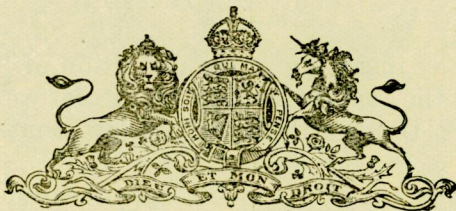


New South Wales.



ANNO TERTIO

GEORGI VI REGIS.

Act No. 26, 1938.

An Act to amend the Dairy Products Act, 1933-1936, in certain respects; and for purposes connected therewith. [Assented to, 12th December, 1938.]

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

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

Short title
and citation.

(2) The Dairy Products Act, 1933-1936, as amended by this Act, may be cited as the "Dairy Products Act, 1933-1938."

Dairy Products (Amendment).

Amendment of
Act No. 17,
1938.

2. The Dairy Products Act, 1933-1936, is amended—

Sec. 2.
(Interpreta-
tion).

- (a) (i) by inserting in section two next before the definition of "Board" the following new definition:—

"Agent" means any person who acts on behalf of a manufacturer in or in connection with the disposal of butter or cheese;

- (ii) by inserting in the definition of "Board" in the same section next before the word "Dairy" the words "New South Wales";

- (iii) by inserting in the same section next after the definition of "Board" the following new definition:—

"Cold store" means a place or premises used for cold storing any butter and/or cheese;

- (iv) by inserting in the same section next after the definition of "Dairy products" the following new definition:—

"Dispose of" means to sell or to forward or deliver for sale; and words derived therefrom have a corresponding meaning;

- (v) by omitting from the same section the definition of "Manufacturer" and by inserting in lieu thereof the following definition:—

"Manufacturer" means a person who manufactures butter and/or cheese or who causes butter and/or cheese to be manufactured, but the term does not include a processor as such;

(vi)

Dairy Products (Amendment).

- (vi) by inserting in the same section next after the definition of "Prescribed" the following new definition:—

"Processor" means a person who comminutes, pasteurises or re-emulsifies cheese;

- (vii) by omitting from the same section the definition of "Public notice";

- (viii) by omitting from the definition of "Quota" in the same section the words "for the time being" and by inserting in lieu thereof the words "during the stated period for which the quota operates";

- (ix) by inserting in the definition of "Sell" in the same section next after the word "exchange" the words "or transfer the property in";

- (b) by omitting sections six and seven and by inserting in lieu thereof the following sections:—

Substituted
secs. 6
and 7.

6. (1) The Minister may from time to time, upon the recommendation of the Board, determine quotas for butter and cheese respectively.

Determina-
tion and
promulga-
tion of a
quota.

(2) Every quota shall be promulgated by the Minister by notice published in the Gazette. The quota shall operate for the period stated in the notice (in this Act referred to as the "stated period").

(3) The expiration of the stated period for which any quota operates shall not affect the operation of that quota during or in respect of that stated period or anything duly done or suffered or any right, limitation of right, privilege, obligation, liability or penalty acquired, imposed, accrued, or incurred by any person by reason of the operation of that quota during or in respect of that stated period.

This

Dairy Products (Amendment).

This subsection shall not be construed so as to limit the operation of section seven of this Act.

Certain
sales
prohibited.

7. (1) Except as provided by subsection three of this section no manufacturer shall, during any stated period, sell, in the course of his intra-State trade or commerce in New South Wales, an amount of butter or of cheese as the case may be (manufactured by him during or prior to that stated period) which exceeds the amount ascertained by applying the quota operating for that stated period to the total amount of butter or of cheese (as the case may be) manufactured by him during that stated period.

(2) Any manufacturer who contravenes any of the provisions of this section shall be liable on conviction—

(a) where the contravention is in respect of the sale of butter—to a penalty of not less than four pounds and not more than six pounds for every hundredweight or part thereof of butter sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of butter manufactured by such manufacturer during the stated period; and

(b) where the contravention is in respect of the sale of cheese—to a penalty of not less than two pounds and not more than three pounds for every hundredweight or part thereof of cheese sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of cheese manufactured by such manufacturer during the stated period.

(3) This section shall not, in respect of any stated period, apply to the sale of butter or of cheese, as the case may be, by a manufacturer who,

Dairy Products (Amendment).

who, during that stated period, does not sell a total amount of butter or of cheese, as the case may be, which exceeds forty pounds in weight.

- (c) by omitting section nine and by inserting in lieu thereof the following section:— Substituted
sec. 9.

9. (1) Every agent, proprietor of a cold store, and manufacturer shall furnish to the Board at its office in Sydney periodical returns in the form prescribed and at the times prescribed giving the prescribed particulars in respect of the butter and/or cheese in his possession or control or manufactured by him during the periods prescribed. Different forms may be prescribed for agents, proprietors of cold stores and manufacturers and for different classes of agents, proprietors of cold stores or manufacturers. Returns.

