

PROOF

DAIRY INDUSTRY AUTHORITY (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to relieve the Dairy Industry Authority of any obligation to make any further payments in respect of milk vested in, delivered to or accepted by the Milk Board before the commencement of the Dairy Industry Authority Act, 1970;
- (b) to make further provisions with respect to the acceptance of milk by the Dairy Industry Authority of New South Wales;
- (c) to make other provisions of a minor or ancillary nature.

PROOF

No. , 1971.

A BILL

To abolish any right to further payment for certain milk delivered to the Milk Board constituted under the Milk Act, 1931; to make further provisions with respect to the acceptance of milk by the Dairy Industry Authority of New South Wales; for these purposes to amend the Dairy Industry Authority Act, 1970; and for purposes connected therewith.

[MR CRAWFORD—7 December, 1971.]

BE

Dairy Industry Authority (Amendment).

5 **B**E it enacted by the Queen'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. This Act may be cited as the "Dairy Industry Authority Short title. (Amendment) Act, 1971".

2. (1) In this section—

10 "appointed day" means the day appointed under subsection two of section one of the Dairy Industry Authority Act, 1970;

"Authority" means the Dairy Industry Authority of New South Wales constituted under the Dairy Industry Authority Act, 1970;

15 "Board" means the Milk Board constituted by the Milk Act, 1931.

Abolition of right to further payment for certain milk delivered to the Milk Board.

20 (2) Notwithstanding any law to the contrary, a person shall not be, and shall be deemed never to have been, entitled to, or entitled to claim or receive from, or to be paid by, the Board, the Authority, the Crown or any Minister of the Crown, or the Government of New South Wales or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912, any amount for or in respect of milk vested in, delivered to or accepted by the Board before the appointed day.

30 (3) Subsection two of this section does not have effect so as to entitle the Authority to recover from any person any amount that, before the commencement of this Act, has been paid by the Board or the Authority in respect of any milk vested in, delivered to or accepted by the Board before the appointed day.

(4)

Dairy Industry Authority (Amendment).

(4) Without limiting the operation of subsection two of this section, that subsection has effect in respect of any amount claimed by any person in proceedings commenced before or after the commencement of this Act (including any proceedings commenced before the commencement of this Act and pending and not completed at that commencement) for or in respect of milk vested in, delivered to or accepted by the Board before the appointed day and so has effect whether or not a determination or certificate under section 28A of the Milk Act, 1931, has, at any time, been made or issued in respect of milk vested in the Board before the appointed day or delivered by that person to the Board before that day or accepted by the Board from that person before that day.

(5) Where any proceedings referred to in subsection four of this section have been instituted before the commencement of this Act, the court shall, on the application of any party, forthwith set aside or dismiss the proceedings, subject only, in the case of any proceedings commenced before the commencement of this Act the hearing of which has commenced before that commencement, to the determination of any question arising as to costs.

3. The Dairy Industry Authority Act, 1970, is amended—

Amendment of Act No. 29, 1970.

(a) by omitting subsections one and two of section twenty-six and by inserting in lieu thereof the following subsections :—

Sec. 26. (Determination of quantity of milk accepted by the Authority.)

(1) For the purposes of this Act, and of any regulation or order made, or notice, certificate, or other document issued, thereunder, milk shall be deemed not to have been accepted by the Authority except to the extent specified in a determination made under subsection two of this section.

(2)

Dairy Industry Authority (Amendment).

(2) For the purposes of subsection one of this section—

- 5 (a) the quantity of milk, or the quantity of milk of any grade, class or description, that is accepted by the Authority from any person specified in the determination during any period so specified, at any time so specified or at any place so specified;
- 10 (b) the purpose or purposes for which a quantity or quantities of milk specified in the determination as having been accepted by the Authority is used or to be used; and
- 15 (c) the conditions under which any quantity of milk specified in the determination as having been accepted by the Authority was thereafter collected, treated, carried, deposited, stored, distributed, delivered or supplied,

is, as the case may require—

- 20 (d) such quantity or quantities, in respect of that person, period, time or place or that grade, class or description;
- (e) such purpose or purposes; or
- (f) such conditions,

25 as may be determined by the Authority or by any officer of the Authority authorised by it for the purposes of this subsection.

