

**DAIRY INDUSTRY AUTHORITY (FURTHER
AMENDMENT) BILL, 1977**

No. , 1977.

A BILL FOR

An Act to amend the Dairy Industry Authority Act, 1970, to provide for the making of certain payments by the Dairy Industry Authority of New South Wales and to confer certain price-fixing powers.

[MR DAY—30 November, 1977.]

BE

Dairy Industry Authority (Further Amendment).

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 :—

5 **1.** This Act may be cited as the "Dairy Industry Authority Short title.
(Further Amendment) Act, 1977".

2. (1) This section and section 1 shall commence on Commence-
the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act
10 shall commence on 13th January, 1978.

3. The Dairy Industry Authority Act, 1970, is amended Amendment
in the manner set forth in Schedule 1. of Act No.
29, 1970.

SCHEDULE 1.

Sec. 3.

**AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970.**

15

(1) Section 18B—

After section 18A, insert :—

20

25

18B. (1) Where, on or after 13th January, 1978, Authority
and before 27th April, 1979, the Authority cancels or may make
reduces a quota allocated by the Authority to a person certain
producing milk for delivery to the Authority, being a payments.
quota in force immediately before 13th January, 1978,
the Authority may, with the approval of the Minister
(as to the giving or refusal of which he has an absolute
discretion) pay to that person from the funds of the
Authority such amount as, subject to subsection (2),
the Minister specifies when giving his approval.

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

5 (2) The maximum amount that may be paid
under subsection (1) upon cancellation or reduction
of a quota is—

10 (a) where the quota is cancelled—the product
of \$4.7136 multiplied by the number that
is the number of litres per week that
comprised the quota; or

(b) where the quota is reduced—the product of
\$4.7136 multiplied by the number that is
the number of litres per week by which the
quota is reduced.

15 (2) Section 20A—

After section 20, insert :—

20 20A. (1) The Authority may, by such means as it
thinks fit, promote and encourage the production,
supply, use, sale or consumption of milk and dairy
products. Promotional
activities
by the
Authority.

25 (2) Without limiting the generality of sub-
section (1), the Authority may, with the approval of
the Minister, establish a committee to advise it with
respect to any or all of the matters referred to in that
subsection.

(3) A committee established under subsec-
tion (2) shall consist of such persons as are approved
by the Minister and the Authority may, from the funds
of the Authority, pay a member of the committee

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

- 5 such fees for attending meetings of the committee,
and such expenses and allowances, as the Minister
from time to time determines in respect of that
member.
- (3) (a) Section 46 (1) (d1)—
After section 46 (1) (d), insert :—
- 10 (d1) for fixing the price above or below which
milk may not be sold by retail;
- (b) Section 46 (2) (a)—
Omit “or” where lastly occurring.
- (c) Section 46 (2) (b)—
- 15 Omit “delivered;”, insert instead “delivered; or”.
- (d) Section 46 (2) (c)—
Omit “under paragraph (c) or (d) of subsection
one of this section”, insert instead “or different
fixed retail prices under subsection (1) (c), (d)
or (d1) respectively”.
- 20
- (e) Section 46 (8A)—
After section 46 (8), insert :—
- 25 (8A) Where a maximum price for milk sold
by retail has been notified by an order in force
under subsection (8), the Minister shall not make
an order fixing the price above or below which
that milk may not be sold by retail unless he
revokes the order fixing the maximum price for
that milk.

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

- (f) Section 46 (9) (a) (i)—
5 Omit “or”.
- (g) Section 46 (9) (a) (ii)—
Omit “milk,” where secondly occurring, insert
instead “milk; or”.
- (h) Section 46 (9) (a) (iii)—
10 After section 46 (9) (a) (ii), insert :—
(iii) milk by retail at a price above or below
the price notified by an order in force
under subsection (8) as the price above
or below which that milk may not be sold
15 by retail,

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[8c]

Dairy Industry Authority (Amendment) Bill

SCHEDULE 1—continued

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT
1970—continued

(f) Section 45 (2) (ii) —

omit "or,"

(g) Section 45 (2) (ii) —

omit "milk," where secondly occurring, insert
instead "milk; or,"

(h) Section 45 (2) (iii) —

After section 45 (2) (ii), insert —

(ii) milk by retail at a price above or below
the price notified by an authority in force
under subsection (2) at the price above
or below which that milk may not be sold
by retail.

PROOF

**DAIRY INDUSTRY AUTHORITY (FURTHER AMENDMENT)
BILL, 1977**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

- (a) to authorise the making of payments by the Dairy Industry Authority of New South Wales in certain cases where milk quotas are cancelled or reduced (Schedule 1 (1));
 - (b) to enable that Authority to engage in promotional activities connected with milk and dairy products, to provide for the establishment of an advisory committee in this connection and to authorise payment of fees and expenses to members of the advisory committee (Schedule 1 (2));
 - (c) to authorise the fixing of a price above or below which, in certain cases, milk may not be sold by retail (Schedule 1 (3)); and
 - (d) to make other amendments of a minor or consequential nature.
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QUESTIONS AND ANSWERS MAY 1977

QUESTIONS AND ANSWERS

(The following questions and answers were published in the May 1977 issue of the newsletter.)

Q: I am a member of the American Society of Human Genetics and I am interested in the

possibility of having a child with a genetic disorder. I have heard that there are

tests available to determine if a person is a carrier of a gene for a particular

disorder. I am wondering if these tests are accurate and if they are, how often

should they be done? I am also wondering if there are any risks involved in

having these tests done. I am also wondering if there are any other tests

available to determine if a person is a carrier of a gene for a particular

PROOF

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AMENDMENT) BILL, 1977**

No. , 1977.

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An Act to amend the Dairy Industry Authority Act, 1970, to provide for the making of certain payments by the Dairy Industry Authority of New South Wales and to confer certain price-fixing powers.

[MR DAY—30 November, 1977.]

BE

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 :—

- 5 **1.** This Act may be cited as the “Dairy Industry Authority Short title.
(Further Amendment) Act, 1977”.
- 2.** (1) This section and section 1 shall commence on Commence-
the date of assent to this Act. ment.
- (2) Except as provided in subsection (1), this Act
10 shall commence on 13th January, 1978.
- 3.** The Dairy Industry Authority Act, 1970, is amended Amendment
in the manner set forth in Schedule 1. of Act No.
29, 1970.

Sec. 3.

15

After section 18A, insert :—

- 18B. (1) Where, on or after 13th January, 1978, and before 27th April, 1979, the Authority cancels or reduces a quota allocated by the Authority to a person producing milk for delivery to the Authority, being a quota in force immediately before 13th January, 1978, the Authority may, with the approval of the Minister (as to the giving or refusal of which he has an absolute discretion) pay to that person from the funds of the Authority such amount as, subject to subsection (2), the Minister specifies when giving his approval.

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

5 (2) The maximum amount that may be paid
under subsection (1) upon cancellation or reduction
of a quota is—

10 (a) where the quota is cancelled—the product
of \$4.7136 multiplied by the number that
is the number of litres per week that
comprised the quota; or

(b) where the quota is reduced—the product of
\$4.7136 multiplied by the number that is
the number of litres per week by which the
quota is reduced.

15 (2) Section 20A—

After section 20, insert :—

20 20A. (1) The Authority may, by such means as it thinks fit, promote and encourage the production, supply, use, sale or consumption of milk and dairy products. ^{Promotional activities by the Authority.}

25 (2) Without limiting the generality of subsection (1), the Authority may, with the approval of the Minister, establish a committee to advise it with respect to any or all of the matters referred to in that subsection.

(3) A committee established under subsection (2) shall consist of such persons as are approved by the Minister and the Authority may, from the funds of the Authority, pay a member of the committee

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

5 such fees for attending meetings of the committee,
and such expenses and allowances, as the Minister
from time to time determines in respect of that
member.

(3) (a) Section 46 (1) (d1)—

After section 46 (1) (d), insert :—

10 (d1) for fixing the price above or below which
milk may not be sold by retail;

(b) Section 46 (2) (a)—

Omit “or” where lastly occurring.

(c) Section 46 (2) (b)—

15 Omit “delivered;”, insert instead “delivered; or”.

(d) Section 46 (2) (c)—

20 Omit “under paragraph (c) or (d) of subsection
one of this section”, insert instead “or different
fixed retail prices under subsection (1) (c), (d)
or (d1) respectively”.

(e) Section 46 (8A)—

After section 46 (8), insert :—

25 (8A) Where a maximum price for milk sold
by retail has been notified by an order in force
under subsection (8), the Minister shall not make
an order fixing the price above or below which
that milk may not be sold by retail unless he
revokes the order fixing the maximum price for
that milk.

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

- 5 (f) Section 46 (9) (a) (i)—
Omit “or”.
- (g) Section 46 (9) (a) (ii)—
Omit “milk,” where secondly occurring, insert
instead “milk; or”.
- 10 (h) Section 46 (9) (a) (iii)—
After section 46 (9) (a) (ii), insert :—
- 15 (iii) milk by retail at a price above or below
the price notified by an order in force
under subsection (8) as the price above
or below which that milk may not be sold
by retail,

Dairy Industry Authority (Amendment)

SCHEDULE 1—continued

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—continued

(f) Section 46 (9) (a) (i) —
Omit "or".

(g) Section 46 (9) (a) (ii) —
Omit "milk," where secondly occurring, insert
instead "milk or".

(h) Section 46 (9) (a) (iii) —
After section 46 (9) (a) (ii), insert:—

(iii) milk by retail at a price above or below
the price notified by an order in force
under subsection (8) as the price above
or below which that milk may not be sold
by retail.

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 1, 1977.

An Act to amend the Dairy Industry Authority Act, 1970, in relation to milk quotas and interstate milk; to reconstitute the Dairy Industry Prices Tribunal and appoint a Special Officer to investigate complaints by dairymen, and for certain other purposes. [Assented to, 10th March, 1977.]

BE

Dairy Industry Authority (Amendment).

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:—

Short title. 1. This Act may be cited as the "Dairy Industry Authority (Amendment) Act, 1977".

**Commence-
ment.** 2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–6, commence on the day on which that provision commences. *

(3) The several provisions of Schedules 1–6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 6 shall commence on the day on which Schedule 5 commences.

**Principal
Act.** 3. The Dairy Industry Authority Act, 1970, is referred to in this Act as the Principal Act.

Schedules. 4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE
PRINCIPAL ACT.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2.—AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

SCHEDULE 3.—REPEAL OF PART IV OF THE PRINCIPAL ACT.

SCHEDULE 4.—INSERTION OF PART IVA INTO THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

5. The Principal Act is amended in the manner set forth in Schedules 1-6. Amendment of Act No. 29, 1970.

6. (1) Any person holding office as a member, or as the deputy of a member, of the Dairy Industry Prices Tribunal constituted under Part V of the Principal Act immediately before the commencement of Schedule 5 shall cease to hold that office on that commencement. Members of Dairy Industry Prices Tribunal—cessation of office.

(2) The termination of a person's term of office under subsection (1) shall not be an expiration of that person's term of office for the purposes of section 42 (5) of the Principal Act, as amended by this Act.

Dairy Industry Authority (Amendment).

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

(1) (a) Section 2—

From the matter relating to Part III, Division 3,
omit “33, 34”, insert instead “33–34A”.

(b) Section 2—

Omit the matter relating to Part IV.

(c) Section 2—

Before the matter relating to Part V, insert :—

PART IVA.—INVESTIGATION OF COMPLAINTS
BY DAIRYMEN—ss. 41A–41G.

(2) Section 4 (1), definition of “treatment”—

After “testing”, insert “, analysing”.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

(1) (a) Section 18 (1) (d)—

Omit “prepare a scheme”, insert instead “prepare
and implement a scheme or schemes”.

(b) Section 18 (1) (d)—

Omit “vary any scheme prepared”, insert instead
“vary, replace or cancel any scheme prepared or
implemented”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(c) Section 18 (1) (h1)—

After section 18 (1) (h), insert :—

(h1) where an examination, a test or an analysis carried out on milk in the possession of any person indicates that that milk is deleterious to health, unwholesome or impure, by notice in writing served on that person, direct that person—

(i) not to supply any milk for consumption or use until such time as the Authority, in the like manner, withdraws that direction; and

(ii) to deal with or dispose of milk that would, but for that notice, have been so supplied in such manner as may be specified in the notice;

(d) Section 18 (1A)—

After section 18 (1), insert :—

(1A) The Authority may exercise any of its powers under subsection (1) (h), (h1) and (1), whether the matter or thing in respect of which the power is exercised is or is not in or of New South Wales.

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(e) Section 18 (2)—

After “(h)”, insert “, (h1)”.

(2) Section 18A—

After section 18, insert :—

Inspection
of vehicles.

18A. (1) In this section—

“officer” means—

- (a) an officer of the Authority; or
- (b) any person authorised by the Health Commission of New South Wales constituted under the Health Commission Act, 1972, to act as an officer for the purposes of the Pure Food Act, 1908,

authorised by the Authority to be an officer for the purposes of this section;

“place” includes road, whether public or otherwise.

(2) An officer may, at any place, display a traffic sign of a type prescribed in such a manner as to be clearly visible to the driver or person in charge of a vehicle approaching that place.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(3) The driver or person in charge of a vehicle approaching towards a sign referred to in subsection (2) shall stop or cause the vehicle to be stopped within a reasonable distance of the sign and keep the vehicle stationary for the purposes of enabling an officer to exercise the powers conferred upon him by or under this or any other Act.

(4) An officer may, upon production of the prescribed evidence of his authority, if demanded—

- (a) inspect any vehicle, any milk in or on any vehicle and examine any books, documents, papers, scales, measures, appliances, apparatus, containers or utensils, referring to or used in connection with milk in or on any vehicle;
- (b) take, without payment, samples of any milk in or on any vehicle;
- (c) take notes, copies or extracts of or from any books, documents or papers referred to in paragraph (a); and
- (d) open any part of any vehicle or anything in or on any vehicle or require the driver or person in charge of any vehicle to open any part of it or anything in or on it for the purposes of paragraph (a), (b) or (c).

