

DAIRY INDUSTRY (AMENDMENT) BILL, 1950.

*Schedule of an amendment referred to in Legislative Council's Message of
19th April, 1950.*

Page 4, clause 3. *After line 20 insert—*

(ii) by inserting at the end of the same subsection the following paragraph:—

(c) an application for the registration as a dairy produce factory of premises to which the proviso to section three of this Act applies or of premises in the course of construction at the commencement of the Dairy Industry (Amendment) Act, 1950, or the date upon which any regulation under paragraph (e1) of subsection one of section twenty-five of this Act takes effect which if they had been constructed at such commencement or date, as the case may be, would have been premises to which such proviso applies.

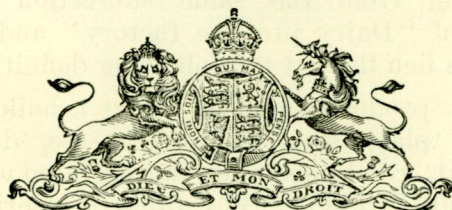
This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 28 March, 1950.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

W. K. CHARLTON,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 19th April, 1950.

New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

Act No. , 1950.

An Act to amend the Dairy Industry Act, 1915-1940, in certain respects; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Dairy Industry (Amendment) Act, 1950."

Short title,
commence-
ment and
citation.

(2) This Act shall, except as otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

35085 476—A

(3)

NOTE.—The words to be inserted are printed in black letter.

Dairy Industry (Amendment).

(3) The Dairy Industry Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Dairy Industry Act, 1915-1950.

2. The Dairy Industry Act, 1915-1940, is amended—

- 5 (a) by inserting in subsection one of section two in the definition of "Dairy produce" after the words "condensed milk" the words "concentrated milk, malted milk, or any other prescribed product of milk";
- 10 (b) by omitting from the same subsection the definition of "Dairy produce factory" and by inserting in lieu thereof the following definition:
- 15 "Dairy produce factory" means a building or place where butter, cheese, dried milk, condensed milk, concentrated milk, malted milk, or any other prescribed product of milk, or margarine is prepared or manufactured, or where milk or cream is tested, graded, pasteurised or cooled preparatory to manufacture, or where butter or cheese is processed after manufacture;
- 20 (c) by omitting from the definition of "Store" in the same subsection the words "dried milk, condensed milk, butter, cheese," and by inserting in lieu thereof the words "butter, cheese, dried milk, condensed milk, concentrated milk, malted milk or any other prescribed product of milk."
- 25

Amendment
of Act No.
45, 1915.
Sec. 2.
(Defini-
tions.)

3. (1) The Dairy Industry Act, 1915-1940, is further amended—

- 30 (a) (i) by inserting in section three after the words "under this Act" the words "in the name of the person so using them";
- (ii) by omitting from the same section the words
- 35 "Provided that where premises are so used at the commencement of this Act, they may, without registration, continue to be so used
- for

Further
amendment
of Act No.
45, 1915.
Sec. 3
(Registra-
tion of
premises.)

Dairy Industry (Amendment).

for six months after such commencement”
and by inserting in lieu thereof the following
words:—

5 “Provided that premises which immediately prior to the commencement of the Dairy Industry (Amendment) Act, 1950, or the date upon which any regulation under paragraph (e1) of subsection one of section twenty-five of this Act takes effect were
10 not dairy produce factories or stores but became dairy produce factories or stores upon such commencement or date, as the case may be, may continue to be so used without registration for three months after
15 such commencement or date, as the case may be”;

(b) (i) by inserting in section four after the words Sec. 4.
“under this Act” the words “as a dairy (Penalties.)
produce factory or store, as the case may
20 require”;

(ii) by omitting from the same section the words
“twenty pounds” and by inserting in lieu
thereof the words “one hundred pounds”;

(iii) by omitting from the same section the words
25 “two pounds” and by inserting in lieu
thereof the words “twenty pounds”;

(c) (i) by omitting from subsection two of section Sec. 5.
five the words and symbols “section 5B of”; (Applica-
tion for
registra-
tion.)

(ii) by inserting in the same subsection after the
30 word “registered” the words “in the name
of the applicant”;

(iii) by inserting at the end of the same subsection the following words:—

35 “Any person in whose name premises are
registered who desires to transfer the registra-
tion thereof into the name of another
person

Dairy Industry (Amendment).

5 person shall give written notification thereof
to the Under Secretary and Director of the
Department of Agriculture. Such notifica-
tion shall state the name and address of the
proposed transferee and be accompanied by
the certificate of registration. On receipt of
such notification a fresh certificate of regis-
tration shall be sent to the transferee. Such
10 certificate shall have the like force and effect
as if sent to an applicant as aforesaid."

(d) by omitting paragraph (b) of subsection four
of section 5A and by inserting in lieu thereof the
following paragraph:—

Sec. 5A.
(Dairy
Produce
Factories
Advisory
Committee.)

15 (b) the purposes for which the premises
are to be used;

(e) (i) by inserting at the end of paragraph (a) of
subsection two of section 5B the words "and
such premises have not at any time prior to
such application been registered as a dairy
20 produce factory";

Sec. 5B.
(Power of
Minister to
refuse regis-
tration in
certain
cases.)

(ii) by inserting at the end of the same sub-
section the following paragraph:—

25 (c) an application for the registration
as a dairy produce factory of
premises to which the proviso to
section three of this Act applies or
of premises in the course of con-
struction at the commencement of
the Dairy Industry (Amend-
ment) Act, 1950, or the date upon
30 which any regulation under para-
graph (e1) of subsection one of
section twenty-five of this Act takes
effect which if they had been con-
structed at such commencement or
date, as the case may be, would
have been premises to which such
35 proviso applies.

(f)

Dairy Industry (Amendment).

(f) by inserting next after section 5B the following new sections:—

New secs.
5C, 5D.

5 5c. (1) Every certificate of registration of premises as a dairy produce factory issued after the commencement of the Dairy Industry (Amendment) Act, 1950, shall bear an endorsement as to the purposes for which such premises may be used.

Endorse-
ments upon
certificates
of registra-
tion as to
purposes
for which
factory is
used.

10 (2) The holder of any certificate of registra-
tion issued in respect of any dairy produce
factory registered at the commencement of the
Dairy Industry (Amendment) Act, 1950, shall
make application as prescribed within three
15 months after such commencement for an endorse-
ment upon the certificate of registration issued
in respect of such factory as to the purposes for
which such factory may be used. The purposes
so endorsed shall be those for which the premises
were used upon the first day of March, one
20 thousand nine hundred and fifty.

Any person who fails to make application as
hereinbefore provided and who uses any
premises after the expiration of such period of
three months as a dairy produce factory shall
25 be deemed to be using premises not duly
registered under this Act.

30 (3) An application may be made for the
variation of the purposes for which premises
registered as a dairy produce factory may be
used and any such application shall be deemed
to be an application for the registration of the
premises as a dairy produce factory for use for
such purposes. If in consequence of an appli-
cation under this subsection the registration of
35 premises is varied as to the purposes for which
they may be used, the certificate of registration
shall be endorsed accordingly.

(4)

Dairy Industry (Amendment).

5 (4) Any person who uses any premises
as a dairy produce factory in respect of which
a certificate of registration bearing an endorse-
ment as aforesaid is in force for any purposes
other than those specified in the endorsement
shall be guilty of an offence against this Act
and shall be liable to a penalty not exceeding
one hundred pounds and in addition to a penalty
not exceeding twenty pounds for every day
10 during which the offence shall be continued.