30 (2A) Any such determination may be made at any time after the expiration of the period or after the time referred to in paragraph (a) of subsection two of this section, whether or not the milk in respect of which the determination is made is milk specified in the determination as having been accepted by the Authority before or after the commencement of the Dairy Industry Authority (Amendment) Act, 1971.

35

(b)

Dairy Industry Authority (Amendment).

- 5 (b) by inserting in subsection three of the same section after the word "Authority," where firstly occurring the words "the Crown, the Government of New South Wales or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912,";
- 10 (c) by omitting from paragraph (a) of the same subsection the words ", delivered to the Authority by, and accepted by the Authority from," and by inserting in lieu thereof the words "or at a specified time, accepted by the Authority from";
- (d) by omitting from the same paragraph the words "delivered and";
- 15 (e) by omitting from paragraph (b) of the same subsection the words "was produced," and by inserting in lieu thereof the words "accepted by the Authority was thereafter";
- (f) by omitting from subsection four of the same section the word "produced,".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

Public Finance (Amendment)

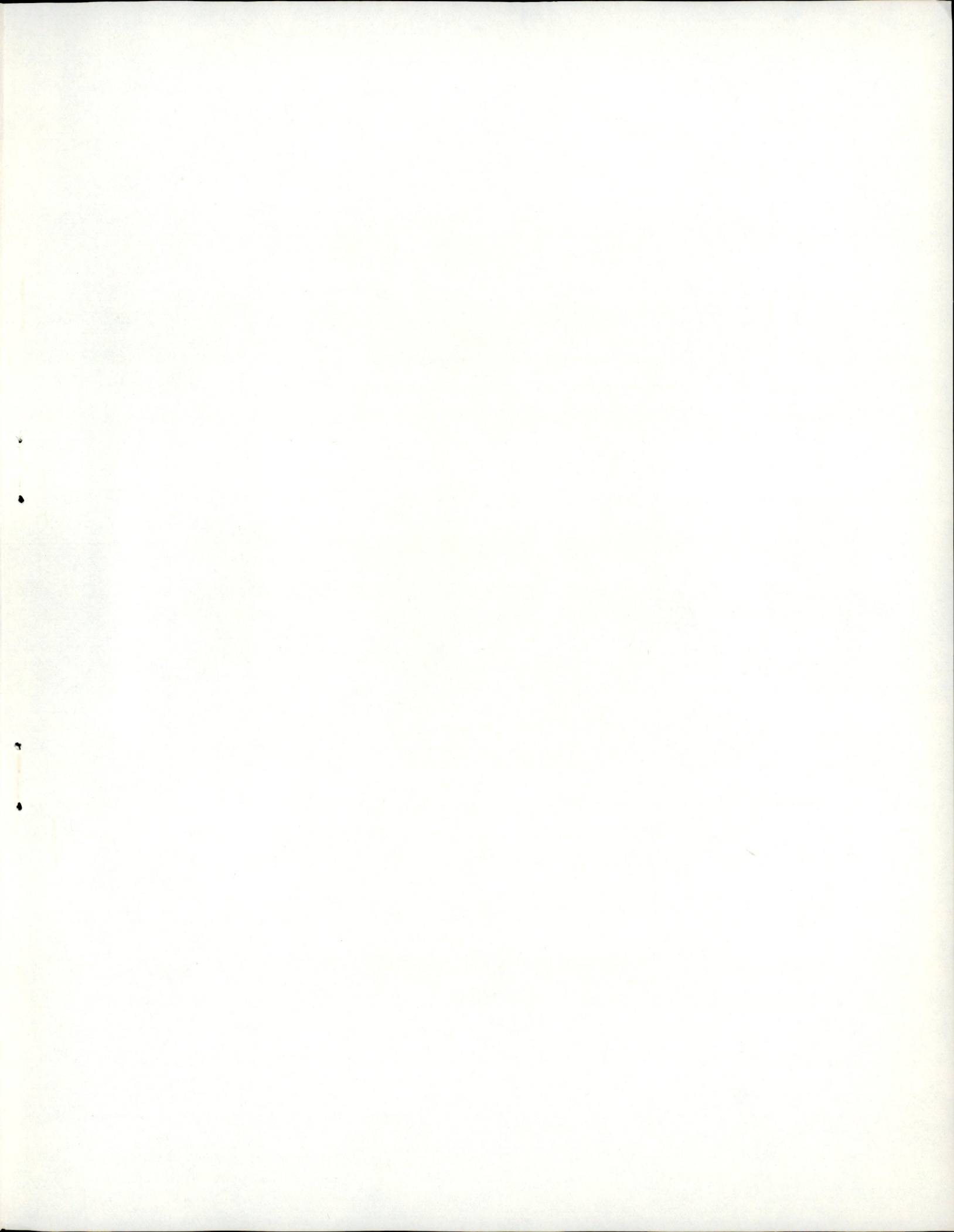
(b) by inserting in subsection three of the same section after the word "Authority", which firstly occurring the words "the Crown, the Government of New South Wales or any person detailed appointed under the Crown against the Government and Crown since 1912";

