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[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1929.

A BILL

To regulate the production, storage, treatment, manufacture, carriage, and sale of dairy produce and of margarine; to provide for the registration of certain bulls; to repeal the Dairy Industry Act, 1915; to amend the Dairies Supervision Act, 1901, and certain other Acts; 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Dairy Industry Act, 1929." Short title.

2. This Act is divided into Parts as follows:— Division into Parts.

PART I.—PRELIMINARY.

PART II.—DAIRY PRODUCE.

DIVISION 1.—*Commencement, interpretation, &c.*

DIVISION 2.—*Registration of dairy produce premises.*

DIVISION 3.—*Appointment, powers, &c., of inspectors, &c.*

DIVISION 4.—*Miscellaneous provisions.*

DIVISION 5.—*Offences and regulations.*

PART III.—REGISTRATION OF BULLS.

PART II.

DAIRY PRODUCE.

DIVISION 1.—*Commencement, interpretation, &c.*

3. This Part of this Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette. Date of commencement.

4. (1) The Dairy Industry Act, 1915, is repealed. Repeal of Act No. 45, 1915.

(2) All inspectors appointed under the Act hereby repealed and holding office at the date of the commencement of this Part of this Act shall be deemed to have been appointed under this Part of this Act.

(3)

(3) All regulations made under the authority of the Act hereby repealed, and being in force at the date of the commencement of this Part of this Act, shall be deemed to have been made under the authority of this Part of this Act, and shall remain in force until amended or repealed by regulations made under this Part of this Act.

5. Unless otherwise expressly provided in this Part of this Act nothing in this Part of this Act shall affect any of the provisions of the Dairies Supervision Act, 1901, the Sydney Corporation Act, 1902, the Public Health Act, 1902, the Fire Brigades Act, 1909, the Factories and Shops Act, 1912, the Pure Food Act, 1908, the Weights and Measures Act, 1915, the Public Health (Amendment) Act, 1915, or the Local Government Act, 1919, or any Act amending any of the said Acts, or take away powers vested in any person or body by any of such Acts, or by any by-laws, rules, regulations, or ordinances made thereunder. Saving of certain Acts.

6. In this Part of this Act, unless the context Interpretation. otherwise requires,—

“Dairy produce” means milk, cream, and any milk product, and includes margarine.

“Dairy produce premises” means—

(a) any premises where a milk product or margarine is manufactured, prepared, processed, stored, or packed for sale or for supply for profit; and

(b) any land or premises used for the stalling, grazing, feeding, or milking of cattle for the purpose of producing milk or cream—

(i) for sale; or

(ii) for supply for profit; or

(iii) for conversion into a milk product for sale;

but does not include a retail shop.

“Inspector” means an inspector appointed, or deemed to have been appointed, under this Part of this Act.

“Margarine”

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- “Margarine” means any substance made wholly or partially from vegetable or animal fats, or a combination of both, with or without other constituents, and sold or used or intended to be sold or used or adapted for use as a substitute for butter. cf. S. Aust. Act, 1928, No. 1878, s. 4.
- “Milk product” means butter, cheese, dried milk, condensed milk, and such other articles manufactured wholly or partially from milk or cream as may be declared to be milk products under the provisions of this Act.
- “Owner,” in relation to dairy produce premises, includes occupier or person in charge, or apparently in charge, owner’s agent or manager, and, in the case of a company, the manager, secretary, or other controlling officer thereof. cf. S. Aust. Act.
- “Prescribed” means prescribed by this Part of this Act or by regulations made thereunder.
- “Processed” includes heated, boiled, sterilised, pasteurised, frozen, condensed, concentrated, desiccated, dried, or treated. cf. S. Aust. Act, No. 1878, s. 28 (10).
- “Regulations” means regulations made under this Part of this Act.
- “So sell” includes barter, offer for sale, receive for sale, have in possession for sale, expose for sale, send forward or deliver for sale, cause or suffer or allow to be sold, offered, or exposed for sale, and refers only to selling for human consumption; and “sale” and “sold” have a corresponding meaning.
- “Supply for profit” includes the supply of dairy produce as part of the accommodation provided for gain to persons at any hotel, or at any other place prescribed.
- “Treated” means cooled, acrated, skimmed, separated, or centrifuged; and “treating” and “treat” have a corresponding meaning.
- “Vehicle” includes every description of car, cart, carriage, conveyance, van, truck, wagon, ship, or boat, including railway, tramway, or motor carriages, cars, or trucks. cf. S. Aust. Act, 1928, No. 1878, s. 4. “Vessel”

“Vessel” means any package, receptacle, container, or covering used, or intended to be used, for the purpose of containing dairy produce.