15 5d. The holder of any certificate of registra-
tion issued in respect of any dairy produce
factory or store registered at the commencement
of the Dairy Industry (Amendment) Act, 1950,
shall make application as prescribed within
three months after such commencement for an
endorsement upon the certificate of registration
issued in respect of such factory or store of the
name of the person using such factory or store.

Endorse-
ment as to
name of
person using
factory or
store.

20 Any person who fails to comply with the pro-
visions of this section shall be liable to a penalty
not exceeding five pounds.

(g) by omitting section six and by inserting in lieu
thereof the following section:—

Subst.
sec. 6.

25 6. (1) Where any premises registered as a
dairy produce factory have ceased to be used
for the purposes specified in the endorsement
upon the certificate of registration issued in
respect thereof and where any registered store
30 has ceased to be used as such the person in
whose name such premises are then registered
shall forthwith furnish a written notification to
that effect to the Under Secretary and Director
of the Department of Agriculture whereupon the
35 registration of such premises shall be cancelled.

Cancella-
tion of
registration
of factories
and stores.

(2)

Dairy Industry (Amendment).

5 (2) Notwithstanding that a notification has not been furnished as provided in subsection one of this section, the registration of premises as a dairy produce factory or store may be cancelled in any case where—

10 (a) there are reasonable grounds for believing that in the case of premises registered as a dairy produce factory they have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and in the case of a store such premises have ceased to be used as such; or

15 (b) a conviction has been obtained for failure to comply with an order given under section ten of this Act that such premises be made fit for use as a dairy produce factory for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof, or as a store, as the case may be.

25 (h) (i) by omitting paragraph (c) of section ten and by inserting in lieu thereof the following paragraphs:—

Sec. 10.
(Inspector may order remedial measures.)

30 (c) that any dairy produce factory is unfit for use for any purpose specified in the endorsement upon the certificate of registration issued in respect thereof; or

35 (d) that any store or any ship or vehicle used for the storage or carriage of dairy produce is unfit for such purpose;

(ii)

Dairy Industry (Amendment).

(ii) by omitting paragraph (iii) of the same section and by inserting in lieu thereof the following paragraphs:—

5 (iii) such dairy produce factory to be made fit for use for such purpose to his satisfaction, or

(iv) such store, ship or vehicle to be made fit for such purposes to his satisfaction.

10 (2) (a) The amendment made by subparagraph (i) of paragraph (a) of subsection one of this section shall in its application to premises registered at the commencement of this Act commence upon the expiration of a period of six months after such commencement.

15 (b) The amendments made by paragraphs (g) and (h) of subsection one of this section shall commence upon the expiration of a period of six months after the commencement of this Act.

20 4. The Dairy Industry Act, 1915-1940, is further amended—

(a) by inserting at the end of section eleven the following words:—

Regulations may be made under this Act prescribing margins of difference in the rates of payment for cream of different grades.

25

(b) by inserting next after section thirteen the following new section:—

30 13A. (1) The manager of every dairy produce factory shall grade or cause to be graded into the prescribed grades all milk supplied to him. Such milk shall according to the grade thereof be paid for—

35

(a) in any case where the milk is to be used wholly for the manufacture of cheese on the amount of cheese obtainable from such milk estimated in the prescribed

Further amendment of Act No. 45, 1915.

Sec. 11.
(Payment for cream.)

New sec. 13A.

Grading and basis for payment of milk supplied to factories.

Dairy Industry (Amendment).

prescribed manner or on the basis of the butter fat results estimated in the prescribed manner;

- 5 (b) in any other case on the basis of the butter fat results estimated in the prescribed manner.

Regulations may be made under this Act prescribing margins of difference in the rates of payment for milk of different grades.

- 10 (2) The manager of a dairy produce factory shall in the manufacture of any class of dairy produce from milk use or cause to be used milk wholly of the one grade and shall not blend or mix or cause to be blended or mixed
15 dairy produce which is manufactured from milk of one grade with dairy produce which has been manufactured from milk of another grade.

- (c) by inserting at the end of section fourteen the following new subsection:—
- Sec. 14.
(Who may
test or
grade.)

- 20 (2) After the expiration of six months from the commencement of the Dairy Industry (Amendment) Act, 1950, every person employed to grade milk supplied to a dairy produce
25 factory shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed in that behalf and shall hold a certificate to that effect:

- 30 Provided that any person who is at the commencement of the Dairy Industry (Amendment) Act, 1950, and has been continuously employed in this work for a period of one year, may be exempt from such examination on passing a practical test as prescribed.

- 35 (d) (i) by inserting in paragraph (c) of subsection one of section twenty-five after the word "cream" the words "and milk";
- Sec. 25.
(Regulations.)

Dairy Industry (Amendment).

- 5 (ii) by inserting in paragraph (e) of the same subsection after the word "cream" the words "and prohibiting persons being employed in dairy produce factories as butter or cheese makers or in any other prescribed capacity unless they possess the prescribed qualifications and pass the prescribed examinations";
- 10 (iii) by inserting next after the same paragraph the following new paragraph:—
- 15 (e1) prescribing what products of milk in addition to those specified in the definition of "Dairy produce" in subsection one of section two of this Act shall be dairy produce for the purposes of this Act.
- 20 (iv) by inserting in paragraph (f) of the same subsection after the word "cream" the words "and milk";
- (v) by inserting in paragraph (g) of the same subsection after the word "tests" the words "and grading."

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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 28 March, 1950.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, April, 1950.

New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

Act No. , 1950.

An Act to amend the Dairy Industry Act, 1915-1940, in certain respects; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Dairy Industry (Amendment) Act, 1950."

(2) This Act shall, except as otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Short title,
commence-
ment and
citation.

35085 476—A

(3)

NOTE.—The words to be inserted are printed in black letter.

Dairy Industry (Amendment).

(3) The Dairy Industry Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Dairy Industry Act, 1915-1950.

2. The Dairy Industry Act, 1915-1940, is amended—

- 5 (a) by inserting in subsection one of section two in the definition of "Dairy produce" after the words "condensed milk" the words "concentrated milk, malted milk, or any other prescribed product of milk";
- 10 (b) by omitting from the same subsection the definition of "Dairy produce factory" and by inserting in lieu thereof the following definition:
- 15 "Dairy produce factory" means a building or place where butter, cheese, dried milk, condensed milk, concentrated milk, malted milk, or any other prescribed product of milk, or margarine is prepared or manufactured, or where milk or cream is tested, graded, pasteurised
- 20 or cooled preparatory to manufacture, or where butter or cheese is processed after manufacture;
- 25 (c) by omitting from the definition of "Store" in the same subsection the words "dried milk, condensed milk, butter, cheese," and by inserting in lieu thereof the words "butter, cheese; dried milk, condensed milk, concentrated milk, malted milk or any other prescribed product of milk."

3. (1) The Dairy Industry Act, 1915-1940, is further

30 amended—

- (a) (i) by inserting in section three after the words "under this Act" the words "in the name of the person so using them";
- (ii) by omitting from the same section the words
- 35 "Provided that where premises are so used at the commencement of this Act, they may, without registration, continue to be so used for

Amendment
of Act No.
45, 1915.
Sec. 2.
(Defini-
tions.)

Further
amendment
of Act No.
45, 1915.
Sec. 3
(Registra-
tion of
premises.)

