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No. , 1919.

A BILL

To regulate the manufacture, sale, storage, transit, and export of dairy produce, including margarine, and for prescribing standards for the same ; to provide for the testing, blending, mixing and grading of milk and cream, and the basis of payment for milk and cream ; for the examination of milk products, and the grading and branding of butter and cheese ; for the packing and selling of butter and cheese under marks correctly describing their quality and weight ; to provide for a rate on dairy produce manufactured within the State ; for purposes consequent thereon or incidental thereto ; to amend the Dairies Supervision Act, 1901, and certain other Acts, and to repeal the Dairy Industry Act, 1915.

- “Dairy produce factory” means building or place where condensed milk, butter, cheese, or any other milk product or margarine is prepared, manufactured, or packed, or where milk or cream is treated preparatory to manufacture into other dairy produce.
- “Grader” means a person holding a certificate under this Act to grade milk or cream.
- “Inspector” means inspector appointed under this Act.
- “Margarine” means any substance made from vegetable or animal fat, or a combination of both, and sold or intended to be sold as a substitute for butter.
- “Minister” means Minister of Agriculture.
- “Owner” means the proprietor, possessor, controller, occupier, person in charge, owner’s agent, manager, secretary, or any other officer or person in control (whether jointly or severally) of a dairy produce factory or store.
- “Package” means a box, barrel, basket, bottle, can, case, crate, cask, dish, flask, jar, keg, tank, tub, wrapper, or covering of any material, kind, or description whatsoever, or any other parcel or receptacle used to contain or hold dairy produce.
- “Prescribed” means prescribed by this Act or by regulations under this Act.
- “Ship” means any ship, boat, launch, steamer, punt, or other conveyance plying or navigating upon water.
- “Store” means a building or place where condensed milk, butter, cheese, or other milk products or margarine is stored, held, or treated, whether in a cold chamber or otherwise, but does not include building or place used for the sale by retail of dairy produce.
- “To export” means to send, carry, despatch, forward, or convey outside or beyond the borders or boundaries of the State of New South Wales.

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“To sell” includes to barter or to exchange, and also includes to offer or attempt to sell, or to expose for sale, or to have in possession for sale, or to send forward or deliver for sale, or cause, suffer, or to allow to be sold, offered or exposed for sale, but refers only to consumption or use by man.

“To store” means to hold or deposit in any building, place, or store for any period.

“Vehicle” means cart, car, motor car, motor lorry, truck, waggon, van, and any other conveyance, and includes railway cars, trucks, vans, or waggons.

Registration.

Registration. **4.** Premises shall not be used as a dairy produce factory or store unless registered under this Act.

Penalty. Any person who uses any premises as a dairy produce factory or store shall, unless he proves that such premises are registered under this Act, be liable to a penalty not exceeding *twenty* pounds, and where such premises are used partly or wholly for the purpose of making margarine, *one hundred* pounds.

Application for registration. **5.** (1) The application for registration shall be made, in the manner and form prescribed, by the person so using or intending to so use the premises.

Registration. (2) Upon such application being so made and upon the inspector being satisfied that the premises are fit for such use, and that the prescribed conditions are complied with, on payment of the fee of one pound the premises shall be registered and a certificate of registration shall be issued to the applicant, which certificate shall be evidence of registration under this Act and shall be in force until cancelled.

The Minister may cancel any such registration and the certificate issued in connection therewith, in respect of premises as to which he is satisfied the prescribed conditions are not being complied with.

Dairies Supervision Act, 1901. (3) It shall not be necessary for a local authority to keep a register under the Dairies Supervision Act, 1901, in respect of any dairy produce factory or store which

which is registered under this Act, and sections seven and eight of the said Dairies Supervision Act shall not apply to such factories or stores so registered.

(4) Nothing in this Act shall be taken to abridge the powers vested in the Board of Health at the date of the passing of this Act. Powers of Board of Health.

