

No. , 1933.

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To amend the Dairy Industry Act, 1915-1932, in certain respects; and for purposes connected therewith.

[MR. MAIN;— , 1933.]

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

1. (1) This Act may be cited as the " Dairy Industry Short title.  
(Amendment) Act, 1933."
- (2) The Dairy Industry Act, 1915-1932, as amended  
by this Act, may be cited as the Dairy Industry Act,  
10 1915-1933.

Commence-  
ment.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of  
Act No. 45,  
1915.

2. The Dairy Industry Act, 1915-1932, is amended—

Sec. 2.  
(Defini-  
tions.)

(a) (i) by omitting from section two the definition 5  
of "Margarine" and by inserting in lieu  
thereof the following definition:—

"Margarine" means any substance  
made from vegetable or animal fats  
or oils (other than butter fat) or a 10  
combination thereof and capable of  
being used for the same purposes as  
butter.

(ii) by inserting in the same section next after  
the definition of "Prescribed" the follow- 15  
ing new definition:—

"Sell" includes barter, and also includes  
offer or attempt to sell or receive for  
sale, or have in possession for sale, or  
expose for sale or send, forward or 20  
deliver for sale or cause or suffer or  
allow to be sold, offered or exposed  
for sale; and words derived there-  
from have a corresponding meaning.

Sec. 5 (4).  
(Powers of the  
Board of  
Health.)

(b) by omitting subsection four of section five; 25

Sec. 17.  
(Margarine  
and butter  
not to be  
manufac-  
tured on  
same  
premises.)

(c) (i) by inserting next after paragraph (c) of  
section seventeen the following word and  
new paragraphs:—

"or

(d) manufactures or sells any margarine 30  
which resembles butter in colour; or

(e) manufactures or sells any margarine  
which contains any substance the use  
of which in the manufacture of  
margarine, is prohibited by the 35  
regulations under this Act; or

(f)

- (f) manufactures or sells any margarine which does not comply with the standard therefor prescribed by the regulations under this Act; or
  - 5 (g) sells any margarine under any name other than that of margarine;"
  - (ii) by inserting in the same section after the word " liable " the words " upon summary conviction ";
  - 10 (d) by omitting section nineteen and by inserting in lieu thereof the following section:—
19. (1) When any offence against this Act committed by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.
- (2) In any prosecution for an offence against section seventeen or section eighteen of this Act—
- 25 (a) proof of the presence on the premises of any manufacturer of margarine of any butter or butter fat or any substance which contains more than the prescribed percentage of butter fat or of any substance, the use of which in the manufacture of margarine is prohibited by the regulations under this Act, shall be prima facie evidence that such butter, butter fat or substance has been or is being used by such manufacturer in the manufacture of margarine;
  - 30 (b) proof of the presence of sesame oil in any substance apparently capable of being used for the same purposes as butter shall be prima facie evidence that the substance is margarine.

Substituted s. 19.

Offences committed by a body corporate.

Facilitation of proof.

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Further amend-  
ment of Act  
No. 45, 1915.

**3.** (1) The Dairy Industry Act, 1915-1932, is further amended—

**Sec. 25.**  
(Regula-  
tions.)

(a) by omitting paragraph (j) of subsection one of section twenty-five and by inserting the following new paragraph in lieu thereof:— **5**

(j) prescribing for the purposes of this Act standards for the composition purity or quality of any dairy produce or for the nature or proportion of any substance which may be mixed with or used in the preparation, manufacture or preservation thereof; **10**

(b) by inserting next after paragraph (q) of the same subsection the following new paragraph:—

(r) regulating, prohibiting or requiring the addition of any substance to margarine. **15**

(c) by omitting from the proviso to the same subsection the brackets and letter “(j)”;

(d) by inserting next after subsection two of the same section the following new subsection:— **20**

(2A) For the purpose of providing for the inspection and analysis of any dairy product the regulations may adopt all or any of the provisions of Part III of the Pure Food Act, 1908, or of the regulations made thereunder in relation to any of the matters referred to in that Part, with such modifications and alterations as the Governor may deem fit. **25**

(e) by omitting subsection three of the same section and by inserting in lieu thereof the following new subsection:— **30**

(3) (a) Before a regulation is made in relation to any of the matters referred to in paragraph (e) of section seventeen of this Act or in paragraph (j) or paragraph (r) of subsection one of this section it shall be recommended by the Minister of Public Health and shall be laid in draft before both Houses of Parliament, and such **35**

cf. 10 and  
11, Geo. V,  
c. 28, s. 10  
(4).

5 such regulation shall not be made unless both  
 Houses by resolution approve the draft, either  
 without modification or addition or with modi-  
 fications or additions to which both Houses  
 agree, but upon such approval being given the  
 Governor may make the regulation in the form  
 in which it has been approved, and the regula-  
 tion on being so made shall be published in the  
 10 Gazette and shall take effect from the date of  
 publication or a later date to be specified in the  
 regulations.

(b) Any other regulation made under this  
 Act shall, subject to the proviso to subsection  
 one of this section,

- 15 (i) be published in the Gazette;
- (ii) take effect from the date of publication or  
 from a later date to be specified in the  
 regulation;
- 20 (iii) be laid before both Houses of Parliament  
 within fourteen sitting days after publi-  
 cation if Parliament is in session, and if  
 not then within fourteen sitting days after  
 the commencement of the next session.

25 If either House of Parliament passes a resolu-  
 tion of which notice has been given at any time  
 within fifteen sitting days after such regulation  
 has been laid before such House disallowing such  
 regulation or part thereof such regulation or  
 part shall thereupon cease to have effect.

30 (f) by inserting at the end of the same section the  
 following new subsection:—

35 (5) The power conferred by this Act to make  
 regulations in relation to any of the matters  
 referred to in paragraph (j) of subsection one  
 of this section (either as originally enacted or as  
 amended by paragraph (a) of subsection one of  
 section three of the Dairy Industry (Amend-  
 ment) Act, 1933) shall not abridge or restrict or  
 be

*Dairy Industry (Amendment).*

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be deemed ever to have abridged or restricted any power to prescribe standards which is conferred by any other Act, and which is capable of being exercised in respect of any dairy product. 5

(2) Any regulations made under the Dairy Industry Act, 1915, or that Act as amended by any subsequent Act and in force at the commencement of this Act, shall continue in force until repealed by regulations made after such commencement. 10

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