

New South Wales.



ANNO SEXTO

GEORGII VI REGIS.

Act No. 5, 1942.

An Act to provide for the reconstitution of the Milk Board; to extend the provisions of the Milk Act, 1931-1936, as amended by subsequent Acts, in relation to the vesting of milk in the Milk Board; for these and certain other purposes to amend the Milk Act, 1931-1936, and certain other Acts; and for purposes connected therewith. [Assented to, 21st May, 1942.]

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 "Milk (Amendment) Act, 1942."

Short title and citation.

Milk (Amendment).

(2) This Act shall be read and construed with the Milk Act, 1931-1936, as amended by subsequent Acts.

(3) The Milk Act, 1931-1936, as so amended, is in this Act referred to as the Principal Act.

(4) The Principal Act, as amended by this Act, may be cited as the Milk Act, 1931-1942.

Reconstitu-
tion of the
Milk Board.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed day") the Milk Board shall be reconstituted and shall consist of three members who shall be appointed in accordance with section seven of the Principal Act as amended by this section.

(2) (a) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate constituted under Part II of the Principal Act but the same shall continue notwithstanding the provisions of this section.

(b) The said body corporate shall continue and shall be deemed always to have continued notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them.

(3) (a) The term of office of the members of the Milk Board in office on the fourteenth day of April, one thousand nine hundred and forty-two, is hereby extended for a period expiring on the appointed day.

(b) This subsection shall be deemed to have commenced upon the fourteenth day of April, one thousand nine hundred and forty-two.

(4) (a) For the purposes only of the appointment of persons to be members of the Milk Board as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution the provisions of subsection five of this section shall commence on the day upon which the assent of His Majesty to this Act is signified.

(b)

Milk (Amendment).

(b) The persons so appointed shall assume their offices as members of the Milk Board upon the appointed day; and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) The Principal Act is amended—

- (i) by omitting from subsection one of section seven all words following the words “which shall” and by inserting in lieu thereof the words “have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Board by this Act.

Amendment
of Act No.
59, 1931.
Sec. 7.
(Milk
Board.)

In the exercise and discharge of such powers, authorities, duties and functions, the Board shall be subject in all respects to the control and direction of the Minister.”

- (ii) by inserting at the end of subsection two of the same section the words “The member appointed as representative of dairymen shall be a person nominated in accordance with the regulations by dairymen registered under this Act”;
- (iii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) (a) The members of the Board shall be appointed by the Governor.

(b) Subject to this Act the term of office of a member of the Board shall be seven years.

(c) Upon the expiration of the term of office of a member of the Board he shall be eligible from time to time for reappointment.

(d) If the office of a member of the Board becomes vacant otherwise than by reason of the expiration of his term of office, the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

(3A) (a) The members of the Board shall be paid such annual salary as may be determined by the Governor.

Milk (Amendment).

Further amendment of Act No. 59, 1931.
Secs. 15, 16, 17, 18, 19, and 20.

Officers and employees.

Sec. 40.

3. (1) The Principal Act is further amended—

- (a) by omitting sections fifteen, sixteen, seventeen, eighteen, nineteen and twenty, and by inserting in lieu thereof the following new section:—

15. Such officers and employees as may be necessary for the due administration of this Act shall be appointed under and shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

- (b) by omitting section forty.

(2) All officers and employees holding office as such under the Principal Act immediately before the commencement of this section shall continue to hold such office in all respects as if they had been appointed under section fifteen of the Milk Act, 1931-1942, as inserted by subsection one of this section, and shall during their continuance in such office be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

Service of any such officer or employee as an officer and/or employee of the Milk Board and/or as an employee of the Metropolitan Milk Board shall count as service for the purposes of section thirteen of the Public Service (Amendment) Act, 1919: Provided that no such officer or employee shall be entitled to claim benefits under the Public Service Act, 1902, as well as under any other Act in respect of the same period of service.

(3) Any officer or employee of the Public Service whose services were transferred under the provisions of the Principal Act to the Milk Board and who holds office as such officer or employee immediately before the commencement of this section, shall have and retain any rights accrued or accruing to him under the Public Service Act, 1902, or any Act amending that Act, or under any section of the Principal Act repealed by this section, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act or any Act amending that Act.

(4)

Milk (Amendment).

(4) Any officer of the Milk Board who is, immediately before the commencement of this section, contributing to the State Superannuation Fund shall continue to contribute to the said Fund, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act, 1902, and any Acts amending the same.

(5) The Public Service Board shall as soon as practicable after the commencement of this section make arrangements whereby the work of supervision and inspection which immediately before such commencement was carried out by officers appointed by the Governor upon the recommendation of the Milk Board or by employees of the Milk Board, shall be carried out by officers or employees of the Department of Agriculture or of the Department of Public Health. An officer or employee of either of such departments shall, when carrying out such work be deemed to be an officer of the Board for the purposes of the Milk Act, 1931-1942.

(6) The Milk Board shall pay to the departments concerned contributions towards the salaries and expenses of officers or employees of such departments carrying out the work of supervision and inspection referred to in subsection five of this section or carrying out any other work on behalf of or by arrangement with the Board.

Such contributions shall be of such amounts and payable at such times as may be agreed upon between the Milk Board and the department concerned or, in default of agreement, as may be determined by the Governor.

(7) This section shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

4. The Principal Act is further amended by inserting after section twenty-six the following new section:—

26A. (1) (a) This section shall apply to and in respect of milk (including cream) which is sold or to be sold for use in the manufacture of any commodity within any milk distributing district or producing

B

Further
amendment of
Act No. 59,
1931.
New sec. 26A.

Further
powers
of vesting.

Milk (Amendment).

producing district, and shall so apply whether such milk or cream is in its original form, or has been concentrated, condensed, dried or treated.

(b) In this section—

“Manufacture” means manufacture for sale.

“Specified” means specified in a proclamation under this section.

(2) The Governor may from time to time by proclamation published in the Gazette declare that on and after a day to be appointed in the proclamation milk to which this section applies shall be vested in the Board.

(3) Any such proclamation may be made—

(a) generally in relation to all milk, or

(b) in relation to milk which is supplied for use in the manufacture of a specified commodity, or

(c) in relation to milk which is supplied for use in connection with the manufacture of commodities at any specified place or within any specified area, or

(d) in relation to milk which is supplied for use in connection with the manufacture of a specified commodity at any specified place, or within any specified area.

(4) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

(5) No proclamation under this section shall apply to milk produced and retailed directly by a dairyman on his own behalf.

(6) From and after the day appointed in any proclamation under this section all milk to which such proclamation relates shall become vested in and be the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts affecting the same, and the rights and
interests

Milk (Amendment).

interests of every person in such milk shall thereupon be taken to be converted into a claim for payment therefor.

(7) From and after the day appointed in any proclamation under this section, any reference to milk in any of the provisions of this Act shall be construed as including a reference to milk to which such proclamation relates, and the provisions of this Act shall apply accordingly:

Provided that for the purposes of such application—

- (a) the definition of "Dairy premises" in section four of this Act shall be read as if all words following the words "producing milk" were omitted therefrom;
- (b) the definition of "Milk" in the same section shall be read as if the words "and to milk or cream to which a proclamation under section 26A of this Act relates" were inserted at the end of the definition;
- (c) the definition of "Milk store" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";
- (d) the definition of "Milk vendor" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";
- (e) the definition of "To sell" in the same section shall be read as if the words "and refers only to selling for human consumption" were omitted therefrom;
- (f) section twenty-two of this Act shall be read as if all words following the words "distribution of milk" were omitted therefrom;
- (g) paragraph (e) of subsection two of section twenty-three of this Act shall be read as if the words "or producing districts" were inserted after the words "distributing districts";

(h)

Milk (Amendment).

- (h) subparagraph (i) of paragraph (b) of subsection three of the same section shall be read as if the words "for use or consumption within a milk distributing district" were omitted therefrom;
 - (i) subsection one of section twenty-seven of this Act shall be read as if the words "twenty-six of this Act all milk supplied for consumption within the milk distributing district or sub-district thereof specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, all milk to which the proclamation relates" were inserted in lieu thereof;
 - (j) subsection two of the same section shall be read as if all words following the words "delivered and accepted" were omitted therefrom;
 - (k) subsection three of the same section shall be read as if all words commencing with the words "twenty-six of this Act" down to and including the words "specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, any dairyman who supplies, sells, or delivers milk to which the proclamation relates" were inserted in lieu thereof;
 - (l) subsection one of section thirty-two of this Act shall be read as if the words "for consumption or use within any milk distributing district to which this Act applies" were omitted therefrom, and the words and symbols "to which a proclamation under section 26A of this Act relates" were inserted in lieu thereof;
 - (m) subsection one of the same section shall be read as if the words "a proclamation under section twenty-six of this Act" were omitted therefrom and the words "such proclamation" were inserted in lieu thereof;
- (n)

Milk (Amendment).

- (n) subsection four of section thirty-six of this Act shall be read as if the words “for consumption or use within any milk distributing district” were omitted therefrom.

5. The Principal Act is further amended—

Further
amendment
of Act No. 59,
1931.

- (a) (i) by omitting subsection one of section twenty-three and by inserting in lieu thereof the following subsection:—

Sec. 23.

(Fixation
of prices.)

(1) The Board may from time to time, after inquiry held in the manner prescribed by regulations, determine the minimum price or prices which may be paid to a dairyman for milk.

- (ii) by inserting in paragraph (b) of subsection two of the same section after the word “thereof” the words “or in respect of different purposes for which the milk is to be used”;
- (iii) by omitting from paragraph (c) of the same subsection the word “maximum”;
- (iv) by omitting from paragraph (e) of the same subsection the words “maximum wholesale or” and by inserting in lieu thereof the words “wholesale prices or different maximum”;
- (v) by inserting in the same paragraph after the word “thereof” the words “or in respect of different purposes for which the milk is to be used”;
- (vi) by inserting at the end of the same subsection the following new subsection:—
- (2A) A determination or fixation of any prices under this section may be made at such times as the Board, with the approval of the Minister may appoint, and shall if the Minister so directs be made at any time specified by him.