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(5) Any person who—

- (a) being the driver or person in charge of any vehicle fails to comply with or observe the requirements of subsection (3); or
- (b) refuses or wilfully neglects to submit any vehicle, any part of a vehicle or anything in or on a vehicle to inspection by an officer in pursuance of this section, or who, being the driver or person in charge of a vehicle refuses or wilfully neglects to open any part of it or anything in or on it,

is guilty of an offence against this Act.

(6) In this section, “milk” includes milk that is not New South Wales milk.

(3) Section 19 (2)—

At the end of section 19, insert :—

(2) The Authority may exercise any of its powers under subsection (1) (other than the acquisition of undertakings in accordance with Division 2 of Part VI), whether the matter or thing in respect of which the power is exercised is or is not in or of New South Wales.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(4) (a) Section 33 (6) (b)—

Omit “and”.

(b) Section 33 (6) (c), (d), (e)—

Omit section 33 (6) (c), insert instead :—

(c) conditions requiring the holder of the certificate to subject milk treated, deposited, stored, distributed, supplied or sold by him to such treatment as is specified in the certificate;

(d) conditions requiring the holder of the certificate to permit the Authority or an officer within the meaning of section 18A to exercise, in relation to that holder's activities as a dairyman or milk vendor, any of the powers that the Authority or such an officer may exercise under section 18 (1) (b), 18 (1) (c) or 18A (4); and

(e) such other conditions as the Authority deems necessary for the purpose of carrying out or giving effect to any of the provisions of this Act.

(5) (a) Section 34 (1) (a)—

Omit the paragraph, insert instead :—

(a) if he has been convicted of two or more offences against any laws of any State or Territory of the Commonwealth, or of

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

the Commonwealth, in relation to the production, treatment, storage, distribution, supply or sale of milk;

(b) Section 34 (1A)—

After section 34 (1), insert :—

(1A) The Authority may cancel the certificate of registration issued to any person if that person fails to comply with any condition to which that certificate is subject.

(6) Section 34A—

Before the heading to Division 4 of Part III, insert :—

**Interstate
milk
vendors.**

34A. (1) A person carrying on the activity or a person who proposes to carry on the activity of—

(a) pasteurising, sterilising or otherwise treating milk; or

(b) depositing, storing, distributing, supplying or selling milk,

for distribution, supply or sale in New South Wales in the course of trade, commerce or intercourse among the States (whether that distribution, supply or sale is by himself or by another person) may, notwithstanding that that activity—

(c) is, or is to be, carried on outside New South Wales; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(d) is, or is to be, carried on in respect of milk
that is not New South Wales milk,

apply in the manner provided by section 33 (3) for
a certificate of registration.

(2) The Authority may determine an appli-
cation authorised by subsection (1) in respect of an
activity in the like manner as it may determine an
application made by a person carrying on or proposing
to carry on the same activity in New South Wales or
in respect of New South Wales milk, as the case may
be.

(3) In respect of an application referred to
in subsection (1), and a certificate of registration
issued as a result of such an application, section 34
shall be read as if—

- (a) the words “in the opinion of the Authority”,
wherever occurring, were omitted from
subsection (1);
- (b) the words “either of the grounds specified
in paragraph (a) or (b) of” were omitted
from subsection (2) and the words “the
ground specified in subsection (1A) or any
of the grounds specified in” were inserted
instead; and

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(c) subsections (3), (4) and (5) were omitted and the following subsections were inserted instead :—

(3) A person dissatisfied with the Authority's decision—

- (a) to issue him with a certificate of registration as a milk vendor that authorises him to carry on only such activities as a milk vendor as are specified in the certificate;
- (b) to issue him with a certificate of registration as a milk vendor subject to conditions; or
- (c) to vary the conditions to which his certificate of registration as a milk vendor is subject or to impose conditions or additional conditions to which that certificate is to be subject,

and a person—

- (d) notified pursuant to subsection (2); or
- (e) whose application for a certificate of registration as a milk vendor has been refused upon any of the grounds specified in subsection (1),

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

may in the manner, and within a time prescribed, appeal against the decision, or the cancellation or refusal, to a court of petty sessions held before a stipendiary magistrate.

(4) Subject to subsection (5), a court of petty sessions to which an appeal is made under this section shall hear and determine the appeal.

(5) An appeal against a decision of a court of petty sessions under this section may be made to the Supreme Court.

(6) A court shall not allow an appeal made under this section if—

- (a) in the case of an appeal against a decision referred to in subsection (3) (a), (b) or (c), it was reasonably necessary in the interest of public health for that decision to be made; or
- (b) in the case of an appeal against the cancellation or refusal of a certificate of registration, that cancellation or refusal was reasonably necessary in the interest of public health.

SCHEDULE

*Dairy Industry Authority (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(7) (a) Section 35 (1)—

Omit “As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day after the day appointed and notified under subsection two of section one of this Act), any”, insert instead “Any”.

(b) Section 35 (1) (a)—

Omit “within the meaning of the Pure Food Act, 1908, and the regulations made under that Act”, insert instead “or sterilised”.

(c) Section 35 (1A), (1B)—

After section 35 (1), insert :—

(1A) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day not earlier than the date of publication of the proclamation in the Gazette), any person who sells, otherwise than to a milk vendor or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, milk that has not been pasteurised or sterilised by the holder of a certificate of registration under this Part that authorises that holder to carry on the activity of pasteurising or sterilising, as the case may be, milk, is guilty of an offence against this Act.

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(1B) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day not earlier than the date of publication of the proclamation in the Gazette), any person who sells, otherwise than to a milk vendor or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, packaged or bottled milk that has not been packaged or bottled, as the case may be, by the holder of a certificate of registration under this Part that authorises that holder to carry on the activity of packaging or bottling, as the case may be, milk, is guilty of an offence against this Act.

(d) Section 35 (3)—

After section 35 (2), insert :—

(3) In this section, "milk" includes milk that is not New South Wales milk.

SCHEDULE 3.

Sec. 5.

REPEAL OF PART IV OF THE PRINCIPAL ACT.

Part IV—

Omit the Part.

Dairy Industry Authority (Amendment).

Sec. 5.

SCHEDULE 4.

INSERTION OF PART IVA INTO THE PRINCIPAL ACT.

Part IVA—

Before Part V, insert :—

PART IVA.

INVESTIGATION OF COMPLAINTS BY DAIRYMEN.

Interpre-
tation:
Pt. IVA.

41A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“conduct” means—

(a) any conduct; or

(b) any conduct of a class,

from time to time prescribed;

“investigation” means investigation by the Special Officer;

“Special Officer” means the Special Officer referred to in section 41B.

Special
Officer.

41B. (1) There shall be a Special Officer who shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon him by or under this Part.

(2) The Special Officer shall be the person who is the Director-General of the Department of Agriculture for the purposes of the Public Service Act, 1902, or an officer of the Department of Agriculture from time to time nominated by him.

(3) The Special Officer shall not, as the Special Officer, be subject to the Public Service Act, 1902.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

41C. (1) Subject to this section, any dairyman may ^{Complaint.} complain to the Minister about the conduct of the Authority in so far as that conduct affects that dairyman.

(2) A complaint under this section shall be in writing and shall provide details of the conduct complained of, the remedy or relief sought and the reasons why the remedy or relief should be granted or provided.

41D. (1) Where any dairyman has complained to the ^{Action on} Minister pursuant to this Part, the Minister may make ^{complaint.} that complaint the subject of an investigation.

(2) Where the Minister refuses to make a complaint the subject of an investigation, he shall inform the complainant in writing of the decision and the reasons for the decision.

(3) Where a complaint is made the subject of an investigation, the Minister shall give notice in writing of his decision—

- (a) to the complainant;
- (b) to the Special Officer; and
- (c) to the Authority.

(4) A notice under subsection (3) (b) or (c) shall contain a copy of the complaint.

(5) The Minister may, before deciding whether to make any conduct complained of the subject of an investigation, seek such information as he may require from the Authority or the complainant.

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
*continued.*Investi-
gation.

41E. (1) Where the Special Officer receives a notice referred to in section 41D (3) concerning a complaint he shall carry out an investigation of the conduct the subject of the complaint.

(2) An investigation shall be made in the absence of the public.

(3) For the purposes of an investigation, the Special Officer may require the Authority—

- (a) to give him a statement of information;
- (b) to produce to him any document or other thing;
- (c) to give him a copy of any document; and
- (d) to answer any question.

(4) A requirement under subsection (3) shall be in writing and shall specify or describe the information, document or thing required, or the question to be answered, and shall fix a time for compliance.

(5) The Authority shall comply with a requirement of the Special Officer pursuant to subsection (3) unless the Minister, of his own motion or at the request of the Authority, sets aside that requirement.

(6) This Part does not enable the Special Officer to require the Authority—

- (a) to give any statement of information;
- (b) to produce any document or other thing;
- (c) to give a copy of any document; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*

INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

(d) to answer any question,
which relates to conduct of business at meetings of the
Authority or proceedings of cabinet or any committee of
cabinet.

(7) In an investigation, the Special Officer
shall, if requested by the Minister, consult him on the
conduct the subject of the investigation.

41F. Where, in an investigation, the Special Officer considers that there are grounds for adverse comment in respect of the Authority, or any member, officer or employee of the Authority, the Special Officer, before making any such comment in any report or recommendation to the Minister, shall, so far as is practicable—

Persons to
be heard.

- (a) inform the Authority or that person of the substance of the grounds for adverse comment;
and
- (b) give the Authority or that person an opportunity to make submissions.

41G. (1) After an investigation under this Part the Special Officer shall make a recommendation to the Minister.

Action
following
investi-
gation.

(2) Subject to the provisions of this Act, the Minister, after considering a recommendation of the Special Officer, may decide to take such action or direct that such action be taken as he thinks fit in respect of that recommendation.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

(3) Where the Minister has decided to take action or direct that action be taken that is inconsistent with the conduct the subject of a complaint, he shall notify the Authority of the grounds upon which he proposes to take, or direct the taking of, that action.

(4) The Authority, when notified pursuant to subsection (3) in respect of a complaint, may make submissions to the Minister.

(5) The Minister may vary a decision referred to in subsection (3) after considering any submissions made by the Authority in respect of that decision.

(6) Except as provided in subsection (7), the Minister shall advise a complainant in writing of his decision under subsection (2) and give effect to that decision.

(7) Where the Minister's decision is a decision referred to in subsection (3), he shall, after consideration of any submissions made by the Authority—

- (a) advise the complainant in writing of that decision, or of that decision as varied pursuant to subsection (5); and
- (b) give effect to that decision, or that decision as so varied.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

(1) (a) Section 42 (2), (3)—

Omit the subsections, insert instead :—

(2) After the commencement of Schedule 5 to the Dairy Industry Authority (Amendment) Act, 1977, the Tribunal shall consist of 3 members appointed by the Minister, of whom—

- (a) one shall be appointed as the Chairman of the Tribunal;
- (b) one shall be appointed to represent the Authority; and
- (c) one shall be appointed to represent consumers of milk.

(3) A member, officer or employee of the Authority shall not be appointed as a member of the Tribunal pursuant to subsection (2) (c), or as the deputy of a member of the Tribunal appointed pursuant to subsection (2) (c).

(b) Section 42 (4)—

Omit “an appointed”, insert instead “a”.

(c) Section 42 (5)—

Omit “an appointed”, insert instead “a”.

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(d) Section 42 (6), (7), (7A)—

Omit the subsections, insert instead :—

(6) Where a vacancy occurs in the office of a member of the Tribunal, otherwise than by reason of the expiration of that member's term of office, that term of office shall be deemed to have expired.

(7) A person who is of or above the age of 70 years shall not be appointed as a member of the Tribunal.

(e) Section 42 (9)—

Omit the subsection.

(f) Section 42 (10)—

Omit the subsection, insert instead :—

(10) Each member of the Tribunal shall receive such fees for attending meetings of the Tribunal and such allowances as the Minister may from time to time determine in respect of him.

(g) Section 42 (11)—

Omit "An appointed", insert instead "A".

(h) Section 42 (11) (d)—

Omit the paragraph.

(i) Section 42 (11) (f), (f1)—

Omit the paragraphs, insert instead :—

(f) if he attains the age of 70 years; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(j) Section 42 (12)—

Omit “appointed”.

(k) Section 42 (13)—

Omit “an appointed”, insert instead “a”.

(2) (a) Section 46 (3) (b)—

Omit “and”.

(b) Section 46 (3) (c), (d)—

Omit section 46 (3) (c), insert instead :—

(c) shall, if the Minister so directs, hold in the manner prescribed, a public inquiry and shall have regard to any information received during that inquiry; and

(d) may have regard to such other information as the Tribunal considers it necessary or desirable to have regard.

(c) Section 46 (4)—

After “investigation”, insert “or holding an inquiry”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(3) Section 48A—

After section 48, insert :—

Prices not
to be fixed
under other
Acts, etc.

48A. (1) Notwithstanding the provisions of any other Act or of any regulations, rules or by-laws under any other Act, whether passed or made before or after the date of commencement of Schedule 5 to the Dairy Industry Authority (Amendment) Act, 1977, any price that may be fixed under this Part shall not be fixed otherwise than under this Part.

(2) Subsection (1) shall not, before a price is fixed in respect of a thing under this Act, affect any price fixed under any other Act or under any regulations, rules or by-laws under any other Act in respect of that thing.

(3) Any price fixed in respect of a thing under any other Act or under any regulations, rules or by-laws under any other Act shall, on the fixing of a price in respect of that thing under this Act, cease to have effect.

