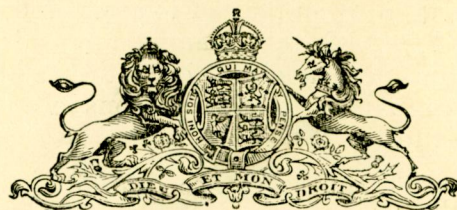


I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 30 November, 1933.

New South Wales.



ANNO VICESIMO QUARTO

GEORGI V REGIS.

Act No. 17, 1933.

An Act relating to dairy products; to constitute a Dairy Products Board; and for purposes connected therewith. [Assented to, 5th December, 1933.]

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 Products Act, 1933." Short title.

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

(3)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

*Dairy Products.***Construction.**

(3) This Act and any regulations, proclamations, or notices made thereunder shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act or of any regulation, proclamation, or notice made thereunder, or the application thereof to any person or circumstance is held invalid, the remainder of this Act or of such regulation, proclamation, or notice, and the application of such provision to other persons or circumstances shall not be affected.

Interpretation.

2. In this Act, unless the context or subject-matter otherwise indicates or requires—

“ Board ” means the Dairy Products Board constituted under this Act.

“ Dairy products ” means butter and cheese.

“ Manufacturer ” means a person who manufactures upon any land or premises such a quantity of butter or cheese as either alone or together with the quantity of either or both of such dairy products manufactured for sale upon the same land or premises by any other person, exceeds ten pounds in weight in any one week.

“ Prescribed ” means prescribed by this Act or by the regulations.

“ Public notice ” means notice published in the Gazette and in at least one daily newspaper published in Sydney, and at least one newspaper published outside the County of Cumberland.

“ Quota ” means the proportion of the butter or of the cheese manufactured by a manufacturer within New South Wales that he is permitted for the time being to sell in the course of his intrastate trade or commerce in New South Wales.

“ Regulations ” means regulations made under this Act.

“ Sell ” includes barter or exchange and “ Sale ” has a corresponding meaning.

Dairy Products.

3. (1) There shall be a Board to be called the " New Dairy Products Board " which shall consist of seven members appointed by the Governor.

(2) Of the members so appointed—

- (a) one shall be nominated by the Minister;
- (b) two shall be persons nominated by the boards of directors of companies which are manufacturers as the representatives of such companies;
- (c) two shall be persons nominated by the boards of directors of societies registered under the Co-operation Act, 1923-1932, which are manufacturers as the representatives of such societies;
- (d) two shall be nominated by the Primary Producers' Union of New South Wales as the representatives of such union.

The nominations pursuant to paragraphs (b), (c), and (d) of this subsection shall be made in the manner prescribed.

(3) If no nomination or no sufficient nomination of a person as representative of the companies, societies, or union referred to in subsection two of this section is made within fourteen days after the commencement of this Act, the Governor may appoint any person as a member of the board as representative of the companies, societies, or union in respect of the representatives of which no nomination or no sufficient nomination has been made.

(4) The members of the Board shall hold office for a period of three years from the commencement of this Act.

(5) The Board shall be a body corporate under the name of the " New South Wales Dairy Products Board " with a common seal and shall be capable of suing and being sued in its corporate name and of acquiring, holding and disposing of real and personal property.

(6) No act or proceeding of the Board shall be invalidated by reason of any defect or irregularity in the constitution of the Board or in the nomination or appointment

Dairy Products.

appointment of any member, or by reason of there being any vacancy in the number of members at the time of such act or proceeding.

Appoint-
ment of
officers, etc.

4. For the purposes of this Act the Board may appoint a secretary and may appoint or employ such other officers and such servants, agents and other persons as are necessary.

Contribu-
tion towards
expenditure.

5. (1) There shall be payable to the Board by every manufacturer a contribution towards the cost of defraying the expenditure involved in the administration of this Act and of carrying out the duties and functions of the Board thereunder, or pursuant or incidental thereto.

Such contribution shall be on the basis, at the time, and in the manner prescribed.

Different bases may be prescribed on which the contribution in respect of any particular grade or variety of dairy products are to be payable.

Recovery of
contribution.

(2) Any contribution unpaid may be recovered from the manufacturer by the Board as a debt in any court of competent jurisdiction.

Determina-
tion and
promulga-
tion of a
quota.