(vii)

Milk (Amendment).

(vii) by omitting subparagraph (ii) of paragraph (b) of subsection three of the same section, and by inserting in lieu thereof the following subparagraph:—

(ii) sells milk by retail at a price exceeding the maximum price so notified in respect of such milk, or sells milk by wholesale at a price other than the price notified in respect of such milk; or

Sec. 25.
(Powers of
the Board.)

(b) (i) by omitting from paragraph (a) of section twenty-five the words “or by the Board or by a veterinary surgeon approved by the Board”;

(ii) by inserting after paragraph (j) of the same section the following new paragraph:—

(k) prohibit the use by any milk vendor in connection with his business as such of any advertisement, description, sign, notice, device or representation in the nature of an advertisement, which does not correctly describe or represent the milk sold, or the services offered by such milk vendor.

Sec. 28.
(Delivery of
milk to
the Board.)

(c) (i) by inserting after subsection one of section twenty-eight the following new subsection:—

(1A) Every delivery of milk to the Board shall, for the purposes of the Pure Food Act, 1908, as amended by subsequent Acts, be deemed to be a sale of that milk to the Board by the dairyman in whose name such milk was delivered, and the provisions of that Act as so amended and of any regulations made thereunder shall apply accordingly.

(ii)

Milk (Amendment).

- (ii) by inserting in subsection three of the same section after the word "delivery" the words "and as to the purpose for which such milk is to be used";
- (d) (i) by inserting in subsection two of section thirty-six after the word "surrendered" the words "and unless otherwise provided by the by-laws"; Sec. 36.
(Duration of certificate.)
- (ii) by omitting from subsection five of the same section the words "the Minister or the Director of Dairying or";
- (e) by inserting at the end of section thirty-seven the following new subsection:— Sec. 37.
(Refusal and cancellation of registration.)
- (4) Before arriving at an opinion upon the matters referred to in paragraph (c) of subsection one of this section the Board shall cause an inspection to be carried out by an officer or employee of the Department of Agriculture or the Department of Public Health and shall have regard to reports furnished to it by the officer or employee carrying out such inspection.
- (f) (i) by omitting paragraph (e) of section thirty-nine; Sec. 39.
(Functions of the Board.)
- (ii) by inserting after paragraph (f) of the same section the following new paragraphs:—
- (g) take all such steps as may be reasonably practicable to ensure that a retail supply of raw milk shall be available in all parts of a distributing district to any consumers who may require the same;
- (h) report to and confer with the Minister upon all matters referred to in the preceding paragraphs of this section, or generally affecting the administration of this Act, and recommend such amendments of the law as to it may seem advisable;
- (g)

Milk (Amendment).

Sec. 76.
(By-laws.)

(g) by inserting after paragraph (n) of subsection one of section seventy-six the following new paragraph:—

(n1) in relation to any premises, person or matter in any case where by this Act the Board is authorised or permitted to require, prohibit, regulate, or determine, or call for or obtain information or returns.

By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1942.

[6d.]

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, 13 May, 1942.*

New South Wales.



ANNO SEXTO

GEORGII VI REGIS.

Act No. 5, 1942.

An Act to provide for the reconstitution of the Milk Board; to extend the provisions of the Milk Act, 1931-1936, as amended by subsequent Acts, in relation to the vesting of milk in the Milk Board; for these and certain other purposes to amend the Milk Act, 1931-1936, and certain other Acts; and for purposes connected therewith. [Assented to, 21st May, 1942.]

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 "Milk (Amendment) Act, 1942."

Short title
and
citation.

(2)

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

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Milk (Amendment).

(2) This Act shall be read and construed with the Milk Act, 1931-1936, as amended by subsequent Acts.

(3) The Milk Act, 1931-1936, as so amended, is in this Act referred to as the Principal Act.

(4) The Principal Act, as amended by this Act, may be cited as the Milk Act, 1931-1942.

Reconstitu-
tion of the
Milk Board.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed day") the Milk Board shall be reconstituted and shall consist of three members who shall be appointed in accordance with section seven of the Principal Act as amended by this section.

(2) (a) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate constituted under Part II of the Principal Act but the same shall continue notwithstanding the provisions of this section.

(b) The said body corporate shall continue and shall be deemed always to have continued notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them.

(3) (a) The term of office of the members of the Milk Board in office on the fourteenth day of April, one thousand nine hundred and forty-two, is hereby extended for a period expiring on the appointed day.

(b) This subsection shall be deemed to have commenced upon the fourteenth day of April, one thousand nine hundred and forty-two.

(4) (a) For the purposes only of the appointment of persons to be members of the Milk Board as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution the provisions of subsection five of this section shall commence on the day upon which the assent of His Majesty to this Act is signified.

(b)

Milk (Amendment).

(b) The persons so appointed shall assume their offices as members of the Milk Board upon the appointed day; and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) The Principal Act is amended—

- (i) by omitting from subsection one of section seven all words following the words “which shall” and by inserting in lieu thereof the words “have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Board by this Act.

Amendment
of Act No.
59, 1931.
Sec. 7.
(Milk
Board.)

In the exercise and discharge of such powers, authorities, duties and functions, the Board shall be subject in all respects to the control and direction of the Minister.”

- (ii) by inserting at the end of subsection two of the same section the words “The member appointed as representative of dairymen shall be a person nominated in accordance with the regulations by dairymen registered under this Act”;
- (iii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) (a) The members of the Board shall be appointed by the Governor.

(b) Subject to this Act the term of office of a member of the Board shall be seven years.

(c) Upon the expiration of the term of office of a member of the Board he shall be eligible from time to time for reappointment.

(d) If the office of a member of the Board becomes vacant otherwise than by reason of the expiration of his term of office, the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

(3A) (a) The members of the Board shall be paid such annual salary as may be determined by the Governor.

Milk (Amendment).

Further
amendment
of Act No. 59,
1931.
Secs. 15, 16,
17, 18, 19,
and 20.

Officers and
employees.

Sec. 40.

3. (1) The Principal Act is further amended—

- (a) by omitting sections fifteen, sixteen, seventeen, eighteen, nineteen and twenty, and by inserting in lieu thereof the following new section:—

15. Such officers and employees as may be necessary for the due administration of this Act shall be appointed under and shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

- (b) by omitting section forty.

(2) All officers and employees holding office as such under the Principal Act immediately before the commencement of this section shall continue to hold such office in all respects as if they had been appointed under section fifteen of the Milk Act, 1931-1942, as inserted by subsection one of this section, and shall during their continuance in such office be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

Service of any such officer or employee as an officer and/or employee of the Milk Board and/or as an employee of the Metropolitan Milk Board shall count as service for the purposes of section thirteen of the Public Service (Amendment) Act, 1919: Provided that no such officer or employee shall be entitled to claim benefits under the Public Service Act, 1902, as well as under any other Act in respect of the same period of service.

(3) Any officer or employee of the Public Service whose services were transferred under the provisions of the Principal Act to the Milk Board and who holds office as such officer or employee immediately before the commencement of this section, shall have and retain any rights accrued or accruing to him under the Public Service Act, 1902, or any Act amending that Act, or under any section of the Principal Act repealed by this section, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act or any Act amending that Act.

(4)

Milk (Amendment).

(4) Any officer of the Milk Board who is, immediately before the commencement of this section, contributing to the State Superannuation Fund shall continue to contribute to the said Fund, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act, 1902, and any Acts amending the same.

(5) The Public Service Board shall as soon as practicable after the commencement of this section make arrangements whereby the work of supervision and inspection which immediately before such commencement was carried out by officers appointed by the Governor upon the recommendation of the Milk Board or by employees of the Milk Board, shall be carried out by officers or employees of the Department of Agriculture or of the Department of Public Health. An officer or employee of either of such departments shall, when carrying out such work be deemed to be an officer of the Board for the purposes of the Milk Act, 1931-1942.

(6) The Milk Board shall pay to the departments concerned contributions towards the salaries and expenses of officers or employees of such departments carrying out the work of supervision and inspection referred to in subsection five of this section or carrying out any other work on behalf of or by arrangement with the Board.

Such contributions shall be of such amounts and payable at such times as may be agreed upon between the Milk Board and the department concerned or, in default of agreement, as may be determined by the Governor.

(7) This section shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

4. The Principal Act is further amended by inserting after section twenty-six the following new section:—

Further
amendment of
Act No. 59,
1931.
New sec. 26A.

26A. (1) (a) This section shall apply to and in respect of milk (including cream) which is sold or to be sold for use in the manufacture of any commodity within any milk distributing district or producing

Further
powers
of vesting.

Milk (Amendment).

producing district, and shall so apply whether such milk or cream is in its original form, or has been concentrated, condensed, dried or treated.

(b) In this section—

“Manufacture” means manufacture for sale.

“Specified” means specified in a proclamation under this section.

(2) The Governor may from time to time by proclamation published in the Gazette declare that on and after a day to be appointed in the proclamation milk to which this section applies shall be vested in the Board.

(3) Any such proclamation may be made—

(a) generally in relation to all milk, or

(b) in relation to milk which is supplied for use in the manufacture of a specified commodity, or

(c) in relation to milk which is supplied for use in connection with the manufacture of commodities at any specified place or within any specified area, or

(d) in relation to milk which is supplied for use in connection with the manufacture of a specified commodity at any specified place, or within any specified area.

(4) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

(5) No proclamation under this section shall apply to milk produced and retailed directly by a dairyman on his own behalf.

(6) From and after the day appointed in any proclamation under this section all milk to which such proclamation relates shall become vested in and be the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts affecting the same, and the rights and interests

Milk (Amendment).

interests of every person in such milk shall thereupon be taken to be converted into a claim for payment therefor.

