No. , 1940.

A BILL

To make further provision for regulating the manufacture or preparation of margarine; to amend the Dairy Industry Act, 1915-1938, in certain respects; and for purposes connected therewith.

[MAJOR REID;—15 *May*, 1940.]

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, 1940." Short title, citation and commencement.

(2) The Dairy Industry Act, 1915-1938, as amended by this Act, may be cited as the Dairy Industry Act, 1915-1940.

(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, 1915-1938, is amended— Amendment of Act No. 45, 1915, s. 2.

5 (a) (i) by inserting in section two immediately before the definition of "Butter fat" the following new definition:—

"Australia" means the States of the Commonwealth, the Northern Territory and the Federal Capital Territory. (Definitions.) cf. S.A. Act No. 37 of 1939, s. 3.

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(ii) by omitting from the same section the definition of "Margarine" and by inserting in lieu thereof the following definition:—

15 "Margarine" means any substance— *Ibid.*

(a) which resembles butter or which is capable of being used as a substitute for butter; and

(b) which is prepared wholly or mainly

20 from fats or oils or a combination of fats and oils; and

(c) the fatty contents of which are not derived exclusively from milk.

(iii) by inserting in the same section at the end

25 thereof the following new definition:—

"Table margarine" means margarine which contains any fat or oil which has been produced elsewhere than in Australia or which contains any fat *Ibid.*

30 or oil which has been obtained from any product produced elsewhere than in Australia.

(b) by inserting at the end of section nine the following new paragraph:— Sec. 9. (Powers of Inspectors.)

35 (d) at any reasonable time enter and search any place in which margarine or any fat, oil or other substance of any kind cf. S.A. Act No. 37 of 1939, s. 6.

kind commonly used in the manufacture or preparation of margarine is manufactured, prepared, stored, packed or sold or is suspected by the inspector to be manufactured, prepared, stored, packed or sold, and inspect and take samples of any such margarine, fat, oil or other substance.

(c) by inserting next after section twenty-two the following new sections:—

Manufacturers of margarine to be licensed.

cf. S.A. Act No. 37 of 1939, ss. 11, 12, 13.

22A. (1) After the expiration of one month from the commencement of the Dairy Industry (Amendment) Act, 1940—

(a) no person shall manufacture or prepare any margarine unless he holds a license issued under this Act;

(b) no person shall manufacture or prepare any margarine on any premises other than the premises specified in a license held by him.

(2) Every application for a license under this section shall be made to the Minister, shall be in or to the effect of the form prescribed and shall be accompanied by the prescribed fee.

(3) The Minister may at his discretion grant or refuse any application for a license:

Provided that—

(a) an applicant for a license in respect of premises which at the commencement of this Act are registered under section five of this Act, and which are at such commencement used by him for the manufacture or preparation of margarine, shall, if his application is duly made within one month after such commencement, be entitled to be granted a license in respect of those premises; and

(b)

(b) where a license is applied for by way of a renewal of a prior license which has not been cancelled, the Minister shall not refuse a license by way of renewal unless the applicant has been convicted of an offence against this Act committed during the period of operation of the prior license.

(4) Every license shall be in or to the effect of the form prescribed and shall, subject to this Act, remain in force for twelve months after the date of issue thereof, but may be renewed from time to time upon application duly made.

(5) The Minister may cancel a license upon the conviction of the holder thereof of any offence against this Act.

(6) Any person who contravenes any provision of this section shall be guilty of an offence and shall be liable upon summary conviction to a penalty not exceeding one hundred pounds and to an additional penalty not exceeding twenty pounds for every day on which the offence is continued.

Control of amount of margarine to be manufactured. cf. S.A. Act No. 37 of 1939, s. 20.

22B. (1) The Minister may from time to time by notice published in the Gazette declare the maximum quantity of table margarine which any person named in the declaration and being the holder of a license under this Act may manufacture or prepare during the period for which the declaration remains in force. Such maximum quantity shall be declared in respect of each week within the said period. The total quantity of table margarine which the Minister may declare in pursuance of this subsection shall not in the aggregate for all persons exceed twenty-four tons per week.

(2) The Minister may at any time revoke or vary any declaration made under this section.

(3)

(3) The Minister may by notice in writing require any person to furnish to him a return or periodical returns within the time or times specified in the notice giving such information as may be required by the notice in respect of the margarine manufactured or prepared by or in the possession, custody or control of such person or in respect of any fat, oil or other substance of a kind commonly used in the manufacture or preparation of margarine which is or has at any time been in the possession, custody or control of that person. cf. S.A. Act No. 37 of 1939. s. 10.

(4) Any person who—

(a) in any week during a period for which a declaration applying to him is in force manufactures or prepares any table margarine in excess of the maximum quantity which he is allowed to manufacture or prepare in that week pursuant to the declaration; or

(b) in any period during which a declaration applying to him is in force sells any table margarine in excess of the maximum quantity which he is allowed to manufacture or prepare during that period, pursuant to the declaration; or

(c) fails to comply with any notice given to him under this section in any particular; or

(d) furnishes in response to any such notice any return containing any information which is false or misleading in any material particular

shall be guilty of an offence against this Act and shall be liable upon summary conviction to a penalty not exceeding one hundred pounds.

