

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1937.

A BILL

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

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

1. (1) This Act may be cited as the " Dairy Industry Short title. (Amendment) Act, 1937."

(2) The Dairy Industry Act, 1915-1932, as amended by this Act, may be cited as the Dairy Industry Act, 1915-1937.

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

2. The Dairy Industry Act, 1915-1932, is amended— Amendment of Act No. 45, 1915.

(a) (i) by omitting from section two the definition of "Margarine" and by inserting in lieu thereof the following definition:— Sec. 2. (Definitions.)

"Margarine" means any substance (other than a substance the fatty contents of which are derived exclusively from milk) made from any fats or oils, or a combination of fats and oils, 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 following 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 deliver for sale or cause or suffer or allow to be sold, offered or exposed for sale; and words derived therefrom have a corresponding meaning.

(b) by omitting subsection four of section five; Sec. 5 (4). (Powers of the Board of Health.)

(c) (i) by inserting next after paragraph (c) of section seventeen the following word and new paragraphs:— Sec. 17. (Margarine and butter not to be manufactured on same premises.)

" or

(d) manufactures or sells any margarine, other than animal fat margarine, which is not of the prescribed colour; or

(e)

- (e) manufactures or sells any margarine which contains any substance the use of which in the manufacture of margarine, is prohibited by the regulations under this Act or which does not contain any substance the use of which in the manufacture of margarine is required by the regulations under this Act; or
 - (f) manufactures or sells any margarine which does not comply with the standard therefor prescribed by the regulations under this Act; or
 - (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 ”;
- (iii) by inserting at the end of the same section the following new subsection:—
- (2) In this section the expression—
- “ animal fat margarine ” means margarine made from animal fats either alone or with no other admixture of fats or oils than such softening oils as may be prescribed;
 - “ sells ” includes supplying, or offering or attempting to supply, or having in possession for supply or exposing for supply, or causing or suffering or allowing to be supplied or offered or exposed for supply, as part of a meal for payment or charge (whether as a separate payment or part of an inclusive

inclusive tariff) at any boarding-house, hotel or restaurant.

- (d) by omitting section nineteen and by inserting in lieu thereof the following section:—

Substituted s. 19.

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.

Offences committed by a body corporate.

(2) In any prosecution for an offence against section seventeen or section eighteen of this Act—

Facilitation of proof.

(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;

(b) proof of the presence of potato starch or "Queensland arrowroot" (*Canna edulis*) or 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.

- (e) by inserting in section twenty after the word "percentage" the words "of potato starch or 'Queensland arrowroot' (*Canna edulis*) or."

Sec. 20.
(Margarine to contain certain substances.)

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

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

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

Sec. 25.
(Regula-
tions.)

(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;

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

(r) regulating, prohibiting or requiring the use of any substance in the manufacture of margarine.

(c) by omitting the proviso to the same section and by inserting in lieu thereof the following proviso:—

Provided that all regulations in relation to any of the matters referred to in paragraph (e) of section seventeen of this Act or in paragraphs (h), (i), (j), (k), (m) or (r) of this subsection shall be recommended by the Minister of Public Health.

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

(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.

(e)

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

(3) Any regulation made under this Act shall— cf. 10 and 11, Geo. V, c. 28, s. 10 (4).

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

If either House of Parliament passes a resolution 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.

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

(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 (Amendment) Act, 1937) shall not abridge or restrict or 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 produce.

(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.