Dairy Industry (Amendment).

for six months after such commencement”
and by inserting in lieu thereof the following
words:—

5 “Provided that premises which immedi-
ately prior to the commencement of the
Dairy Industry (Amendment) Act, 1950, or
the date upon which any regulation under
paragraph (e1) of subsection one of section
20 twenty-five of this Act takes effect were
not dairy produce factories or stores but
became dairy produce factories or stores
upon such commencement or date, as the
case may be, may continue to be so used
without registration for three months after
15 such commencement or date, as the case
may be”;

(b) (i) by inserting in section four after the words *Sec. 4.*
“under this Act” the words “as a dairy *(Penalties.)*
produce factory or store, as the case may
20 require”;

(ii) by omitting from the same section the words
“twenty pounds” and by inserting in lieu
thereof the words “one hundred pounds”;

(iii) by omitting from the same section the words
25 “two pounds” and by inserting in lieu
thereof the words “twenty pounds”;

(c) (i) by omitting from subsection two of section *Sec. 5.*
five the words and symbols “section 5B of”; *(Applica-*
tion for

(ii) by inserting in the same subsection after the *registra-*
word “registered” the words “in the name *tion.)*
of the applicant”;

(iii) by inserting at the end of the same subsec-
tion the following words:—

35 “Any person in whose name premises are
registered who desires to transfer the regis-
tration thereof into the name of another
person

Dairy Industry (Amendment).

5 person shall give written notification thereof
to the Under Secretary and Director of the
Department of Agriculture. Such notifica-
tion shall state the name and address of the
proposed transferee and be accompanied by
the certificate of registration. On receipt of
such notification a fresh certificate of regis-
tration shall be sent to the transferee. Such
10 certificate shall have the like force and effect
as if sent to an applicant as aforesaid."

(d) by omitting paragraph (b) of subsection four
of section 5A and by inserting in lieu thereof the
following paragraph:—

Sec. 5A.
(Dairy
Produce
Factories
Advisory
Committee.)

15 (b) the purposes for which the premises
are to be used;

(e) (i) by inserting at the end of paragraph (a) of
subsection two of section 5B the words "and
such premises have not at any time prior to
such application been registered as a dairy
20 produce factory";

Sec. 5B.
(Power of
Minister to
refuse regis-
tration in
certain
cases.)

(ii) by inserting at the end of the same sub-
section the following paragraph:—

25 (c) an application for the registration
as a dairy produce factory of
premises to which the proviso to
section three of this Act applies or
of premises in the course of con-
struction at the commencement of
the Dairy Industry (Amend-
ment) Act, 1950, or the date upon
30 which any regulation under para-
graph (e1) of subsection one of
section twenty-five of this Act takes
effect which if they had been con-
structed at such commencement or
date, as the case may be, would
have been premises to which such
proviso applies.

(f)

Dairy Industry (Amendment).

(f) by inserting next after section 5B the following new sections:—

New secs.
5c, 5d.

5c. (1) Every certificate of registration of premises as a dairy produce factory issued after the commencement of the Dairy Industry (Amendment) Act, 1950, shall bear an endorsement as to the purposes for which such premises may be used.

Endorse-
ments upon
certificates
of registra-
tion as to
purposes
for which
factory is
used.

(2) The holder of any certificate of registration issued in respect of any dairy produce factory registered at the commencement of the Dairy Industry (Amendment) Act, 1950, shall make application as prescribed within three months after such commencement for an endorsement upon the certificate of registration issued in respect of such factory as to the purposes for which such factory may be used. The purposes so endorsed shall be those for which the premises were used upon the first day of March, one thousand nine hundred and fifty.

Any person who fails to make application as hereinbefore provided and who uses any premises after the expiration of such period of three months as a dairy produce factory shall be deemed to be using premises not duly registered under this Act.

(3) An application may be made for the variation of the purposes for which premises registered as a dairy produce factory may be used and any such application shall be deemed to be an application for the registration of the premises as a dairy produce factory for use for such purposes. If in consequence of an application under this subsection the registration of premises is varied as to the purposes for which they may be used, the certificate of registration shall be endorsed accordingly.

(4)

Dairy Industry (Amendment).

5 (4) Any person who uses any premises
as a dairy produce factory in respect of which
a certificate of registration bearing an endorse-
ment as aforesaid is in force for any purposes
other than those specified in the endorsement
shall be guilty of an offence against this Act
and shall be liable to a penalty not exceeding
one hundred pounds and in addition to a penalty
not exceeding twenty pounds for every day
10 during which the offence shall be continued.

15 5b. The holder of any certificate of registra-
tion issued in respect of any dairy produce
factory or store registered at the commencement
of the Dairy Industry (Amendment) Act, 1950,
shall make application as prescribed within
three months after such commencement for an
endorsement upon the certificate of registration
issued in respect of such factory or store of the
name of the person using such factory or store.

Endorse-
ment as to
name of
person using
factory or
store.

20 Any person who fails to comply with the pro-
visions of this section shall be liable to a penalty
not exceeding five pounds.

(g) by omitting section six and by inserting in lieu
thereof the following section:—

Subst.
sec. 6.

25 6. (1) Where any premises registered as a
dairy produce factory have ceased to be used
for the purposes specified in the endorsement
upon the certificate of registration issued in
respect thereof and where any registered store
30 has ceased to be used as such the person in
whose name such premises are then registered
shall forthwith furnish a written notification to
that effect to the Under Secretary and Director
of the Department of Agriculture whereupon the
35 registration of such premises shall be cancelled.

Cancella-
tion of
registration
of factories
and stores.

(2)

Dairy Industry (Amendment).

(2) Notwithstanding that a notification has not been furnished as provided in subsection one of this section, the registration of premises as a dairy produce factory or store may be cancelled in any case where—

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(a) there are reasonable grounds for believing that in the case of premises registered as a dairy produce factory they have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and in the case of a store such premises have ceased to be used as such; or

(b) a conviction has been obtained for failure to comply with an order given under section ten of this Act that such premises be made fit for use as a dairy produce factory for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof, or as a store, as the case may be.

(h) (i) by omitting paragraph (c) of section ten and by inserting in lieu thereof the following paragraphs:—

Sec. 10.
(Inspector
may order
remedial
measures.)

(c) that any dairy produce factory is unfit for use for any purpose specified in the endorsement upon the certificate of registration issued in respect thereof; or

(d) that any store or any ship or vehicle used for the storage or carriage of dairy produce is unfit for such purpose;

(ii)

Dairy Industry (Amendment).

(ii) by omitting paragraph (iii) of the same section and by inserting in lieu thereof the following paragraphs:—

5 (iii) such dairy produce factory to be made fit for use for such purpose to his satisfaction, or

(iv) such store, ship or vehicle to be made fit for such purposes to his satisfaction.

10 (2) (a) The amendment made by subparagraph (i) of paragraph (a) of subsection one of this section shall in its application to premises registered at the commencement of this Act commence upon the expiration of a period of six months after such commencement.

15 (b) The amendments made by paragraphs (g) and (h) of subsection one of this section shall commence upon the expiration of a period of six months after the commencement of this Act.

20 4. The Dairy Industry Act, 1915-1940, is further amended—

(a) by inserting at the end of section eleven the following words:—

Further amendment of Act No. 45, 1915.

Sec. 11.
(Payment for cream.)

25 Regulations may be made under this Act prescribing margins of difference in the rates of payment for cream of different grades.

(b) by inserting next after section thirteen the following new section:—

New sec. 13A.