6. The Minister may from time to time determine, after consultation with the Board, what is to be the quota for the purposes of this Act and by public notice promulgate the same. The quota so determined shall become effective from the publication of the notice of the determination in the Gazette, and shall remain in force until a quota subsequently determined in like manner becomes effective.

A quota may be determined for butter generally or different quotas may be determined for one or more particular grades of butter or for all butter other than butter of a specified grade, and a quota may be determined for cheese generally or different quotas may be determined for one or more varieties of cheese, or for all cheese other than cheese of a specified variety.

Certain
sales pro-
hibited.

7. (1) No manufacturer shall in the course of his intrastate trade or commerce within New South Wales sell in excess of the quota for the time being in force dairy products manufactured by him:

Provided

Dairy Products.

Provided always that in determining the quantity of any dairy products which a manufacturer is permitted to sell during the period in which any quota is in force, account shall be taken only of the dairy products manufactured by him during that period, and a manufacturer shall not during that period in the course of his intrastate trade or commerce in New South Wales sell any dairy products not manufactured by him within the said period.

(2) Any person contravening any of the provisions of this section shall be liable on conviction to a penalty not exceeding five hundred pounds.

8. The Board shall have power to enter into contracts or arrangements with boards appointed under legislation in other States with objects similar to those of this Act for the purpose of carrying such objects into effect and for purposes incidental thereto, and the Board shall have power to enter into any such contracts or arrangements with such boards for or on behalf of any manufacturer.

Board may enter into certain contracts.

9. (1) The Board may by public notice require all or any persons having within the locality and at the time therein specified any dairy products in excess of a quantity specified in the notice owned by them or in their disposal or under their control for the purposes of trade or sale to make returns of the said dairy products and to supply such information as is required for the purposes of this Act.

Board may require returns.

(2) Such returns shall be in the form and shall contain the particulars prescribed, and such returns shall be made and such information shall be supplied to the persons prescribed and within the time specified in the notice.

Form, etc., of returns, etc.

(3) Every person to whom such a notice applies who fails, neglects, or refuses to make such a return or to supply such information as prescribed or within the period specified in the notice or who makes any false return or supplies any false information shall be liable on conviction to a penalty not exceeding one hundred pounds.

Penalty.

10. 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 products.

Board may exercise certain powers.

11.

Dairy Products.

- Indemnity.** **11.** No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty or the Minister or the Board or any member thereof or any officer or person acting in the execution of this Act for or in respect of any damage, loss, or injury sustained or alleged to be sustained by reason of the passing of this Act, or of its operation, or anything done or purporting to be done under this Act.
- Inspection of books, etc.** **12.** (1) For the purpose of ascertaining whether any offence against this Act or the regulations has been committed, any officer of the Board or any person authorised by the Board in that behalf either generally or in any particular case may, at any reasonable time, enter any premises and inspect any books, accounts, registers, documents, or writings found in or upon such premises relating to any transaction in connection with dairy produce and may take copies thereof or of any entries therein.
- Obstruction, etc., of officers, etc.** (2) Any person who obstructs, hinders, prevents, or interferes with any officer or person so authorised or who, when requested so to do, refuses or neglects to produce such books, accounts, registers, documents, or writings, shall be liable on conviction to a penalty not exceeding one hundred pounds.
- Penalties** **13.** (1) Any person contravening any of the provisions of this Act or any regulation shall, when no other penalty is expressly provided, be liable on conviction to a penalty not exceeding fifty pounds.
- (2) Penalties imposed by this Act or by any regulation may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in a court of petty sessions.
- Information.** **14.** (1) Any information, complaint, or other legal proceeding under this Act or the regulations may be laid, made, and taken in the name of the Board by the secretary or by any other officer duly authorised 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 authorised shall be conclusive evidence of the authority and evidence that his authority to act remains in force.
- (3)

Dairy Products.

(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.

15. (1) The Governor may make regulations not Regulations. inconsistent with this Act prescribing all matters which 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 in particular and without limiting the generality of the foregoing power, the Governor may make regulations for or with respect to—

- (a) the nomination of members of the Board, the election of a chairman of the Board, the vacation of office by members of the Board, the filling of vacancies in the office of members of the Board, the provision of deputies for members of the Board, the proceedings and procedure of the Board, and the quorum of meetings of the Board;
- (b) the determination and promulgation of a quota;
- (c) the co-operation of the Board with boards appointed under legislation in other States with objects similar to those of this Act;
- (d) the appointment by the Board of members of the Board to represent it in consultation with boards appointed under legislation in other States with objects similar to those of this Act or with the Minister for Commerce or other Minister of State for the Commonwealth;
- (e) the furnishing of information or returns relating to dairy products;
- (f) the forms which may be used under this Act.