(2) Any agent, proprietor of a cold store or manufacturer who neglects or refuses to furnish any return required by subsection one of this section within the time prescribed or who furnishes any return which does not give the prescribed particulars or which gives any particulars which are false in any respect, shall be liable on conviction to a penalty not exceeding one hundred pounds.

- (d) by omitting from subsection one of section twelve the word "produce" and by inserting in lieu thereof the word "products"; Sec. 12.
(Correc-
tion.)
- (e) by inserting next after section fourteen the following new section:— New sec.
14A.

14A. In any action, suit or proceedings the production of any return furnished under this Act and purporting to be signed by or on behalf of an agent, proprietor of a cold store, or manufacturer required to furnish returns under this Act, shall be prima facie evidence of the Evidence.

particulars

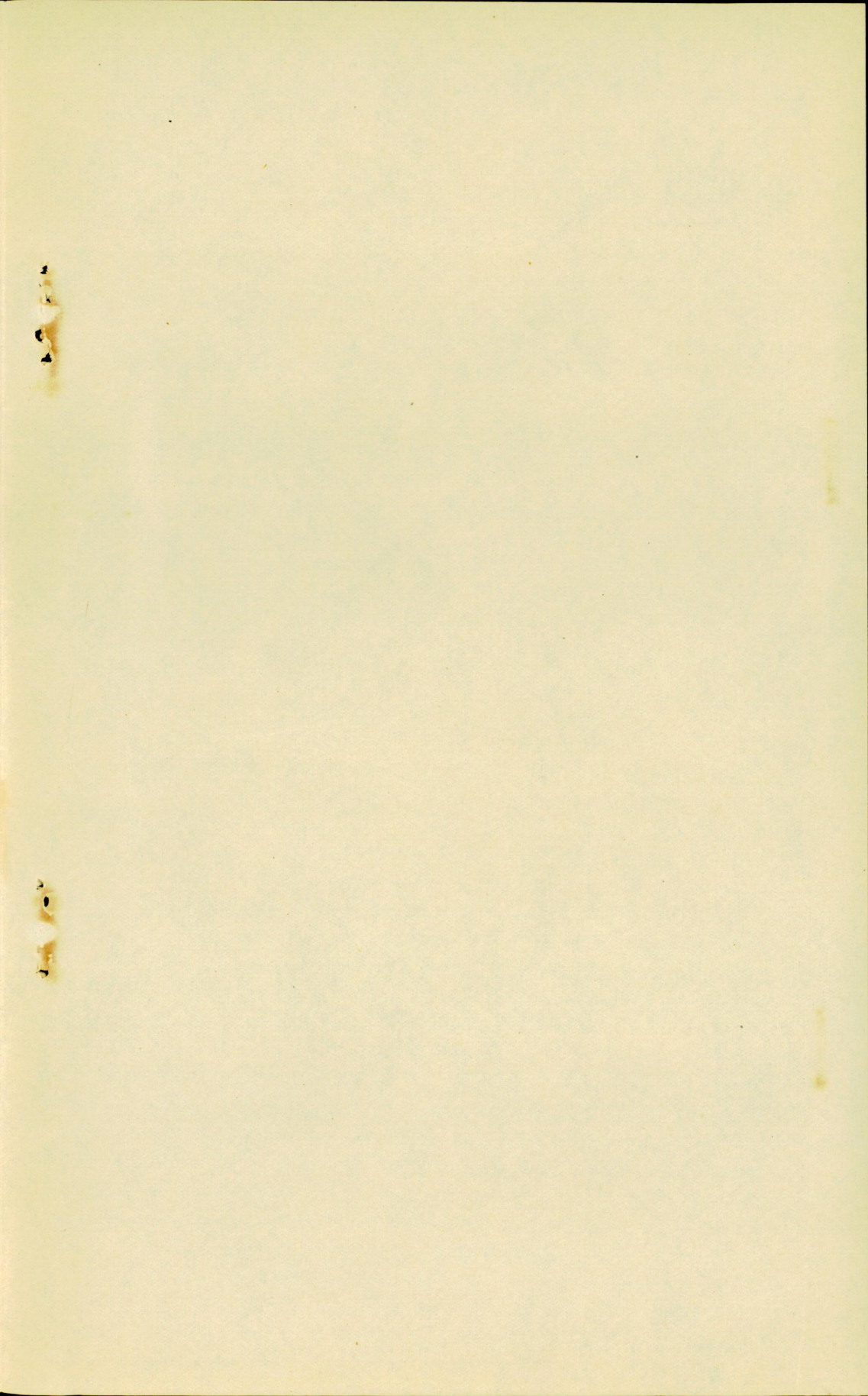
Dairy Products (Amendment).