30 13A. (1) The manager of every dairy produce factory shall grade or cause to be graded into the prescribed grades all milk supplied to him. Such milk shall according to the grade thereof be paid for—

Grading and basis for payment of milk supplied to factories.

35 (a) in any case where the milk is to be used wholly for the manufacture of cheese on the amount of cheese obtainable from such milk estimated in the prescribed

Dairy Industry (Amendment).

prescribed manner or on the basis of the butter fat results estimated in the prescribed manner;

- 5 (b) in any other case on the basis of the butter fat results estimated in the prescribed manner.

Regulations may be made under this Act prescribing margins of difference in the rates of payment for milk of different grades.

- 10 (2) The manager of a dairy produce factory shall in the manufacture of any class of dairy produce from milk use or cause to be used milk wholly of the one grade and shall not
15 blend or mix or cause to be blended or mixed dairy produce which is manufactured from milk of one grade with dairy produce which has been manufactured from milk of another grade.

- (c) by inserting at the end of section fourteen the following new subsection:— Sec. 14.
(Who may
test or
grade.)

- 20 (2) After the expiration of six months from the commencement of the Dairy Industry (Amendment) Act, 1950, every person employed to grade milk supplied to a dairy produce
25 factory shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed in that behalf and shall hold a certificate to that effect:

- 30 Provided that any person who is at the commencement of the Dairy Industry (Amendment) Act, 1950, and has been continuously employed in this work for a period of one year, may be exempt from such examination on passing a practical test as prescribed.

- 35 (d) (i) by inserting in paragraph (c) of subsection one of section twenty-five after the word "cream" the words "and milk"; Sec. 25.
(Regulations.)

Dairy Industry (Amendment).

- 5 (ii) by inserting in paragraph (e) of the same subsection after the word "cream" the words "and prohibiting persons being employed in dairy produce factories as butter or cheese makers or in any other prescribed capacity unless they possess the prescribed qualifications and pass the prescribed examinations";
- 10 (iii) by inserting next after the same paragraph the following new paragraph:—
 - 15 (e1) prescribing what products of milk in addition to those specified in the definition of "Dairy produce" in subsection one of section two of this Act shall be dairy produce for the purposes of this Act.
- 20 (iv) by inserting in paragraph (f) of the same subsection after the word "cream" the words "and milk";
- (v) by inserting in paragraph (g) of the same subsection after the word "tests" the words "and grading."

DAIRY INDUSTRY (AMENDMENT) BILL, 1950.

EXPLANATORY NOTE.

THIS is a Bill to amend the Dairy Industry Act, 1915-1940, in certain respects. The Bill contains provisions with respect to the following:—

- (a) Provision that dairy produce factories be registered only in relation to the purposes for which they are operated and in particular to the class of dairy produce manufactured. Any extension of their activities to other classes of dairy produce is to be subject to review by the Dairy Produce Factories Advisory Committee and the Minister having regard to its economic effect on the dairy industry.
- (b) The extension of the Act to premises used for the manufacture of concentrated milk and malted milk and for the processing of butter and cheese.
- (c) The transfer of registration of dairy produce factories and stores from one person to another without restriction and the cancellation of registration where premises cease to be used as a factory or store.
- (d) The grading of milk supplied to a factory and the fixing of margins of difference in the rates of payment for milk and cream of different grades.
- (e) The qualifications to be possessed by milk graders, butter and cheese makers and other factory operatives.

DAIRY INDUSTRY (AMENDMENT) BILL, 1930.

EXPLANATORY NOTE.

The Bill is intended to amend the Dairy Industry Act, 1924, in certain respects. The Bill contains the following provisions:

(1) Provision for the appointment of a Dairy Inspector for each district in relation to the inspection of milk and milk products in the district in the case of dairy farms, and for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(2) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(3) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(4) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(5) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(6) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(7) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(8) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(9) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

(10) Provision for the appointment of a Dairy Inspector for each district in the case of other classes of dairy farms.

No. , 1950

A BILL

To amend the Dairy Industry Act, 1915-1940, in certain respects; and for purposes connected therewith.

[MR. GRAHAM;—7 March, 1950.]

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

1. (1) This Act may be cited as the "Dairy Industry (Amendment) Act, 1950."

Short title,
commence-
ment and
citation.

(2) This Act shall, except as otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Dairy Industry (Amendment).

(3) The Dairy Industry Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Dairy Industry Act, 1915-1950.

2. The Dairy Industry Act, 1915-1940, is amended—

5 (a) by inserting in subsection one of section two in the definition of "Dairy produce" after the words "condensed milk" the words "concentrated milk, malted milk, or any other prescribed product of milk";

Amendment
of Act No.
45, 1915.
Sec. 2.
(Defini-
tions.)

10 (b) by omitting from the same subsection the definition of "Dairy produce factory" and by inserting in lieu thereof the following definition:

"Dairy produce factory" means a building or place where butter, cheese, dried milk, condensed milk, concentrated milk, malted milk, or any other prescribed product of milk, or margarine is prepared or manufactured, or where milk or cream is tested, graded, pasteurised or cooled preparatory to manufacture, or where butter or cheese is processed after manufacture;

15 (c) by omitting from the definition of "Store" in the same subsection the words "dried milk, condensed milk, butter, cheese," and by inserting in lieu thereof the words "butter, cheese, dried milk, condensed milk, concentrated milk, malted milk or any other prescribed product of milk."

30 3. (1) The Dairy Industry Act, 1915-1940, is further amended—

(a) (i) by inserting in section three after the words "under this Act" the words "in the name of the person so using them";

Further
amendment
of Act No.
45, 1915.
Sec. 3
(Registra-
tion of
premises.)

35 (ii) by omitting from the same section the words "Provided that where premises are so used at the commencement of this Act, they may, without registration, continue to be so used

for

Dairy Industry (Amendment).

for six months after such commencement”
and by inserting in lieu thereof the following
words:—

5 “Provided that premises which immedi-
ately prior to the commencement of the
Dairy Industry (Amendment) Act, 1950, or
the date upon which any regulation under
10 paragraph (e1) of subsection one of section
twenty-five of this Act takes effect were
not dairy produce factories or stores but
became dairy produce factories or stores
upon such commencement or date, as the
case may be, may continue to be so used
15 without registration for three months after
such commencement or date, as the case
may be”;

(b) (i) by inserting in section four after the words Sec. 4.
(Penalties.)
“under this Act” the words “as a dairy
produce factory or store, as the case may
20 require”;

(ii) by omitting from the same section the words
“twenty pounds” and by inserting in lieu
thereof the words “one hundred pounds”;

25 (iii) by omitting from the same section the words
“two pounds” and by inserting in lieu
thereof the words “twenty pounds”;

(c) (i) by omitting from subsection two of section Sec. 5.
(Applica-
tion for
registra-
tion.)
five the words and symbols “section 5B of”;
(ii) by inserting in the same subsection after the
30 word “registered” the words “in the name
of the applicant”;

(iii) by inserting at the end of the same subsec-
tion the following words:—

35 “Any person in whose name premises are
registered who desires to transfer the regis-
tration thereof into the name of another
person

Dairy Industry (Amendment).

5 person shall give written notification thereof
to the Under Secretary and Director of the
Department of Agriculture. Such notifica-
tion shall state the name and address of the
proposed transferee and be accompanied by
the certificate of registration. On receipt of
such notification a fresh certificate of regis-
tration shall be sent to the transferee. Such
certificate shall have the like force and effect
as if sent to an applicant as aforesaid."