(4) Section 51—

Omit “the member of the Tribunal referred to in paragraph (c) of subsection two of section forty-two of this Act”, insert instead “members of the Tribunal”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

(1) Section 89 (1) (e1)—

After section 89 (1) (e), insert :—

(e1) the treatment of milk by holders of certificates
of registration;

(2) Section 89 (3)—

After “(b)”, insert “, (e1)”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

Page 11

1. The first part of the report is a summary of the work done during the year.

2. The second part is a list of the names of the persons who have been employed during the year.

3. The third part is a list of the names of the persons who have been employed during the year.

4. The fourth part is a list of the names of the persons who have been employed during the year.

5. The fifth part is a list of the names of the persons who have been employed during the year.

6. The sixth part is a list of the names of the persons who have been employed during the year.

7. The seventh part is a list of the names of the persons who have been employed during the year.

8. The eighth part is a list of the names of the persons who have been employed during the year.

9. The ninth part is a list of the names of the persons who have been employed during the year.

10. The tenth part is a list of the names of the persons who have been employed during the year.

11. The eleventh part is a list of the names of the persons who have been employed during the year.

12. The twelfth part is a list of the names of the persons who have been employed during the year.

13. The thirteenth part is a list of the names of the persons who have been employed during the year.

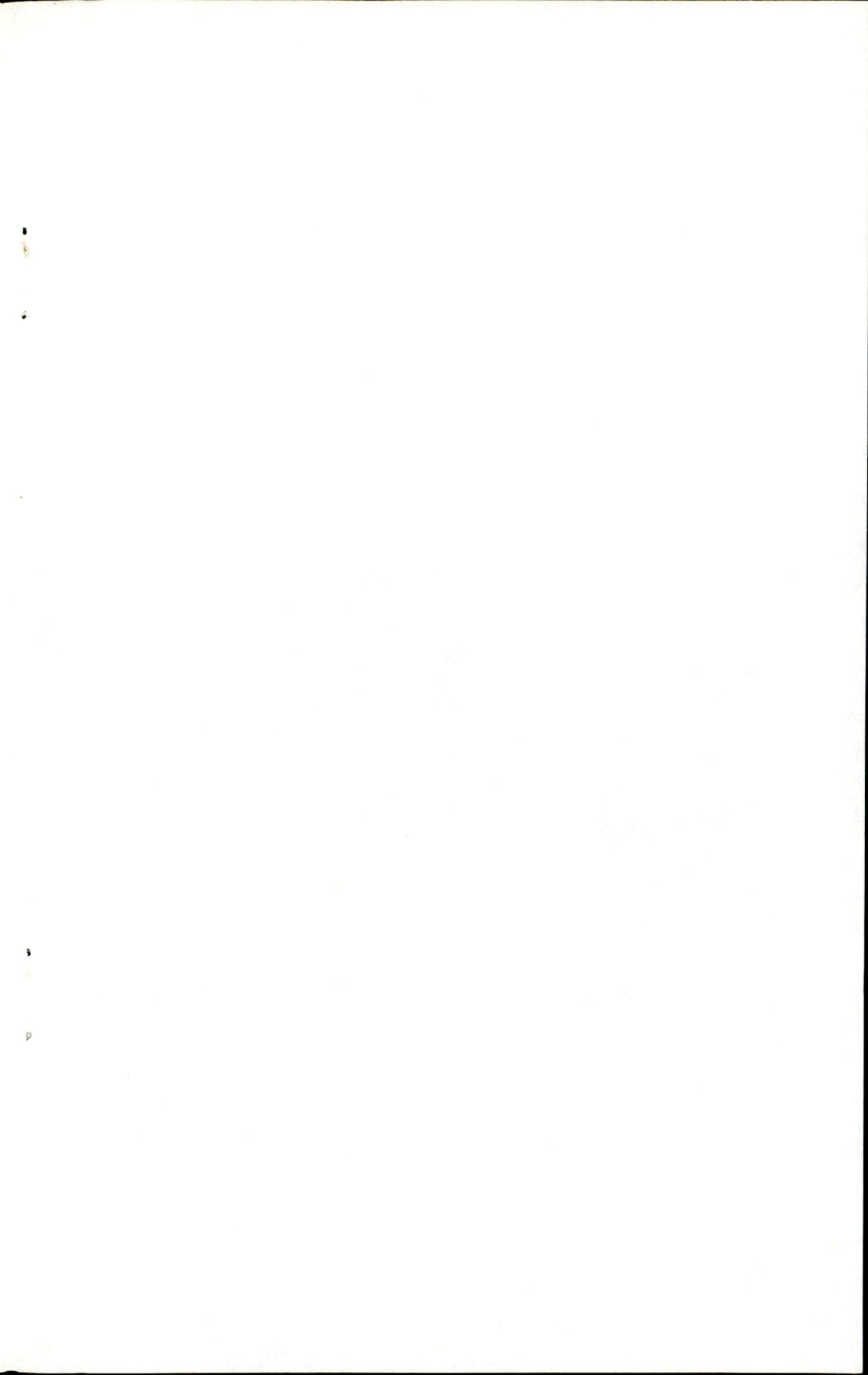
14. The fourteenth part is a list of the names of the persons who have been employed during the year.

15. The fifteenth part is a list of the names of the persons who have been employed during the year.

16. The sixteenth part is a list of the names of the persons who have been employed during the year.

17. The seventeenth part is a list of the names of the persons who have been employed during the year.

18. The eighteenth part is a list of the names of the persons who have been employed during the year.



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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 1, 1977.

An Act to amend the Dairy Industry Authority Act, 1970, in relation to milk quotas and interstate milk; to reconstitute the Dairy Industry Prices Tribunal and appoint a Special Officer to investigate complaints by dairymen, and for certain other purposes. [Assented to, 10th March, 1977.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Dairy Industry Authority (Amendment).

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:—

Short title. 1. This Act may be cited as the "Dairy Industry Authority (Amendment) Act, 1977".

Commence-
ment. 2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–6, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1–6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 6 shall commence on the day on which Schedule 5 commences.

Principal
Act. 3. The Dairy Industry Authority Act, 1970, is referred to in this Act as the Principal Act.

Schedules. 4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE
PRINCIPAL ACT.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2.—AMENDMENTS TO PART III OF THE
PRINCIPAL ACT.

SCHEDULE 3.—REPEAL OF PART IV OF THE
PRINCIPAL ACT.

SCHEDULE 4.—INSERTION OF PART IVA INTO THE
PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART V OF THE
PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO PART IX OF THE
PRINCIPAL ACT.

5. The Principal Act is amended in the manner set forth
in Schedules 1–6.

Amendment
of Act No.
29, 1970.

6. (1) Any person holding office as a member, or as
the deputy of a member, of the Dairy Industry Prices Tribunal
constituted under Part V of the Principal Act immediately
before the commencement of Schedule 5 shall cease to hold
that office on that commencement.

Members of
Dairy
Industry
Prices
Tribunal—
cessation of
office.

(2) The termination of a person's term of office under
subsection (1) shall not be an expiration of that person's
term of office for the purposes of section 42 (5) of the
Principal Act, as amended by this Act.

SCHEDULE

Dairy Industry Authority (Amendment).

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

(1) (a) Section 2—

From the matter relating to Part III, Division 3, omit “33, 34”, insert instead “33–34A”.

(b) Section 2—

Omit the matter relating to Part IV.

(c) Section 2—

Before the matter relating to Part V, insert :—

PART IVA.—INVESTIGATION OF COMPLAINTS
BY DAIRYMEN—ss. 41A–41G.

(2) Section 4 (1), definition of “treatment”—

After “testing”, insert “, analysing”.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

(1) (a) Section 18 (1) (d)—

Omit “prepare a scheme”, insert instead “prepare and implement a scheme or schemes”.

(b) Section 18 (1) (d)—

Omit “vary any scheme prepared”, insert instead “vary, replace or cancel any scheme prepared or implemented”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(c) Section 18 (1) (h1)—

After section 18 (1) (h), insert :—

(h1) where an examination, a test or an analysis carried out on milk in the possession of any person indicates that that milk is deleterious to health, unwholesome or impure, by notice in writing served on that person, direct that person—

(i) not to supply any milk for consumption or use until such time as the Authority, in the like manner, withdraws that direction; and

(ii) to deal with or dispose of milk that would, but for that notice, have been so supplied in such manner as may be specified in the notice;

(d) Section 18 (1A)—

After section 18 (1), insert :—

(1A) The Authority may exercise any of its powers under subsection (1) (h), (h1) and (1), whether the matter or thing in respect of which the power is exercised is or is not in or of New South Wales.

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(e) Section 18 (2)—

After “(h)”, insert “, (h1)”.

(2) Section 18A—

After section 18, insert :—

Inspection
of vehicles.

18A. (1) In this section—

“officer” means—

- (a) an officer of the Authority; or
- (b) any person authorised by the Health Commission of New South Wales constituted under the Health Commission Act, 1972, to act as an officer for the purposes of the Pure Food Act, 1908,

authorised by the Authority to be an officer
for the purposes of this section;“place” includes road, whether public or
otherwise.

(2) An officer may, at any place, display a traffic sign of a type prescribed in such a manner as to be clearly visible to the driver or person in charge of a vehicle approaching that place.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(3) The driver or person in charge of a vehicle approaching towards a sign referred to in subsection (2) shall stop or cause the vehicle to be stopped within a reasonable distance of the sign and keep the vehicle stationary for the purposes of enabling an officer to exercise the powers conferred upon him by or under this or any other Act.

(4) An officer may, upon production of the prescribed evidence of his authority, if demanded—

- (a) inspect any vehicle, any milk in or on any vehicle and examine any books, documents, papers, scales, measures, appliances, apparatus, containers or utensils, referring to or used in connection with milk in or on any vehicle;
- (b) take, without payment, samples of any milk in or on any vehicle;
- (c) take notes, copies or extracts of or from any books, documents or papers referred to in paragraph (a); and
- (d) open any part of any vehicle or anything in or on any vehicle or require the driver or person in charge of any vehicle to open any part of it or anything in or on it for the purposes of paragraph (a), (b) or (c).

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(5) Any person who—

- (a) being the driver or person in charge of any vehicle fails to comply with or observe the requirements of subsection (3); or
- (b) refuses or wilfully neglects to submit any vehicle, any part of a vehicle or anything in or on a vehicle to inspection by an officer in pursuance of this section, or who, being the driver or person in charge of a vehicle refuses or wilfully neglects to open any part of it or anything in or on it,

is guilty of an offence against this Act.

(6) In this section, "milk" includes milk that is not New South Wales milk.

(3) Section 19 (2)—

At the end of section 19, insert :—

(2) The Authority may exercise any of its powers under subsection (1) (other than the acquisition of undertakings in accordance with Division 2 of Part VI), whether the matter or thing in respect of which the power is exercised is or is not in or of New South Wales.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(4) (a) Section 33 (6) (b)—
Omit “and”.

(b) Section 33 (6) (c), (d), (e)—
Omit section 33 (6) (c), insert instead :—

- (c) conditions requiring the holder of the certificate to subject milk treated, deposited, stored, distributed, supplied or sold by him to such treatment as is specified in the certificate;
- (d) conditions requiring the holder of the certificate to permit the Authority or an officer within the meaning of section 18A to exercise, in relation to that holder's activities as a dairyman or milk vendor, any of the powers that the Authority or such an officer may exercise under section 18 (1) (b), 18 (1) (c) or 18A (4); and
- (e) such other conditions as the Authority deems necessary for the purpose of carrying out or giving effect to any of the provisions of this Act.

(5) (a) Section 34 (1) (a)—

Omit the paragraph, insert instead :—

- (a) if he has been convicted of two or more offences against any laws of any State or Territory of the Commonwealth, or of

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

the Commonwealth, in relation to the production, treatment, storage, distribution, supply or sale of milk;

(b) Section 34 (1A)—

After section 34 (1), insert :—

(1A) The Authority may cancel the certificate of registration issued to any person if that person fails to comply with any condition to which that certificate is subject.

(6) Section 34A—

Before the heading to Division 4 of Part III, insert :—

Interstate
milk
vendors.

34A. (1) A person carrying on the activity or a person who proposes to carry on the activity of—

(a) pasteurising, sterilising or otherwise treating milk; or

(b) depositing, storing, distributing, supplying or selling milk,

for distribution, supply or sale in New South Wales in the course of trade, commerce or intercourse among the States (whether that distribution, supply or sale is by himself or by another person) may, notwithstanding that that activity—

(c) is, or is to be, carried on outside New South Wales; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(d) is, or is to be, carried on in respect of milk
that is not New South Wales milk,

apply in the manner provided by section 33 (3) for
a certificate of registration.

(2) The Authority may determine an appli-
cation authorised by subsection (1) in respect of an
activity in the like manner as it may determine an
application made by a person carrying on or proposing
to carry on the same activity in New South Wales or
in respect of New South Wales milk, as the case may
be.

(3) In respect of an application referred to
in subsection (1), and a certificate of registration
issued as a result of such an application, section 34
shall be read as if—

(a) the words “in the opinion of the Authority”,
wherever occurring, were omitted from
subsection (1);

(b) the words “either of the grounds specified
in paragraph (a) or (b) of” were omitted
from subsection (2) and the words “the
ground specified in subsection (1A) or any
of the grounds specified in” were inserted
instead; and

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(c) subsections (3), (4) and (5) were omitted and the following subsections were inserted instead :—

(3) A person dissatisfied with the Authority's decision—

- (a) to issue him with a certificate of registration as a milk vendor that authorises him to carry on only such activities as a milk vendor as are specified in the certificate;
- (b) to issue him with a certificate of registration as a milk vendor subject to conditions; or
- (c) to vary the conditions to which his certificate of registration as a milk vendor is subject or to impose conditions or additional conditions to which that certificate is to be subject,

and a person—

- (d) notified pursuant to subsection (2); or
- (e) whose application for a certificate of registration as a milk vendor has been refused upon any of the grounds specified in subsection (1),

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

may in the manner, and within a time prescribed, appeal against the decision, or the cancellation or refusal, to a court of petty sessions held before a stipendiary magistrate.

(4) Subject to subsection (5), a court of petty sessions to which an appeal is made under this section shall hear and determine the appeal.