(7) From and after the day appointed in any proclamation under this section, any reference to milk in any of the provisions of this Act shall be construed as including a reference to milk to which such proclamation relates, and the provisions of this Act shall apply accordingly:

Provided that for the purposes of such application—

- (a) the definition of "Dairy premises" in section four of this Act shall be read as if all words following the words "producing milk" were omitted therefrom;
- (b) the definition of "Milk" in the same section shall be read as if the words "and to milk or cream to which a proclamation under section 26A of this Act relates" were inserted at the end of the definition;
- (c) the definition of "Milk store" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";
- (d) the definition of "Milk vendor" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";
- (e) the definition of "To sell" in the same section shall be read as if the words "and refers only to selling for human consumption" were omitted therefrom;
- (f) section twenty-two of this Act shall be read as if all words following the words "distribution of milk" were omitted therefrom;
- (g) paragraph (e) of subsection two of section twenty-three of this Act shall be read as if the words "or producing districts" were inserted after the words "distributing districts";
- (h)

Milk (Amendment).

- (h) subparagraph (i) of paragraph (b) of subsection three of the same section shall be read as if the words "for use or consumption within a milk distributing district" were omitted therefrom;
 - (i) subsection one of section twenty-seven of this Act shall be read as if the words "twenty-six of this Act all milk supplied for consumption within the milk distributing district or sub-district thereof specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, all milk to which the proclamation relates" were inserted in lieu thereof;
 - (j) subsection two of the same section shall be read as if all words following the words "delivered and accepted" were omitted therefrom;
 - (k) subsection three of the same section shall be read as if all words commencing with the words "twenty-six of this Act" down to and including the words "specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, any dairyman who supplies, sells, or delivers milk to which the proclamation relates" were inserted in lieu thereof;
 - (l) subsection one of section thirty-two of this Act shall be read as if the words "for consumption or use within any milk distributing district to which this Act applies" were omitted therefrom, and the words and symbols "to which a proclamation under section 26A of this Act relates" were inserted in lieu thereof;
 - (m) subsection one of the same section shall be read as if the words "a proclamation under section twenty-six of this Act" were omitted therefrom and the words "such proclamation" were inserted in lieu thereof;
- (n)

Milk (Amendment).

- (n) subsection four of section thirty-six of this Act shall be read as if the words "for consumption or use within any milk distributing district" were omitted therefrom.

5. The Principal Act is further amended—

Further
amendment
of Act No. 59,
1931.

- (a) (i) by omitting subsection one of section twenty-three and by inserting in lieu thereof the following subsection:—

Sec. 23.
(Fixation
of prices.)

(1) The Board may from time to time, after inquiry held in the manner prescribed by regulations, determine the minimum price or prices which may be paid to a dairyman for milk.

- (ii) by inserting in paragraph (b) of subsection two of the same section after the word "thereof" the words "or in respect of different purposes for which the milk is to be used";
- (iii) by omitting from paragraph (c) of the same subsection the word "maximum";
- (iv) by omitting from paragraph (e) of the same subsection the words "maximum wholesale or" and by inserting in lieu thereof the words "wholesale prices or different maximum";
- (v) by inserting in the same paragraph after the word "thereof" the words "or in respect of different purposes for which the milk is to be used";
- (vi) by inserting at the end of the same subsection the following new subsection:—

(2A) A determination or fixation of any prices under this section may be made at such times as the Board, with the approval of the Minister may appoint, and shall if the Minister so directs be made at any time specified by him.

(vii)

Milk (Amendment).

(vii) by omitting subparagraph (ii) of paragraph (b) of subsection three of the same section, and by inserting in lieu thereof the following subparagraph:—

(ii) sells milk by retail at a price exceeding the maximum price so notified in respect of such milk, or sells milk by wholesale at a price other than the price notified in respect of such milk; or

Sec. 25.
(Powers of
the Board.)

(b) (i) by omitting from paragraph (a) of section twenty-five the words “or by the Board or by a veterinary surgeon approved by the Board”;

(ii) by inserting after paragraph (j) of the same section the following new paragraph:—

(k) prohibit the use by any milk vendor in connection with his business as such of any advertisement, description, sign, notice, device or representation in the nature of an advertisement, which does not correctly describe or represent the milk sold, or the services offered by such milk vendor.

Sec. 28.
(Delivery of
milk to
the Board.)

(c) (i) by inserting after subsection one of section twenty-eight the following new subsection:—

(1A) Every delivery of milk to the Board shall, for the purposes of the Pure Food Act, 1908, as amended by subsequent Acts, be deemed to be a sale of that milk to the Board by the dairyman in whose name such milk was delivered, and the provisions of that Act as so amended and of any regulations made thereunder shall apply accordingly.

(ii)

Milk (Amendment).

- (ii) by inserting in subsection three of the same section after the word "delivery" the words "and as to the purpose for which such milk is to be used";
- (d) (i) by inserting in subsection two of section thirty-six after the word "surrendered" the words "and unless otherwise provided by the by-laws"; Sec. 36.
(Duration of certificate.)
- (ii) by omitting from subsection five of the same section the words "the Minister or the Director of Dairying or";
- (e) by inserting at the end of section thirty-seven the following new subsection:— Sec. 37.
(Refusal and cancellation of registration.)
- (4) Before arriving at an opinion upon the matters referred to in paragraph (c) of subsection one of this section the Board shall cause an inspection to be carried out by an officer or employee of the Department of Agriculture or the Department of Public Health and shall have regard to reports furnished to it by the officer or employee carrying out such inspection.
- (f) (i) by omitting paragraph (e) of section thirty-nine; Sec. 39.
(Functions of the Board.)
- (ii) by inserting after paragraph (f) of the same section the following new paragraphs:—
- (g) take all such steps as may be reasonably practicable to ensure that a retail supply of raw milk shall be available in all parts of a distributing district to any consumers who may require the same;
- (h) report to and confer with the Minister upon all matters referred to in the preceding paragraphs of this section, or generally affecting the administration of this Act, and recommend such amendments of the law as to it may seem advisable;
- (g)

Milk (Amendment).

Sec. 76.
(By-laws.)

(g) by inserting after paragraph (n) of subsection one of section seventy-six the following new paragraph:—

(n1) in relation to any premises, person or matter in any case where by this Act the Board is authorised or permitted to require, prohibit, regulate, or determine, or call for or obtain information or returns.

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

WAKEHURST,
Governor.

*Government House,
Sydney, 21st May, 1942.*

MILK (AMENDMENT) BILL.

Schedule of the amendments referred to in Message of 12 May, 1942.

No. 1.—Page 3, clause 2. *After* line 17, *insert*—

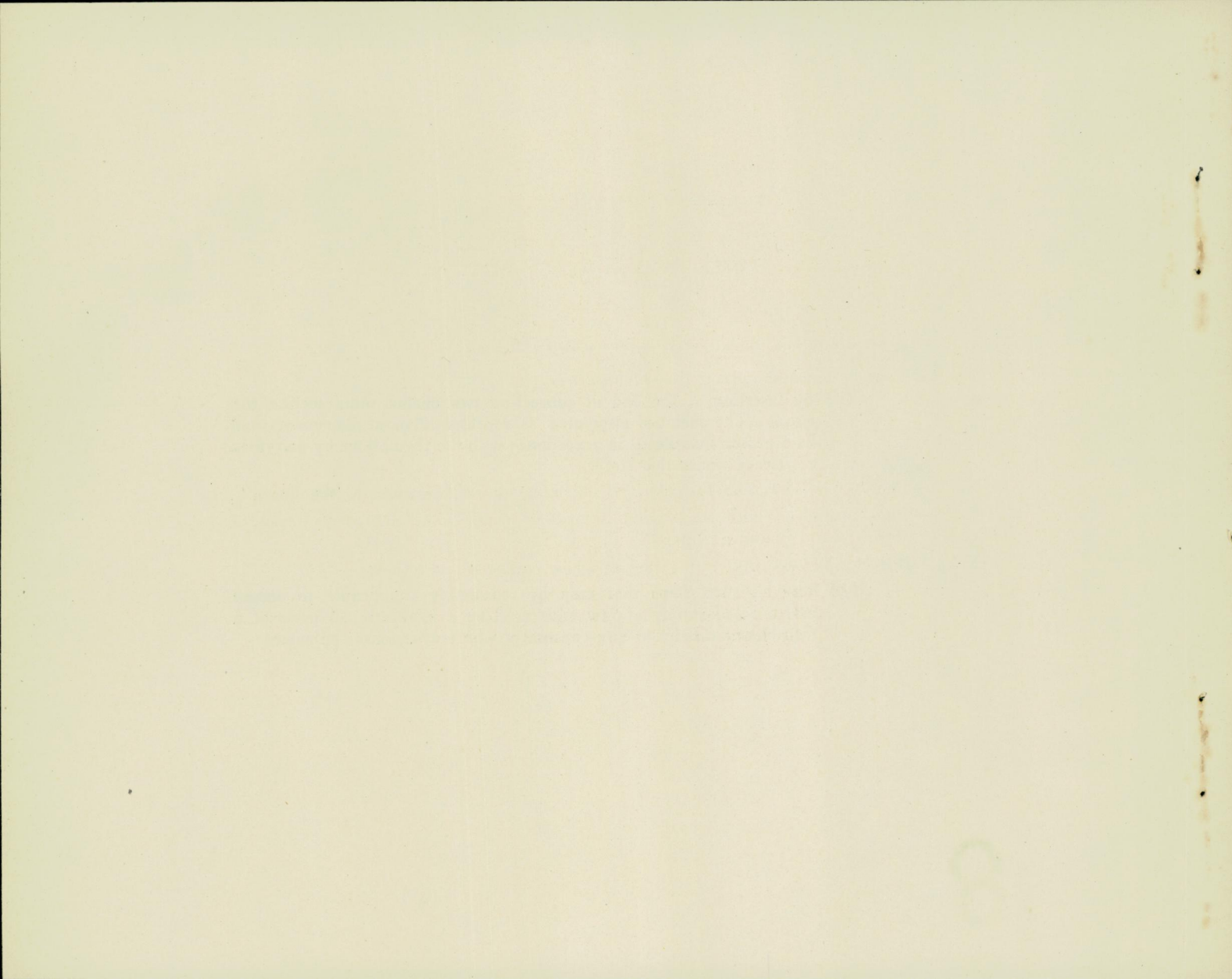
(ii) **by inserting at the end of subsection two of the same section the words “The member appointed as representative of dairymen shall be a person nominated in accordance with the regulations by dairymen registered under this Act”;**

No. 2.—Page 3, clause 2, line 43. *Omit* “Chairman” *insert* “**members of the Board**”

No. 3.—Pages 4 and 5, clause 2. *Omit* all words on page 4 and all words on page 5 down to and including line 33.