22c. (1) Notwithstanding any other provision of this Act the Minister may grant a special permit to any person authorising him to Margarine for export. *Ibid.* s. 21.

to manufacture or prepare for export beyond the Commonwealth such quantity of table margarine as is specified in the permit.

(2) Every such special permit—

5 (a) shall contain such conditions as the Minister thinks proper to ensure that none of the margarine manufactured or prepared thereunder shall be sold or distributed within the Commonwealth 10 and any other terms and conditions prescribed;

(b) may be cancelled by the Minister upon breach of any condition thereof.

(3) Any person who contravenes any 15 condition of any such special permit, whether by act or omission, shall be guilty of an offence against this Act and shall be liable upon summary conviction to a penalty not exceeding one hundred pounds.

Sydney: Thomas Henry Tennant, Government Printer—1940.

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(b) which is prepared wholly or mainly from fats or oils or a combination of fats and oils; and

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(c) the fatty contents of which are not derived exclusively from milk.

(iii) by inserting in the same section at the end thereof the following new definition:—

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"Table margarine" means margarine which contains any fat or oil which has been produced elsewhere than in Australia or which contains any fat or oil which has been obtained from any product produced elsewhere than in Australia. *Ibid.*

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(b) by inserting at the end of section nine the following new paragraph:— Sec. 9. (Powers of Inspectors.)

35 (d) at any reasonable time enter and search any place in which margarine or any fat, oil or other substance of any kind cf. S.A. Act No. 37 of 1939, s. 6.

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(b) no person shall manufacture or prepare any margarine on any premises other than the premises specified in a license held by him.

(2) Every application for a license under this section shall be made to the Minister, shall be in or to the effect of the form prescribed and shall be accompanied by the prescribed fee.

(3) The Minister may at his discretion grant or refuse any application for a license:

Provided that—

(a) an applicant for a license in respect of premises which at the commencement of this Act are registered under section five of this Act, and which are at such commencement used by him for the manufacture or preparation of margarine, shall, if his application is duly made within one month after such commencement, be entitled to be granted a license in respect of those premises; and

(b)

(b) where a license is applied for by way of a renewal of a prior license which has not been cancelled, the Minister shall not refuse a license by way of renewal unless the applicant has been convicted of an offence against this Act committed during the period of operation of the prior license.

(4) Every license shall be in or to the effect of the form prescribed and shall, subject to this Act, remain in force for twelve months after the date of issue thereof, but may be renewed from time to time upon application duly made.

(5) The Minister may cancel a license upon the conviction of the holder thereof of any offence against this Act.

(6) Any person who contravenes any provision of this section shall be guilty of an offence and shall be liable upon summary conviction to a penalty not exceeding one hundred pounds and to an additional penalty not exceeding twenty pounds for every day on which the offence is continued.

Control of amount of margarine to be manufactured.

cf. S.A. Act No. 37 of 1939, s. 20.

22B. (1) The Minister may from time to time by notice published in the Gazette declare the maximum quantity of table margarine which any person named in the declaration and being the holder of a license under this Act may manufacture or prepare during the period for which the declaration remains in force. Such maximum quantity shall be declared in respect of each week within the said period. The total quantity of table margarine which the Minister may declare in pursuance of this subsection shall not in the aggregate for all persons exceed twenty-four tons per week.

(2) The Minister may at any time revoke or vary any declaration made under this section.

(3)

(3) The Minister may by notice in writing require any person to furnish to him a return or periodical returns within the time or times specified in the notice giving such information as may be required by the notice in respect of the margarine manufactured or prepared by or in the possession, custody or control of such person or in respect of any fat, oil or other substance of a kind commonly used in the manufacture or preparation of margarine which is or has at any time been in the possession, custody or control of that person. cf. S.A. Act No. 37 of 1939. s. 10.

(4) Any person who—

(a) in any week during a period for which a declaration applying to him is in force manufactures or prepares any table margarine in excess of the maximum quantity which he is allowed to manufacture or prepare in that week pursuant to the declaration; or

(b) in any period during which a declaration applying to him is in force sells any table margarine in excess of the maximum quantity which he is allowed to manufacture or prepare during that period, pursuant to the declaration; or

(c) fails to comply with any notice given to him under this section in any particular; or

(d) furnishes in response to any such notice any return containing any information which is false or misleading in any material particular

shall be guilty of an offence against this Act and shall be liable upon summary conviction to a penalty not exceeding one hundred pounds.

22c. (1) Notwithstanding any other provision of this Act the Minister may grant a special permit to any person authorising him to Margarine for export. *Ibid.* s. 21.

to manufacture or prepare for export beyond the Commonwealth such quantity of table margarine as is specified in the permit.

(2) Every such special permit—

5 (a) shall contain such conditions as the Minister thinks proper to ensure that none of the margarine manufactured or prepared thereunder shall be sold or distributed within the Commonwealth 10 and any other terms and conditions prescribed;

(b) may be cancelled by the Minister upon breach of any condition thereof.

(3) Any person who contravenes any 15 condition of any such special permit, whether by act or omission, shall be guilty of an offence against this Act and shall be liable upon summary conviction to a penalty not exceeding one hundred pounds.

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