6. When any person ceases to use any premises registered as a dairy produce factory or store, he shall so notify in writing to the Under Secretary of the Department of Agriculture within one month of ceasing to so use such premises, and thereupon the registration of such premises shall be cancelled. If such person fail to so notify, he shall be liable to a penalty not exceeding *five* pounds. Notices that premises have ceased to be used as a dairy produce factory or store.

Premises that are used regularly during a portion only of each year shall not be deemed to have been vacated or to be in disuse.

Storage.

7. If any person in control of any store, ship, or vehicle holds dairy produce in any such store, ship, or vehicle in such a manner that such produce may be deteriorated either by heat or by injurious smells or by proximity to unclean matter, or at other than the prescribed temperature, he shall be liable to a penalty not exceeding *twenty* pounds. Transit and storage of dairy produce.

Inspection.

8. The Governor may appoint such persons as he approves to be inspectors for the purposes of this Act. Inspectors.

9. An inspector may—

(a) at any reasonable time enter, for the purposes of this Act, any dairy produce factory or store, and examine any books necessary to ascertain if the provisions of this Act have been complied with, and any scales, measures, or apparatus, and any churns, vats, or other utensils therein used in connection with the business of such factory or store;

(b) at any reasonable time enter and examine any premises, receptacle, room, ship, or vehicle used for the carriage or storage of dairy produce;

(c)

Powers of inspectors.

- (c) at any time and in any place detain and open any package which he has reasonable grounds to believe contains dairy produce or ingredients or materials used in the preparation or packing of dairy produce, and examine, check, grade, or take samples of such dairy produce or ingredients or materials, and of water used in connection with dairy produce for the purpose of ascertaining by analysis or otherwise, in the prescribed manner, that composition, condition, or quality.

Inspector
may order
remedial
measures.

10. Where as the result of such inspection, examination or analysis, the inspector is of opinion—

- (a) that any chemical or any scale, measure, apparatus, churn, vat, utensil, or package used in the transit, storage, manufacture, and packing of dairy produce, or used in the testing of milk or cream, or in determining temperatures or acidities in connection with the manufacture or treatment of dairy produce is not up to standard, or is incorrect, or is otherwise unfit for the purpose for which it is intended to be used; or
- (b) that any dairy produce factory or store, or any ship or vehicle used for the manufacture, storage, or carriage of dairy produce is unfit for such purpose; or
- (c) that any dairy produce is incorrectly described as regards quality, weight, or in any other way; or
- (d) that any ingredients, materials, or water used in connection with a dairy produce factory or store are unsuitable for the purpose for which they are intended to be used,

he may order—

- (i) such chemical, ingredient, or water to be rendered suitable for the purpose for which it is to be used, and such scale, measure, apparatus, churn, vat, utensil, or package to be replaced or corrected or made fit for use for dairy produce;

(ii)

- (ii) such dairy produce factory, store, receptacle, room, ship, or vehicle to be made fit to his satisfaction for the manufacture, storage, or carriage of dairy produce;
- (iii) the use of any material used in dairy produce, or in packing and carriage of dairy produce for market, to be discontinued.

Testing and grading.

11. (1) The manager of every dairy produce factory shall grade or cause to be graded, according to quality, all milk and cream that is supplied to him, and shall keep apart and not blend or mix tainted milk, cream, curd or butter with untainted. Grading milk and cream.

Slightly inferior milk or cream may be blended with untainted milk or cream, provided the blend be rendered untainted by approved treatment.

(2) Milk or cream shall be graded as untainted, slightly inferior, or tainted, as the case may be, in accordance with the prescribed qualities.

(3) Any cheese or butter made from milk or cream which has been graded as aforesaid shall be put up in packages bearing a brand registered under this Act representing the grade or quality of the cheese or butter.

12. Every person employed to test or grade milk or cream supplied to a dairy produce factory shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed and shall hold a certificate to that effect: Who may test or grade.

Provided that any person who is at the commencement of this Act, and has been continuously so employed for a period of one year, may be exempt from such examination on passing a practical test as prescribed.

13. Milk and cream supplied to a dairy produce factory shall, on the grade or quality as determined, within a reasonable time of the arrival of such milk or cream at a dairy produce factory by a grader, be paid for— Payment for milk and cream.