(5) An appeal against a decision of a court of petty sessions under this section may be made to the Supreme Court.

(6) A court shall not allow an appeal made under this section if—

- (a) in the case of an appeal against a decision referred to in subsection (3) (a), (b) or (c), it was reasonably necessary in the interest of public health for that decision to be made; or
- (b) in the case of an appeal against the cancellation or refusal of a certificate of registration, that cancellation or refusal was reasonably necessary in the interest of public health.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(7) (a) Section 35 (1)—

Omit “As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day after the day appointed and notified under subsection two of section one of this Act), any”, insert instead “Any”.

(b) Section 35 (1) (a)—

Omit “within the meaning of the Pure Food Act, 1908, and the regulations made under that Act”, insert instead “or sterilised”.

(c) Section 35 (1A), (1B)—

After section 35 (1), insert :—

(1A) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day not earlier than the date of publication of the proclamation in the Gazette), any person who sells, otherwise than to a milk vendor or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, milk that has not been pasteurised or sterilised by the holder of a certificate of registration under this Part that authorises that holder to carry on the activity of pasteurising or sterilising, as the case may be, milk, is guilty of an offence against this Act.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(1B) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day not earlier than the date of publication of the proclamation in the Gazette), any person who sells, otherwise than to a milk vendor or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, packaged or bottled milk that has not been packaged or bottled, as the case may be, by the holder of a certificate of registration under this Part that authorises that holder to carry on the activity of packaging or bottling, as the case may be, milk, is guilty of an offence against this Act.

(d) Section 35 (3)—

After section 35 (2), insert :—

(3) In this section, “milk” includes milk that is not New South Wales milk.

SCHEDULE 3.

Sec. 5.

REPEAL OF PART IV OF THE PRINCIPAL ACT.

Part IV—

Omit the Part.

SCHEDULE

Dairy Industry Authority (Amendment).

Sec. 5.

SCHEDULE 4.

INSERTION OF PART IVA INTO THE PRINCIPAL ACT.

Part IVA—

Before Part V, insert :—

PART IVA.

INVESTIGATION OF COMPLAINTS BY DAIRYMEN.

Interpre-
tation:
Pt. IVA.

41A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“conduct” means—

(a) any conduct; or

(b) any conduct of a class,

from time to time prescribed;

“investigation” means investigation by the Special Officer;

“Special Officer” means the Special Officer referred to in section 41B.

Special
Officer.

41B. (1) There shall be a Special Officer who shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon him by or under this Part.

(2) The Special Officer shall be the person who is the Director-General of the Department of Agriculture for the purposes of the Public Service Act, 1902, or an officer of the Department of Agriculture from time to time nominated by him.

(3) The Special Officer shall not, as the Special Officer, be subject to the Public Service Act, 1902.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*

INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

41C. (1) Subject to this section, any dairyman may **Complaint.** complain to the Minister about the conduct of the Authority in so far as that conduct affects that dairyman.

(2) A complaint under this section shall be in writing and shall provide details of the conduct complained of, the remedy or relief sought and the reasons why the remedy or relief should be granted or provided.

41D. (1) Where any dairyman has complained to the Minister pursuant to this Part, the Minister may make **Action on complaint.** that complaint the subject of an investigation.

(2) Where the Minister refuses to make a complaint the subject of an investigation, he shall inform the complainant in writing of the decision and the reasons for the decision.

(3) Where a complaint is made the subject of an investigation, the Minister shall give notice in writing of his decision—

- (a) to the complainant;
- (b) to the Special Officer; and
- (c) to the Authority.

(4) A notice under subsection (3) (b) or (c) shall contain a copy of the complaint.

(5) The Minister may, before deciding whether to make any conduct complained of the subject of an investigation, seek such information as he may require from the Authority or the complainant.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
*continued.***Investi-
gation.**

41E. (1) Where the Special Officer receives a notice referred to in section 41D (3) concerning a complaint he shall carry out an investigation of the conduct the subject of the complaint.

(2) An investigation shall be made in the absence of the public.

(3) For the purposes of an investigation, the Special Officer may require the Authority—

- (a) to give him a statement of information;
- (b) to produce to him any document or other thing;
- (c) to give him a copy of any document; and
- (d) to answer any question.

(4) A requirement under subsection (3) shall be in writing and shall specify or describe the information, document or thing required, or the question to be answered, and shall fix a time for compliance.

(5) The Authority shall comply with a requirement of the Special Officer pursuant to subsection (3) unless the Minister, of his own motion or at the request of the Authority, sets aside that requirement.

(6) This Part does not enable the Special Officer to require the Authority—

- (a) to give any statement of information;
- (b) to produce any document or other thing;
- (c) to give a copy of any document; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*

INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

(d) to answer any question,

which relates to conduct of business at meetings of the Authority or proceedings of cabinet or any committee of cabinet.

(7) In an investigation, the Special Officer shall, if requested by the Minister, consult him on the conduct the subject of the investigation.

41F. Where, in an investigation, the Special Officer considers that there are grounds for adverse comment in respect of the Authority, or any member, officer or employee of the Authority, the Special Officer, before making any such comment in any report or recommendation to the Minister, shall, so far as is practicable—

Persons to
be heard.

(a) inform the Authority or that person of the substance of the grounds for adverse comment ;
and

(b) give the Authority or that person an opportunity to make submissions.

41G. (1) After an investigation under this Part the Special Officer shall make a recommendation to the Minister.

Action
following
investi-
gation.

(2) Subject to the provisions of this Act, the Minister, after considering a recommendation of the Special Officer, may decide to take such action or direct that such action be taken as he thinks fit in respect of that recommendation.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IV_A INTO THE PRINCIPAL ACT—
continued.

(3) Where the Minister has decided to take action or direct that action be taken that is inconsistent with the conduct the subject of a complaint, he shall notify the Authority of the grounds upon which he proposes to take, or direct the taking of, that action.

(4) The Authority, when notified pursuant to subsection (3) in respect of a complaint, may make submissions to the Minister.

(5) The Minister may vary a decision referred to in subsection (3) after considering any submissions made by the Authority in respect of that decision.

(6) Except as provided in subsection (7), the Minister shall advise a complainant in writing of his decision under subsection (2) and give effect to that decision.

(7) Where the Minister's decision is a decision referred to in subsection (3), he shall, after consideration of any submissions made by the Authority—

- (a) advise the complainant in writing of that decision, or of that decision as varied pursuant to subsection (5); and
- (b) give effect to that decision, or that decision as so varied.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

(1) (a) Section 42 (2), (3)—

Omit the subsections, insert instead :—

(2) After the commencement of Schedule 5 to the Dairy Industry Authority (Amendment) Act, 1977, the Tribunal shall consist of 3 members appointed by the Minister, of whom—

- (a) one shall be appointed as the Chairman of the Tribunal;
- (b) one shall be appointed to represent the Authority; and
- (c) one shall be appointed to represent consumers of milk.

(3) A member, officer or employee of the Authority shall not be appointed as a member of the Tribunal pursuant to subsection (2) (c), or as the deputy of a member of the Tribunal appointed pursuant to subsection (2) (c).

(b) Section 42 (4)—

Omit “an appointed”, insert instead “a”.

(c) Section 42 (5)—

Omit “an appointed”, insert instead “a”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(d) Section 42 (6), (7), (7A)—

Omit the subsections, insert instead :—

(6) Where a vacancy occurs in the office of a member of the Tribunal, otherwise than by reason of the expiration of that member's term of office, that term of office shall be deemed to have expired.

(7) A person who is of or above the age of 70 years shall not be appointed as a member of the Tribunal.

(e) Section 42 (9)—

Omit the subsection.

(f) Section 42 (10)—

Omit the subsection, insert instead :—

(10) Each member of the Tribunal shall receive such fees for attending meetings of the Tribunal and such allowances as the Minister may from time to time determine in respect of him.

(g) Section 42 (11)—

Omit "An appointed", insert instead "A".

(h) Section 42 (11) (d)—

Omit the paragraph.

(i) Section 42 (11) (f), (f1)—

Omit the paragraphs, insert instead :—

(f) if he attains the age of 70 years; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(j) Section 42 (12)—

Omit “appointed”.

(k) Section 42 (13)—

Omit “an appointed”, insert instead “a”.

(2) (a) Section 46 (3) (b)—

Omit “and”.

(b) Section 46 (3) (c), (d)—

Omit section 46 (3) (c), insert instead :—

(c) shall, if the Minister so directs, hold in the manner prescribed, a public inquiry and shall have regard to any information received during that inquiry; and

(d) may have regard to such other information as the Tribunal considers it necessary or desirable to have regard.

(c) Section 46 (4)—

After “investigation”, insert “or holding an inquiry”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(3) Section 48A—

After section 48, insert :—

Prices not
to be fixed
under other
Acts, etc.

48A. (1) Notwithstanding the provisions of any other Act or of any regulations, rules or by-laws under any other Act, whether passed or made before or after the date of commencement of Schedule 5 to the Dairy Industry Authority (Amendment) Act, 1977, any price that may be fixed under this Part shall not be fixed otherwise than under this Part.

(2) Subsection (1) shall not, before a price is fixed in respect of a thing under this Act, affect any price fixed under any other Act or under any regulations, rules or by-laws under any other Act in respect of that thing.

(3) Any price fixed in respect of a thing under any other Act or under any regulations, rules or by-laws under any other Act shall, on the fixing of a price in respect of that thing under this Act, cease to have effect.

(4) Section 51—

Omit “the member of the Tribunal referred to in paragraph (c) of subsection two of section forty-two of this Act”, insert instead “members of the Tribunal”.

Dairy Industry Authority (Amendment).

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

(1) Section 89 (1) (e1)—

After section 89 (1) (e), insert :—

(e1) the treatment of milk by holders of certificates
of registration;

(2) Section 89 (3)—

After “(b)”, insert “, (e1)”.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 10th March, 1977.*

Very respectfully,
Yours truly,
J. B. [illegible]

Enclosed for the [illegible] is a [illegible]

(1) [illegible] (2) [illegible] (3) [illegible]

(4) [illegible] (5) [illegible] (6) [illegible]

(7) [illegible] (8) [illegible] (9) [illegible]

(10) [illegible] (11) [illegible] (12) [illegible]

(13) [illegible] (14) [illegible] (15) [illegible]

(16) [illegible] (17) [illegible] (18) [illegible]

(19) [illegible] (20) [illegible] (21) [illegible]

(22) [illegible] (23) [illegible] (24) [illegible]

(25) [illegible] (26) [illegible] (27) [illegible]

(28) [illegible] (29) [illegible] (30) [illegible]

(31) [illegible] (32) [illegible] (33) [illegible]

(34) [illegible] (35) [illegible] (36) [illegible]

(37) [illegible] (38) [illegible] (39) [illegible]

(40) [illegible] (41) [illegible] (42) [illegible]

(43) [illegible] (44) [illegible] (45) [illegible]

(46) [illegible] (47) [illegible] (48) [illegible]

(49) [illegible] (50) [illegible] (51) [illegible]

(52) [illegible] (53) [illegible] (54) [illegible]

(55) [illegible] (56) [illegible] (57) [illegible]

(58) [illegible] (59) [illegible] (60) [illegible]

(61) [illegible] (62) [illegible] (63) [illegible]

(64) [illegible] (65) [illegible] (66) [illegible]

(67) [illegible] (68) [illegible] (69) [illegible]

(70) [illegible] (71) [illegible] (72) [illegible]

(73) [illegible] (74) [illegible] (75) [illegible]

(76) [illegible] (77) [illegible] (78) [illegible]

(79) [illegible] (80) [illegible] (81) [illegible]

(82) [illegible] (83) [illegible] (84) [illegible]

(85) [illegible] (86) [illegible] (87) [illegible]

(88) [illegible] (89) [illegible] (90) [illegible]

(91) [illegible] (92) [illegible] (93) [illegible]

(94) [illegible] (95) [illegible] (96) [illegible]

(97) [illegible] (98) [illegible] (99) [illegible]

(100) [illegible]

**DAIRY INDUSTRY AUTHORITY (FURTHER
AMENDMENT ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 129, 1977.

An Act to amend the Dairy Industry Authority Act, 1970, to provide for the making of certain payments by the Dairy Industry Authority of New South Wales and to confer certain price-fixing powers. [Assented to, 14th December, 1977.]

BE

Dairy Industry Authority (Further Amendment).

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 :—

Short title. **1.** This Act may be cited as the "Dairy Industry Authority (Further Amendment) Act, 1977".

Commence- **2.** (1) This section and section 1 shall commence on
ment. the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on 13th January, 1978.

Amendment **3.** The Dairy Industry Authority Act, 1970, is amended
of Act No. in the manner set forth in Schedule 1.
29, 1970.

Sec. 3.

SCHEDULE 1.

**AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970.**

(1) Section 18B—

After section 18A, insert :—

Authority
may make
certain
payments.

18B. (1) Where, on or after 13th January, 1978, and before 27th April, 1979, the Authority cancels or reduces a quota allocated by the Authority to a person producing milk for delivery to the Authority, being a quota in force immediately before 13th January, 1978, the Authority may, with the approval of the Minister (as to the giving or refusal of which he has an absolute discretion) pay to that person from the funds of the Authority such amount as, subject to subsection (2), the Minister specifies when giving his approval.

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

(2) The maximum amount that may be paid under subsection (1) upon cancellation or reduction of a quota is—

- (a) where the quota is cancelled—the product of \$4.7136 multiplied by the number that is the number of litres per week that comprised the quota; or
- (b) where the quota is reduced—the product of \$4.7136 multiplied by the number that is the number of litres per week by which the quota is reduced.

(2) Section 20A—

After section 20, insert :—

20A. (1) The Authority may, by such means as it thinks fit, promote and encourage the production, supply, use, sale or consumption of milk and dairy products. Promotional
activities
by the
Authority.

(2) Without limiting the generality of subsection (1), the Authority may, with the approval of the Minister, establish a committee to advise it with respect to any or all of the matters referred to in that subsection.