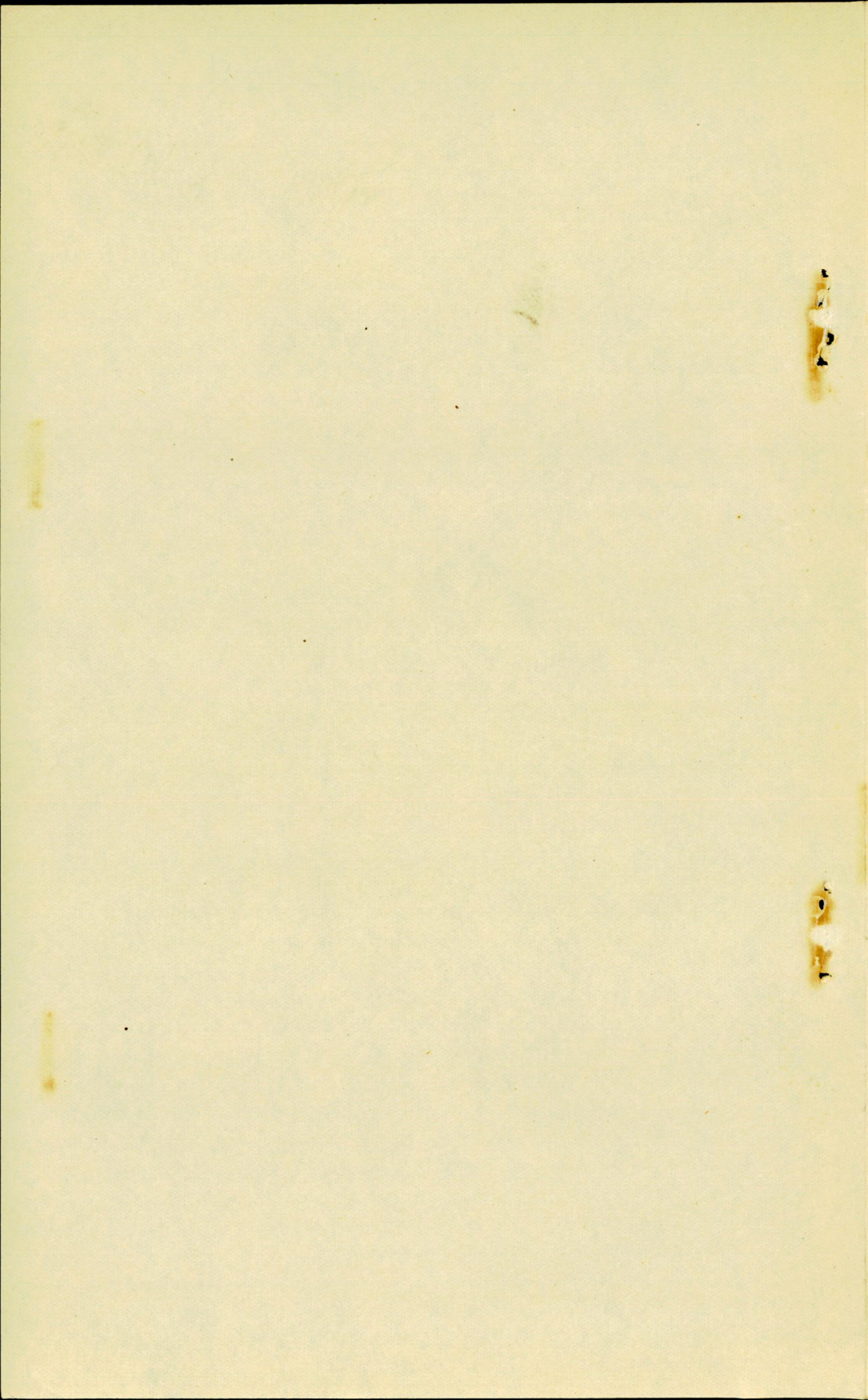
particulars given in the return and that such return was made by the agent, proprietor of a cold store or manufacturer by or on behalf of whom the return purports to be signed.

By Authority:

DAVID HAROLD PAISLEY, Government Printer, Sydney, 1938.

[3d]



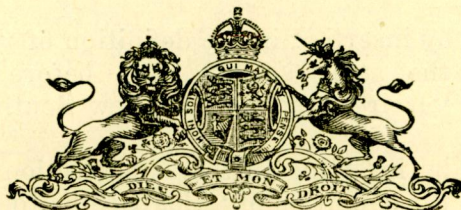


I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

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

*Legislative Assembly Chamber,
Sydney, 6 December, 1938.*

New South Wales.