(c) by omitting from paragraph (a) of the same subsection the words "inserted in the Authority" and by inserting in lieu thereof the words "and by inserting in the Authority";

(d) by amending from the same paragraph the words "deleted and";

(e) by omitting from paragraph (b) of the same subsection the words "was produced" and by inserting in lieu thereof the words "received by the Authority was thereafter";

(f) by omitting from subsection four of the same section the words "produced";



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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 8 December, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to abolish any right to further payment for certain milk delivered to the Milk Board constituted under the Milk Act, 1931; to make further provisions with respect to the acceptance of milk by the Dairy Industry Authority of New South Wales; for these purposes to amend the Dairy Industry Authority Act, 1970; and for purposes connected therewith.

BE

Dairy Industry Authority (Amendment).

5 **BE** it enacted by the Queen'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. This Act may be cited as the "Dairy Industry Authority Short title. (Amendment) Act, 1971".

2. (1) In this section—

10 "appointed day" means the day appointed under subsection two of section one of the Dairy Industry Authority Act, 1970;

Abolition of right to further payment for certain milk delivered to the Milk Board.

"Authority" means the Dairy Industry Authority of New South Wales constituted under the Dairy Industry Authority Act, 1970;

15 "Board" means the Milk Board constituted by the Milk Act, 1931.

(2) Notwithstanding any law to the contrary, a person shall not be, and shall be deemed never to have been, entitled to, or entitled to claim or receive from, or to be paid by, the 20 Board, the Authority, the Crown or any Minister of the Crown, or the Government of New South Wales or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912, any amount for or in respect of milk vested in, delivered to or accepted by the 25 Board before the appointed day.

(3) Subsection two of this section does not have effect so as to entitle the Authority to recover from any person any amount that, before the commencement of this Act, has been paid by the Board or the Authority in respect of any milk 30 vested in, delivered to or accepted by the Board before the appointed day.

(4)

Dairy Industry Authority (Amendment).

(4) Without limiting the operation of subsection two of this section, that subsection has effect in respect of any amount claimed by any person in proceedings commenced before or after the commencement of this Act (including any
 5 proceedings commenced before the commencement of this Act and pending and not completed at that commencement) for or in respect of milk vested in, delivered to or accepted by the Board before the appointed day and so has effect whether or not a determination or certificate under section 28A of the
 10 Milk Act, 1931, has, at any time, been made or issued in respect of milk vested in the Board before the appointed day or delivered by that person to the Board before that day or accepted by the Board from that person before that day.

(5) Where any proceedings referred to in subsection
 15 four of this section have been instituted before the commencement of this Act, the court shall, on the application of any party, forthwith set aside or dismiss the proceedings, subject only, in the case of any proceedings commenced before the commencement of this Act the hearing of which has
 20 commenced before that commencement, to the determination of any question arising as to costs.

3. The Dairy Industry Authority Act, 1970, is amended— Amendment of Act No. 29, 1970.

(a) by omitting subsections one and two of section Sec. 26.
 25 twenty-six and by inserting in lieu thereof the following subsections :— (Determination of quantity of milk accepted by the Authority.)