(d) by omitting paragraph (b) of subsection four
of section 5A and by inserting in lieu thereof the
following paragraph:—

Sec. 5A.
(Dairy
Produce
Factories
Advisory
Committee.)

15 (b) the purposes for which the premises
are to be used;

(e) by inserting at the end of paragraph (a) of
subsection two of section 5B the words "and
such premises have not at any time prior to such
application been registered as a dairy produce
factory";

Sec. 5B.
(Power of
Minister to
refuse regis-
tration in
certain
cases.)

20 (f) by inserting next after section 5B the following
new sections:—

New secs.
5c, 5d.

25 5c. (1) Every certificate of registration of
premises as a dairy produce factory issued
after the commencement of the Dairy Industry
(Amendment) Act, 1950, shall bear an endorse-
ment as to the purposes for which such
premises may be used.

Endorse-
ments upon
certificates
of registra-
tion as to
purposes
for which
factory is
used.

30 (2) The holder of any certificate of regis-
tration issued in respect of any dairy produce
factory registered at the commencement of the
Dairy Industry (Amendment) Act, 1950, shall
make application as prescribed within three
months after such commencement for an endorse-
ment upon the certificate of registration issued
in respect of such factory as to the purposes for
which such factory may be used. The purposes
so endorsed shall be those for which the premises
were used upon the first day of March, one
thousand nine hundred and fifty.

Any

Dairy Industry (Amendment).

Any person who fails to make application as hereinbefore provided and who uses any premises after the expiration of such period of three months as a dairy produce factory shall be deemed to be using premises not duly registered under this Act.

(3) An application may be made for the variation of the purposes for which premises registered as a dairy produce factory may be used and any such application shall be deemed to be an application for the registration of the premises as a dairy produce factory for use for such purposes. If in consequence of an application under this subsection the registration of premises is varied as to the purposes for which they may be used, the certificate of registration shall be endorsed accordingly.

(4) Any person who uses any premises as a dairy produce factory in respect of which a certificate of registration bearing an endorsement as aforesaid is in force for any purposes other than those specified in the endorsement shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one hundred pounds and in addition to a penalty not exceeding twenty pounds for every day during which the offence shall be continued.

5b. The holder of any certificate of registration issued in respect of any dairy produce factory or store registered at the commencement of the Dairy Industry (Amendment) Act, 1950, shall make application as prescribed within three months after such commencement for an endorsement upon the certificate of registration issued in respect of such factory or store of the name of the person using such factory or store.

Endorsement as to name of person using factory or store.

Any person who fails to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds.

(g)

Dairy Industry (Amendment).

(g) by omitting section six and by inserting in lieu thereof the following section:—

Subst.
sec. 6.

5 6. (1) Where any premises registered as a dairy produce factory have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and where any registered store has ceased to be used as such the person in whose name such premises are then registered shall forthwith furnish a written notification to that effect to the Under Secretary and Director of the Department of Agriculture whereupon the registration of such premises shall be cancelled.

Cancellation of registration of factories and stores.

10 (2) Notwithstanding that a notification has not been furnished as provided in subsection one of this section, the registration of premises as a dairy produce factory or store may be cancelled in any case where—

15 (a) there are reasonable grounds for believing that in the case of premises registered as a dairy produce factory they have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and in the case of a store such premises have ceased to be used as such; or

20 (b) a conviction has been obtained for failure to comply with an order given under section ten of this Act that such premises be made fit for use as a dairy produce factory for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof, or as a store, as the case may be.

(h)

Dairy Industry (Amendment).

(h) (i) by omitting paragraph (c) of section ten S. 10.
and by inserting in lieu thereof the following (Inspector
paragraphs:— may order
remedial
measures.)

5

(c) that any dairy produce factory is
unfit for use for any purpose speci-
fied in the endorsement upon the
certificate of registration issued in
respect thereof; or

10

(d) that any store or any ship or
vehicle used for the storage or
carriage of dairy produce is unfit
for such purpose;

15

(ii) by omitting paragraph (iii) of the same
section and by inserting in lieu thereof the
following paragraphs:—

(iii) such dairy produce factory to be
made fit for use for such purpose
to his satisfaction, or

20

(iv) such store, ship or vehicle to be
made fit for such purposes to his
satisfaction.

(2) (a) The amendment made by subparagraph
(i) of paragraph (a) of subsection one of this section
shall in its application to premises registered at the
25 commencement of this Act commence upon the expiration
of a period of six months after such commencement.

(b) The amendments made by paragraphs (g)
and (h) of subsection one of this section shall commence
upon the expiration of a period of six months after the
30 commencement of this Act.

4. The Dairy Industry Act, 1915-1940, is further
amended—

Further
amendment
of Act No.
45, 1915.

(a) by inserting at the end of section eleven the
following words:—

Sec. 11.
(Payment
for cream.)

35

Regulations may be made under this Act
prescribing margins of difference in the rates
of payment for cream of different grades.

(b)

Dairy Industry (Amendment).

- (b) by inserting next after section thirteen the following new section:—

New sec.
13A.

5 13A. (1) The manager of every dairy produce factory shall grade or cause to be graded into the prescribed grades all milk supplied to him. Such milk shall be paid for according to the grade thereof. Regulations may be made under this Act prescribing margins of difference in the rates of payment for milk of different grades.

Grading and basis for payment of milk supplied to factories.

10 (2) The manager of a dairy produce factory shall in the manufacture of any class of dairy produce from milk use or cause to be used milk wholly of the one grade and shall not blend or mix or cause to be blended or mixed

15 dairy produce which is manufactured from milk of one grade with dairy produce which has been manufactured from milk of another grade.

- (c) by inserting at the end of section fourteen the following new subsection:—

Sec. 14.
(Who may test or grade.)

20 (2) After the expiration of six months from the commencement of the Dairy Industry (Amendment) Act, 1950, every person employed to grade milk supplied to a dairy produce factory shall, before he enters into or continues

25 such employment, have the qualifications and pass the examination prescribed in that behalf and shall hold a certificate to that effect:

30 Provided that any person who is at the commencement of the Dairy Industry (Amendment) Act, 1950, and has been continuously employed in this work for a period of one year, may be exempt from such examination on passing a practical test as prescribed.

- 35 (d) (i) by inserting in paragraph (c) of subsection one of section twenty-five after the word "cream" the words "and milk";

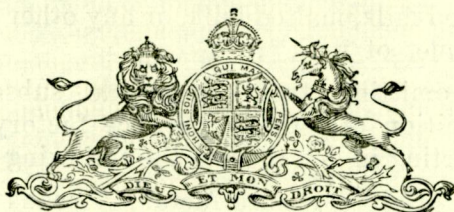
Sec. 25
(Regulations).

(ii)

Dairy Industry (Amendment).

- 5 (ii) by inserting in paragraph (e) of the same subsection after the word "cream" the words "and prohibiting persons being employed in dairy produce factories as butter or cheese makers or in any other prescribed capacity unless they possess the prescribed qualifications and pass the prescribed examinations";
- 10 (iii) by inserting next after the same paragraph the following new paragraph:—
- 15 (e1) prescribing what products of milk in addition to those specified in the definition of "Dairy produce" in subsection one of section two of this Act shall be dairy produce for the purposes of this Act.
- 20 (iv) by inserting in paragraph (f) of the same subsection after the word "cream" the words "and milk";
- (v) by inserting in paragraph (g) of the same subsection after the word "tests" the words "and grading."

New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

Act No. 16, 1950.

An Act to amend the Dairy Industry Act, 1915-1940, in certain respects; and for purposes connected therewith. [Assented to, 9th May, 1950.]