ANNO SECUNDO

GEORGII VI REGIS.

Act No. 26, 1938.

An Act to amend the Dairy Products Act, 1933-1936, in certain respects; and for purposes connected therewith. [Assented to, 12th December, 1938.]

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

1. (1) This Act may be cited as the "Dairy Products (Amendment) Act, 1938." Short title and citation.

(2) The Dairy Products Act, 1933-1936, as amended by this Act, may be cited as the "Dairy Products Act, 1933-1938."

2.

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 (Amendment).

Amendment of
Act No. 17,
1938.

2. The Dairy Products Act, 1933-1936, is amended—

Sec. 2.
(Interpreta-
tion).

- (a) (i) by inserting in section two next before the definition of "Board" the following new definition:—

"Agent" means any person who acts on behalf of a manufacturer in or in connection with the disposal of butter or cheese;

- (ii) by inserting in the definition of "Board" in the same section next before the word "Dairy" the words "New South Wales";

- (iii) by inserting in the same section next after the definition of "Board" the following new definition:—

"Cold store" means a place or premises used for cold storing any butter and/or cheese;

- (iv) by inserting in the same section next after the definition of "Dairy products" the following new definition:—

"Dispose of" means to sell or to forward or deliver for sale; and words derived therefrom have a corresponding meaning;

- (v) by omitting from the same section the definition of "Manufacturer" and by inserting in lieu thereof the following definition:—

"Manufacturer" means a person who manufactures butter and/or cheese or who causes butter and/or cheese to be manufactured, but the term does not include a processor as such;

(vi)

Dairy Products (Amendment).

- (vi) by inserting in the same section next after the definition of "Prescribed" the following new definition:—

"Processor" means a person who comminutes, pasteurises or re-emulsifies cheese;

- (vii) by omitting from the same section the definition of "Public notice";

- (viii) by omitting from the definition of "Quota" in the same section the words "for the time being" and by inserting in lieu thereof the words "during the stated period for which the quota operates";

- (ix) by inserting in the definition of "Sell" in the same section next after the word "exchange" the words "or transfer the property in";

- (b) by omitting sections six and seven and by inserting in lieu thereof the following sections:—

Substituted
secs. 6
and 7.

6. (1) The Minister may from time to time, upon the recommendation of the Board, determine quotas for butter and cheese respectively.

Determina-
tion and
promulga-
tion of a
quota.

(2) Every quota shall be promulgated by the Minister by notice published in the Gazette. The quota shall operate for the period stated in the notice (in this Act referred to as the "stated period").

(3) The expiration of the stated period for which any quota operates shall not affect the operation of that quota during or in respect of that stated period or anything duly done or suffered or any right, limitation of right, privilege, obligation, liability or penalty acquired, imposed, accrued, or incurred by any person by reason of the operation of that quota during or in respect of that stated period.

This

Dairy Products (Amendment).

This subsection shall not be construed so as to limit the operation of section seven of this Act.

Certain
sales
prohibited.

7. (1) Except as provided by subsection three of this section no manufacturer shall, during any stated period, sell, in the course of his intra-State trade or commerce in New South Wales, an amount of butter or of cheese as the case may be (manufactured by him during or prior to that stated period) which exceeds the amount ascertained by applying the quota operating for that stated period to the total amount of butter or of cheese (as the case may be) manufactured by him during that stated period.

(2) Any manufacturer who contravenes any of the provisions of this section shall be liable on conviction—

(a) where the contravention is in respect of the sale of butter—to a penalty of not less than four pounds and not more than six pounds for every hundredweight or part thereof of butter sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of butter manufactured by such manufacturer during the stated period; and

(b) where the contravention is in respect of the sale of cheese—to a penalty of not less than two pounds and not more than three pounds for every hundredweight or part thereof of cheese sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of cheese manufactured by such manufacturer during the stated period.

(3) This section shall not, in respect of any stated period, apply to the sale of butter or of cheese, as the case may be, by a manufacturer who,

Dairy Products (Amendment).

who, during that stated period, does not sell a total amount of butter or of cheese, as the case may be, which exceeds forty pounds in weight.

- (e) by omitting section nine and by inserting in lieu thereof the following section:— Substituted sec. 9.

9. (1) Every agent, proprietor of a cold store, and manufacturer shall furnish to the Board at its office in Sydney periodical returns in the form prescribed and at the times prescribed giving the prescribed particulars in respect of the butter and/or cheese in his possession or control or manufactured by him during the periods prescribed. Different forms may be prescribed for agents, proprietors of cold stores and manufacturers and for different classes of agents, proprietors of cold stores or manufacturers. Returns.