(1) For the purposes of this Act, and of any regulation or order made, or notice, certificate, or other document issued, thereunder, milk shall be
 30 deemed not to have been accepted by the Authority except to the extent specified in a determination made under subsection two of this section.

(2)

Dairy Industry Authority (Amendment).

(2) For the purposes of subsection one of this section—

- 5 (a) the quantity of milk, or the quantity of milk of any grade, class or description, that is accepted by the Authority from any person specified in the determination during any period so specified, at any time so specified or at any place so specified;
- 10 (b) the purpose or purposes for which a quantity or quantities of milk specified in the determination as having been accepted by the Authority is used or to be used; and
- 15 (c) the conditions under which any quantity of milk specified in the determination as having been accepted by the Authority was thereafter collected, treated, carried, deposited, stored, distributed, delivered or supplied,

is, as the case may require—

- 20 (d) such quantity or quantities, in respect of that person, period, time or place or that grade, class or description;
- (e) such purpose or purposes; or
- (f) such conditions,

25 as may be determined by the Authority or by any officer of the Authority authorised by it for the purposes of this subsection.

30 (2A) Any such determination may be made at any time after the expiration of the period or after the time referred to in paragraph (a) of subsection two of this section, whether or not the milk in respect of which the determination is made is milk specified in the determination as having been accepted by the Authority before or after the commencement of the Dairy Industry Authority (Amendment) Act, 1971.

35

(b)

Dairy Industry Authority (Amendment).

- 5 (b) by inserting in subsection three of the same section after the word "Authority," where firstly occurring the words "the Crown, the Government of New South Wales or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912,";
- 10 (c) by omitting from paragraph (a) of the same subsection the words ", delivered to the Authority by, and accepted by the Authority from," and by inserting in lieu thereof the words "or at a specified time, accepted by the Authority from";
- (d) by omitting from the same paragraph the words "delivered and";
- 15 (e) by omitting from paragraph (b) of the same subsection the words "was produced," and by inserting in lieu thereof the words "accepted by the Authority was thereafter";
- (f) by omitting from subsection four of the same section the word "produced,".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[5c]

1971 (1971) (1971)