- (a) on the basis of the butter-fat result estimated in the prescribed manner; or
- (b)

(b) on the amount of cheese or butter obtainable from such milk or cream estimated in the prescribed manner:

Provided that where the butter or cheese obtained from the cream or milk exceeds that estimated as aforesaid, such excess shall be credited each month to the person or persons who supplied the milk or cream.

Putrescent milk or cream.

Putrescent
milk or
cream.

14. Where milk or cream supplied to a dairy produce factory is manifestly affected by putrefactive decomposition, the manager or owner of the factory shall not manufacture cheese or butter or other dairy produce from such milk or cream, but shall as soon as practicable treat such milk or cream by adding thereto such substance as may be prescribed, provided that such treatment shall not in any way destroy the value of such milk or cream for animal food. Milk or cream so treated shall not be retained at such factory, but may be returned to the supplier.

Statement of
quantity of
butter, &c.,
manufactured.

15. The manager or the secretary of every dairy produce factory shall on or before the twentieth day of each month, forward to the Under Secretary of the Department of Agriculture a statement, in the prescribed form, showing the quantity of each grade of butter or other milk product manufactured by the factory from milk or cream received during the previous month, the quantity of each grade of butter or other milk product which the supplier of milk or cream has been paid for, the quantity of each grade of butter or other milk produce sold, consigned, or donated, and the stock of each grade of butter or other milk product on hand at the close of each month. He shall also furnish a monthly statement to each supplier when forwarding the monthly accounts, showing the total quantity of butter or other milk products manufactured and paid for, from milk or cream received during the previous month.

Brands.

Registration
of brands.

16. The manner of registering dairy produce brands shall be as prescribed. Such

Such brands may be so designed as to indicate the grade of the cheese or butter and the dairy produce factory in which it has been manufactured. When a brand other than that of the manufacturer is used the name of the manufacturer shall be added thereto in such a manner as to form part of the brand.

Dairy produce for export.

17. (1) Every person who intends to export any dairy produce, the produce of this State, or to deposit any such produce in a store for a period longer than that prescribed, or in an appointed place, or to sell such produce as ship's stores, shall, before submitting for examination any such produce to any other authority, cause it to be examined, graded, and branded by an inspector in accordance with the provisions of this Act and the regulations.

Examination
of dairy
produce by
an inspector.

(2) Dairy produce shall not be marked as inspected and found correct unless all the provisions of this Act have been complied with in respect of such produce and the package in which it is contained.

Butter and cheese.

18. (1) If an inspector, on examination, finds that any butter or cheese is of a grade different from that indicated by the registered brand on the package, he shall notify the owner to that effect. The owner shall thereupon cause the package to be branded in accordance with the result of the examination, and on that being done the inspector shall issue a certificate in the prescribed form that the package is correctly branded.

Grading of
butter and
cheese.

(2) Butter or cheese shall not be exported to any State in the Commonwealth of Australia, or tendered for export outside the said Commonwealth, until it has been examined and graded by an inspector, and is up to the standard prescribed, and corresponds with the brand on the package containing it.

Export.

A certificate of such grading in the prescribed form shall be issued to the person exporting the butter and to the person who has manufactured it.

(3)

(3) Butter or cheese shall not be exported to any State in the said Commonwealth unless it has been kept at the prescribed temperature for the prescribed time, and is itself at the prescribed temperature.

Sale of butter
or cheese.

19. Butter or cheese shall not be sold or submitted for sale unless the correct quality grade is indicated on the package. If it is found by an inspector that the butter or cheese is of a grade different from that indicated by the mark or brand on the package containing it, such inspector shall give notice to the owner or seller that such butter or cheese cannot be sold or submitted for sale under the brand on the package. The owner or seller shall be liable to a penalty not exceeding *ten* pounds for selling or submitting for sale butter or cheese which is of a quality inferior to that indicated on the package, unless it can be proved by such owner or seller that the deterioration and misdescription of quality occurred before the butter or cheese first came into his possession.

Dairy produce rate.

Rate for
special
purposes.