(2) Any agent, proprietor of a cold store or manufacturer who neglects or refuses to furnish any return required by subsection one of this section within the time prescribed or who furnishes any return which does not give the prescribed particulars or which gives any particulars which are false in any respect, shall be liable on conviction to a penalty not exceeding one hundred pounds.

- (d) by omitting from subsection one of section twelve the word "produce" and by inserting in lieu thereof the word "products"; Sec. 12. (Correction.)

- (e) by inserting next after section fourteen the following new section:— New sec. 14A.

14A. In any action, suit or proceedings the production of any return furnished under this Act and purporting to be signed by or on behalf of an agent, proprietor of a cold store, or manufacturer required to furnish returns under this Act, shall be prima facie evidence of the **particulars** Evidence.

Dairy Products (Amendment).

particulars given in the return and that such return was made by the agent, proprietor of a cold store or manufacturer by or on behalf of whom the return purports to be signed.

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

WAKEHURST,
Governor.

Government House,
Sydney, 12th December, 1938.

The following is a list of the names of the persons who have been appointed to the various offices of the Board of Education for the year 1900. The names are given in alphabetical order.

(1) Board of Education: Chairman, J. H. [Name]; Secretary, [Name]; Treasurer, [Name].

(2) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(3) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(4) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(5) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(6) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(7) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(8) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(9) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(10) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(11) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(12) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(13) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(14) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(15) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(16) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

(17) Board of Education: Chairman, [Name]; Secretary, [Name]; Treasurer, [Name].

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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 the Committee of the Senate

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, 6 December, 1938.*

New South Wales.



ANNO SECUNDO

GEORGI VI REGIS.

Act No. 26, 1938.

An Act to amend the Dairy Products Act, 1933-1936, in certain respects; and for purposes connected therewith. [Assented to, 12th December, 1938.]

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

1. (1) This Act may be cited as the "Dairy Products (Amendment) Act, 1938." Short title and citation.

(2) The Dairy Products Act, 1933-1936, as amended by this Act, may be cited as the "Dairy Products Act, 1933-1938."

2.

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 (Amendment).

Amendment of
Act No. 17,
1938.

2. The Dairy Products Act, 1933-1936, is amended—

Sec. 2.
(Interpreta-
tion).

- (a) (i) by inserting in section two next before the definition of "Board" the following new definition:—

"Agent" means any person who acts on behalf of a manufacturer in or in connection with the disposal of butter or cheese;

- (ii) by inserting in the definition of "Board" in the same section next before the word "Dairy" the words "New South Wales";

- (iii) by inserting in the same section next after the definition of "Board" the following new definition:—

"Cold store" means a place or premises used for cold storing any butter and/or cheese;

- (iv) by inserting in the same section next after the definition of "Dairy products" the following new definition:—

"Dispose of" means to sell or to forward or deliver for sale; and words derived therefrom have a corresponding meaning;

- (v) by omitting from the same section the definition of "Manufacturer" and by inserting in lieu thereof the following definition:—

"Manufacturer" means a person who manufactures butter and/or cheese or who causes butter and/or cheese to be manufactured, but the term does not include a processor as such;

(vi)

Dairy Products (Amendment).

- (vi) by inserting in the same section next after the definition of "Prescribed" the following new definition:—

"Processor" means a person who comminutes, pasteurises or re-emulsifies cheese;

- (vii) by omitting from the same section the definition of "Public notice";
- (viii) by omitting from the definition of "Quota" in the same section the words "for the time being" and by inserting in lieu thereof the words "during the stated period for which the quota operates";
- (ix) by inserting in the definition of "Sell" in the same section next after the word "exchange" the words "or transfer the property in";

- (b) by omitting sections six and seven and by inserting in lieu thereof the following sections:—

Substituted
secs. 6
and 7.

6. (1) The Minister may from time to time, upon the recommendation of the Board, determine quotas for butter and cheese respectively.

Determina-
tion and
promulga-
tion of a
quota.

(2) Every quota shall be promulgated by the Minister by notice published in the Gazette. The quota shall operate for the period stated in the notice (in this Act referred to as the "stated period").

(3) The expiration of the stated period for which any quota operates shall not affect the operation of that quota during or in respect of that stated period or anything duly done or suffered or any right, limitation of right, privilege, obligation, liability or penalty acquired, imposed, accrued, or incurred by any person by reason of the operation of that quota during or in respect of that stated period.

This

Dairy Products (Amendment).

This subsection shall not be construed so as to limit the operation of section seven of this Act.

Certain
sales
prohibited.

