

**DAIRY INDUSTRY (FURTHER AMENDMENT) BILL,
1984**

EXPLANATORY NOTE

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

The object of this Bill is to amend the Dairy Industry Act, 1979 ("the Act"), so as—

- (a) to ensure that the New South Wales Dairy Corporation ("the Corporation") may examine, test and analyse milk, dairy products or margarine, whether or not in respect of New South Wales milk, dairy products or margarine and whether or not carried out in New South Wales (Schedule 1 (1));
 - (b) to enable the Corporation to exercise its powers under section 10 (1) (a) and (b) of the Act (which relates to the prevention of the sale of any milk, dairy product or margarine that is deleterious to health, unwholesome or impure) in any case where the Corporation is prevented from carrying out any examination, test or analysis of the milk, dairy product or margarine (Schedule 1 (2));
 - (c) to enable the Corporation to fix a minimum as well as a maximum price for the retail sale of milk (Schedule 1 (3)–(5)); and
 - (d) to authorise the Corporation to demand and receive fees to reimburse it for the costs of carrying out examinations, tests and analyses of milk, dairy products or margarine (Schedule 1 (6)).
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PROOF

**DAIRY INDUSTRY (FURTHER AMENDMENT) BILL,
1984**

No. , 1984.

A BILL FOR

An Act to amend the Dairy Industry Act, 1979, with respect to the examination, testing and analysis of milk, dairy products and margarine and the fixing of a minimum as well as a maximum price for the retail sale of milk.

Dairy Industry (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 Short title.

1. This Act may be cited as the "Dairy Industry (Further Amendment) Act, 1984".

Amendment of Act No. 208, 1979.

2. The Dairy Industry Act, 1979, is amended in the manner set forth in 10 Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979.

(1) Section 9 (1) (a1)—

15 After section 9 (1) (a), insert:—

(a1) carry out examinations, tests or analyses of milk, dairy products or margarine—

- 20
- (i) whether or not in respect of New South Wales milk, dairy products or margarine; or
 - (ii) whether in New South Wales or in a place outside New South Wales from which any milk, dairy product or margarine is, has been or may be supplied, directly or indirectly, to New South Wales;

Dairy Industry (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(2) Section 10 (2A)—

After section 10 (2), insert:—

- 5 (2A) Any milk, dairy product or margarine shall, for the purpose
of the exercise of the Corporation's powers under subsection (1) (a)
or (b), be deemed to be deleterious to health, unwholesome or impure
if the person in possession of the milk, dairy product or margarine
prevents the Corporation or any agent or officer of the Corporation
10 from carrying out a satisfactory examination, test or analysis, or
doing any other thing authorised by or under this Act, in order to
determine whether the milk, dairy product or margarine is deleterious
to health, unwholesome or impure.

(3) (a) Section 54 (1) (d1)—

15 After section 54 (1) (d), insert:—

(d1) fix the minimum price and the maximum price at which
milk may be sold by retail;

(b) Section 54 (2) (c)—

- 20 Omit "or different fixed retail prices under subsection (1) (c),
(d)", insert instead " , different ~~minimum~~ and maximum retail
prices or different fixed retail prices under subsection (1) (c),
(d), (d1)".

(4) Section 59 (1)—

After "54 (1) (d)", insert " , (d1)".

25 (5) Section 60A (1) (a) (i)—

After "the maximum price", insert " , or less than the minimum price,".

Dairy Industry (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(6) Section 99A—

After section 99, insert:—

5 **Fees for testing, etc., by Corporation.**

10 99A. (1) Where the Corporation carries out an examination, test or analysis of any milk, dairy product or margarine that belongs to or is in the possession of a dairyman or dairy produce merchant in order to determine whether it is deleterious to health, unwholesome or impure, the Corporation may demand and receive from the dairyman or dairy produce merchant such fee as may be determined by the Corporation in respect of the examination, test or analysis.

15 (2) The amount of any fee determined pursuant to subsection (1) in respect of any examination, test or analysis shall not exceed the amount necessary to reimburse the Corporation for its reasonable costs in carrying out the examination, test or analysis and in obtaining samples or doing any other thing for the purposes of the examination, test or analysis.

20 (3) The Corporation may demand and receive fees in respect of an examination, test or analysis of any milk, dairy product or margarine, whether or not—

- (a) it is New South Wales milk, a New South Wales dairy product or New South Wales margarine; or
- (b) the examination, test or analysis was carried out in New South Wales.



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

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, May, 1984.*

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1984.

An Act to amend the Dairy Industry Act, 1979, with respect to the examination, testing and analysis of milk, dairy products and margarine and the fixing of a minimum as well as a maximum price for the retail sale of milk.

Dairy Industry (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 (Further Amendment) Act, 1984".

Amendment of Act No. 208, 1979.