20. (1) All dairy produce manufactured within the State shall be subject to a rate, to be raised as hereinafter provided :—

- (a) Such rate shall be collected by the Department of Agriculture.
- (b) The amount or amounts so collected shall be placed in a trust account.
- (c) Such money shall be expended by the Department of Agriculture on instructional and scientific research work for the benefit of the dairying industry of the State, and in the promotion and assistance of herd-testing associations constituted for testing milk of dairy cows within the State, and in any similar purpose approved by the Minister.
- (d) This fund shall not be used for the special testing of pure-bred stud stock under the United Pure-bred Dairy Cattle Breeders' Association's testing scheme, or any similar scheme for testing stud stock. (e)

- (e) The rate shall be collected as follows:—
For every one hundred pounds of butter manufactured, one penny.
For every one thousand pounds weight of milk supplied for manufacturing into cheese, condensed or concentrated milk, or any milk product other than butter, or supplied to a milk company for distribution as whole milk, one half-penny.

(2) A statement shall be prepared by the Department of Agriculture as soon as possible after the end of each financial year, and laid on the table of the Legislative Assembly showing the amount raised by this rate and the manner in which it has been expended wholly or in part. Any unexpended balance on hand at the end of the financial year shall be carried forward to be expended in a similar manner and for the same purpose as prescribed in paragraph (c).

Margarine.

21. Butter and margarine shall not be manufactured in the same premises or in premises within one hundred yards of each other. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding *twenty* pounds.

Butter and margarine not to be manufactured in same premises, &c.

22. Margarine containing more than ten per centum of butter fat shall not be manufactured or sold. If any person contravenes the provisions of this section, he shall be liable to a penalty not exceeding *twenty* pounds.

Margarine containing more than 10 per cent. of butter fat not to be manufactured or sold.

23. Colouring matter shall not be added to margarine either in the process of manufacture or after manufacture, and margarine containing added colouring matter shall not be sold. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding *two hundred* pounds.

Colouring matter.

24. Margarine shall not be manufactured or sold unless it conforms to the standard prescribed under the Pure Food Act, 1908. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding *twenty* pounds.

Standard to be as prescribed under the Pure Food Act, 1908.

25.

Export.

25. Margarine shall not be exported from New South Wales unless it is submitted for examination by an inspector, and a certificate is granted that the margarine has been prepared in accordance with the provisions of this Act, and unless the package in which it is contained is branded or marked as prescribed. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding *two hundred* pounds.

Books to be kept in factory.

26. The manager of any premises in which margarine is manufactured shall keep books in such a manner as to show the quantities of each kind of fat, oil, butter, milk, and cream, purchased for the purpose of making margarine, and also the names and addresses of the persons to whom margarine is sold. If any person fails to comply with any of the provisions of this section he shall be liable to a penalty not exceeding *two hundred* pounds.

Appeals.

Appeals.

27. A board of appeal shall be constituted by the Minister to deal with appeals from decisions of inspectors. Such board shall consist of three members, one of whom shall be nominated by the Minister, and shall be chairman, one by the Board of Health, and one by the managers of dairy produce factories.

A right of appeal to such board is conferred upon any person dissatisfied with a decision of an inspector.

The manner and procedure of appeal shall be as prescribed.

Miscellaneous.

Offences.

28. Every person who—

- (i) alters or obliterates, wholly or partially, or causes to be altered or obliterated, an inspector's mark or any registered factory mark on any dairy produce which has been inspected, or on any package containing any such produce ;
- (ii) counterfeits any such mark, or places on any dairy produce or package any mark purporting to be the mark of an inspector or of the manufacturer or packer, either with the proper marking

marking instruments of such inspector, manufacturer, or packer, or with counterfeit imitations;

- (iii) empties, or partially empties, any package marked after inspection, in order to put into the same any dairy produce of the same or any other kind not contained therein at the time of such inspection;
- (iv) employs for the purpose of packing dairy produce any old package which has been previously used without effacing all previous marks placed thereon under this Act or any Act repealed hereby,

shall be liable to a penalty not exceeding *one hundred* pounds.