7. (1) Except as provided by subsection three of this section no manufacturer shall, during any stated period, sell, in the course of his intra-State trade or commerce in New South Wales, an amount of butter or of cheese as the case may be (manufactured by him during or prior to that stated period) which exceeds the amount ascertained by applying the quota operating for that stated period to the total amount of butter or of cheese (as the case may be) manufactured by him during that stated period.

(2) Any manufacturer who contravenes any of the provisions of this section shall be liable on conviction—

(a) where the contravention is in respect of the sale of butter—to a penalty of not less than four pounds and not more than six pounds for every hundredweight or part thereof of butter sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of butter manufactured by such manufacturer during the stated period; and

(b) where the contravention is in respect of the sale of cheese—to a penalty of not less than two pounds and not more than three pounds for every hundredweight or part thereof of cheese sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of cheese manufactured by such manufacturer during the stated period.

(3) This section shall not, in respect of any stated period, apply to the sale of butter or of cheese, as the case may be, by a manufacturer who,

Dairy Products (Amendment).

who, during that stated period, does not sell a total amount of butter or of cheese, as the case may be, which exceeds forty pounds in weight.

- (c) by omitting section nine and by inserting in lieu thereof the following section:— Substituted sec. 9.

9. (1) Every agent, proprietor of a cold store, and manufacturer shall furnish to the Board at its office in Sydney periodical returns in the form prescribed and at the times prescribed giving the prescribed particulars in respect of the butter and/or cheese in his possession or control or manufactured by him during the periods prescribed. Different forms may be prescribed for agents, proprietors of cold stores and manufacturers and for different classes of agents, proprietors of cold stores or manufacturers. Returns.

(2) Any agent, proprietor of a cold store or manufacturer who neglects or refuses to furnish any return required by subsection one of this section within the time prescribed or who furnishes any return which does not give the prescribed particulars or which gives any particulars which are false in any respect, shall be liable on conviction to a penalty not exceeding one hundred pounds.

- (d) by omitting from subsection one of section twelve the word "produce" and by inserting in lieu thereof the word "products"; Sec. 12. (Correc-tion.)

- (e) by inserting next after section fourteen the following new section:— New sec. 14A.

14A. In any action, suit or proceedings the production of any return furnished under this Act and purporting to be signed by or on behalf of an agent, proprietor of a cold store, or manufacturer required to furnish returns under this Act, shall be prima facie evidence of the **particulars** Evidence.

Dairy Products (Amendment).

particulars given in the return and that such return was made by the agent, proprietor of a cold store or manufacturer by or on behalf of whom the return purports to be signed.

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

WAKEHURST,
Governor.

Government House,
Sydney, 12th December, 1938.

Faint, illegible text, possibly bleed-through from the reverse side of the page.

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1900

1900

I have examined the Bill and find it to correspond in all respects
with the Bill as finally passed by both Houses.
W. W. HEDGECOCK
Chairman of Committee of the Legislature

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, 1 December, 1938.*

New South Wales.



ANNO SECUNDO

GEORGI VI REGIS.

Act No. , 1938.

An Act to amend the Dairy Products Act, 1933-1936, in certain respects; 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 (Amendment) Act, 1938." Short title and citation.

(2) The Dairy Products Act, 1933-1936, as amended by this Act, may be cited as the "Dairy Products Act, 1933-1938."

Dairy Products (Amendment).

2. The Dairy Products Act, 1933-1936, is amended— Amendment of Act No. 17, 1938.

(a) (i) by inserting in section two next before the definition of "Board" the following new definition:— Sec. 2. (Interpretation).

5 "Agent" means any person who acts on behalf of a manufacturer in or in connection with the disposal of butter or cheese;

10 (ii) by inserting in the definition of "Board" in the same section next before the word "Dairy" the words "New South Wales";

(iii) by inserting in the same section next after the definition of "Board" the following new definition:—

15 "Cold store" means a place or premises used for cold storing any butter and/or cheese;

20 (iv) by inserting in the same section next after the definition of "Dairy products" the following new definition:—

"Dispose of" means to sell or to forward or deliver for sale; and words derived therefrom have a corresponding meaning;

25 (v) by omitting from the same section the definition of "Manufacturer" and by inserting in lieu thereof the following definition:—

30 "Manufacturer" means a person who manufactures butter and/or cheese or who causes butter and/or cheese to be manufactured, but the term does not include a processor as such;

(vi)

Dairy Products (Amendment).

(vi) by inserting in the same section next after the definition of "Prescribed" the following new definition:—

5 "Processor" means a person who comminutes, pasteurises or re-emulsifies cheese;

(vii) by omitting from the same section the definition of "Public notice";

10 (viii) by omitting from the definition of "Quota" in the same section the words "for the time being" and by inserting in lieu thereof the words "during the stated period for which the quota operates";

15 (ix) by inserting in the definition of "Sell" in the same section next after the word "exchange" the words "or transfer the property in";

(b) by omitting sections six and seven and by inserting in lieu thereof the following sections:—

Substituted
secs. 6
and 7.