No. 4.—Page 13, clause 5. *After* line 18 *insert* new paragraph as follows:—

(g) **take all such steps that may be reasonably practicable to ensure that a retail supply of raw milk shall be available in all parts of a distributing district to any consumers who may require the same;**



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, 29 April, 1942.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. K. CHARLTON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 12th May, 1942.*

New South Wales.



ANNO SEXTO

GEORGII VI REGIS.

Act No. , 1942.

An Act to provide for the reconstitution of the Milk Board; to extend the provisions of the Milk Act, 1931-1936, as amended by subsequent Acts, in relation to the vesting of milk in the Milk Board; for these and certain other purposes to amend the Milk Act, 1931-1936, and certain other Acts; 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
5 the same, as follows:—

1. (1) This Act may be cited as the "Milk (Amendment) Act, 1942." Short title and citation.

99113 119—

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Milk (Amendment).

(2) This Act shall be read and construed with the Milk Act, 1931-1936, as amended by subsequent Acts.

(3) The Milk Act, 1931-1936, as so amended, is in this Act referred to as the Principal Act.

5 (4) The Principal Act, as amended by this Act, may be cited as the Milk Act, 1931-1942.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed day") the Milk Board shall be reconstituted and shall consist of three members who shall be appointed in accordance with section seven of the Principal Act as amended by this section.

Reconstitu-
tion of the
Milk Board.

15 (2) (a) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate constituted under Part II of the Principal Act but the same shall continue notwithstanding the provisions of this section.

20 (b) The said body corporate shall continue and shall be deemed always to have continued notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them.

25 (3) (a) The term of office of the members of the Milk Board in office on the fourteenth day of April, one thousand nine hundred and forty-two, is hereby extended for a period expiring on the appointed day.

30 (b) This subsection shall be deemed to have commenced upon the fourteenth day of April, one thousand nine hundred and forty-two.

(4) (a) For the purposes only of the appointment of persons to be members of the Milk Board as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution the provisions of subsection five of this section shall commence on the day upon which the assent of His Majesty to this Act is signified.

(b)

Milk (Amendment).

(b) The persons so appointed shall assume their offices as members of the Milk Board upon the appointed day; and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) The Principal Act is amended—

Amendment
of Act No.
59, 1931.
Sec. 7.
(Milk
Board.)

(a) (i) by omitting from subsection one of section seven all words following the words "which shall" and by inserting in lieu thereof the words "have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Board by this Act.

10

In the exercise and discharge of such powers, authorities, duties and functions, the Board shall be subject in all respects to the control and direction of the Minister".

15

(ii) by inserting at the end of subsection two of the same section the words "The member appointed as representative of dairymen shall be a person nominated in accordance with the regulations by dairymen registered under this Act";

20

(ii) (iii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

25

(3) (a) The members of the Board shall be appointed by the Governor.

(b) Subject to this Act the term of office of a member of the Board shall be seven years.

30

(c) Upon the expiration of the term of office of a member of the Board he shall be eligible from time to time for reappointment.

35

(d) If the office of a member of the Board becomes vacant otherwise than by reason of the expiration of his term of office, the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

40

(3A) (a) The ~~chairman~~ members of the Board shall be paid such annual salary as may be determined by the Governor.

45

(b)

Milk (Amendment).

5 (b) Each member of the Board other than the chairman shall be entitled to receive by way of remuneration for his services a fee in respect of each meeting attended. -

The fee shall be of such amount as may be from time to time determined by the Governor.

10 The regulations may prescribe the maximum aggregate amount of fees which a member shall be entitled to receive under this paragraph either annually or in respect of any period or periods prescribed in the regulations.

15 (c) The regulations may prescribe the travelling expenses to be paid to the chairman and members of the Board and the allowances to be paid to any member of the Board other than the chairman while engaged on the business of the Board at the request of the Board.

20 (d) The office of a member of the Board other than the chairman shall not, for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1932, or any Act amending either of those Acts, be deemed to be an office or place of profit under the Crown;

25 (iii) by omitting from subsection eight of the same section the words "Members of the Board" and by inserting in lieu thereof the words "The chairman";

30 (b) (i) by omitting from subsection one of section eight the words "member of the Board" and by inserting in lieu thereof the word "chairman";

Sec. 8.
(Savings of rights.)

35 (ii) by omitting from the same subsection the words "a member of the Board" and by inserting in lieu thereof the word "chairman";

40

(iii)

Milk (Amendment).

- (iii) by omitting from subsection two of the same section the words "a member of the Board" and by inserting in lieu thereof the words "as chairman";
- 5 (e) (i) by omitting paragraph (a) of section ten; (ii) by omitting paragraph (c) of the same section and by inserting in lieu thereof the following paragraph:—
- (c) becomes incapable of performing his duties;
- 10 (iii) by inserting at the end of the same section the following new subsection:—
- (2) Without prejudice to the generality of subsection one of this section—
- 15 (a) the chairman shall be deemed to have vacated his office if—
- (i) he engages during his term of office in any trade or business or in any employment outside the duties of his office;
- 20 (ii) he absents himself from duty for a period of fourteen consecutive days except on leave granted by the Minister (which leave he is authorised to grant);
- 25 (b) a member of the Board other than the chairman shall be deemed to have vacated his office if without leave of the Board he is absent from four consecutive meetings of the Board.
- 30
3. (1) The Principal Act is further amended—
- 35 (a) by omitting sections fifteen, sixteen, seventeen, eighteen, nineteen and twenty, and by inserting in lieu thereof the following new section:—
15. Such officers and employees as may be necessary for the due administration of this Act shall

Sec. 10.
(Vacancies
—how
caused.

Further
amendment
of Act No. 59,
1931.
Secs. 15, 16,
17, 18, 19,
and 20.
Officers and
employees.

Milk (Amendment).

shall be appointed under and shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

(b) by omitting section forty.

Sec. 40.

5 (2) All officers and employees holding office as such under the Principal Act immediately before the commencement of this section shall continue to hold such office in all respects as if they had been appointed under section fifteen of the Milk Act, 1931-1942, as inserted by
10 subsection one of this section, and shall during their continuance in such office be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

15 Service of any such officer or employee as an officer and/or employee of the Milk Board and/or as an employee of the Metropolitan Milk Board shall count as service for the purposes of section thirteen of the Public Service (Amendment) Act, 1919: Provided that no such officer or employee shall be entitled to claim benefits
20 under the Public Service Act, 1902, as well as under any other Act in respect of the same period of service.

(3) Any officer or employee of the Public Service whose services were transferred under the provisions of the Principal Act to the Milk Board and who holds office
25 as such officer or employee immediately before the commencement of this section, shall have and retain any rights accrued or accruing to him under the Public Service Act, 1902, or any Act amending that Act, or under any section of the Principal Act repealed by this
30 section, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act or any Act amending that Act.

(4) Any officer of the Milk Board who is, immediately before the commencement of this section,
35 contributing to the State Superannuation Fund shall continue to contribute to the said Fund, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act, 1902, and any Acts amending the same.

Milk (Amendment).

(5) The Public Service Board shall as soon as practicable after the commencement of this section make arrangements whereby the work of supervision and inspection which immediately before such commencement
 5 was carried out by officers appointed by the Governor upon the recommendation of the Milk Board or by employees of the Milk Board, shall be carried out by officers or employees of the Department of Agriculture or of the Department of Public Health. An officer or
 10 employee of either of such departments shall, when carrying out such work be deemed to be an officer of the Board for the purposes of the Milk Act, 1931-1942.

(6) The Milk Board shall pay to the departments concerned contributions towards the salaries and
 15 expenses of officers or employees of such departments carrying out the work of supervision and inspection referred to in subsection five of this section or carrying out any other work on behalf of or by arrangement with the Board.

20 Such contributions shall be of such amounts and payable at such times as may be agreed upon between the Milk Board and the department concerned or, in default of agreement, as may be determined by the Governor.

(7) This section shall commence upon a date to be
 25 appointed by the Governor and notified by proclamation published in the Gazette.

4. The Principal Act is further amended by inserting after section twenty-six the following new section:—

Further amendment of Act No. 59, 1931. New sec. 26A.

30 26A. (1) (a) This section shall apply to and in respect of milk (including cream) which is sold or to be sold for use in the manufacture of any commodity within any milk distributing district or producing district, and shall so apply whether such
 35 milk or cream is in its original form, or has been concentrated, condensed, dried or treated.

Further powers of vesting.

(b) In this section—

“Manufacture” means manufacture for sale.

“Specified” means specified in a proclamation under this section.

(2).

Milk (Amendment).

5 (2) The Governor may from time to time by proclamation published in the Gazette declare that on and after a day to be appointed in the proclamation milk to which this section applies shall be vested in the Board.

(3) Any such proclamation may be made—

- (a) generally in relation to all milk, or
- 10 (b) in relation to milk which is supplied for use in the manufacture of a specified commodity, or
- (c) in relation to milk which is supplied for use in connection with the manufacture of commodities at any specified place or within any specified area, or
- 15 (d) in relation to milk which is supplied for use in connection with the manufacture of a specified commodity at any specified place, or within any specified area.

20 (4) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

(5) No proclamation under this section shall apply to milk produced and retailed directly by a dairyman on his own behalf.

25 (6) From and after the day appointed in any proclamation under this section all milk to which such proclamation relates shall become vested in and be the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts affecting the same, and the rights and interests of every person in such milk shall thereupon be taken to be converted into a claim for payment therefor.

30 (7) From and after the day appointed in any proclamation under this section, any reference to milk in any of the provisions of this Act shall be construed as including a reference to milk to which such proclamation relates, and the provisions of this Act shall apply accordingly:

Provided

Milk (Amendment).