2. The Dairy Industry Act, 1979, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979.

(1) Section 9 (1) (a1)—

After section 9 (1) (a), insert:—

- (a1) carry out examinations, tests or analyses of milk, dairy products or margarine—
 - (i) whether or not in respect of New South Wales milk, dairy products or margarine; or
 - (ii) whether in New South Wales or in a place outside New South Wales from which any milk, dairy product or margarine is, has been or may be supplied, directly or indirectly, to New South Wales;

Dairy Industry (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(2) Section 10 (2A)—

After section 10 (2), insert:—

(2A) Any milk, dairy product or margarine shall, for the purpose of the exercise of the Corporation's powers under subsection (1) (a) or (b), be deemed to be deleterious to health, unwholesome or impure if the person in possession of the milk, dairy product or margarine prevents the Corporation or any agent or officer of the Corporation from carrying out a satisfactory examination, test or analysis, or doing any other thing authorised by or under this Act, in order to determine whether the milk, dairy product or margarine is deleterious to health, unwholesome or impure.

(3) (a) Section 54 (1) (d1)—

After section 54 (1) (d), insert:—

(d1) fix the minimum price and the maximum price at which milk may be sold by retail;

(b) Section 54 (2) (c)—

Omit "or different fixed retail prices under subsection (1) (c), (d)", insert instead " , different minimum and maximum retail prices or different fixed retail prices under subsection (1) (c), (d), (d1)".

(4) Section 59 (1)—

After "54 (1) (d)", insert " , (d1)".

(5) Section 60A (1) (a) (i)—

After "the maximum price", insert " , or less than the minimum price,".

Dairy Industry (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(6) Section 99A—

After section 99, insert:—

Fees for testing, etc., by Corporation.

99A. (1) Where the Corporation carries out an examination, test or analysis of any milk, dairy product or margarine that belongs to or is in the possession of a dairyman or dairy produce merchant in order to determine whether it is deleterious to health, unwholesome or impure, the Corporation may demand and receive from the dairyman or dairy produce merchant such fee as may be determined by the Corporation in respect of the examination, test or analysis.

(2) The amount of any fee determined pursuant to subsection (1) in respect of any examination, test or analysis shall not exceed the amount necessary to reimburse the Corporation for its reasonable costs in carrying out the examination, test or analysis and in obtaining samples or doing any other thing for the purposes of the examination, test or analysis.

(3) The Corporation may demand and receive fees in respect of an examination, test or analysis of any milk, dairy product or margarine, whether or not—

- (a) it is New South Wales milk, a New South Wales dairy product or New South Wales margarine; or
- (b) the examination, test or analysis was carried out in New South Wales.

**DAIRY INDUSTRY (FURTHER AMENDMENT) ACT, 1984,
No. 29**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 29, 1984.

An Act to amend the Dairy Industry Act, 1979, with respect to the examination, testing and analysis of milk, dairy products and margarine and the fixing of a minimum as well as a maximum price for the retail sale of milk. [Assented to, 6th June, 1984.]

Dairy Industry (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 (Further Amendment) Act, 1984".

Amendment of Act No. 208, 1979.

2. The Dairy Industry Act, 1979, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979.

(1) Section 9 (1) (a1)—

After section 9 (1) (a), insert:—

- (a1) carry out examinations, tests or analyses of milk, dairy products or margarine—
- (i) whether or not in respect of New South Wales milk, dairy products or margarine; or
 - (ii) whether in New South Wales or in a place outside New South Wales from which any milk, dairy product or margarine is, has been or may be supplied, directly or indirectly, to New South Wales;

Dairy Industry (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(2) Section 10 (2A)—

After section 10 (2), insert:—

(2A) Any milk, dairy product or margarine shall, for the purpose of the exercise of the Corporation's powers under subsection (1) (a) or (b), be deemed to be deleterious to health, unwholesome or impure if the person in possession of the milk, dairy product or margarine prevents the Corporation or any agent or officer of the Corporation from carrying out a satisfactory examination, test or analysis, or doing any other thing authorised by or under this Act, in order to determine whether the milk, dairy product or margarine is deleterious to health, unwholesome or impure.

(3) (a) Section 54 (1) (d1)—

After section 54 (1) (d), insert:—

(d1) fix the minimum price and the maximum price at which milk may be sold by retail;

(b) Section 54 (2) (c)—

Omit "or different fixed retail prices under subsection (1) (c), (d)", insert instead ", different minimum and maximum retail prices or different fixed retail prices under subsection (1) (c), (d), (d1)".

(4) Section 59 (1)—

After "54 (1) (d)", insert ", (d1)".

(5) Section 60A (1) (a) (i)—

After "the maximum price", insert ", or less than the minimum price,".

Dairy Industry (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(6) Section 99A—

After section 99, insert:—

Fees for testing, etc., by Corporation.

99A. (1) Where the Corporation carries out an examination, test or analysis of any milk, dairy product or margarine that belongs to or is in the possession of a dairyman or dairy produce merchant in order to determine whether it is deleterious to health, unwholesome or impure, the Corporation may demand and receive from the dairyman or dairy produce merchant such fee as may be determined by the Corporation in respect of the examination, test or analysis.

(2) The amount of any fee determined pursuant to subsection (1) in respect of any examination, test or analysis shall not exceed the amount necessary to reimburse the Corporation for its reasonable costs in carrying out the examination, test or analysis and in obtaining samples or doing any other thing for the purposes of the examination, test or analysis.

(3) The Corporation may demand and receive fees in respect of an examination, test or analysis of any milk, dairy product or margarine, whether or not—

- (a) it is New South Wales milk, a New South Wales dairy product or New South Wales margarine; or
- (b) the examination, test or analysis was carried out in New South Wales.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 6th June, 1984.*