20 6. (1) The Minister may from time to time, upon the recommendation of the Board, determine quotas for butter and cheese respectively.

Determina-
tion and
promulga-
tion of a
quota.

25 (2) Every quota shall be promulgated by the Minister by notice published in the Gazette. The quota shall operate for the period stated in the notice (in this Act referred to as the "stated period").

30 (3) The expiration of the stated period for which any quota operates shall not affect the operation of that quota during or in respect of that stated period or anything duly done or suffered or any right, limitation of right, privilege, obligation, liability or penalty acquired, imposed, accrued, or incurred by any person by reason of the operation of that quota during or
35 in respect of that stated period.

This

Dairy Products (Amendment).

This subsection shall not be construed so as to limit the operation of section seven of this Act.

7. (1) Except as provided by subsection three of this section no manufacturer shall, during any stated period, sell, in the course of his intra-State trade or commerce in New South Wales, an amount of butter or of cheese as the case may be (manufactured by him during or prior to that stated period) which exceeds the amount ascertained by applying the quota operating for that stated period to the total amount of butter or of cheese (as the case may be) manufactured by him during that stated period.

Certain sales prohibited.

(2) Any manufacturer who contravenes any of the provisions of this section shall be liable on conviction—

(a) where the contravention is in respect of the sale of butter—to a penalty of not less than four pounds and not more than six pounds for every hundredweight or part thereof of butter sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of butter manufactured by such manufacturer during the stated period; and

(b) where the contravention is in respect of the sale of cheese—to a penalty of not less than two pounds and not more than three pounds for every hundredweight or part thereof of cheese sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of cheese manufactured by such manufacturer during the stated period.

(3) This section shall not, in respect of any stated period, apply to the sale of butter or of cheese, as the case may be, by a manufacturer who,

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Dairy Products (Amendment).

who, during that stated period, does not sell a total amount of butter or of cheese, as the case may be, which exceeds forty pounds in weight.

- 5 (c) by omitting section nine and by inserting in lieu thereof the following section:— Substituted sec. 9.

10 9. (1) Every agent, proprietor of a cold store, and manufacturer shall furnish to the Board at its office in Sydney periodical returns in the form prescribed and at the times prescribed giving the prescribed particulars in respect of the butter and/or cheese in his possession or control or manufactured by him during the periods prescribed. Different forms may be prescribed for agents, proprietors of cold stores and manufacturers and for different classes of agents, proprietors of cold stores or manufacturers. Returns.

15

20 (2) Any agent, proprietor of a cold store or manufacturer who neglects or refuses to furnish any return required by subsection one of this section within the time prescribed or who furnishes any return which does not give the prescribed particulars or which gives any particulars which are false in any respect, shall be liable on conviction to a penalty not exceeding one hundred pounds. 08

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- (d) by omitting from subsection one of section twelve the word "produce" and by inserting in lieu thereof the word "products"; Sec. 12. (Correction.)

- 30 (e) by inserting next after section fourteen the following new section:— New sec. 14A.

35 14A. In any action, suit or proceedings the production of any return furnished under this Act and purporting to be signed by or on behalf of an agent, proprietor of a cold store, or manufacturer required to furnish returns under this Act, shall be prima facie evidence of the **particulars** Evidence.

Dairy Products (Amendment).

particulars given in the return and that such return was made by the agent, proprietor of a cold store or manufacturer by or on behalf of whom the return purports to be signed.

Sydney: David Harold Paisley, Government Printer—1938.

[7d.]

(Continued)

particulars of the return and
return was made to the
old state of affairs or on
when the return is to be signed

date

1951

particulars

The following is a copy of the original of the
and is hereby presented to the
Legislature for its consideration.

Clerk of the Legislative Assembly

Legislative Assembly

1933

1934

1935

1936

1937

No. , 1938.

A BILL

To amend the Dairy Products Act, 1933-1936, in certain respects; and for purposes connected therewith.

[MAJOR REID;— 7 October, 1938.]

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

1. (1) This Act may be cited as the "Dairy Products (Amendment) Act, 1938." Short title and citation.

(2) The Dairy Products Act, 1933-1936, as amended
10 by this Act, may be cited as the "Dairy Products Act, 1933-1938."

Amendment of
Act No. 17,
1933.

2. The Dairy Products Act, 1933-1936, is amended—

Sec. 2.
(Interpreta-
tion).