Provided that for the purposes of such application—

- 5 (a) the definition of "Dairy premises" in section four of this Act shall be read as if all words following the words "producing milk" were omitted therefrom;
- 10 (b) the definition of "Milk" in the same section shall be read as if the words "and to milk or cream to which a proclamation under section 26A of this Act relates" were inserted at the end of the definition;
- 15 (c) the definition of "Milk store" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";
- (d) the definition of "Milk vendor" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";
- 20 (e) the definition of "To sell" in the same section shall be read as if the words "and refers only to selling for human consumption" were omitted therefrom;
- 25 (f) section twenty-two of this Act shall be read as if all words following the words "distribution of milk" were omitted therefrom;
- 30 (g) paragraph (e) of subsection two of section twenty-three of this Act shall be read as if the words "or producing districts" were inserted after the words "distributing districts";
- 35 (h) subparagraph (i) of paragraph (b) of subsection three of the same section shall be read as if the words "for use or consumption within a milk distributing district" were omitted therefrom;
- (i)

Milk (Amendment).

- 5 (i) subsection one of section twenty-seven of this Act shall be read as if the words "twenty-six of this Act all milk supplied for consumption within the milk distributing district or sub-district thereof specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, all milk to which the proclamation relates" were inserted in lieu thereof;
- 10 (j) subsection two of the same section shall be read as if all words following the words "delivered and accepted" were omitted therefrom;
- 15 (k) subsection three of the same section shall be read as if all words commencing with the words "twenty-six of this Act" down to and including the words "specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, any dairyman who supplies, sells, or delivers milk to which the proclamation relates" were inserted in lieu thereof;
- 20 (l) subsection one of section thirty-two of this Act shall be read as if the words "for consumption or use within any milk distributing district to which this Act applies" were omitted therefrom, and the words and symbols "to which a proclamation under section 26A of this Act relates" were inserted in lieu thereof;
- 25 (m) subsection one of the same section shall be read as if the words "a proclamation under section twenty-six of this Act" were omitted therefrom and the words "such proclamation" were inserted in lieu thereof;
- 30 (n) subsection four of section thirty-six of this Act shall be read as if the words "for consumption or use within any milk distributing district" were omitted therefrom.

Milk (Amendment).

5. The Principal Act is further amended—

Further
amendment
of Act No. 59,
1931.

- (a) (i) by omitting subsection one of section twenty-three and by inserting in lieu thereof the following subsection:—

Sec. 23.
(Fixation
of prices.)

5

(1) The Board may from time to time, after inquiry held in the manner prescribed by regulations, determine the minimum price or prices which may be paid to a dairyman for milk.

10

- (ii) by inserting in paragraph (b) of subsection two of the same section after the word “thereof” the words “or in respect of different purposes for which the milk is to be used”;

15

- (iii) by omitting from paragraph (c) of the same subsection the word “maximum”;

- (iv) by omitting from paragraph (e) of the same subsection the words “maximum wholesale or” and by inserting in lieu thereof the words “wholesale prices or different maximum”;

20

- (v) by inserting in the same paragraph after the word “thereof” the words “or in respect of different purposes for which the milk is to be used”;

25

- (vi) by inserting at the end of the same subsection the following new subsection:—

(2A) A determination or fixation of any prices under this section may be made at such times as the Board, with the approval of the Minister may appoint, and shall if the Minister so directs be made at any time specified by him.

30

- (vii) by omitting subparagraph (ii) of paragraph (b) of subsection three of the same section, and by inserting in lieu thereof the following subparagraph:—

35

(ii) sells milk by retail at a price exceeding the maximum price so notified

Milk (Amendment).

notified in respect of such milk, or
sells milk by wholesale at a price
other than the price notified in
respect of such milk; or

- 5
- (b) (i) by omitting from paragraph (a) of section twenty-five the words "or by the Board or by a veterinary surgeon approved by the Board";
- 10 (ii) by inserting after paragraph (j) of the same section the following new paragraph:—
- (k) prohibit the use by any milk vendor in connection with his business as such of any advertisement, description, sign, notice, device or representation in the nature of an advertisement, which does not correctly describe or represent the milk sold, or the services offered by such milk vendor.
- 15
- 20 (c) (i) by inserting after subsection one of section twenty-eight the following new subsection:—
- (1A) Every delivery of milk to the Board shall, for the purposes of the Pure Food Act, 1908, as amended by subsequent Acts, be deemed to be a sale of that milk to the Board by the dairyman in whose name such milk was delivered, and the provisions of that Act as so amended and of any regulations made thereunder shall apply accordingly.
- 25
- (ii) by inserting in subsection three of the same section after the word "delivery" the words "and as to the purpose for which such milk is to be used";
- 30
- 35 (d) (i) by inserting in subsection two of section thirty-six after the word "surrendered" the words "and unless otherwise provided by the by-laws";

Sec. 25.
(Powers of
the Board.)

Sec. 28.
(Delivery of
milk to
the Board.)

Sec. 36.
(Duration
of
certificate.)

(ii)

Milk (Amendment).

- (ii) by omitting from subsection five of the same section the words "the Minister or the Director of Dairying or";
- 5 (e) by inserting at the end of section thirty-seven the following new subsection:—
- Sec. 37.
(Refusal and cancellation of registration.)
- (4) Before arriving at an opinion upon the matters referred to in paragraph (c) of subsection one of this section the Board shall cause an inspection to be carried out by an officer or
- 10 employee of the Department of Agriculture or the Department of Public Health and shall have regard to reports furnished to it by the officer or employee carrying out such inspection.
- (f) (i) by omitting paragraph (e) of section thirty-
- 15 nine;
- Sec. 39.
(Functions of the Board.)
- (ii) by inserting after paragraph (f) of the same section the following new paragraphs:—
- (g) **take all such steps that may be reasonably practicable to ensure that a retail supply of raw milk shall be available in all parts of a distributing district to any consumers who may require the same;**
- 20
- (g) ~~(g)~~ (h) report to and confer with the Minister upon all matters referred to in the preceding paragraphs of this section, or generally affecting the administration of this Act, and recommend such amendments of the
- 25 law as to it may seem advisable;
- 30
- (g) by inserting after paragraph (n) of subsection one of section seventy-six the following new
- Sec. 76.
(By-laws.)
- 35 paragraph:—
- (n1) in relation to any premises, person or matter in any case where by this Act the Board is authorised or permitted to require, prohibit, regulate, or determine, or call for or obtain information
- 40 or returns.

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, 29 April, 1942.*

New South Wales.



ANNO SEXTO

GEORGII VI REGIS.

Act No. , 1942.

An Act to provide for the reconstitution of the Milk Board; to extend the provisions of the Milk Act, 1931-1936, as amended by subsequent Acts, in relation to the vesting of milk in the Milk Board; for these and certain other purposes to amend the Milk Act, 1931-1936, and certain other Acts; 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
5 the same, as follows:—

1. (1) This Act may be cited as the "Milk (Amendment) Act, 1942."

Short title
and
citation.

Milk (Amendment).

(2) This Act shall be read and construed with the Milk Act, 1931-1936, as amended by subsequent Acts.

(3) The Milk Act, 1931-1936, as so amended, is in this Act referred to as the Principal Act.

5 (4) The Principal Act, as amended by this Act, may be cited as the Milk Act, 1931-1942.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed day") the Milk Board shall be reconstituted and shall consist of three members who shall be appointed in accordance with section seven of the Principal Act as amended by this section. Reconstitu-
tion of the
Milk Board.

15 (2) (a) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate constituted under Part II of the Principal Act but the same shall continue notwithstanding the provisions of this section.

20 (b) The said body corporate shall continue and shall be deemed always to have continued notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them.

25 (3) (a) The term of office of the members of the Milk Board in office on the fourteenth day of April, one thousand nine hundred and forty-two, is hereby extended for a period expiring on the appointed day.

30 (b) This subsection shall be deemed to have commenced upon the fourteenth day of April, one thousand nine hundred and forty-two.

(4) (a) For the purposes only of the appointment of persons to be members of the Milk Board as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution the provisions of subsection five of this section shall commence on the day upon which the assent of His Majesty to this Act is signified.

(b)

Milk (Amendment).

(b) The persons so appointed shall assume their offices as members of the Milk Board upon the appointed day; and on that day the provisions of subsection five of this section shall come into force for all 5 purposes.

(5) The Principal Act is amended—

Amendment
of Act No.
59, 1931.
Sec. 7.
(Milk
Board.)

10 (a) (i) by omitting from subsection one of section seven all words following the words "which shall" and by inserting in lieu thereof the words "have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Board by this Act.

15 In the exercise and discharge of such powers, authorities, duties and functions, the Board shall be subject in all respects to the control and direction of the Minister".

20 (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) (a) The members of the Board shall be appointed by the Governor.

25 (b) Subject to this Act the term of office of a member of the Board shall be seven years.

(c) Upon the expiration of the term of office of a member of the Board he shall be eligible from time to time for reappointment.

30 (d) If the office of a member of the Board becomes vacant otherwise than by reason of the expiration of his term of office, the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

35 (3A) (a) The chairman shall be paid such annual salary as may be determined by the Governor.

(b)

Milk (Amendment).

5 (b) Each member of the Board other than the chairman shall be entitled to receive by way of remuneration for his services a fee in respect of each meeting attended.

The fee shall be of such amount as may be from time to time determined by the Governor.

10 The regulations may prescribe the maximum aggregate amount of fees which a member shall be entitled to receive under this paragraph either annually or in respect of any period or periods prescribed in the regulations.

15 (c) The regulations may prescribe the travelling expenses to be paid to the chairman and members of the Board and the allowances to be paid to any member of the Board other than the chairman while engaged on the business of the Board at the request of the Board.

20 (d) The office of a member of the Board other than the chairman shall not, for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1932, or any Act amending either of those Acts, be deemed to be an office or place of profit under the Crown.

25 (iii) by omitting from subsection eight of the same section the words "Members of the Board" and by inserting in lieu thereof the words "The chairman";

30 (b) (i) by omitting from subsection one of section eight the words "member of the Board" and by inserting in lieu thereof the word "chairman";

Sec. 8.
(Savings of
rights.)