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

1. (1) This Act may be cited as the "Dairy Industry (Amendment) Act, 1950."

Short title,
commence-
ment and
citation.

(2) This Act shall, except as otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Dairy Industry (Amendment).

(3) The Dairy Industry Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Dairy Industry Act, 1915-1950.

Amendment
of Act No.
45, 1915.
Sec. 2.
(Defini-
tions.)

2. The Dairy Industry Act, 1915-1940, is amended—

- (a) by inserting in subsection one of section two in the definition of "Dairy produce" after the words "condensed milk" the words "concentrated milk, malted milk, or any other prescribed product of milk";
- (b) by omitting from the same subsection the definition of "Dairy produce factory" and by inserting in lieu thereof the following definition:

"Dairy produce factory" means a building or place where butter, cheese, dried milk, condensed milk, concentrated milk, malted milk, or any other prescribed product of milk, or margarine is prepared or manufactured, or where milk or cream is tested, graded, pasteurised or cooled preparatory to manufacture, or where butter or cheese is processed after manufacture;

- (c) by omitting from the definition of "Store" in the same subsection the words "dried milk, condensed milk, butter, cheese," and by inserting in lieu thereof the words "butter, cheese, dried milk, condensed milk, concentrated milk, malted milk or any other prescribed product of milk."

Further
amendment
of Act No.
45, 1915.
Sec. 3
(Registra-
tion of
premises.)

3. (1) The Dairy Industry Act, 1915-1940, is further amended—

- (a) (i) by inserting in section three after the words "under this Act" the words "in the name of the person so using them";
- (ii) by omitting from the same section the words "Provided that where premises are so used at the commencement of this Act, they may, without registration, continue to be so used for

Dairy Industry (Amendment).

for six months after such commencement” and by inserting in lieu thereof the following words:—

“Provided that premises which immediately prior to the commencement of the Dairy Industry (Amendment) Act, 1950, or the date upon which any regulation under paragraph (e1) of subsection one of section twenty-five of this Act takes effect were not dairy produce factories or stores but became dairy produce factories or stores upon such commencement or date, as the case may be, may continue to be so used without registration for three months after such commencement or date, as the case may be”;

(b) (i) by inserting in section four after the words “under this Act” the words “as a dairy produce factory or store, as the case may require”;

Sec. 4.
(Penalties.)

(ii) by omitting from the same section the words “twenty pounds” and by inserting in lieu thereof the words “one hundred pounds”;

(iii) by omitting from the same section the words “two pounds” and by inserting in lieu thereof the words “twenty pounds”;

(c) (i) by omitting from subsection two of section five the words and symbols “section 5B of”;

Sec. 5.
(Application for registration.)

(ii) by inserting in the same subsection after the word “registered” the words “in the name of the applicant”;

(iii) by inserting at the end of the same subsection the following words:—

“Any person in whose name premises are registered who desires to transfer the registration thereof into the name of another person

Dairy Industry (Amendment).

person shall give written notification thereof to the Under Secretary and Director of the Department of Agriculture. Such notification shall state the name and address of the proposed transferee and be accompanied by the certificate of registration. On receipt of such notification a fresh certificate of registration shall be sent to the transferee. Such certificate shall have the like force and effect as if sent to an applicant as aforesaid."

Sec. 5A.
(Dairy
Produce
Factories
Advisory
Committee.)

- (d) by omitting paragraph (b) of subsection four of section 5A and by inserting in lieu thereof the following paragraph:—

(b) the purposes for which the premises are to be used;

Sec. 5B.
(Power of
Minister to
refuse regis-
tration in
certain
cases.)

- (e) (i) by inserting at the end of paragraph (a) of subsection two of section 5B the words "and such premises have not at any time prior to such application been registered as a dairy produce factory";

- (ii) by inserting at the end of the same subsection the following paragraph:—

(c) an application for the registration as a dairy produce factory of premises to which the proviso to section three of this Act applies or of premises in the course of construction at the commencement of the Dairy Industry (Amendment) Act, 1950, or the date upon which any regulation under paragraph (e1) of subsection one of section twenty-five of this Act takes effect which if they had been constructed at such commencement or date, as the case may be, would have been premises to which such proviso applies.

(f)

Dairy Industry (Amendment).

- (f) by inserting next after section 5B the following new sections:—

New secs.
5c, 5d.

5c. (1) Every certificate of registration of premises as a dairy produce factory issued after the commencement of the Dairy Industry (Amendment) Act, 1950, shall bear an endorsement as to the purposes for which such premises may be used.

Endorsements upon certificates of registration as to purposes for which factory is used.

(2) The holder of any certificate of registration issued in respect of any dairy produce factory registered at the commencement of the Dairy Industry (Amendment) Act, 1950, shall make application as prescribed within three months after such commencement for an endorsement upon the certificate of registration issued in respect of such factory as to the purposes for which such factory may be used. The purposes so endorsed shall be those for which the premises were used upon the first day of March, one thousand nine hundred and fifty.

Any person who fails to make application as hereinbefore provided and who uses any premises after the expiration of such period of three months as a dairy produce factory shall be deemed to be using premises not duly registered under this Act.

(3) An application may be made for the variation of the purposes for which premises registered as a dairy produce factory may be used and any such application shall be deemed to be an application for the registration of the premises as a dairy produce factory for use for such purposes. If in consequence of an application under this subsection the registration of premises is varied as to the purposes for which they may be used, the certificate of registration shall be endorsed accordingly.

Dairy Industry (Amendment).

(4) Any person who uses any premises as a dairy produce factory in respect of which a certificate of registration bearing an endorsement as aforesaid is in force for any purposes other than those specified in the endorsement shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one hundred pounds and in addition to a penalty not exceeding twenty pounds for every day during which the offence shall be continued.

Endorsement as to name of person using factory or store.

5D. The holder of any certificate of registration issued in respect of any dairy produce factory or store registered at the commencement of the Dairy Industry (Amendment) Act, 1950, shall make application as prescribed within three months after such commencement for an endorsement upon the certificate of registration issued in respect of such factory or store of the name of the person using such factory or store.

Any person who fails to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds.

Subst.
sec. 6.

(g) by omitting section six and by inserting in lieu thereof the following section:—

Cancellation of registration of factories and stores.

6. (1) Where any premises registered as a dairy produce factory have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and where any registered store has ceased to be used as such the person in whose name such premises are then registered shall forthwith furnish a written notification to that effect to the Under Secretary and Director of the Department of Agriculture whereupon the registration of such premises shall be cancelled.

(2)

Dairy Industry (Amendment).

(2) Notwithstanding that a notification has not been furnished as provided in subsection one of this section, the registration of premises as a dairy produce factory or store may be cancelled in any case where—

(a) there are reasonable grounds for believing that in the case of premises registered as a dairy produce factory they have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and in the case of a store such premises have ceased to be used as such; or

(b) a conviction has been obtained for failure to comply with an order given under section ten of this Act that such premises be made fit for use as a dairy produce factory for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof, or as a store, as the case may be.

(h) (i) by omitting paragraph (c) of section ten and by inserting in lieu thereof the following paragraphs:—

Sec. 10.
(Inspector may order remedial measures.)

(c) that any dairy produce factory is unfit for use for any purpose specified in the endorsement upon the certificate of registration issued in respect thereof; or

(d) that any store or any ship or vehicle used for the storage or carriage of dairy produce is unfit for such purpose;

(ii).

Dairy Industry (Amendment).