(3) A committee established under subsection (2) shall consist of such persons as are approved by the Minister and the Authority may, from the funds of the Authority, pay a member of the committee

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

such fees for attending meetings of the committee, and such expenses and allowances, as the Minister from time to time determines in respect of that member.

(3) (a) Section 46 (1) (d1)—

After section 46 (1) (d), insert :—

(d1) for fixing the price above or below which milk may not be sold by retail;

(b) Section 46 (2) (a)—

Omit “or” where lastly occurring.

(c) Section 46 (2) (b)—

Omit “delivered;”, insert instead “delivered; or”.

(d) Section 46 (2) (c)—

Omit “under paragraph (c) or (d) of subsection one of this section”, insert instead “or different fixed retail prices under subsection (1) (c), (d) or (d1) respectively”.

(e) Section 46 (8A)—

After section 46 (8), insert :—

(8A) Where a maximum price for milk sold by retail has been notified by an order in force under subsection (8), the Minister shall not make an order fixing the price above or below which that milk may not be sold by retail unless he revokes the order fixing the maximum price for that milk.

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

(f) Section 46 (9) (a) (i)—

Omit “or”.

(g) Section 46 (9) (a) (ii)—

Omit “milk,” where secondly occurring, insert
instead “milk; or”.

(h) Section 46 (9) (a) (iii)—

After section 46 (9) (a) (ii), insert :—

(iii) milk by retail at a price above or below
the price notified by an order in force
under subsection (8) as the price above
or below which that milk may not be sold
by retail,

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

County Park - (1) Park and Recreation

SCHEDULE 1 - 1977

ADDITIONAL TO THE 1977 SCHEDULE 1 - 1977

1977-1978

(1) Section 1 - 1977

and 1978

(2) Section 2 - 1977

and 1978

and 1978

(3) Section 3 - 1977

and 1978

(4) Section 4 - 1977

and 1978

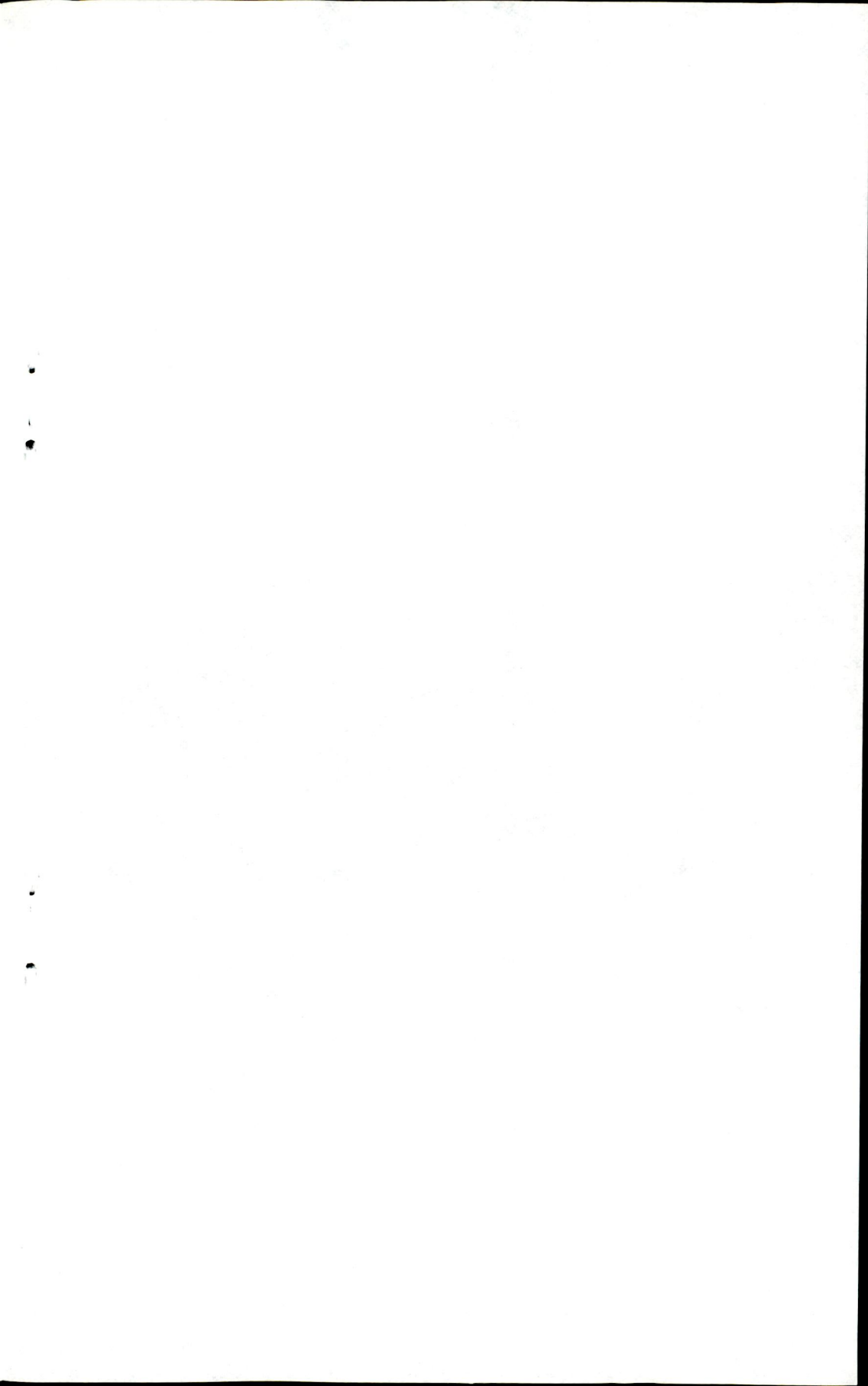
(5) Section 5 - 1977

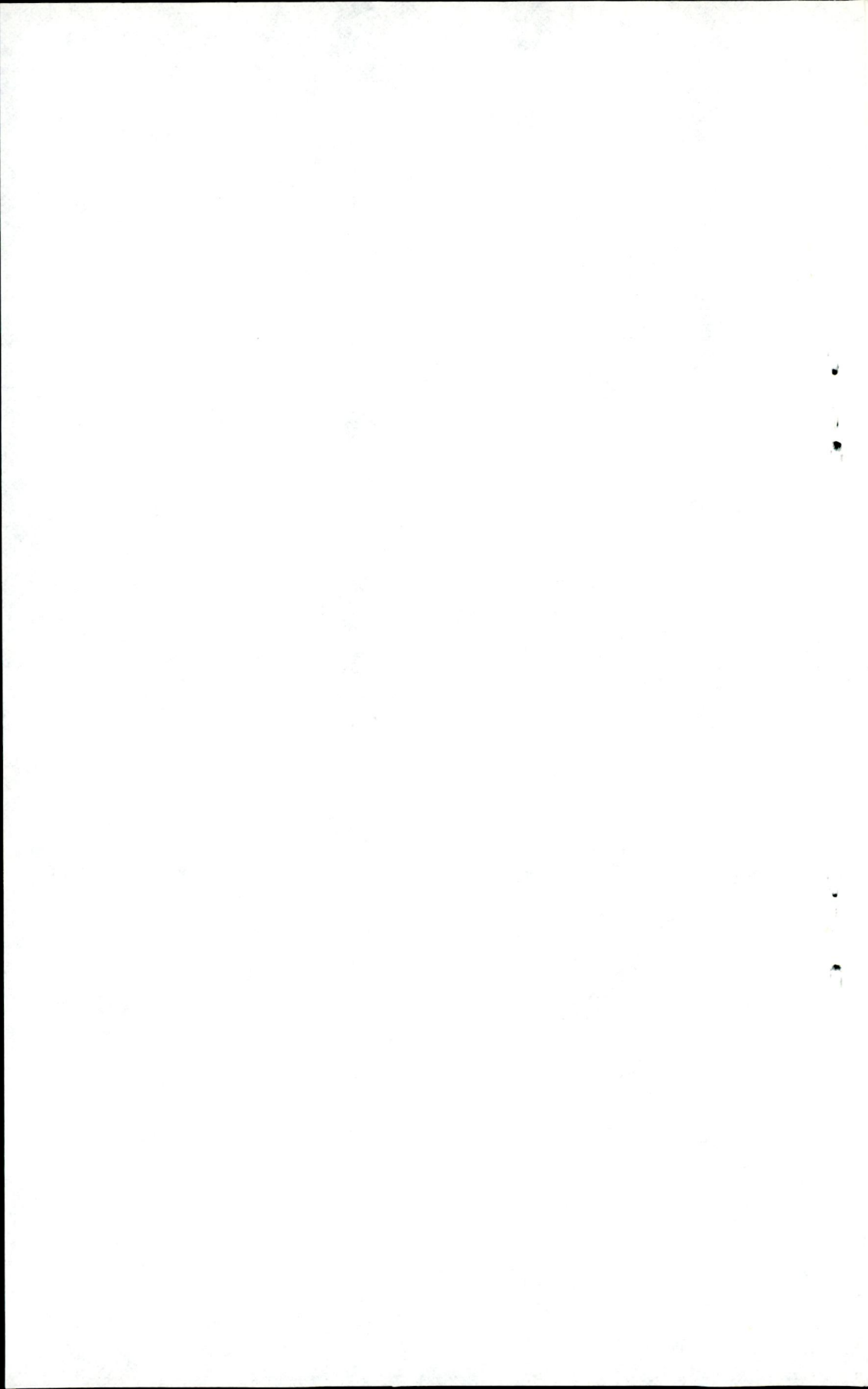
and 1978

by 1978

by 1978

by 1978





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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 December, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 129, 1977.

An Act to amend the Dairy Industry Authority Act, 1970, to provide for the making of certain payments by the Dairy Industry Authority of New South Wales and to confer certain price-fixing powers. [Assented to, 14th December, 1977.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Dairy Industry Authority (Further Amendment).

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 :—

Short title. **1.** This Act may be cited as the "Dairy Industry Authority (Further Amendment) Act, 1977".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on 13th January, 1978.

Amendment
of Act No.
29, 1970. **3.** The Dairy Industry Authority Act, 1970, is amended in the manner set forth in Schedule 1.

Sec. 3.**SCHEDULE 1.****AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970.****(1) Section 18B—**

After section 18A, insert :—

Authority
may make
certain
payments.

18B. (1) Where, on or after 13th January, 1978, and before 27th April, 1979, the Authority cancels or reduces a quota allocated by the Authority to a person producing milk for delivery to the Authority, being a quota in force immediately before 13th January, 1978, the Authority may, with the approval of the Minister (as to the giving or refusal of which he has an absolute discretion) pay to that person from the funds of the Authority such amount as, subject to subsection (2), the Minister specifies when giving his approval.

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

(2) The maximum amount that may be paid under subsection (1) upon cancellation or reduction of a quota is—

- (a) where the quota is cancelled—the product of \$4.7136 multiplied by the number that is the number of litres per week that comprised the quota; or
- (b) where the quota is reduced—the product of \$4.7136 multiplied by the number that is the number of litres per week by which the quota is reduced.

(2) Section 20A—

After section 20, insert :—

20A. (1) The Authority may, by such means as it Promotional thinks fit, promote and encourage the production, activities supply, use, sale or consumption of milk and dairy Authority. products.

(2) Without limiting the generality of subsection (1), the Authority may, with the approval of the Minister, establish a committee to advise it with respect to any or all of the matters referred to in that subsection.

(3) A committee established under subsection (2) shall consist of such persons as are approved by the Minister and the Authority may, from the funds of the Authority, pay a member of the committee

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

such fees for attending meetings of the committee, and such expenses and allowances, as the Minister from time to time determines in respect of that member.

(3) (a) Section 46 (1) (d1)—

After section 46 (1) (d), insert :—

(d1) for fixing the price above or below which milk may not be sold by retail;

(b) Section 46 (2) (a)—

Omit “or” where lastly occurring.

(c) Section 46 (2) (b)—

Omit “delivered;”, insert instead “delivered; or”.

(d) Section 46 (2) (c)—

Omit “under paragraph (c) or (d) of subsection one of this section”, insert instead “or different fixed retail prices under subsection (1) (c), (d) or (d1) respectively”.

(e) Section 46 (8A)—

After section 46 (8), insert :—

(8A) Where a maximum price for milk sold by retail has been notified by an order in force under subsection (8), the Minister shall not make an order fixing the price above or below which that milk may not be sold by retail unless he revokes the order fixing the maximum price for that milk.

SCHEDULE

Dairy Industry Authority (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—*continued.*

(f) Section 46 (9) (a) (i)—

Omit “or”.

(g) Section 46 (9) (a) (ii)—

Omit “milk,” where secondly occurring, insert
instead “milk; or”.

(h) Section 46 (9) (a) (iii)—

After section 46 (9) (a) (ii), insert :—

(iii) milk by retail at a price above or below
the price notified by an order in force
under subsection (8) as the price above
or below which that milk may not be sold
by retail,

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th December, 1977.*

Dairy Industry Authority (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE DAIRY INDUSTRY AUTHORITY ACT,
1970—continued.

(f) Section 46 (9) (a) (i) —

Omit "or".

(g) Section 46 (9) (a) (ii) —

Omit "milk," where secondly occurring, insert
instead "milk; or".

(h) Section 46 (9) (a) (iii) —

After section 46 (9) (a) (iii), insert:—

(iii) milk by retail at a price above or below
the price notified by an order in force
under subsection (3) at the price above
or below which that milk may not be sold
by retail.

In the name and on behalf of Her Majesty I assent to this

Ad.

A. R. CUTLER,

Governor.

Government House,

Sydney, 14th December, 1977.

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 1, 1977.

An Act to amend the Dairy Industry Authority Act, 1970, in relation to milk quotas and interstate milk; to reconstitute the Dairy Industry Prices Tribunal and appoint a Special Officer to investigate complaints by dairymen, and for certain other purposes. [Assented to, 10th March, 1977.]

BE

Dairy Industry Authority (Amendment).

