribed by regulations.

52. (1) Where the board resumes an undertaking under paragraph (b) of subsection one of section thirty or in the exercise of any power conferred by paragraphs
(a) (b) and (c) of subsection one of section thirty-one
35 terminates the business of any person, full and adequate compensation shall be paid by the board :

Compensation on resumption or termination of business.

Provided that a person shall not be entitled to any compensation in respect of the loss of goodwill of an undertaking or business.

40 (2) The amount of compensation shall in default of agreement be determined by the Land and Valuation Court in the manner prescribed by rules of court, and the

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the amount thereof shall be paid in the manner and to the persons declared by that court to be entitled thereto.

(3) For the purposes of this section jurisdiction is hereby expressly conferred upon the Land and Valuation Court to hear and determine any claim for compensation.

53. The board may insure any property of or under the control and management of the board, and for the purpose of any such insurance shall be deemed to have an insurable interest in the subject-matter thereof. Any such insurance shall be effected with the State Insurance Office.

54. (1) Any information, complaint, or other legal proceeding under this Act may be taken in the name of the Metropolitan Milk Board by the secretary or by any other officer appointed by the board in that behalf either generally or in any particular case.

(2) In any proceedings the production of a notification in the Gazette that any person has been so appointed shall be conclusive evidence of the appointment and evidence that his authority to act remains in force.

(3) The secretary or other officer shall, out of the funds of the board, be reimbursed all damages, costs, charges, and expenses to which he is put or with which he becomes chargeable by reason of anything contained in subsection one of this section.

55. A writ or other process shall not be sued out or served upon the board, or any member thereof, or any officer of the board, or any person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act until the expiration of one month after notice in writing has been served on the board or such member, officer, or person, clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent in the case, and on trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice served; and unless such notice is served a verdict shall be found for the defendant.

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SCHEDULE.
FIRST PART.

Secs. 2, 4, 6,
7.

Constituencies.	Area.	No. of members to be elected.
5 First	Municipalities:—	
	Cessnock	
	Greta	
	Maitland East	
	Maitland West	
	Muswellbrook	
	Singleton	
	Raymond Terrace	
	Morpeth	
	Dungog	
15	Shires:—	1
	Bolwarra	
	Kearsley	
	Erina	
	Lake Macquarie	
20	Muswellbrook	
	Patrick Plains	
	Port Stephens	
	Tarro	
	Wallarobba	
Second	Municipalities:—	
	Bowral	
	Goulburn	
	Mittagong	
	Moss Vale	
30	Camden	
	Picton	
	Campbelltown	
	Windsor	
	Richmond	
35	Castlereagh	1
	Penrith	
	St. Mary's	
	Shires:—	
40	Nattai	
	Mulwaree	
	Wingecarribee	
	Wollondilly	
	Baulkham Hills	
47	Blacktown	
	Nepean	

*Metropolitan Milk.*SCHEDULE—*continued.*FIRST PART—*continued.*

Constituencies.	Area.	No. of members to be elected.	
5 Third ...	Municipalities:— Illawarra Central Illawarra North Shellharbour Wollongong Berry Broughton Vale Gerringong Jamberoo Kiama Nowra Shoalhaven South	1	
10	Shires:— Bulli Cambewarra		
15	Municipalities:— Sydney Alexandria Annandale Ashfield Auburn Balmain Bankstown Bexley Botany Burwood Cabramatta and Canley Vale Canterbury Concord Darlington Drummoyne Dundas Eastwood Enfield Ermington and Rydalmere Erskineville Fairfield Glebe Graaville		1
20 Fourth ...			
25			
30			
35			
40			

*Metropolitan Milk.*SCHEDULE—*continued.*FIRST PART—*continued*

Constituencies.	Area.	No. of members to be elected.
5 Fourth (<i>contd.</i>) ...	Municipalities (<i>continued</i>)—	
	Homebush	
	Hunter's Hill	
	Hurstville	
	Ingleburn	
10	Kogarah	
	Lane Cove	
	Leichhardt	
	Lidcombe	
	Liverpool	
15	Manly	
	Marrickville	
	Mascot	
	Mosman	
	Newtown	
20	North Sydney	
	Paddington	
	Parramatta	
	Petersham	
	Holroyd	
25	Randwick	
	Rdfern	
	Rockdale	
	Ryde	
	St. Peter's	
30	Strathfield	
	Vaucluse	
	Waterloo	
	Waverley	
	Willoughby	
35	Woollahra	
	Shires:—	
	Hornsby	
	Kuring-gai	
	Sutherland	
40	Warringah	

Metropolitan Milk.

SCHEDULE—continued.

SECOND PART.

Municipalities :—

- 5 Sydney, Alexandria, Annandale, Ashfield, Auburn, Balmain, Bankstown, Bexley, Botany, Burwood, Cabramatta and Canley Vale, Canterbury, Concord, Darlington, Drummoyne, Dundas, Eastwood, Enfield, Ermington and Rydalmere, Erskineville, Fairfield, Glebe, Granville, Homebush, Hunter's Hill, Hurstville, Ingleburn, Kogarah, Lane Cove, Leichhardt, Lidcombe, Liverpool, Manly, Marrickville, Mascot, Mosman, Newtown, North Sydney, Paddington, Parramatta, Petersham, Holroyd, Randwick, Redfern, Rockdale, Ryde, St. Peters, Strathfield, Vacluse, Waterloo, Waverley, Willoughby, Woollahra.

Shires :—

- 15 Hornsby, Kuring-gai, Sutherland, Warringah.

Sydney: Alfred James Kent, Government Printer—1927.

[20.]