(ii) by omitting paragraph (iii) of the same section and by inserting in lieu thereof the following paragraphs:—

(iii) such dairy produce factory to be made fit for use for such purpose to his satisfaction, or

(iv) such store, ship or vehicle to be made fit for such purposes to his satisfaction.

(2) (a) The amendment made by subparagraph (i) of paragraph (a) of subsection one of this section shall in its application to premises registered at the commencement of this Act commence upon the expiration of a period of six months after such commencement.

(b) The amendments made by paragraphs (g) and (h) of subsection one of this section shall commence upon the expiration of a period of six months after the commencement of this Act.

4. The Dairy Industry Act, 1915-1940, is further amended:—

(a) by inserting at the end of section eleven the following words:—

Regulations may be made under this Act prescribing margins of difference in the rates of payment for cream of different grades.

(b) by inserting next after section thirteen the following new section:—

13A. (1) The manager of every dairy produce factory shall grade or cause to be graded into the prescribed grades all milk supplied to him. Such milk shall according to the grade thereof be paid for—

(a) in any case where the milk is to be used wholly for the manufacture of cheese on the amount of cheese obtainable from such milk estimated in the prescribed

Further
amendment
of Act No.
45, 1915.

Sec. 11.
(Payment
for cream.)

New sec.
13A.

Grading and
basis for
payment of
milk sup-
plied to
factories.

Dairy Industry (Amendment).

prescribed manner or on the basis of the butter fat results estimated in the prescribed manner;

(b) in any other case on the basis of the butter fat results estimated in the prescribed manner.

Regulations may be made under this Act prescribing margins of difference in the rates of payment for milk of different grades.

(2) The manager of a dairy produce factory shall in the manufacture of any class of dairy produce from milk use or cause to be used milk wholly of the one grade and shall not blend or mix or cause to be blended or mixed dairy produce which is manufactured from milk of one grade with dairy produce which has been manufactured from milk of another grade.

(c) by inserting at the end of section fourteen the following new subsection:—

Sec. 14.
(Who may
test or
grade.)

(2) After the expiration of six months from the commencement of the Dairy Industry (Amendment) Act, 1950, every person employed to grade milk supplied to a dairy produce factory shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed in that behalf and shall hold a certificate to that effect:

Provided that any person who is at the commencement of the Dairy Industry (Amendment) Act, 1950, and has been continuously employed in this work for a period of one year, may be exempt from such examination on passing a practical test as prescribed.

(d) (i) by inserting in paragraph (c) of subsection one of section twenty-five after the word "cream" the words "and milk";

Sec. 25.
(Regulations.)

(ii)

Dairy Industry (Amendment).

- (ii) by inserting in paragraph (e) of the same subsection after the word "cream" the words "and prohibiting persons being employed in dairy produce factories as butter or cheese makers or in any other prescribed capacity unless they possess the prescribed qualifications and pass the prescribed examinations";
- (iii) by inserting next after the same paragraph the following new paragraph:—
 - (e1) prescribing what products of milk in addition to those specified in the definition of "Dairy produce" in subsection one of section two of this Act shall be dairy produce for the purposes of this Act.
- (iv) by inserting in paragraph (f) of the same subsection after the word "cream" the words "and milk";
- (v) by inserting in paragraph (g) of the same subsection after the word "tests" the words "and grading."

By Authority:

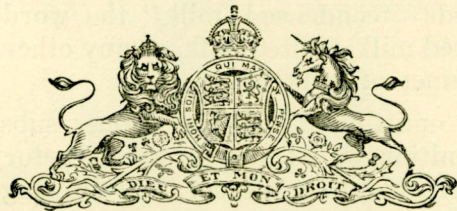
ALFRED HENRY PETTIFER, Government Printer, Sydney, 1950.

[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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 26 April, 1950.

New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

Act No. 16, 1950.

An Act to amend the Dairy Industry Act, 1915-1940, in certain respects; and for purposes connected therewith. [Assented to, 9th May, 1950.]

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

1. (1) This Act may be cited as the "Dairy Industry (Amendment) Act, 1950."

Short title,
commence-
ment and
citation.

(2) This Act shall, except as otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3)

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.

Dairy Industry (Amendment).

(3) The Dairy Industry Act, 1915, as amended by subsequent Acts and by this Act, may be cited as the Dairy Industry Act, 1915-1950.

Amendment
of Act No.
45, 1915.
Sec. 2.
(Defini-
tions.)

2. The Dairy Industry Act, 1915-1940, is amended—

- (a) by inserting in subsection one of section two in the definition of "Dairy produce" after the words "condensed milk" the words "concentrated milk, malted milk, or any other prescribed product of milk";
- (b) by omitting from the same subsection the definition of "Dairy produce factory" and by inserting in lieu thereof the following definition:

"Dairy produce factory" means a building or place where butter, cheese, dried milk, condensed milk, concentrated milk, malted milk, or any other prescribed product of milk, or margarine is prepared or manufactured, or where milk or cream is tested, graded, pasteurised or cooled preparatory to manufacture, or where butter or cheese is processed after manufacture;
- (c) by omitting from the definition of "Store" in the same subsection the words "dried milk, condensed milk, butter, cheese," and by inserting in lieu thereof the words "butter, cheese, dried milk, condensed milk, concentrated milk, malted milk or any other prescribed product of milk."

Further
amendment
of Act No.
45, 1915.
Sec. 3
(Registra-
tion of
premises.)

3. (1) The Dairy Industry Act, 1915-1940, is further amended—

- (a) (i) by inserting in section three after the words "under this Act" the words "in the name of the person so using them";
- (ii) by omitting from the same section the words "Provided that where premises are so used at the commencement of this Act, they may, without registration, continue to be so used for

Dairy Industry (Amendment).

for six months after such commencement” and by inserting in lieu thereof the following words:—

“Provided that premises which immediately prior to the commencement of the Dairy Industry (Amendment) Act, 1950, or the date upon which any regulation under paragraph (e1) of subsection one of section twenty-five of this Act takes effect were not dairy produce factories or stores but became dairy produce factories or stores upon such commencement or date, as the case may be, may continue to be so used without registration for three months after such commencement or date, as the case may be”;

(b) (i) by inserting in section four after the words Sec. 4.
“under this Act” the words “as a dairy (Penalties.)
produce factory or store, as the case may
require”;

(ii) by omitting from the same section the words
“twenty pounds” and by inserting in lieu
thereof the words “one hundred pounds”;

(iii) by omitting from the same section the words
“two pounds” and by inserting in lieu
thereof the words “twenty pounds”;

(c) (i) by omitting from subsection two of section Sec. 5.
five the words and symbols “section 5B of”; (Applica-
tion for

(ii) by inserting in the same subsection after the registra-
word “registered” the words “in the name tion.)
of the applicant”;

(iii) by inserting at the end of the same subsec-
tion the following words:—

“Any person in whose name premises are
registered who desires to transfer the regis-
tration thereof into the name of another
person

Dairy Industry (Amendment).

person shall give written notification thereof to the Under Secretary and Director of the Department of Agriculture. Such notification shall state the name and address of the proposed transferee and be accompanied by the certificate of registration. On receipt of such notification a fresh certificate of registration shall be sent to the transferee. Such certificate shall have the like force and effect as if sent to an applicant as aforesaid."

Sec. 5A.
(Dairy
Produce
Factories
Advisory
Committee.)