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:—

Short title. 1. This Act may be cited as the "Dairy Industry Authority (Amendment) Act, 1977".

**Commence-
ment.** 2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–6, commence on the day on which that provision commences. *

(3) The several provisions of Schedules 1–6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 6 shall commence on the day on which Schedule 5 commences.

**Principal
Act.** 3. The Dairy Industry Authority Act, 1970, is referred to in this Act as the Principal Act.

Schedules. 4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE
PRINCIPAL ACT.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2.—AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

SCHEDULE 3.—REPEAL OF PART IV OF THE PRINCIPAL ACT.

SCHEDULE 4.—INSERTION OF PART IVA INTO THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

5. The Principal Act is amended in the manner set forth in Schedules 1-6. Amendment of Act No. 29, 1970.

6. (1) Any person holding office as a member, or as the deputy of a member, of the Dairy Industry Prices Tribunal constituted under Part V of the Principal Act immediately before the commencement of Schedule 5 shall cease to hold that office on that commencement. Members of Dairy Industry Prices Tribunal—cessation of office.

(2) The termination of a person's term of office under subsection (1) shall not be an expiration of that person's term of office for the purposes of section 42 (5) of the Principal Act, as amended by this Act.

Dairy Industry Authority (Amendment).

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

(1) (a) Section 2—

From the matter relating to Part III, Division 3,
omit “33, 34”, insert instead “33–34A”.

(b) Section 2—

Omit the matter relating to Part IV.

(c) Section 2—

Before the matter relating to Part V, insert :—

PART IVA.—INVESTIGATION OF COMPLAINTS
BY DAIRYMEN—ss. 41A–41G.

(2) Section 4 (1), definition of “treatment”—

After “testing”, insert “, analysing”.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

(1) (a) Section 18 (1) (d)—

Omit “prepare a scheme”, insert instead “prepare
and implement a scheme or schemes”.

(b) Section 18 (1) (d)—

Omit “vary any scheme prepared”, insert instead
“vary, replace or cancel any scheme prepared or
implemented”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(c) Section 18 (1) (h1)—

After section 18 (1) (h), insert :—

(h1) where an examination, a test or an analysis carried out on milk in the possession of any person indicates that that milk is deleterious to health, unwholesome or impure, by notice in writing served on that person, direct that person—

(i) not to supply any milk for consumption or use until such time as the Authority, in the like manner, withdraws that direction; and

(ii) to deal with or dispose of milk that would, but for that notice, have been so supplied in such manner as may be specified in the notice;

(d) Section 18 (1A)—

After section 18 (1), insert :—

(1A) The Authority may exercise any of its powers under subsection (1) (h), (h1) and (1), whether the matter or thing in respect of which the power is exercised is or is not in or of New South Wales.

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(e) Section 18 (2)—

After “(h)”, insert “, (h1)”.

(2) Section 18A—

After section 18, insert :—

Inspection
of vehicles.

18A. (1) In this section—

“officer” means—

- (a) an officer of the Authority; or
- (b) any person authorised by the Health Commission of New South Wales constituted under the Health Commission Act, 1972, to act as an officer for the purposes of the Pure Food Act, 1908,

authorised by the Authority to be an officer for the purposes of this section;

“place” includes road, whether public or otherwise.

(2) An officer may, at any place, display a traffic sign of a type prescribed in such a manner as to be clearly visible to the driver or person in charge of a vehicle approaching that place.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(3) The driver or person in charge of a vehicle approaching towards a sign referred to in subsection (2) shall stop or cause the vehicle to be stopped within a reasonable distance of the sign and keep the vehicle stationary for the purposes of enabling an officer to exercise the powers conferred upon him by or under this or any other Act.

(4) An officer may, upon production of the prescribed evidence of his authority, if demanded—

- (a) inspect any vehicle, any milk in or on any vehicle and examine any books, documents, papers, scales, measures, appliances, apparatus, containers or utensils, referring to or used in connection with milk in or on any vehicle;
- (b) take, without payment, samples of any milk in or on any vehicle;
- (c) take notes, copies or extracts of or from any books, documents or papers referred to in paragraph (a); and
- (d) open any part of any vehicle or anything in or on any vehicle or require the driver or person in charge of any vehicle to open any part of it or anything in or on it for the purposes of paragraph (a), (b) or (c).

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(5) Any person who—

- (a) being the driver or person in charge of any vehicle fails to comply with or observe the requirements of subsection (3); or
- (b) refuses or wilfully neglects to submit any vehicle, any part of a vehicle or anything in or on a vehicle to inspection by an officer in pursuance of this section, or who, being the driver or person in charge of a vehicle refuses or wilfully neglects to open any part of it or anything in or on it,

is guilty of an offence against this Act.

(6) In this section, “milk” includes milk that is not New South Wales milk.

(3) Section 19 (2)—

At the end of section 19, insert :—

(2) The Authority may exercise any of its powers under subsection (1) (other than the acquisition of undertakings in accordance with Division 2 of Part VI), whether the matter or thing in respect of which the power is exercised is or is not in or of New South Wales.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(4) (a) Section 33 (6) (b)—

Omit “and”.

(b) Section 33 (6) (c), (d), (e)—

Omit section 33 (6) (c), insert instead :—

(c) conditions requiring the holder of the certificate to subject milk treated, deposited, stored, distributed, supplied or sold by him to such treatment as is specified in the certificate;

(d) conditions requiring the holder of the certificate to permit the Authority or an officer within the meaning of section 18A to exercise, in relation to that holder's activities as a dairyman or milk vendor, any of the powers that the Authority or such an officer may exercise under section 18 (1) (b), 18 (1) (c) or 18A (4); and

(e) such other conditions as the Authority deems necessary for the purpose of carrying out or giving effect to any of the provisions of this Act.

(5) (a) Section 34 (1) (a)—

Omit the paragraph, insert instead :—

(a) if he has been convicted of two or more offences against any laws of any State or Territory of the Commonwealth, or of

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

the Commonwealth, in relation to the production, treatment, storage, distribution, supply or sale of milk;

(b) Section 34 (1A)—

After section 34 (1), insert :—

(1A) The Authority may cancel the certificate of registration issued to any person if that person fails to comply with any condition to which that certificate is subject.

(6) Section 34A—

Before the heading to Division 4 of Part III, insert :—

**Interstate
milk
vendors.**

34A. (1) A person carrying on the activity or a person who proposes to carry on the activity of—

(a) pasteurising, sterilising or otherwise treating milk; or

(b) depositing, storing, distributing, supplying or selling milk,

for distribution, supply or sale in New South Wales in the course of trade, commerce or intercourse among the States (whether that distribution, supply or sale is by himself or by another person) may, notwithstanding that that activity—

(c) is, or is to be, carried on outside New South Wales; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

- (d) is, or is to be, carried on in respect of milk
that is not New South Wales milk,

apply in the manner provided by section 33 (3) for
a certificate of registration.

(2) The Authority may determine an application authorised by subsection (1) in respect of an activity in the like manner as it may determine an application made by a person carrying on or proposing to carry on the same activity in New South Wales or in respect of New South Wales milk, as the case may be.

(3) In respect of an application referred to in subsection (1), and a certificate of registration issued as a result of such an application, section 34 shall be read as if—

- (a) the words “in the opinion of the Authority”, wherever occurring, were omitted from subsection (1);
- (b) the words “either of the grounds specified in paragraph (a) or (b) of” were omitted from subsection (2) and the words “the ground specified in subsection (1A) or any of the grounds specified in” were inserted instead; and

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(c) subsections (3), (4) and (5) were omitted and the following subsections were inserted instead :—

(3) A person dissatisfied with the Authority's decision—

- (a) to issue him with a certificate of registration as a milk vendor that authorises him to carry on only such activities as a milk vendor as are specified in the certificate;
- (b) to issue him with a certificate of registration as a milk vendor subject to conditions; or
- (c) to vary the conditions to which his certificate of registration as a milk vendor is subject or to impose conditions or additional conditions to which that certificate is to be subject,

and a person—

- (d) notified pursuant to subsection (2); or
- (e) whose application for a certificate of registration as a milk vendor has been refused upon any of the grounds specified in subsection (1),

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

may in the manner, and within a time prescribed, appeal against the decision, or the cancellation or refusal, to a court of petty sessions held before a stipendiary magistrate.

(4) Subject to subsection (5), a court of petty sessions to which an appeal is made under this section shall hear and determine the appeal.

(5) An appeal against a decision of a court of petty sessions under this section may be made to the Supreme Court.

(6) A court shall not allow an appeal made under this section if—

- (a) in the case of an appeal against a decision referred to in subsection (3) (a), (b) or (c), it was reasonably necessary in the interest of public health for that decision to be made; or
- (b) in the case of an appeal against the cancellation or refusal of a certificate of registration, that cancellation or refusal was reasonably necessary in the interest of public health.

SCHEDULE

*Dairy Industry Authority (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(7) (a) Section 35 (1)—

Omit “As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day after the day appointed and notified under subsection two of section one of this Act), any”, insert instead “Any”.

(b) Section 35 (1) (a)—

Omit “within the meaning of the Pure Food Act, 1908, and the regulations made under that Act”, insert instead “or sterilised”.

(c) Section 35 (1A), (1B)—

After section 35 (1), insert :—

(1A) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day not earlier than the date of publication of the proclamation in the Gazette), any person who sells, otherwise than to a milk vendor or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, milk that has not been pasteurised or sterilised by the holder of a certificate of registration under this Part that authorises that holder to carry on the activity of pasteurising or sterilising as the case may be, milk, is guilty of an offence against this Act.

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(1B) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day not earlier than the date of publication of the proclamation in the Gazette), any person who sells, otherwise than to a milk vendor or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, packaged or bottled milk that has not been packaged or bottled, as the case may be, by the holder of a certificate of registration under this Part that authorises that holder to carry on the activity of packaging or bottling, as the case may be, milk, is guilty of an offence against this Act.

(d) Section 35 (3)—

After section 35 (2), insert :—

(3) In this section, “milk” includes milk that is not New South Wales milk.

SCHEDULE 3.

Sec. 5.

REPEAL OF PART IV OF THE PRINCIPAL ACT.

Part IV—

Omit the Part.

Dairy Industry Authority (Amendment).

Sec. 5.

SCHEDULE 4.

INSERTION OF PART IVA INTO THE PRINCIPAL ACT.

Part IVA—

Before Part V, insert :—

PART IVA.

INVESTIGATION OF COMPLAINTS BY DAIRYMEN.

Interpre-
tation:
Pt. IVA.

41A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“conduct” means—

(a) any conduct; or

(b) any conduct of a class,

from time to time prescribed;

“investigation” means investigation by the Special Officer;

“Special Officer” means the Special Officer referred to in section 41B.

Special
Officer.

41B. (1) There shall be a Special Officer who shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon him by or under this Part.

(2) The Special Officer shall be the person who is the Director-General of the Department of Agriculture for the purposes of the Public Service Act, 1902, or an officer of the Department of Agriculture from time to time nominated by him.

(3) The Special Officer shall not, as the Special Officer, be subject to the Public Service Act, 1902.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*

INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

41C. (1) Subject to this section, any dairyman may ^{Complaint.} complain to the Minister about the conduct of the Authority in so far as that conduct affects that dairyman.

(2) A complaint under this section shall be in writing and shall provide details of the conduct complained of, the remedy or relief sought and the reasons why the remedy or relief should be granted or provided.

41D. (1) Where any dairyman has complained to the ^{Action on} Minister pursuant to this Part, the Minister may make ^{complaint.} that complaint the subject of an investigation.

(2) Where the Minister refuses to make a complaint the subject of an investigation, he shall inform the complainant in writing of the decision and the reasons for the decision.

(3) Where a complaint is made the subject of an investigation, the Minister shall give notice in writing of his decision—

- (a) to the complainant;
- (b) to the Special Officer; and
- (c) to the Authority.

(4) A notice under subsection (3) (b) or (c) shall contain a copy of the complaint.

(5) The Minister may, before deciding whether to make any conduct complained of the subject of an investigation, seek such information as he may require from the Authority or the complainant.

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
*continued.*Investi-
gation.

41E. (1) Where the Special Officer receives a notice referred to in section 41D (3) concerning a complaint he shall carry out an investigation of the conduct the subject of the complaint.

(2) An investigation shall be made in the absence of the public.

(3) For the purposes of an investigation, the Special Officer may require the Authority—

- (a) to give him a statement of information;
- (b) to produce to him any document or other thing;
- (c) to give him a copy of any document; and
- (d) to answer any question.

(4) A requirement under subsection (3) shall be in writing and shall specify or describe the information, document or thing required, or the question to be answered, and shall fix a time for compliance.

(5) The Authority shall comply with a requirement of the Special Officer pursuant to subsection (3) unless the Minister, of his own motion or at the request of the Authority, sets aside that requirement.

(6) This Part does not enable the Special Officer to require the Authority—

- (a) to give any statement of information;
- (b) to produce any document or other thing;
- (c) to give a copy of any document; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*

INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

(d) to answer any question,
which relates to conduct of business at meetings of the
Authority or proceedings of cabinet or any committee of
cabinet.

(7) In an investigation, the Special Officer
shall, if requested by the Minister, consult him on the
conduct the subject of the investigation.

41F. Where, in an investigation, the Special Officer Persons to
be heard. considers that there are grounds for adverse comment in
respect of the Authority, or any member, officer or
employee of the Authority, the Special Officer, before
making any such comment in any report or recommenda-
tion to the Minister, shall, so far as is practicable—

- (a) inform the Authority or that person of the
substance of the grounds for adverse comment;
and
- (b) give the Authority or that person an
opportunity to make submissions.

41G. (1) After an investigation under this Part the Action
following
investi-
gation. Special Officer shall make a recommendation to the
Minister.

(2) Subject to the provisions of this Act, the
Minister, after considering a recommendation of the
Special Officer, may decide to take such action or direct
that such action be taken as he thinks fit in respect of
that recommendation.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

(3) Where the Minister has decided to take action or direct that action be taken that is inconsistent with the conduct the subject of a complaint, he shall notify the Authority of the grounds upon which he proposes to take, or direct the taking of, that action.