- (a) (i) by inserting in section two next before the definition of "Board" the following new definition:—

"Agent" means any person who acts
on behalf of a manufacturer in or
in connection with the disposal of
butter or cheese; **5**

- (ii) by inserting in the definition of "Board" in the same section next before the word
"Dairy" the words "New South Wales"; **10**

- (iii) by inserting in the same section next after the definition of "Board" the following new definition:—

"Cold store" means a place or
premises used for cold storing any
butter and/or cheese; **15**

- (iv) by inserting in the same section next after the definition of "Dairy products" the following new definition:— **20**

"Dispose of" means to sell or to forward or deliver for sale; and words derived therefrom have a corresponding meaning;

- (v) by omitting from the same section the definition of "Manufacturer" and by inserting in lieu thereof the following definition:— **25**

"Manufacturer" means a person who manufactures butter and/or cheese or who causes butter and/or cheese
to be manufactured, but the term
does not include a processor as
such; **30**

(vi)

(vi) by inserting in the same section next after the definition of "Prescribed" the following new definition:—

5 "Processor" means a person who comminutes, pasteurises or re-emulsifies cheese;

(vii) by omitting from the same section the definition of "Public notice";

10 (viii) by omitting from the definition of "Quota" in the same section the words "for the time being" and by inserting in lieu thereof the words "during the stated period for which the quota operates";

15 (ix) by inserting in the definition of "Sell" in the same section next after the word "exchange" the words "or transfer the property in";

(b) by omitting sections six and seven and by inserting in lieu thereof the following sections:— Substituted
secs. 6
and 7.

20 6. (1) The Minister may from time to time, upon the recommendation of the Board, determine quotas for butter and cheese respectively. Determina-
tion and
promulga-
tion of a
quota.

25 (2) Every quota shall be promulgated by the Minister by notice published in the Gazette. The quota shall operate for the period stated in the notice (in this Act referred to as the "stated period").

30 (3) The expiration of the stated period for which any quota operates shall not affect the operation of that quota during or in respect of that stated period or anything duly done or suffered or any right, limitation of right, privilege, obligation, liability or penalty acquired, imposed, accrued, or incurred by any person by reason of the operation of that quota during or
35 in respect of that stated period.

This

This subsection shall not be construed so as to limit the operation of section seven of this Act.

Certain
sales
prohibited.

7. (1) Except as provided by subsection three of this section no manufacturer shall, during any stated period, sell, in the course of his intra-State trade or commerce in New South Wales, an amount of butter or of cheese as the case may be (manufactured by him during or prior to that stated period) which exceeds the amount ascertained by applying the quota operating for that stated period to the total amount of butter or of cheese (as the case may be) manufactured by him during that stated period. 5 10

(2) Any manufacturer who contravenes any of the provisions of this section shall be liable on conviction— 15

(a) where the contravention is in respect of the sale of butter—to a penalty of not less than *four* pounds and not more than *six* pounds for every hundredweight or part thereof of butter sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of butter manufactured by such manufacturer during the stated period; and 20 25

(b) where the contravention is in respect of the sale of cheese—to a penalty of not less than *two* pounds and not more than *three* pounds for every hundredweight or part thereof of cheese sold in excess of the amount ascertained by applying the quota operating for the stated period to the total amount of cheese manufactured by such manufacturer during the stated period. 30 35

(3) This section shall not, in respect of any stated period, apply to the sale of butter or of cheese, as the case may be, by a manufacturer who,

who, during that stated period, does not sell a total amount of butter or of cheese, as the case may be, which exceeds forty pounds in weight.

- 5 (c) by omitting section nine and by inserting in lieu thereof the following section:— Substituted sec. 9.

9. (1) Every agent, proprietor of a cold store, and manufacturer shall furnish to the Board at its office in Sydney periodical returns in the form prescribed and at the times prescribed giving the prescribed particulars in respect of the butter and/or cheese in his possession or control or manufactured by him during the periods prescribed. Different forms may be prescribed for agents, proprietors of cold stores and manufacturers and for different classes of agents, proprietors of cold stores or manufacturers. Returns.

20 (2) Any agent, proprietor of a cold store or manufacturer who neglects or refuses to furnish any return required by subsection one of this section within the time prescribed or who furnishes any return which does not give the prescribed particulars or which gives any particulars which are false in any respect, shall be liable on conviction to a penalty not exceeding *one hundred pounds*. 25

- (d) by omitting from subsection one of section twelve the word "produce" and by inserting in lieu thereof the word "products"; Sec. 12. (Correc-tion.)

- 30 (e) by inserting next after section fourteen the following new section:— New sec. 14A.

35 14A. In any action, suit or proceedings the production of any return furnished under this Act and purporting to be signed by or on behalf of an agent, proprietor of a cold store, or manufacturer required to furnish returns under this Act, shall be prima facie evidence of the **particulars** Evidence.

Dairy Products (Amendment).

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