35 (ii) by omitting from the same subsection the words "a member of the Board" and by inserting in lieu thereof the word "chairman";

40

(iii)

Milk (Amendment).

- (iii) by omitting from subsection two of the same section the words "a member of the Board" and by inserting in lieu thereof the words "as chairman";
- 5 (c) (i) by omitting paragraph (a) of section ten; Sec. 10.
 (ii) by omitting paragraph (c) of the same (Vacancies
 section and by inserting in lieu thereof the —how
 following paragraph:— caused.)
 (c) becomes incapable of performing his
 10 duties;
- (iii) by inserting at the end of the same section the following new subsection:—
 (2) Without prejudice to the generality of subsection one of this section—
 15 (a) the chairman shall be deemed to have vacated his office if—
 (i) he engages during his term of office in any trade or business or in any employment outside the duties of his office;
 20 (ii) he absents himself from duty for a period of fourteen consecutive days except on leave granted by the Minister (which leave he is authorised to grant);
 25 (b) a member of the Board other than the chairman shall be deemed to have vacated his office if without
 30 leave of the Board he is absent from four consecutive meetings of the Board.
- 3.** (1) The Principal Act is further amended—
 35 (a) by omitting sections fifteen, sixteen, seventeen, eighteen, nineteen and twenty, and by inserting in lieu thereof the following new section:—
 15. Such officers and employees as may be necessary for the due administration of this Act shall

Further amendment of Act No. 59, 1931. Secs. 15, 16, 17, 18, 19, and 20. Officers and employees.

Milk (Amendment).

shall be appointed under and shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

(b) by omitting section forty.

Sec. 40.

5 (2) All officers and employees holding office as such under the Principal Act immediately before the commencement of this section shall continue to hold such office in all respects as if they had been appointed under section fifteen of the Milk Act, 1931-1942, as inserted by
10 subsection one of this section, and shall during their continuance in such office be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

Service of any such officer or employee as an officer
15 and/or employee of the Milk Board and/or as an employee of the Metropolitan Milk Board shall count as service for the purposes of section thirteen of the Public Service (Amendment) Act, 1919: Provided that no such officer or employee shall be entitled to claim benefits
20 under the Public Service Act, 1902, as well as under any other Act in respect of the same period of service.

(3) Any officer or employee of the Public Service whose services were transferred under the provisions of the Principal Act to the Milk Board and who holds office
25 as such officer or employee immediately before the commencement of this section, shall have and retain any rights accrued or accruing to him under the Public Service Act, 1902, or any Act amending that Act, or under any section of the Principal Act repealed by this
30 section, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act or any Act amending that Act.

(4) Any officer of the Milk Board who is, immediately before the commencement of this section,
35 contributing to the State Superannuation Fund shall continue to contribute to the said Fund, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act, 1902, and any Acts amending the same.

Milk (Amendment).

(5) The Public Service Board shall as soon as practicable after the commencement of this section make arrangements whereby the work of supervision and inspection which immediately before such commencement
5 was carried out by officers appointed by the Governor upon the recommendation of the Milk Board or by employees of the Milk Board, shall be carried out by officers or employees of the Department of Agriculture or of the Department of Public Health. An officer or
10 employee of either of such departments shall, when carrying out such work be deemed to be an officer of the Board for the purposes of the Milk Act, 1931-1942.

(6) The Milk Board shall pay to the departments concerned contributions towards the salaries and
15 expenses of officers or employees of such departments carrying out the work of supervision and inspection referred to in subsection five of this section or carrying out any other work on behalf of or by arrangement with the Board.

20 Such contributions shall be of such amounts and payable at such times as may be agreed upon between the Milk Board and the department concerned or, in default of agreement, as may be determined by the Governor.

(7) This section shall commence upon a date to be
25 appointed by the Governor and notified by proclamation published in the Gazette.

4. The Principal Act is further amended by inserting after section twenty-six the following new section:—

Further amendment of Act No. 59, 1931. New sec. 26A.

26A. (1) (a) This section shall apply to and in
30 respect of milk (including cream) which is sold or to be sold for use in the manufacture of any commodity within any milk distributing district or producing district, and shall so apply whether such milk or cream is in its original form, or has been
35 concentrated, condensed, dried or treated.

Further powers of vesting.

(b) In this section—

“Manufacture” means manufacture for sale.

“Specified” means specified in a proclamation under this section.

(2)

Milk (Amendment).

5 (2) The Governor may from time to time by proclamation published in the Gazette declare that on and after a day to be appointed in the proclamation milk to which this section applies shall be vested in the Board.

(3) Any such proclamation may be made—

(a) generally in relation to all milk, or

10 (b) in relation to milk which is supplied for use in the manufacture of a specified commodity, or

(c) in relation to milk which is supplied for use in connection with the manufacture of commodities at any specified place or within any specified area, or

15 (d) in relation to milk which is supplied for use in connection with the manufacture of a specified commodity at any specified place, or within any specified area.

20 (4) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

(5) No proclamation under this section shall apply to milk produced and retailed directly by a dairyman on his own behalf.

25 (6) From and after the day appointed in any proclamation under this section all milk to which such proclamation relates shall become vested in and be the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts affecting the same, and the rights and interests of every person in such milk shall thereupon be taken to be converted into a claim for payment therefor.

30 (7) From and after the day appointed in any proclamation under this section, any reference to milk in any of the provisions of this Act shall be construed as including a reference to milk to which such proclamation relates, and the provisions of this Act shall apply accordingly:

Provided

Milk (Amendment).

Provided that for the purposes of such application—

- 5 (a) the definition of "Dairy premises" in section four of this Act shall be read as if all words following the words "producing milk" were omitted therefrom;
- 10 (b) the definition of "Milk" in the same section shall be read as if the words "and to milk or cream to which a proclamation under section 26A of this Act relates" were inserted at the end of the definition;
- 15 (c) the definition of "Milk store" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";
- (d) the definition of "Milk vendor" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";
- 20 (e) the definition of "To sell" in the same section shall be read as if the words "and refers only to selling for human consumption" were omitted therefrom;
- 25 (f) section twenty-two of this Act shall be read as if all words following the words "distribution of milk" were omitted therefrom;
- 30 (g) paragraph (e) of subsection two of section twenty-three of this Act shall be read as if the words "or producing districts" were inserted after the words "distributing districts";
- 35 (h) subparagraph (i) of paragraph (b) of subsection three of the same section shall be read as if the words "for use or consumption within a milk distributing district" were omitted therefrom;
- (i)

Milk (Amendment).

- 5 (i) subsection one of section twenty-seven of this Act shall be read as if the words "twenty-six of this Act all milk supplied for consumption within the milk distributing district or sub-district thereof specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, all milk to which the proclamation relates" were inserted in lieu thereof;
- 10 (j) subsection two of the same section shall be read as if all words following the words "delivered and accepted" were omitted therefrom;
- 15 (k) subsection three of the same section shall be read as if all words commencing with the words "twenty-six of this Act" down to and including the words "specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, any dairyman who supplies, sells, or delivers milk to which the proclamation relates" were inserted in lieu thereof;
- 20 (l) subsection one of section thirty-two of this Act shall be read as if the words "for consumption or use within any milk distributing district to which this Act applies" were omitted therefrom, and the words and symbols "to which a proclamation under section 26A of this Act relates" were inserted in lieu thereof;
- 25 (m) subsection one of the same section shall be read as if the words "a proclamation under section twenty-six of this Act" were omitted therefrom and the words "such proclamation" were inserted in lieu thereof;
- 30 (n) subsection four of section thirty-six of this Act shall be read as if the words "for consumption or use within any milk distributing district" were omitted therefrom.

Milk (Amendment).

5. The Principal Act is further amended—

Further
amendment
of Act No. 59,
1931.

- (a) (i) by omitting subsection one of section twenty-three and by inserting in lieu thereof the following subsection:—

Sec. 23.
(Fixation
of prices.)

5 (1) The Board may from time to time, after inquiry held in the manner prescribed by regulations, determine the minimum price or prices which may be paid to a dairyman for milk.

10 (ii) by inserting in paragraph (b) of subsection two of the same section after the word “thereof” the words “or in respect of different purposes for which the milk is to be used”;

15 (iii) by omitting from paragraph (c) of the same subsection the word “maximum”;

(iv) by omitting from paragraph (e) of the same subsection the words “maximum wholesale or” and by inserting in lieu thereof the words “wholesale prices or different maximum”;

20 (v) by inserting in the same paragraph after the word “thereof” the words “or in respect of different purposes for which the milk is to be used”;

25 (vi) by inserting at the end of the same subsection the following new subsection:—

30 (2A) A determination or fixation of any prices under this section may be made at such times as the Board, with the approval of the Minister may appoint, and shall if the Minister so directs be made at any time specified by him.