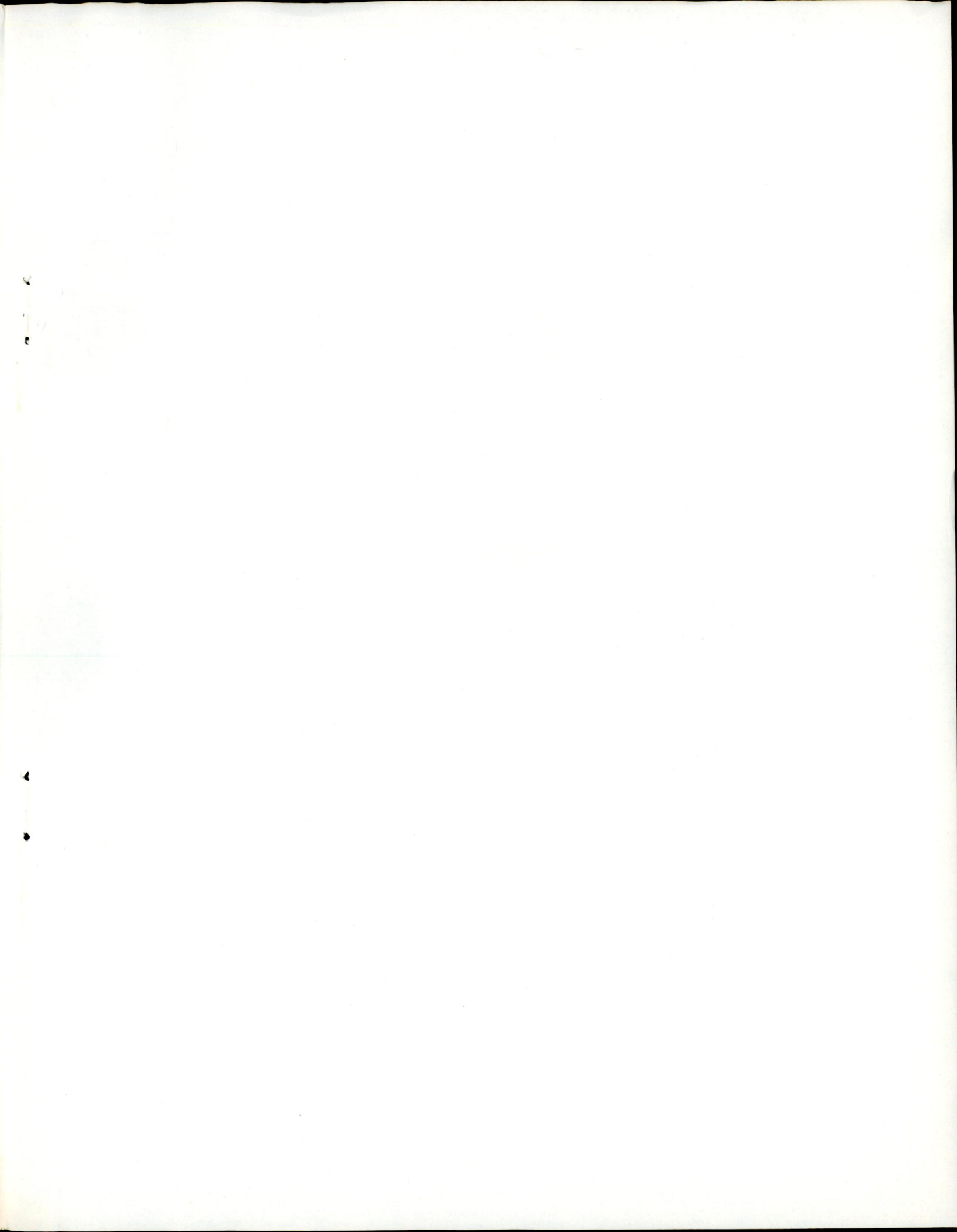
(b) by inserting in subsection four of the same section after the word "Authority", which firstly occurring the words "the Government of New South Wales or any minister of the Government or the Government of New South Wales";

(c) by omitting from paragraph (c) of the same section the words "deposited in the Authority by and accepted by the Authority from" and by inserting in lieu thereof the words "or at a meeting that accepted by the Authority from";

(d) by omitting from the same paragraph the words "deposited and";

(e) by omitting from paragraph (b) of the same section the words "was produced" and by inserting in lieu thereof the words "accepted by the Authority was thereafter";

(f) by omitting from subsection four of the same section the word "produced".



THE UNIVERSITY OF CHICAGO
LIBRARY

1911

1911

1911

No. , 1971.

A BILL

To abolish any right to further payment for certain milk delivered to the Milk Board constituted under the Milk Act, 1931; to make further provisions with respect to the acceptance of milk by the Dairy Industry Authority of New South Wales; for these purposes to amend the Dairy Industry Authority Act, 1970; and for purposes connected therewith.

[MR CRAWFORD—7 December, 1971.]

BE

Dairy Industry Authority (Amendment).

5 **B**E it enacted by the Queen'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. This Act may be cited as the "Dairy Industry Authority Short title. (Amendment) Act, 1971".

2. (1) In this section—

10 "appointed day" means the day appointed under subsection two of section one of the Dairy Industry Authority Act, 1970;

"Authority" means the Dairy Industry Authority of New South Wales constituted under the Dairy Industry Authority Act, 1970;

15 "Board" means the Milk Board constituted by the Milk Act, 1931.

Abolition of right to further payment for certain milk delivered to the Milk Board.

20 (2) Notwithstanding any law to the contrary, a person shall not be, and shall be deemed never to have been, entitled to, or entitled to claim or receive from, or to be paid by, the Board, the Authority, the Crown or any Minister of the Crown, or the Government of New South Wales or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912, any amount for or in respect of milk vested in, delivered to or accepted by the Board before the appointed day.

30 (3) Subsection two of this section does not have effect so as to entitle the Authority to recover from any person any amount that, before the commencement of this Act, has been paid by the Board or the Authority in respect of any milk vested in, delivered to or accepted by the Board before the appointed day.