(2) Notwithstanding anything in this Act contained, the regulations may provide for the regulation and control of the sale within New South Wales of dairy products placed in cold store by a manufacturer, and may prescribe conditions upon which dairy products so placed in store may be regarded as sold otherwise than in the intrastate trade, or commerce within New South Wales

Dairy Products.

Wales of the manufacturer and conditions relating to the withdrawal of parcels of such dairy products and may prescribe different conditions according to the purpose for which the withdrawal is made. Such conditions may include the requirement of the consent of the Board or of any prescribed officer thereof to any dealing or disposal of the dairy products.

(3) The regulations may prescribe a penalty not exceeding fifty pounds for any breach thereof.

(4) The regulations shall—

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

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after any regulation has been laid before such House, disallowing such regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Duration
of Act.

16. (1) The provisions of this Act other than this section shall cease to have effect upon the expiration of a period of three years from the commencement of this Act.

(2) When this Act ceases to have effect the Board shall be dissolved and all property and rights whatsoever vested in or held on trust for the Board immediately prior to its dissolution (but not including property held by the Board on trust for any other person) shall be deemed to be bona vacantia and shall accordingly belong to the Crown and may be dealt with in such manner as the Governor may direct.

In the name and on behalf of His Majesty I assent to this Act.

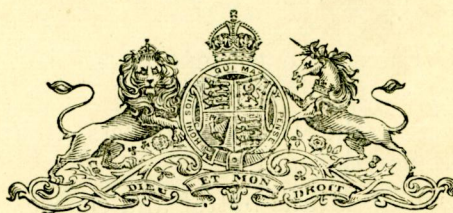
PHILIP GAME,
Governor.

Government House,
Sydney, 5th December, 1933.

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.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 28 November, 1933.

New South Wales.



ANNO VICESIMO QUARTO

GEORGII V REGIS.

Act No. , 1933.

An Act relating to dairy products; to constitute a Dairy Products Board; and for purposes connected therewith.

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 Products Short title. Act, 1933."

(2) This Act shall commence on a day to be appointed by the Governor and notified by proclamation ^{Commence-}ment.
10 published in the Gazette.

Dairy Products.

(3) This Act and any regulations, proclamations, or notices made thereunder shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act or of any regulation, proclamation, or notice made thereunder, or the application thereof to any person or circumstance is held invalid, the remainder of this Act or of such regulation, proclamation, or notice, and the application of such provision to other persons or circumstances shall not be affected.

Construc-
tion.

2. In this Act, unless the context or subject-matter otherwise indicates or requires—

Interpreta-
tion.

15 “ Board ” means the Dairy Products Board constituted under this Act.

“ Dairy products ” means butter and cheese.

20 “ Manufacturer ” means a person who manufactures upon any land or premises such a quantity of butter or cheese as either alone or together with the quantity of either or both of such dairy products manufactured for sale upon the same land or premises by any other person, exceeds ten pounds in weight in any one week.

25 “ Prescribed ” means prescribed by this Act or by the regulations.

“ Public notice ” means notice published in the Gazette and in at least one daily newspaper published in Sydney, and at least one newspaper published outside the County of Cumberland.

30 “ Quota ” means the proportion of the butter or of the cheese manufactured by a manufacturer within New South Wales that he is permitted for the time being to sell in the course of his intrastate trade or commerce in New South Wales.

35 “ Regulations ” means regulations made under this Act.

“ Sell ” includes barter or exchange and “ Sale ” has a corresponding meaning.

Dairy Products.

3. (1) There shall be a Board to be called the " New Dairy Products Board " which shall consist of seven members appointed by the Governor.

(2) Of the members so appointed—

- 5 (a) one shall be nominated by the Minister;
 (b) two shall be persons nominated by the boards of directors of companies which are manufacturers as the representatives of such companies;
 10 (c) two shall be persons nominated by the boards of directors of societies registered under the Co-operation Act, 1923-1932, which are manufacturers as the representatives of such societies;
 (d) two shall be nominated by the Primary Producers' Union of New South Wales as the
 15 representatives of such union.