35 (vii) by omitting subparagraph (ii) of paragraph (b) of subsection three of the same section, and by inserting in lieu thereof the following subparagraph:—

(ii) sells milk by retail at a price exceeding the maximum price so notified

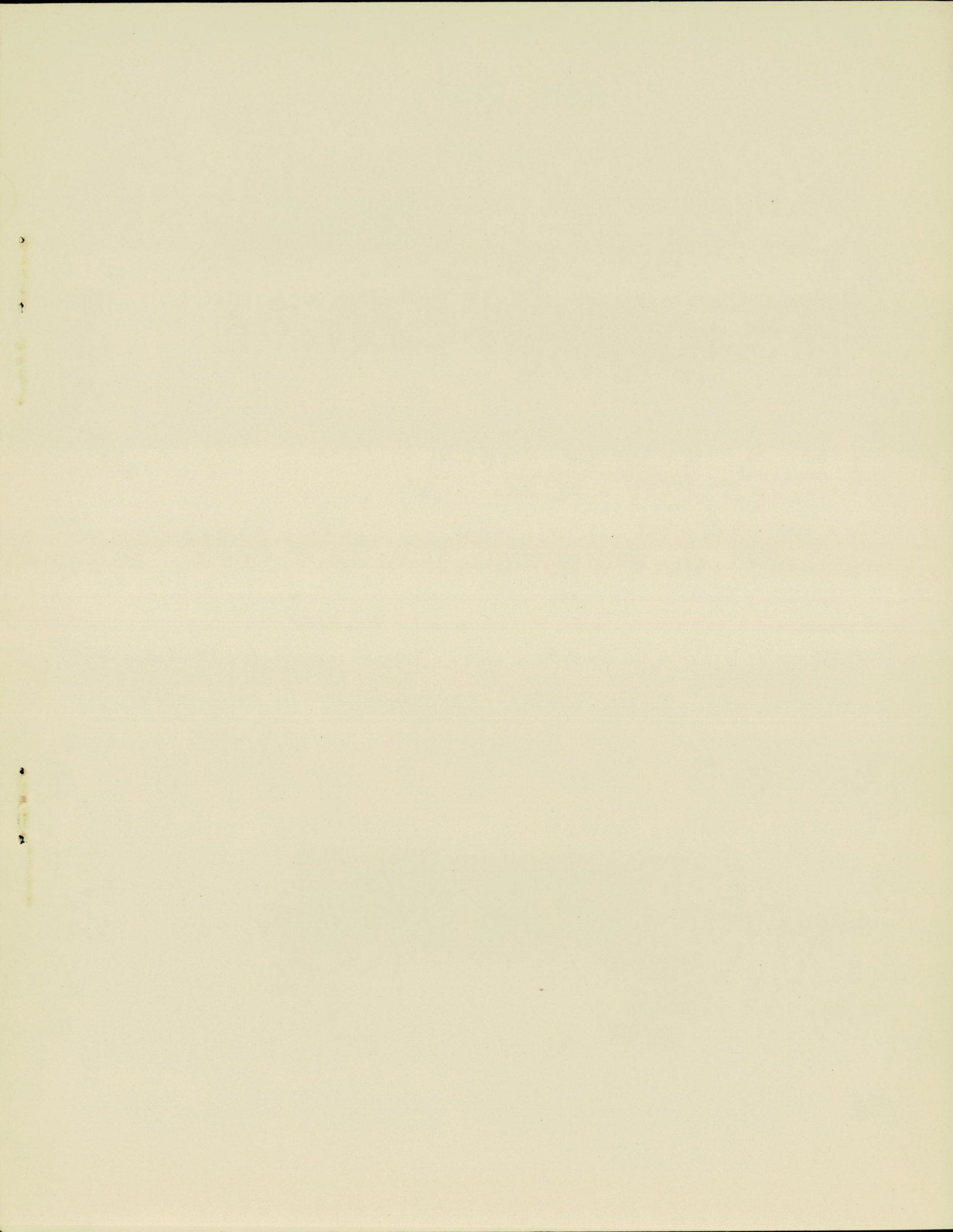
Milk (Amendment).

- notified in respect of such milk, or
 sells milk by wholesale at a price
 other than the price notified in
 respect of such milk; or
- 5 (b) (i) by omitting from paragraph (a) of section Sec. 25.
 twenty-five the words "or by the Board or (Powers of
 by a veterinary surgeon approved by the the Board.)
 Board";
- 10 (ii) by inserting after paragraph (j) of the same
 section the following new paragraph:—
- (k) prohibit the use by any milk vendor
 in connection with his business as
 such of any advertisement, descrip-
 15 tion, sign, notice, device or represen-
 tation in the nature of an advertise-
 ment, which does not correctly
 describe or represent the milk sold,
 or the services offered by such milk
 vendor.
- 20 (c) (i) by inserting after subsection one of section Sec. 28.
 twenty-eight the following new subsec- (Delivery of
 tion:— milk to
the Board.)
- (1A) Every delivery of milk to the Board
 shall, for the purposes of the Pure Food
 Act, 1908, as amended by subsequent Acts,
 be deemed to be a sale of that milk to the
 Board by the dairyman in whose name such
 25 milk was delivered, and the provisions of
 that Act as so amended and of any regula-
 30 tions made thereunder shall apply
 accordingly.
- (ii) by inserting in subsection three of the same
 section after the word "delivery" the words
 "and as to the purpose for which such milk
 35 is to be used";
- (d) (i) by inserting in subsection two of section Sec. 36.
 thirty-six after the word "surrendered" the (Duration
 words "and unless otherwise provided by of
 the by-laws"; certificate.)

(ii)

Milk (Amendment).

- (ii) by omitting from subsection five of the same section the words "the Minister or the Director of Dairying or";
- 5 (e) by inserting at the end of section thirty-seven the following new subsection:—
- Sec. 37.
(Refusal and cancellation of registration.)
- 10 (4) Before arriving at an opinion upon the matters referred to in paragraph (c) of subsection one of this section the Board shall cause an inspection to be carried out by an officer or employee of the Department of Agriculture or the Department of Public Health and shall have regard to reports furnished to it by the officer or employee carrying out such inspection.
- 15 (f) (i) by omitting paragraph (e) of section thirty-nine;
- Sec. 39.
(Functions of the Board.)
- (ii) by inserting after paragraph (f) of the same section the following new paragraph:—
- 20 (g) report to and confer with the Minister upon all matters referred to in the preceding paragraphs of this section, or generally affecting the administration of this Act, and recommend such amendments of the
- 25 law as to it may seem advisable;
- (g) by inserting after paragraph (n) of subsection one of section seventy-six the following new paragraph:—
- Sec. 76.
(By-laws.)
- 30 (n1) in relation to any premises, person or matter in any case where by this Act the Board is authorised or permitted to require, prohibit, regulate, or determine, or call for or obtain information or returns.



No. , 1942.

A BILL

To provide for the reconstitution of the Milk Board; to extend the provisions of the Milk Act, 1931-1936, as amended by subsequent Acts, in relation to the vesting of milk in the Milk Board; for these and certain other purposes to amend the Milk Act, 1931-1936, and certain other Acts; and for purposes connected therewith.

[MR. KELLY;—14 *April*, 1942.]

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 "Milk (Amendment) Act, 1942."

99113 119—

Short title
and
citation.

(2)

Milk (Amendment).

(2) This Act shall be read and construed with the Milk Act, 1931-1936, as amended by subsequent Acts.

(3) The Milk Act, 1931-1936, as so amended, is in this Act referred to as the Principal Act.

5 (4) The Principal Act, as amended by this Act, may be cited as the Milk Act, 1931-1942.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed
10 day") the Milk Board shall be reconstituted and shall consist of three members who shall be appointed in accordance with section seven of the Principal Act as amended by this section.

Reconstitu-
tion of the
Milk Board.

(2) (a) Nothing contained in this section shall
15 prejudice or affect in any way the continuity of the body corporate constituted under Part II of the Principal Act but the same shall continue notwithstanding the provisions of this section.

(b) The said body corporate shall continue and
20 shall be deemed always to have continued notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them.

(3) (a) The term of office of the members of the
25 Milk Board in office on the fourteenth day of April, one thousand nine hundred and forty-two, is hereby extended for a period expiring on the appointed day.

(b) This subsection shall be deemed to have
30 commenced upon the fourteenth day of April, one thousand nine hundred and forty-two.

(4) (a) For the purposes only of the appointment of persons to be members of the Milk Board as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution
35 the provisions of subsection five of this section shall commence on the day upon which the assent of His Majesty to this Act is signified.

(b)

Milk (Amendment).

(b) The persons so appointed shall assume their offices as members of the Milk Board upon the appointed day; and on that day the provisions of subsection five of this section shall come into force for all 5 purposes.

(5) The Principal Act is amended—

Amendment
of Act No.
59, 1931.
Sec. 7.
(Milk
Board.)

10 (a) (i) by omitting from subsection one of section seven all words following the words "which shall" and by inserting in lieu thereof the words "have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Board by this Act.

15 In the exercise and discharge of such powers, authorities, duties and functions, the Board shall be subject in all respects to the control and direction of the Minister".

20 (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) (a) The members of the Board shall be appointed by the Governor.

25 (b) Subject to this Act the term of office of a member of the Board shall be seven years.

(c) Upon the expiration of the term of office of a member of the Board he shall be eligible from time to time for reappointment.

30 (d) If the office of a member of the Board becomes vacant otherwise than by reason of the expiration of his term of office, the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

35 (3A) (a) The chairman shall be paid such annual salary as may be determined by the Governor.

(b)

Milk (Amendment).

5 (b) Each member of the Board other than the chairman shall be entitled to receive by way of remuneration for his services a fee in respect of each meeting attended.

The fee shall be of such amount as may be from time to time determined by the Governor.

10 The regulations may prescribe the maximum aggregate amount of fees which a member shall be entitled to receive under this paragraph either annually or in respect of any period or periods prescribed in the regulations.

15 (c) The regulations may prescribe the travelling expenses to be paid to the chairman and members of the Board and the allowances to be paid to any member of the Board other than the chairman while
20 engaged on the business of the Board at the request of the Board.

(d) The office of a member of the Board other than the chairman shall not, for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1932, or any Act amending either of those Acts, be deemed to be an office or place of profit under the Crown.

30 (iii) by omitting from subsection eight of the same section the words "Members of the Board" and by inserting in lieu thereof the words "The chairman";

35 (b) (i) by omitting from subsection one of section eight the words "member of the Board" and by inserting in lieu thereof the word "chairman";

Sec. 8.
(Savings of rights.)

(ii) by omitting from the same subsection the words "a member of the Board" and by inserting in lieu thereof the word "chairman";

40 (iii)

Milk (Amendment).