(4) The Authority, when notified pursuant to subsection (3) in respect of a complaint, may make submissions to the Minister.

(5) The Minister may vary a decision referred to in subsection (3) after considering any submissions made by the Authority in respect of that decision.

(6) Except as provided in subsection (7), the Minister shall advise a complainant in writing of his decision under subsection (2) and give effect to that decision.

(7) Where the Minister's decision is a decision referred to in subsection (3), he shall, after consideration of any submissions made by the Authority—

- (a) advise the complainant in writing of that decision, or of that decision as varied pursuant to subsection (5); and
- (b) give effect to that decision, or that decision as so varied.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

(1) (a) Section 42 (2), (3)—

Omit the subsections, insert instead :—

(2) After the commencement of Schedule 5 to the Dairy Industry Authority (Amendment) Act, 1977, the Tribunal shall consist of 3 members appointed by the Minister, of whom—

- (a) one shall be appointed as the Chairman of the Tribunal;
- (b) one shall be appointed to represent the Authority; and
- (c) one shall be appointed to represent consumers of milk.

(3) A member, officer or employee of the Authority shall not be appointed as a member of the Tribunal pursuant to subsection (2) (c), or as the deputy of a member of the Tribunal appointed pursuant to subsection (2) (c).

(b) Section 42 (4)—

Omit “an appointed”, insert instead “a”.

(c) Section 42 (5)—

Omit “an appointed”, insert instead “a”.

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(d) Section 42 (6), (7), (7A)—

Omit the subsections, insert instead :—

(6) Where a vacancy occurs in the office of a member of the Tribunal, otherwise than by reason of the expiration of that member's term of office, that term of office shall be deemed to have expired.

(7) A person who is of or above the age of 70 years shall not be appointed as a member of the Tribunal.

(e) Section 42 (9)—

Omit the subsection.

(f) Section 42 (10)—

Omit the subsection, insert instead :—

(10) Each member of the Tribunal shall receive such fees for attending meetings of the Tribunal and such allowances as the Minister may from time to time determine in respect of him.

(g) Section 42 (11)—

Omit "An appointed", insert instead "A".

(h) Section 42 (11) (d)—

Omit the paragraph.

(i) Section 42 (11) (f), (f1)—

Omit the paragraphs, insert instead :—

(f) if he attains the age of 70 years; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(j) Section 42 (12)—

Omit “appointed”.

(k) Section 42 (13)—

Omit “an appointed”, insert instead “a”.

(2) (a) Section 46 (3) (b)—

Omit “and”.

(b) Section 46 (3) (c), (d)—

Omit section 46 (3) (c), insert instead :—

(c) shall, if the Minister so directs, hold in the manner prescribed, a public inquiry and shall have regard to any information received during that inquiry; and

(d) may have regard to such other information as the Tribunal considers it necessary or desirable to have regard.

(c) Section 46 (4)—

After “investigation”, insert “or holding an inquiry”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(3) Section 48A—

After section 48, insert :—

Prices not
to be fixed
under other
Acts, etc.

48A. (1) Notwithstanding the provisions of any other Act or of any regulations, rules or by-laws under any other Act, whether passed or made before or after the date of commencement of Schedule 5 to the Dairy Industry Authority (Amendment) Act, 1977, any price that may be fixed under this Part shall not be fixed otherwise than under this Part.

(2) Subsection (1) shall not, before a price is fixed in respect of a thing under this Act, affect any price fixed under any other Act or under any regulations, rules or by-laws under any other Act in respect of that thing.

(3) Any price fixed in respect of a thing under any other Act or under any regulations, rules or by-laws under any other Act shall, on the fixing of a price in respect of that thing under this Act, cease to have effect.

(4) Section 51—

Omit “the member of the Tribunal referred to in paragraph (c) of subsection two of section forty-two of this Act”, insert instead “members of the Tribunal”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

(1) Section 89 (1) (e1)—

After section 89 (1) (e), insert :—

(e1) the treatment of milk by holders of certificates
of registration;

(2) Section 89 (3)—

After “(b)”, insert “, (e1)”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

Page 11

1. The first part of the report is devoted to a general

description of the work done during the year.

2. The second part of the report is devoted to a detailed

description of the work done during the year.

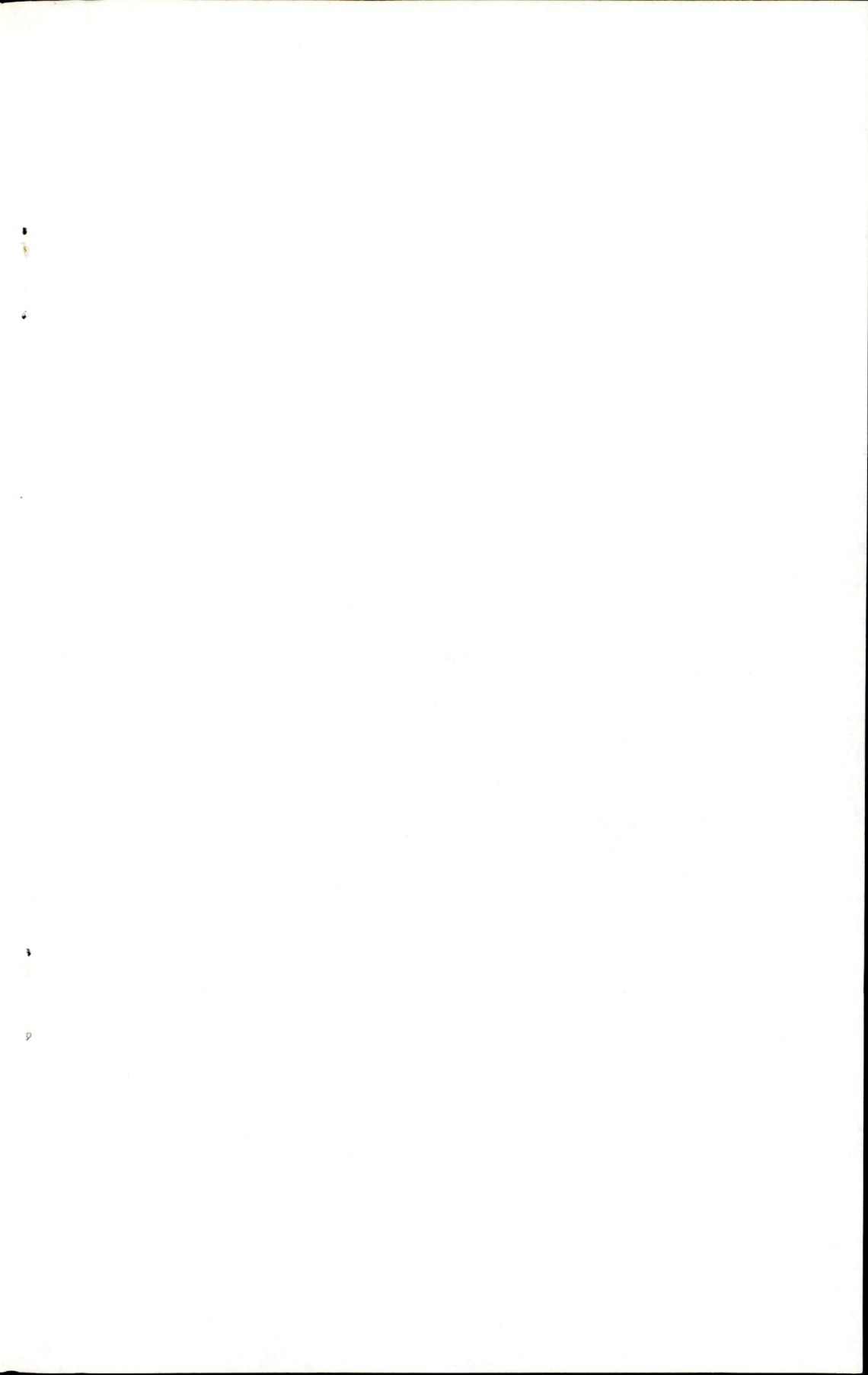
3. The third part of the report is devoted to a detailed

description of the work done during the year.

4. The fourth part of the report is devoted to a detailed

description of the work done during the year.

5. The fifth part of the report is devoted to a detailed



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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 1, 1977.

An Act to amend the Dairy Industry Authority Act, 1970, in relation to milk quotas and interstate milk; to reconstitute the Dairy Industry Prices Tribunal and appoint a Special Officer to investigate complaints by dairymen, and for certain other purposes. [Assented to, 10th March, 1977.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Dairy Industry Authority (Amendment).

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:—

Short title. 1. This Act may be cited as the "Dairy Industry Authority (Amendment) Act, 1977".

Commence-
ment. 2. (1) This section and sections 1, 3 and 4 shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–6, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1–6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 6 shall commence on the day on which Schedule 5 commences.

Principal
Act. 3. The Dairy Industry Authority Act, 1970, is referred to in this Act as the Principal Act.

Schedules. 4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE
PRINCIPAL ACT.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2.—AMENDMENTS TO PART III OF THE
PRINCIPAL ACT.

SCHEDULE 3.—REPEAL OF PART IV OF THE
PRINCIPAL ACT.

SCHEDULE 4.—INSERTION OF PART IVA INTO THE
PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART V OF THE
PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO PART IX OF THE
PRINCIPAL ACT.

5. The Principal Act is amended in the manner set forth
in Schedules 1–6.

Amendment
of Act No.
29, 1970.

6. (1) Any person holding office as a member, or as
the deputy of a member, of the Dairy Industry Prices Tribunal
constituted under Part V of the Principal Act immediately
before the commencement of Schedule 5 shall cease to hold
that office on that commencement.

Members of
Dairy
Industry
Prices
Tribunal—
cessation of
office.

(2) The termination of a person's term of office under
subsection (1) shall not be an expiration of that person's
term of office for the purposes of section 42 (5) of the
Principal Act, as amended by this Act.

SCHEDULE

Dairy Industry Authority (Amendment).

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

(1) (a) Section 2—

From the matter relating to Part III, Division 3, omit “33, 34”, insert instead “33–34A”.

(b) Section 2—

Omit the matter relating to Part IV.

(c) Section 2—

Before the matter relating to Part V, insert :—

PART IVA.—INVESTIGATION OF COMPLAINTS
BY DAIRYMEN—ss. 41A–41G.

(2) Section 4 (1), definition of “treatment”—

After “testing”, insert “, analysing”.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO PART III OF THE PRINCIPAL ACT.

(1) (a) Section 18 (1) (d)—

Omit “prepare a scheme”, insert instead “prepare and implement a scheme or schemes”.

(b) Section 18 (1) (d)—

Omit “vary any scheme prepared”, insert instead “vary, replace or cancel any scheme prepared or implemented”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(c) Section 18 (1) (h1)—

After section 18 (1) (h), insert :—

(h1) where an examination, a test or an analysis carried out on milk in the possession of any person indicates that that milk is deleterious to health, unwholesome or impure, by notice in writing served on that person, direct that person—

(i) not to supply any milk for consumption or use until such time as the Authority, in the like manner, withdraws that direction; and

(ii) to deal with or dispose of milk that would, but for that notice, have been so supplied in such manner as may be specified in the notice;

(d) Section 18 (1A)—

After section 18 (1), insert :—

(1A) The Authority may exercise any of its powers under subsection (1) (h), (h1) and (1), whether the matter or thing in respect of which the power is exercised is or is not in or of New South Wales.

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(e) Section 18 (2)—

After “(h)”, insert “, (h1)”.

(2) Section 18A—

After section 18, insert :—

Inspection
of vehicles.

18A. (1) In this section—

“officer” means—

- (a) an officer of the Authority; or
- (b) any person authorised by the Health Commission of New South Wales constituted under the Health Commission Act, 1972, to act as an officer for the purposes of the Pure Food Act, 1908,

authorised by the Authority to be an officer
for the purposes of this section;“place” includes road, whether public or
otherwise.

(2) An officer may, at any place, display a traffic sign of a type prescribed in such a manner as to be clearly visible to the driver or person in charge of a vehicle approaching that place.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(3) The driver or person in charge of a vehicle approaching towards a sign referred to in subsection (2) shall stop or cause the vehicle to be stopped within a reasonable distance of the sign and keep the vehicle stationary for the purposes of enabling an officer to exercise the powers conferred upon him by or under this or any other Act.

(4) An officer may, upon production of the prescribed evidence of his authority, if demanded—

- (a) inspect any vehicle, any milk in or on any vehicle and examine any books, documents, papers, scales, measures, appliances, apparatus, containers or utensils, referring to or used in connection with milk in or on any vehicle;
- (b) take, without payment, samples of any milk in or on any vehicle;
- (c) take notes, copies or extracts of or from any books, documents or papers referred to in paragraph (a); and
- (d) open any part of any vehicle or anything in or on any vehicle or require the driver or person in charge of any vehicle to open any part of it or anything in or on it for the purposes of paragraph (a), (b) or (c).

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(5) Any person who—

- (a) being the driver or person in charge of any vehicle fails to comply with or observe the requirements of subsection (3); or
- (b) refuses or wilfully neglects to submit any vehicle, any part of a vehicle or anything in or on a vehicle to inspection by an officer in pursuance of this section, or who, being the driver or person in charge of a vehicle refuses or wilfully neglects to open any part of it or anything in or on it,

is guilty of an offence against this Act.

(6) In this section, "milk" includes milk that is not New South Wales milk.

(3) Section 19 (2)—

At the end of section 19, insert :—

(2) The Authority may exercise any of its powers under subsection (1) (other than the acquisition of undertakings in accordance with Division 2 of Part VI), whether the matter or thing in respect of which the power is exercised is or is not in or of New South Wales.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(4) (a) Section 33 (6) (b)—

Omit “and”.