- (d) by omitting paragraph (b) of subsection four of section 5A and by inserting in lieu thereof the following paragraph:—

(b) the purposes for which the premises are to be used;

Sec. 5B.
(Power of
Minister to
refuse regis-
tration in
certain
cases.)

- (e) (i) by inserting at the end of paragraph (a) of subsection two of section 5B the words "and such premises have not at any time prior to such application been registered as a dairy produce factory";

- (ii) by inserting at the end of the same subsection the following paragraph:—

(c) an application for the registration as a dairy produce factory of premises to which the proviso to section three of this Act applies or of premises in the course of construction at the commencement of the Dairy Industry (Amendment) Act, 1950, or the date upon which any regulation under paragraph (e1) of subsection one of section twenty-five of this Act takes effect which if they had been constructed at such commencement or date, as the case may be, would have been premises to which such proviso applies.

(f)

Dairy Industry (Amendment).

- (f) by inserting next after section 5B the following new sections:—

New secs.
5C, 5D.

5c. (1) Every certificate of registration of premises as a dairy produce factory issued after the commencement of the Dairy Industry (Amendment) Act, 1950, shall bear an endorsement as to the purposes for which such premises may be used.

Endorsements upon certificates of registration as to purposes for which factory is used.

(2) The holder of any certificate of registration issued in respect of any dairy produce factory registered at the commencement of the Dairy Industry (Amendment) Act, 1950, shall make application as prescribed within three months after such commencement for an endorsement upon the certificate of registration issued in respect of such factory as to the purposes for which such factory may be used. The purposes so endorsed shall be those for which the premises were used upon the first day of March, one thousand nine hundred and fifty.

Any person who fails to make application as hereinbefore provided and who uses any premises after the expiration of such period of three months as a dairy produce factory shall be deemed to be using premises not duly registered under this Act.

(3) An application may be made for the variation of the purposes for which premises registered as a dairy produce factory may be used and any such application shall be deemed to be an application for the registration of the premises as a dairy produce factory for use for such purposes. If in consequence of an application under this subsection the registration of premises is varied as to the purposes for which they may be used, the certificate of registration shall be endorsed accordingly.

(4)

(5)

Dairy Industry (Amendment).

(4) Any person who uses any premises as a dairy produce factory in respect of which a certificate of registration bearing an endorsement as aforesaid is in force for any purposes other than those specified in the endorsement shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one hundred pounds and in addition to a penalty not exceeding twenty pounds for every day during which the offence shall be continued.

Endorsement as to name of person using factory or store.

5D. The holder of any certificate of registration issued in respect of any dairy produce factory or store registered at the commencement of the Dairy Industry (Amendment) Act, 1950, shall make application as prescribed within three months after such commencement for an endorsement upon the certificate of registration issued in respect of such factory or store of the name of the person using such factory or store.

Any person who fails to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds.

Subst.
sec. 6.

(g) by omitting section six and by inserting in lieu thereof the following section:—

Cancellation of registration of factories and stores.

6. (1) Where any premises registered as a dairy produce factory have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and where any registered store has ceased to be used as such the person in whose name such premises are then registered shall forthwith furnish a written notification to that effect to the Under Secretary and Director of the Department of Agriculture whereupon the registration of such premises shall be cancelled.

(2)

Dairy Industry (Amendment).

(2) Notwithstanding that a notification has not been furnished as provided in subsection one of this section, the registration of premises as a dairy produce factory or store may be cancelled in any case where—

(a) there are reasonable grounds for believing that in the case of premises registered as a dairy produce factory they have ceased to be used for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof and in the case of a store such premises have ceased to be used as such; or

(b) a conviction has been obtained for failure to comply with an order given under section ten of this Act that such premises be made fit for use as a dairy produce factory for the purposes specified in the endorsement upon the certificate of registration issued in respect thereof, or as a store, as the case may be.

(h) (i) by omitting paragraph (c) of section ten and by inserting in lieu thereof the following paragraphs:—

Sec. 10.
(Inspector
may order
remedial
measures.)

(c) that any dairy produce factory is unfit for use for any purpose specified in the endorsement upon the certificate of registration issued in respect thereof; or

(d) that any store or any ship or vehicle used for the storage or carriage of dairy produce is unfit for such purpose;

(ii)

Dairy Industry (Amendment).

(ii) by omitting paragraph (iii) of the same section and by inserting in lieu thereof the following paragraphs:—

(iii) such dairy produce factory to be made fit for use for such purpose to his satisfaction, or

(iv) such store, ship or vehicle to be made fit for such purposes to his satisfaction.

(2) (a) The amendment made by subparagraph (i) of paragraph (a) of subsection one of this section shall in its application to premises registered at the commencement of this Act commence upon the expiration of a period of six months after such commencement.

(b) The amendments made by paragraphs (g) and (h) of subsection one of this section shall commence upon the expiration of a period of six months after the commencement of this Act.

Further
amendment
of Act No.
45, 1915.

Sec. 11.
(Payment
for cream.)

4. The Dairy Industry Act, 1915-1940, is further amended—

(a) by inserting at the end of section eleven the following words:—

Regulations may be made under this Act prescribing margins of difference in the rates of payment for cream of different grades.

New sec.
13A.

(b) by inserting next after section thirteen the following new section:—

Grading and
basis for
payment of
milk sup-
plied to
factories.

13A. (1) The manager of every dairy produce factory shall grade or cause to be graded into the prescribed grades all milk supplied to him. Such milk shall according to the grade thereof be paid for—

(a) in any case where the milk is to be used wholly for the manufacture of cheese on the amount of cheese obtainable from such milk estimated in the prescribed

Dairy Industry (Amendment).

prescribed manner or on the basis of the butter fat results estimated in the prescribed manner;

- (b) in any other case on the basis of the butter fat results estimated in the prescribed manner.

Regulations may be made under this Act prescribing margins of difference in the rates of payment for milk of different grades.

(2) The manager of a dairy produce factory shall in the manufacture of any class of dairy produce from milk use or cause to be used milk wholly of the one grade and shall not blend or mix or cause to be blended or mixed dairy produce which is manufactured from milk of one grade with dairy produce which has been manufactured from milk of another grade.

- (c) by inserting at the end of section fourteen the following new subsection:—
- Sec. 14.**
(Who may
test or
grade.)

(2) After the expiration of six months from the commencement of the Dairy Industry (Amendment) Act, 1950, every person employed to grade milk supplied to a dairy produce factory shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed in that behalf and shall hold a certificate to that effect:

Provided that any person who is at the commencement of the Dairy Industry (Amendment) Act, 1950, and has been continuously employed in this work for a period of one year, may be exempt from such examination on passing a practical test as prescribed.

- (d) (i) by inserting in paragraph (c) of subsection one of section twenty-five after the word "cream" the words "and milk";
- Sec. 25.**
(Regulations.)

(ii)

Dairy Industry (Amendment).

- (ii) by inserting in paragraph (e) of the same subsection after the word "cream" the words "and prohibiting persons being employed in dairy produce factories as butter or cheese makers or in any other prescribed capacity unless they possess the prescribed qualifications and pass the prescribed examinations";
- (iii) by inserting next after the same paragraph the following new paragraph:—
 - (e1) prescribing what products of milk in addition to those specified in the definition of "Dairy produce" in subsection one of section two of this Act shall be dairy produce for the purposes of this Act.
- (iv) by inserting in paragraph (f) of the same subsection after the word "cream" the words "and milk";
- (v) by inserting in paragraph (g) of the same subsection after the word "tests" the words "and grading."

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

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 9th May, 1950.*