The nominations pursuant to paragraphs (b), (c), and (d) of this subsection shall be made in the manner prescribed.

- (3) If no nomination or no sufficient nomination of
 20 a person as representative of the companies, societies, or union referred to in subsection two of this section is made within fourteen days after the commencement of this Act, the Governor may appoint any person as a member of the board as representative of the companies,
 25 societies, or union in respect of the representatives of which no nomination or no sufficient nomination has been made.

(4) The members of the Board shall hold office for a period of three years from the commencement of
 30 this Act.

(5) The Board shall be a body corporate under the name of the " New South Wales Dairy Products Board " with a common seal and shall be capable of suing and being sued in its corporate name and of acquiring, hold-
 35 ing and disposing of real and personal property.

(6) No act or proceeding of the Board shall be invalidated by reason of any defect or irregularity in the constitution of the Board or in the nomination or
 appointment

Dairy
Products
Board.

Period of
office of
members.

Incorporation
of
Board.

Defect, etc.,
in constitution
of Board not
to invalidate
acts, etc.

Dairy Products.

appointment of any member, or by reason of there being any vacancy in the number of members at the time of such act or proceeding.

4. For the purposes of this Act the Board may appoint a secretary and may appoint or employ such other officers and such servants, agents and other persons as are necessary.

Appoint-
ment of
officers, etc.

5. (1) There shall be payable to the Board by every manufacturer a contribution towards the cost of defraying the expenditure involved in the administration of this Act and of carrying out the duties and functions of the Board thereunder, or pursuant or incidental thereto.

Contribu-
tion towards
expenditure.

Such contribution shall be on the basis, at the time, and in the manner prescribed.

15 Different bases may be prescribed on which the contribution in respect of any particular grade or variety of dairy products are to be payable.

(2) Any contribution unpaid may be recovered from the manufacturer by the Board as a debt in any court of competent jurisdiction.

Recovery of
contribution.

6. The Minister may from time to time determine, after consultation with the Board, what is to be the quota for the purposes of this Act and by public notice promulgate the same. The quota so determined shall become effective from the publication of the notice of the determination in the Gazette, and shall remain in force until a quota subsequently determined in like manner becomes effective.

Determina-
tion and
promulga-
tion of a
quota.

A quota may be determined for butter generally or different quotas may be determined for one or more particular grades of butter or for all butter other than butter of a specified grade, and a quota may be determined for cheese generally or different quotas may be determined for one or more varieties of cheese, or for all cheese other than cheese of a specified variety.

7. (1) No manufacturer shall in the course of his intrastate trade or commerce within New South Wales sell in excess of the quota for the time being in force dairy products manufactured by him:

Certain
sales pro-
hibited.

Provided

Dairy Products.

5 Provided always that in determining the quantity of any dairy products which a manufacturer is permitted to sell during the period in which any quota is in force, account shall be taken only of the dairy products manu-
 5 factured by him during that period, and a manufacturer shall not during that period in the course of his intrastate trade or commerce in New South Wales sell any dairy products not manufactured by him within the said period.

10 (2) Any person contravening any of the provisions of this section shall be liable on conviction to a penalty not exceeding five hundred pounds.

8. The Board shall have power to enter into contracts or arrangements with boards appointed under legislation in other States with objects similar to those of this Act
 15 for the purpose of carrying such objects into effect and for purposes incidental thereto, and the Board shall have power to enter into any such contracts or arrangements with such boards for or on behalf of any manufacturer.

Board may enter into certain contracts.

9. (1) The Board may by public notice require all
 20 or any persons having within the locality and at the time therein specified any dairy products in excess of a quantity specified in the notice owned by them or in their disposal or under their control for the purposes of trade or sale to make returns of the said dairy products
 25 and to supply such information as is required for the purposes of this Act.

Board may require returns.

(2) Such returns shall be in the form and shall contain the particulars prescribed, and such returns shall be made and such information shall be supplied to the
 30 persons prescribed and within the time specified in the notice.

Form, etc., of returns, etc.

(3) Every person to whom such a notice applies who fails, neglects, or refuses to make such a return or to supply such information as prescribed or within the
 35 period specified in the notice or who makes any false return or supplies any false information shall be liable on conviction to a penalty not exceeding one hundred pounds.

Penalty.