(b) Section 33 (6) (c), (d), (e)—

Omit section 33 (6) (c), insert instead :—

(c) conditions requiring the holder of the certificate to subject milk treated, deposited, stored, distributed, supplied or sold by him to such treatment as is specified in the certificate;

(d) conditions requiring the holder of the certificate to permit the Authority or an officer within the meaning of section 18A to exercise, in relation to that holder's activities as a dairyman or milk vendor, any of the powers that the Authority or such an officer may exercise under section 18 (1) (b), 18 (1) (c) or 18A (4); and

(e) such other conditions as the Authority deems necessary for the purpose of carrying out or giving effect to any of the provisions of this Act.

(5) (a) Section 34 (1) (a)—

Omit the paragraph, insert instead :—

(a) if he has been convicted of two or more offences against any laws of any State or Territory of the Commonwealth, or of

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

the Commonwealth, in relation to the production, treatment, storage, distribution, supply or sale of milk;

(b) Section 34 (1A)—

After section 34 (1), insert :—

(1A) The Authority may cancel the certificate of registration issued to any person if that person fails to comply with any condition to which that certificate is subject.

(6) Section 34A—

Before the heading to Division 4 of Part III, insert :—

Interstate
milk
vendors.

34A. (1) A person carrying on the activity or a person who proposes to carry on the activity of—

(a) pasteurising, sterilising or otherwise treating milk; or

(b) depositing, storing, distributing, supplying or selling milk,

for distribution, supply or sale in New South Wales in the course of trade, commerce or intercourse among the States (whether that distribution, supply or sale is by himself or by another person) may, notwithstanding that that activity—

(c) is, or is to be, carried on outside New South Wales; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(d) is, or is to be, carried on in respect of milk
that is not New South Wales milk,

apply in the manner provided by section 33 (3) for
a certificate of registration.

(2) The Authority may determine an appli-
cation authorised by subsection (1) in respect of an
activity in the like manner as it may determine an
application made by a person carrying on or proposing
to carry on the same activity in New South Wales or
in respect of New South Wales milk, as the case may
be.

(3) In respect of an application referred to
in subsection (1), and a certificate of registration
issued as a result of such an application, section 34
shall be read as if—

(a) the words “in the opinion of the Authority”,
wherever occurring, were omitted from
subsection (1);

(b) the words “either of the grounds specified
in paragraph (a) or (b) of” were omitted
from subsection (2) and the words “the
ground specified in subsection (1A) or any
of the grounds specified in” were inserted
instead; and

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(c) subsections (3), (4) and (5) were omitted and the following subsections were inserted instead :—

(3) A person dissatisfied with the Authority's decision—

- (a) to issue him with a certificate of registration as a milk vendor that authorises him to carry on only such activities as a milk vendor as are specified in the certificate;
- (b) to issue him with a certificate of registration as a milk vendor subject to conditions; or
- (c) to vary the conditions to which his certificate of registration as a milk vendor is subject or to impose conditions or additional conditions to which that certificate is to be subject,

and a person—

- (d) notified pursuant to subsection (2); or
- (e) whose application for a certificate of registration as a milk vendor has been refused upon any of the grounds specified in subsection (1),

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

may in the manner, and within a time prescribed, appeal against the decision, or the cancellation or refusal, to a court of petty sessions held before a stipendiary magistrate.

(4) Subject to subsection (5), a court of petty sessions to which an appeal is made under this section shall hear and determine the appeal.

(5) An appeal against a decision of a court of petty sessions under this section may be made to the Supreme Court.

(6) A court shall not allow an appeal made under this section if—

- (a) in the case of an appeal against a decision referred to in subsection (3) (a), (b) or (c), it was reasonably necessary in the interest of public health for that decision to be made; or
- (b) in the case of an appeal against the cancellation or refusal of a certificate of registration, that cancellation or refusal was reasonably necessary in the interest of public health.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(7) (a) Section 35 (1)—

Omit “As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day after the day appointed and notified under subsection two of section one of this Act), any”, insert instead “Any”.

(b) Section 35 (1) (a)—

Omit “within the meaning of the Pure Food Act, 1908, and the regulations made under that Act”, insert instead “or sterilised”.

(c) Section 35 (1A), (1B)—

After section 35 (1), insert :—

(1A) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day not earlier than the date of publication of the proclamation in the Gazette), any person who sells, otherwise than to a milk vendor or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, milk that has not been pasteurised or sterilised by the holder of a certificate of registration under this Part that authorises that holder to carry on the activity of pasteurising or sterilising, as the case may be, milk, is guilty of an offence against this Act.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART III OF THE PRINCIPAL ACT—
continued.

(1B) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day not earlier than the date of publication of the proclamation in the Gazette), any person who sells, otherwise than to a milk vendor or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, packaged or bottled milk that has not been packaged or bottled, as the case may be, by the holder of a certificate of registration under this Part that authorises that holder to carry on the activity of packaging or bottling, as the case may be, milk, is guilty of an offence against this Act.

(d) Section 35 (3)—

After section 35 (2), insert :—

(3) In this section, "milk" includes milk that is not New South Wales milk.

SCHEDULE 3.

Sec. 5.

REPEAL OF PART IV OF THE PRINCIPAL ACT.

Part IV—

Omit the Part.

SCHEDULE

Dairy Industry Authority (Amendment).

Sec. 5.

SCHEDULE 4.

INSERTION OF PART IVA INTO THE PRINCIPAL ACT.

Part IVA—

Before Part V, insert :—

PART IVA.

INVESTIGATION OF COMPLAINTS BY DAIRYMEN.

Interpre-
tation:
Pt. IVA.

41A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“conduct” means—

(a) any conduct; or

(b) any conduct of a class,

from time to time prescribed;

“investigation” means investigation by the Special Officer;

“Special Officer” means the Special Officer referred to in section 41B.

Special
Officer.

41B. (1) There shall be a Special Officer who shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon him by or under this Part.

(2) The Special Officer shall be the person who is the Director-General of the Department of Agriculture for the purposes of the Public Service Act, 1902, or an officer of the Department of Agriculture from time to time nominated by him.

(3) The Special Officer shall not, as the Special Officer, be subject to the Public Service Act, 1902.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*

INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

41C. (1) Subject to this section, any dairyman may **Complaint.** complain to the Minister about the conduct of the Authority in so far as that conduct affects that dairyman.

(2) A complaint under this section shall be in writing and shall provide details of the conduct complained of, the remedy or relief sought and the reasons why the remedy or relief should be granted or provided.

41D. (1) Where any dairyman has complained to the Minister pursuant to this Part, the Minister may make **Action on complaint.** that complaint the subject of an investigation.

(2) Where the Minister refuses to make a complaint the subject of an investigation, he shall inform the complainant in writing of the decision and the reasons for the decision.

(3) Where a complaint is made the subject of an investigation, the Minister shall give notice in writing of his decision—

- (a) to the complainant;
- (b) to the Special Officer; and
- (c) to the Authority.

(4) A notice under subsection (3) (b) or (c) shall contain a copy of the complaint.

(5) The Minister may, before deciding whether to make any conduct complained of the subject of an investigation, seek such information as he may require from the Authority or the complainant.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
*continued.*Investi-
gation.

41E. (1) Where the Special Officer receives a notice referred to in section 41D (3) concerning a complaint he shall carry out an investigation of the conduct the subject of the complaint.

(2) An investigation shall be made in the absence of the public.

(3) For the purposes of an investigation, the Special Officer may require the Authority—

- (a) to give him a statement of information;
- (b) to produce to him any document or other thing;
- (c) to give him a copy of any document; and
- (d) to answer any question.

(4) A requirement under subsection (3) shall be in writing and shall specify or describe the information, document or thing required, or the question to be answered, and shall fix a time for compliance.

(5) The Authority shall comply with a requirement of the Special Officer pursuant to subsection (3) unless the Minister, of his own motion or at the request of the Authority, sets aside that requirement.

(6) This Part does not enable the Special Officer to require the Authority—

- (a) to give any statement of information;
- (b) to produce any document or other thing;
- (c) to give a copy of any document; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*

INSERTION OF PART IVA INTO THE PRINCIPAL ACT—
continued.

(d) to answer any question,

which relates to conduct of business at meetings of the Authority or proceedings of cabinet or any committee of cabinet.

(7) In an investigation, the Special Officer shall, if requested by the Minister, consult him on the conduct the subject of the investigation.

41F. Where, in an investigation, the Special Officer considers that there are grounds for adverse comment in respect of the Authority, or any member, officer or employee of the Authority, the Special Officer, before making any such comment in any report or recommendation to the Minister, shall, so far as is practicable—

Persons to
be heard.

(a) inform the Authority or that person of the substance of the grounds for adverse comment; and

(b) give the Authority or that person an opportunity to make submissions.

41G. (1) After an investigation under this Part the Special Officer shall make a recommendation to the Minister.

Action
following
investi-
gation.

(2) Subject to the provisions of this Act, the Minister, after considering a recommendation of the Special Officer, may decide to take such action or direct that such action be taken as he thinks fit in respect of that recommendation.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 4—*continued.*INSERTION OF PART IV_A INTO THE PRINCIPAL ACT—
continued.

(3) Where the Minister has decided to take action or direct that action be taken that is inconsistent with the conduct the subject of a complaint, he shall notify the Authority of the grounds upon which he proposes to take, or direct the taking of, that action.

(4) The Authority, when notified pursuant to subsection (3) in respect of a complaint, may make submissions to the Minister.

(5) The Minister may vary a decision referred to in subsection (3) after considering any submissions made by the Authority in respect of that decision.

(6) Except as provided in subsection (7), the Minister shall advise a complainant in writing of his decision under subsection (2) and give effect to that decision.

(7) Where the Minister's decision is a decision referred to in subsection (3), he shall, after consideration of any submissions made by the Authority—

- (a) advise the complainant in writing of that decision, or of that decision as varied pursuant to subsection (5); and
- (b) give effect to that decision, or that decision as so varied.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5.

Sec. 5.

AMENDMENTS TO PART V OF THE PRINCIPAL ACT.

(1) (a) Section 42 (2), (3)—

Omit the subsections, insert instead :—

(2) After the commencement of Schedule 5 to the Dairy Industry Authority (Amendment) Act, 1977, the Tribunal shall consist of 3 members appointed by the Minister, of whom—

- (a) one shall be appointed as the Chairman of the Tribunal;
- (b) one shall be appointed to represent the Authority; and
- (c) one shall be appointed to represent consumers of milk.

(3) A member, officer or employee of the Authority shall not be appointed as a member of the Tribunal pursuant to subsection (2) (c), or as the deputy of a member of the Tribunal appointed pursuant to subsection (2) (c).

(b) Section 42 (4)—

Omit “an appointed”, insert instead “a”.

(c) Section 42 (5)—

Omit “an appointed”, insert instead “a”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(d) Section 42 (6), (7), (7A)—

Omit the subsections, insert instead :—

(6) Where a vacancy occurs in the office of a member of the Tribunal, otherwise than by reason of the expiration of that member's term of office, that term of office shall be deemed to have expired.

(7) A person who is of or above the age of 70 years shall not be appointed as a member of the Tribunal.

(e) Section 42 (9)—

Omit the subsection.

(f) Section 42 (10)—

Omit the subsection, insert instead :—

(10) Each member of the Tribunal shall receive such fees for attending meetings of the Tribunal and such allowances as the Minister may from time to time determine in respect of him.

(g) Section 42 (11)—

Omit "An appointed", insert instead "A".

(h) Section 42 (11) (d)—

Omit the paragraph.

(i) Section 42 (11) (f), (f1)—

Omit the paragraphs, insert instead :—

(f) if he attains the age of 70 years; or

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(j) Section 42 (12)—

Omit “appointed”.

(k) Section 42 (13)—

Omit “an appointed”, insert instead “a”.

(2) (a) Section 46 (3) (b)—

Omit “and”.

(b) Section 46 (3) (c), (d)—

Omit section 46 (3) (c), insert instead :—

(c) shall, if the Minister so directs, hold in the manner prescribed, a public inquiry and shall have regard to any information received during that inquiry; and

(d) may have regard to such other information as the Tribunal considers it necessary or desirable to have regard.

(c) Section 46 (4)—

After “investigation”, insert “or holding an inquiry”.

SCHEDULE

Dairy Industry Authority (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO PART V OF THE PRINCIPAL ACT—
continued.

(3) Section 48A—

After section 48, insert :—

Prices not
to be fixed
under other
Acts, etc.

48A. (1) Notwithstanding the provisions of any other Act or of any regulations, rules or by-laws under any other Act, whether passed or made before or after the date of commencement of Schedule 5 to the Dairy Industry Authority (Amendment) Act, 1977, any price that may be fixed under this Part shall not be fixed otherwise than under this Part.

(2) Subsection (1) shall not, before a price is fixed in respect of a thing under this Act, affect any price fixed under any other Act or under any regulations, rules or by-laws under any other Act in respect of that thing.

(3) Any price fixed in respect of a thing under any other Act or under any regulations, rules or by-laws under any other Act shall, on the fixing of a price in respect of that thing under this Act, cease to have effect.

(4) Section 51—

Omit “the member of the Tribunal referred to in paragraph (c) of subsection two of section forty-two of this Act”, insert instead “members of the Tribunal”.

Dairy Industry Authority (Amendment).

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

(1) Section 89 (1) (e1)—

After section 89 (1) (e), insert :—

(e1) the treatment of milk by holders of certificates
of registration;

(2) Section 89 (3)—

After “(b)”, insert “, (e1)”.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 10th March, 1977.*

Very respectfully,
Yours truly,
[Signature]

[Signature]

Enclosed for the [Name] is the [Name]

(1) [Name] (2) [Name] (3) [Name]

(4) [Name] (5) [Name] (6) [Name]

(7) [Name] (8) [Name] (9) [Name]

(10) [Name]

(11) [Name] (12) [Name]

(13) [Name] (14) [Name]

Very respectfully,
Yours truly,
[Signature]

[Signature]

[Signature]

(15) [Name] (16) [Name]
(17) [Name] (18) [Name]