- (iii) by omitting from subsection two of the same section the words "a member of the Board" and by inserting in lieu thereof the words "as chairman";
- 5 (c) (i) by omitting paragraph (a) of section ten; Sec. 10.
 (ii) by omitting paragraph (c) of the same (Vacancies —how caused.) section and by inserting in lieu thereof the following paragraph:—
- 10 (c) becomes incapable of performing his duties;
- (iii) by inserting at the end of the same section the following new subsection:—
- (2) Without prejudice to the generality of subsection one of this section—
- 15 (a) the chairman shall be deemed to have vacated his office if—
- (i) he engages during his term of office in any trade or business or in any employment outside the duties of his office;
- 20 (ii) he absents himself from duty for a period of fourteen consecutive days except on leave granted by the Minister (which leave he is authorised to grant);
- 25 (b) a member of the Board other than the chairman shall be deemed to have vacated his office if without leave of the Board he is absent from four consecutive meetings of the Board.
- 30
3. (1) The Principal Act is further amended—
- 35 (a) by omitting sections fifteen, sixteen, seventeen, eighteen, nineteen and twenty, and by inserting in lieu thereof the following new section:—
15. Such officers and employees as may be necessary for the due administration of this Act shall

Further amendment of Act/No. 59, 1931. Secs. 15, 16, 17, 18, 19, and 20. Officers and employees.

Milk (Amendment).

shall be appointed under and shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

(b) by omitting section forty.

Sec. 40.

5 (2) All officers and employees holding office as such under the Principal Act immediately before the commencement of this section shall continue to hold such office in all respects as if they had been appointed under section fifteen of the Milk Act, 1931-1942, as inserted by
10 subsection one of this section, and shall during their continuance in such office be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

15 (3) Any officer or employee of the Public Service whose services were transferred under the provisions of the Principal Act to the Milk Board and who holds office as such officer or employee immediately before the commencement of this section, shall have and retain any rights accrued or accruing to him under the Public
20 Service Act, 1902, or any Act amending that Act, or under any section of the Principal Act repealed by this section, and service with the Milk Board shall be deemed continuous service within the meaning of the Public Service Act or any Act amending that Act.

25 (4) Any officer of the Milk Board who is, immediately before the commencement of this section, contributing to the State Superannuation Fund shall continue to contribute to the said Fund, and service with the Milk Board shall be deemed continuous service
30 within the meaning of the Public Service Act, 1902, and any Acts amending the same.

(5) The Public Service Board shall as soon as practicable after the commencement of this section make arrangements whereby the work of supervision and
35 inspection which immediately before such commencement was carried out by officers appointed by the Governor upon the recommendation of the Milk Board or by employees of the Milk Board, shall be carried out by officers or employees of the Department of Agriculture
40 or of the Department of Public Health. An officer or employee

Milk (Amendment).

employee of either of such departments shall, when carrying out such work be deemed to be an officer of the Board for the purposes of the Milk Act, 1931-1942.

(6) This section shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

4. The Principal Act is further amended by inserting after section twenty-six the following new section:—

Further amendment of Act No. 59, 1931.
New sec. 26A.
Further powers of vesting.

10 26A. (1) (a) This section shall apply to and in respect of milk (including cream) which is sold or to be sold for use in the manufacture of any commodity within any milk distributing district or producing district, and shall so apply whether such milk or cream is in its original form, or has been
15 concentrated, condensed, dried or treated.

(b) In this section—

“Manufacture” means manufacture for sale.

“Specified” means specified in a proclamation under this section.

20 (2) The Governor may from time to time by proclamation published in the Gazette declare that on and after a day to be appointed in the proclamation milk to which this section applies shall be vested in the Board.

25 (3) Any such proclamation may be made—

(a) generally in relation to all milk, or

(b) in relation to milk which is supplied for use in the manufacture of a specified commodity, or

30 (c) in relation to milk which is supplied for use in connection with the manufacture of commodities at any specified place or within any specified area, or

35 (d) in relation to milk which is supplied for use in connection with the manufacture of a specified commodity at any specified place, or within any specified area.

(4)

Milk (Amendment).

(4) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

5 (5) No proclamation under this section shall apply to milk produced and retailed directly by a dairyman on his own behalf.

10 (6) From and after the day appointed in any proclamation under this section all milk to which such proclamation relates shall become vested in and be the absolute property of the Board, freed from all mortgages, charges, liens, pledges, interests and trusts affecting the same, and the rights and interests of every person in such milk shall thereupon be taken to be converted into a claim for payment therefor.

15 (7) From and after the day appointed in any proclamation under this section, any reference to milk in any of the provisions of this Act shall be construed as including a reference to milk to which such proclamation relates, and the provisions of this Act shall apply accordingly:

20 Provided that for the purposes of such application—

25 (a) the definition of "Dairy premises" in section four of this Act shall be read as if all words following the words "producing milk" were omitted therefrom;

30 (b) the definition of "Milk" in the same section shall be read as if the words "and to milk or cream to which a proclamation under section 26A of this Act relates" were inserted at the end of the definition;

35 (c) the definition of "Milk store" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";

40 (d) the definition of "Milk vendor" in the same section shall be read as if the words "or producing district" were inserted after the words "distributing district";

(e)

Milk (Amendment).

- (e) the definition of "To sell" in the same section shall be read as if the words "and refers only to selling for human consumption" were omitted therefrom;
- 5 (f) section twenty-two of this Act shall be read as if all words following the words "distribution of milk" were omitted therefrom;
- (g) paragraph (e) of subsection two of section twenty-three of this Act shall be read as if
10 the words "or producing districts" were inserted after the words "distributing districts";
- (h) subparagraph (i) of paragraph (b) of subsection three of the same section shall
15 be read as if the words "for use or consumption within a milk distributing district" were omitted therefrom;
- (i) subsection one of section twenty-seven of this Act shall be read as if the words
20 "twenty-six of this Act all milk supplied for consumption within the milk distributing district or sub-district thereof specified in the proclamation" were omitted therefrom, and the words and symbols "26A of this Act, all milk to which the proclamation
25 relates" were inserted in lieu thereof;
- (j) subsection two of the same section shall be read as if all words following the words
30 "delivered and accepted" were omitted therefrom;
- (k) subsection three of the same section shall be read as if all words commencing with the words "twenty-six of this Act" down to and including the words "specified in the
35 proclamation" were omitted therefrom, and the words and symbols "26A of this Act, any dairyman who supplies, sells, or delivers milk to which the proclamation relates" were inserted in lieu thereof;

(1)

Milk (Amendment).

- 5 (l) subsection one of section thirty-two of this Act shall be read as if the words "for consumption or use within any milk distributing district to which this Act applies" were omitted therefrom, and the words and symbols "to which a proclamation under section 26A of this Act relates" were inserted in lieu thereof;
- 10 (m) Subsection one of the same section shall be read as if the words "a proclamation under section twenty-six of this Act" were omitted therefrom and the words "such proclamation" were inserted in lieu thereof;
- 15 (n) subsection four of section thirty-six of this Act shall be read as if the words "for consumption or use within any milk distributing district" were omitted therefrom.

5. The Principal Act is further amended—

- 20 (a) (i) by omitting subsection one of section twenty-three and by inserting in lieu thereof the following subsection:—
- 25 (1) The Board may from time to time, after inquiry held in the manner prescribed by regulations, determine the minimum price or prices which may be paid to a dairyman for milk.
- 30 (ii) by inserting in paragraph (b) of subsection two of the same section after the word "thereof" the words "or in respect of different purposes for which the milk is to be used";
- (iii) by omitting from paragraph (c) of the same subsection the word "maximum";
- 35 (iv) by omitting from paragraph (e) of the same subsection the words "maximum wholesale or" and by inserting in lieu thereof

Further amendment of Act No. 59, 1931.
Sec. 23.
(Fixation of prices.)

Milk (Amendment).

thereof the words "wholesale prices or different maximum";

5 (v) by inserting in the same paragraph after the word "thereof" the words "or in respect of different purposes for which the milk is to be used";

(vi) by inserting at the end of the same subsection the following new subsection:—

10 (2A) A determination or fixation of any prices under this section may be made at such times as the Board, with the approval of the Minister may appoint, and shall if the Minister so directs be made at any time specified by him.

15 (vii) by omitting subparagraph (ii) of paragraph (b) of subsection three of the same section, and by inserting in lieu thereof the following subparagraph:—

20 (ii) sells milk by retail at a price exceeding the maximum price so notified in respect of such milk, or sells milk by wholesale at a price other than the price notified in respect of such milk; or

25 (b) (i) by omitting from paragraph (a) of section twenty-five the words "or by the Board or by a veterinary surgeon approved by the Board"; Sec. 25. (Powers of the Board.)

30 (ii) by inserting after paragraph (j) of the same section the following new paragraph:—

35 (k) prohibit the use by any milk vendor in connection with his business as such of any advertisement, description, sign, notice, device or representation in the nature of an advertisement, which does not correctly describe

Milk (Amendment).

describe or represent the milk sold,
or the services offered by such milk
vendor.

- 5 (c) (i) by inserting after subsection one of section twenty-eight the following new subsection:—
- Sec. 28.
(Delivery of
milk to
the Board.)
- 10 (1A) Every delivery of milk to the Board shall, for the purposes of the Pure Food Act, 1908, as amended by subsequent Acts, be deemed to be a sale of that milk to the Board by the dairyman in whose name such milk was delivered, and the provisions of that Act as so amended and of any regulations made thereunder shall apply
- 15 accordingly.
- (ii) by inserting in subsection three of the same section after the word "delivery" the words "and as to the purpose for which such milk is to be used";
- 20 (d) (i) by inserting in subsection two of section thirty-six after the word "surrendered" the words "and unless otherwise provided by the by-laws";
- Sec. 36.
(Duration
of
certificate.)
- 25 (ii) by omitting from subsection five of the same section the words "the Minister or the Director of Dairying or";
- (e) (i) by omitting paragraph (e) of section thirty-nine;
- Sec. 39.
(Functions
of the
Board.)
- 30 (ii) by inserting after paragraph (f) of the same section the following new paragraph:—
- 35 (g) report to and confer with the Minister upon all matters referred to in the preceding paragraphs of this section, or generally affecting the administration of this Act, and recommend such amendments of the law as to it may seem advisable;
- (f)

Milk (Amendment).

(f) by inserting after paragraph (n) of subsection Sec. 76.
one of section seventy-six the following new (By-laws.)
paragraph:—

5

(n1) in relation to any premises, person or
matter in any case where by this Act
the Board is authorised or permitted
to require, prohibit, regulate, or deter-
mine, or call for or obtain information
or returns.

(1) In the case of the ...

...
...
...
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12

----- [1911]