10. The Board may exercise any such powers as are
 40 conferred upon it by or under any Act of Parliament of the Commonwealth of Australia relating to dairy products.

Board may exercise certain powers.

11.

Dairy Products.

- 11.** No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty or the Minister or the Board or any member thereof or any officer or person acting in the execution of this Act for or in respect of any damage, loss, or injury sustained or alleged to be sustained by reason of the passing of this Act, or of its operation, or anything done or purporting to be done under this Act. Indemnity.
- 12.** (1) For the purpose of ascertaining whether any offence against this Act or the regulations has been committed, any officer of the Board or any person authorised by the Board in that behalf either generally or in any particular case may, at any reasonable time, enter any premises and inspect any books, accounts, registers, documents, or writings found in or upon such premises relating to any transaction in connection with dairy produce and may take copies thereof or of any entries therein. Inspection
of books,
etc.
- (2) Any person who obstructs, hinders, prevents, or interferes with any officer or person so authorised or who, when requested so to do, refuses or neglects to produce such books, accounts, registers, documents, or writings, shall be liable on conviction to a penalty not exceeding one hundred pounds. Obstruction,
etc., of
officers, etc.
- 13.** (1) Any person contravening any of the provisions of this Act or any regulation shall, when no other penalty is expressly provided, be liable on conviction to a penalty not exceeding fifty pounds. Penalties
- (2) Penalties imposed by this Act or by any regulation may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in a court of petty sessions.
- 14.** (1) Any information, complaint, or other legal proceeding under this Act or the regulations may be laid, made, and taken in the name of the Board by the secretary or by any other officer duly authorised in that behalf either generally or in any particular case. Informa-
tion.
- (2) In any proceedings the production of a notification in the Gazette that any person has been so authorised shall be conclusive evidence of the authority and evidence that his authority to act remains in force.

Dairy Products.

(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
5 in subsection one of this section.

15. (1) The Governor may make regulations not
inconsistent with this Act prescribing all matters which
are required or permitted to be prescribed or which are
necessary or convenient to be prescribed for carrying
10 out or giving effect to this Act; and in particular and
without limiting the generality of the foregoing power,
the Governor may make regulations for or with respect
to—

- 15 (a) the nomination of members of the Board, the
election of a chairman of the Board, the vacation
of office by members of the Board, the filling of
vacancies in the office of members of the Board,
20 the provision of deputies for members of the
Board, the proceedings and procedure of the
Board, and the quorum of meetings of the
Board;
- (b) the determination and promulgation of a quota;
- 25 (c) the co-operation of the Board with boards
appointed under legislation in other States with
objects similar to those of this Act;
- (d) the appointment by the Board of members of
the Board to represent it in consultation with
boards appointed under legislation in other
30 States with objects similar to those of this Act
or with the Minister for Commerce or other
Minister of State for the Commonwealth;
- (e) the furnishing of information or returns relat-
ing to dairy products;
- (f) the forms which may be used under this Act.

35 (2) Notwithstanding anything in this Act con-
tained, the regulations may provide for the regulation
and control of the sale within New South Wales of
dairy products placed in cold store by a manufacturer,
and may prescribe conditions upon which dairy products
40 so placed in store may be regarded as sold otherwise than
in the intrastate trade, or commerce within New South
Wales

Dairy Products.

Wales of the manufacturer and conditions relating to the withdrawal of parcels of such dairy products and may prescribe different conditions according to the purpose for which the withdrawal is made. Such conditions may
5 include the requirement of the consent of the Board or of any prescribed officer thereof to any dealing or disposal of the dairy products.

(3) The regulations may prescribe a penalty not exceeding fifty pounds for any breach thereof.

- 10 (4) The regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of publication, or from a later date to be specified in such regulations; and
 - 15 (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.

20 If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after any regulation has been laid before such House, disallowing such regulation or part thereof, such regulation or part shall thereupon cease to have effect.

25 **16.** (1) The provisions of this Act other than this section shall cease to have effect upon the expiration of a period of three years from the commencement of this Act. Duration
of Act.

(2) When this Act ceases to have effect the Board
30 shall be dissolved and all property and rights whatsoever vested in or held on trust for the Board immediately prior to its dissolution (but not including property held by the Board on trust for any other person) shall be deemed to be bona vacantia and shall accordingly belong to the
35 Crown and may be dealt with in such manner as the Governor may direct.