29. (1) Any person who—

Penalties.

- (a) prepares, manufactures, packs, marks, exports, tenders for export, supplies, sells, carries, or stores any dairy produce in contravention of this Act;
- (b) refuses or neglects to obey an order from an inspector;
- (c) refuses or neglects to give any notice prescribed by this Act, resists or obstructs an inspector in the execution of his duty,

shall be liable to a penalty not exceeding *twenty* pounds.

(2) Any person contravening any of the provisions of this Act shall, where no other penalty is by this Act specifically provided, be liable to a penalty not exceeding *twenty* pounds.

General penalties.

Regulations.

30. (1) The Governor may make regulations for carrying out the provisions of this Act, and in particular for—

Regulations.

- (a) prescribing generally the manner of registration of premises, the conditions which must be complied with before registration is granted, the forms of application for and certificates of registration, and the fees to be paid in connection therewith;
- (b)

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- (b) prescribing the form of notices, certificates, or other documents to be used under this Act;
 - (c) prescribing the keeping of books for recording the quantity of milk or cream received daily in a dairy produce factory, and the tests thereof, the amount of cheese or butter or other milk products manufactured and sold;
 - (d) regulating the keeping of any books which by this Act or the regulations are directed to be kept;
 - (e) prescribing the qualifications to be possessed and the examinations to be passed by persons employed in testing or grading milk and cream, and the issue, renewal, and cancellation of certificates to such persons;
 - (f) prescribing the furnishing of advice dockets to suppliers of milk or cream by managers of dairy produce factories, and the form of such dockets;
 - (g) prescribing the books to be kept in any dairy produce factory showing the results of tests of milk, cream, and butter, and the weight of butter, cheese, or other milk products manufactured in the factory, and prescribing the forms of statements required under this Act to be made;
 - (h) prescribing the method of estimating butter-fat results and the amount of cheese or butter or other milk products obtainable from milk or cream supplied to any dairy produce factory;
 - (i) prescribing the maximum and minimum percentage of butter fat to be contained in any cream delivered at a dairy produce factory in any prescribed locality for the manufacture of butter or cheese;
 - (j) prescribing standards for dairy produce;
 - (k) prohibiting the adding of any preservative matter to any dairy produce, except of the kinds, in such quantities, and under such conditions as may be prescribed, and the addition of colouring matter to butter;

(1)

- (l) regulating the packing of dairy produce, and providing for branding and the registration of brands to be applied to packages of cheese or butter or other milk product, and to the cloth covering the cheese itself when such cheese or butter or other milk product is intended for export or for sale within the State, and for cancelling any such registration ;
- (m) regulating the grading of cheese or butter for export or for sale within the State or for ship's store, and the supplying of a certificate of such grading ;
- (n) prescribing the temperature at which cheese or butter or other milk product intended for export must be kept, and the time during which it must be so kept, and the temperature at which cheese or butter shall be stored or carried ;
- (o) regulating the examination and certification of margarine for export, and the branding or marking of packages in which it is contained ;
- (p) regulating the size of cream or milk cans ;
- (q) regulating the aeration and cooling of dairy produce ;
- (r) prescribing the method of analyses under this Act ;
- (s) prescribing the manner and procedure of appeals under this Act :

Provided that all regulations made for the purposes set out in paragraphs (i) (j) (k) shall before publication be recommended by the Minister of Public Health.

(2) Any regulation made under this Act may Penalties. impose any penalty not exceeding *twenty* pounds for each breach of the same, and in addition, where the breach is a continuing one, not exceeding *two* pounds for every day in excess of ten days during which such breach continues.

(3) Such regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of publication, or from a later date to be specified in such regulations ; and
- (c)

Publication
of regula-
tions.

(c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session; and if not, then within fourteen days after the commencement of the next session.

If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Evidence of
the making of
regulations.

(4) The production of a copy of the Gazette containing any regulation purporting to have been made under this Act shall be evidence, until the contrary is proved, of the due making of such regulation, and that all preliminary steps have been duly taken necessary to give full force and effect to the same.