(4)

Dairy Industry Authority (Amendment).

(4) Without limiting the operation of subsection two of this section, that subsection has effect in respect of any amount claimed by any person in proceedings commenced before or after the commencement of this Act (including any
5 proceedings commenced before the commencement of this Act and pending and not completed at that commencement) for or in respect of milk vested in, delivered to or accepted by the Board before the appointed day and so has effect whether or not a determination or certificate under section 28A of the
10 Milk Act, 1931, has, at any time, been made or issued in respect of milk vested in the Board before the appointed day or delivered by that person to the Board before that day or accepted by the Board from that person before that day.

(5) Where any proceedings referred to in subsection
15 four of this section have been instituted before the commencement of this Act, the court shall, on the application of any party, forthwith set aside or dismiss the proceedings, subject only, in the case of any proceedings commenced before the commencement of this Act the hearing of which has
20 commenced before that commencement, to the determination of any question arising as to costs.

3. The Dairy Industry Authority Act, 1970, is amended— Amendment of Act No. 29, 1970.

(a) by omitting subsections one and two of section
25 twenty-six and by inserting in lieu thereof the following subsections :— Sec. 26. (Determination of quantity of milk accepted by the Authority.)

(1) For the purposes of this Act, and of any
30 regulation or order made, or notice, certificate, or other document issued, thereunder, milk shall be deemed not to have been accepted by the Authority except to the extent specified in a determination made under subsection two of this section.

(2)

Dairy Industry Authority (Amendment).

(2) For the purposes of subsection one of this section—

- 5 (a) the quantity of milk, or the quantity of milk of any grade, class or description, that is accepted by the Authority from any person specified in the determination during any period so specified, at any time so specified or at any place so specified;
- 10 (b) the purpose or purposes for which a quantity or quantities of milk specified in the determination as having been accepted by the Authority is used or to be used; and
- 15 (c) the conditions under which any quantity of milk specified in the determination as having been accepted by the Authority was thereafter collected, treated, carried, deposited, stored, distributed, delivered or supplied,

is, as the case may require—

- 20 (d) such quantity or quantities, in respect of that person, period, time or place or that grade, class or description;
- (e) such purpose or purposes; or
- (f) such conditions,

25 as may be determined by the Authority or by any officer of the Authority authorised by it for the purposes of this subsection.

30 (2A) Any such determination may be made at any time after the expiration of the period or after the time referred to in paragraph (a) of subsection two of this section, whether or not the milk in respect of which the determination is made is milk specified in the determination as having been accepted by the Authority before or after the commencement of the Dairy Industry Authority (Amendment) Act, 1971.

35

(b)

Dairy Industry Authority (Amendment).

- 5 (b) by inserting in subsection three of the same section after the word "Authority," where firstly occurring the words "the Crown, the Government of New South Wales or any nominal defendant appointed under the Claims against the Government and Crown Suits Act, 1912,";
- 10 (c) by omitting from paragraph (a) of the same subsection the words ", delivered to the Authority by, and accepted by the Authority from," and by inserting in lieu thereof the words "or at a specified time, accepted by the Authority from";
- (d) by omitting from the same paragraph the words "delivered and";
- 15 (e) by omitting from paragraph (b) of the same subsection the words "was produced," and by inserting in lieu thereof the words "accepted by the Authority was thereafter";
- (f) by omitting from subsection four of the same section the word "produced,".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[5c]

Wages Industry Authority (Amendment)

- (d) by inserting in subsection three of the same section after the word "Authority" where firstly occurring the words "the Crown, the Government of New South Wales or any nominal defendant appointed under the Clauses against the Government and Crown Suits Act 1912";
- (e) by omitting from paragraph (a) of the same subsection the words "delivered to the Authority by, and accepted by the Authority from," and by inserting in lieu thereof the words "or at a specified time accepted by the Authority from";
- (f) by omitting from the same paragraph the words "delivered and";
- (g) by omitting from paragraph (b) of the same subsection the words "was produced," and by inserting in lieu thereof the words "accepted by the Authority was thereafter";
- (h) by omitting from subsection four of the same section the word "produced."