7. (1) The Governor may from time to time, by proclamation published in the Gazette, declare that any article which is manufactured wholly or partly from milk or cream, and specified in the proclamation, shall be a milk product for the purposes of this Part of this Act. Articles may be declared to be milk products.

(2) The Governor may in like manner revoke or amend any such proclamation.

8. This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would, but for this section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power. Construction of Act.

DIVISION 2.—Registration of dairy produce premises.

9. (1) The Governor may by regulations— Classification and registration.
(a) provide a classification of dairy produce premises; and
(b) specify the classes of dairy produce premises which are to be registered under this Part of this Act.

(2) No premises shall be used as dairy produce premises of any of the classes so specified, unless it is registered as premises of that class.

10. Application for registration of premises of any class shall be made in or to the effect of the form prescribed, and shall be accompanied by the fee (if any) prescribed for that class. Application for registration.

11. If the Minister is satisfied that the premises are suitable for use as dairy premises of the class in which registration is sought, and that the prescribed conditions and requirements are complied with, he shall cause a certificate of registration to be issued to the applicant. Certificate of registration.

12.

12. (1) Subject to subsection two of this section a Renewal. certificate of registration shall, unless sooner cancelled, expire on the thirty-first day of December next succeeding the date of issue, but may be renewed from time to time by the Minister in the prescribed manner if he is satisfied that the premises are suitable for use as dairy premises of the class in which renewal of registration is sought and that the prescribed conditions and requirements are being complied with.

Application for renewal shall be in or to the effect of the form prescribed, and shall be accompanied by the fee (if any) prescribed for that class.

(2) The regulations may exempt any specified class of dairy produce premises from the provisions of subsection one of this section.

The certificate of registration of any premises so exempted shall remain in force until cancelled.

13. In considering the suitability of any premises Matters which Minister may consider. for use as dairy produce premises of any particular class, the Minister may take into consideration—

- (a) the suitability of the land, buildings, plant, and roads of access;
- (b) the situation of the premises;
- (c) the water supply of the premises;
- (d) the suitability of the dairy cattle from which milk or cream supplied to or produced on the premises is obtained;
- (e) the suitability of the provisions made on the premises for sanitation;
- (f) the methods by which dairy produce is to be manufactured, prepared, processed, stored, or packed on the premises;
- (g) the methods proposed to be adopted in the treatment of dairy produce on the premises;
- (h) the health and qualifications of persons employed on the premises.

14. The Minister may cause the registration of any dairy produce premises to be cancelled if he is satisfied Cancellation of registration. that—

- (a) the premises were registered erroneously, or in pursuance of false statement or representation by the applicant; or
- (b)

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- (b) any prescribed condition of requirement applicable to the premises is not being complied with; or
- (c) the premises are no longer being used as premises of the class in which they are registered.

15. Where the holder of a certificate of registration ceases to use registered premises for the purposes for which they are registered, he shall within one month after the date upon which he ceased so to use the premises notify the Minister in the prescribed manner and form.

Notification of disuse.

Premises which are used regularly during a portion only of each year shall not be deemed to be in disuse during the remainder of the year.

16. (1) 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 premises which are required to be registered under this Part of this Act.

Registration of dairy produce premises under Dairies Supervision Act, 1901, not required.

(2) Sections seven and eight of the Dairies Supervision Act, 1901, shall not apply to dairy produce premises registered under this Part of this Act.

DIVISION 3.—Appointment, powers, &c., of inspectors.

17. The Governor may appoint such inspectors as he may deem necessary for the purposes of this Part of this Act.

Appointment of inspectors.

18. (1) The Governor may appoint one or more persons qualified by technical training and possessing competent knowledge, skill, and experience to be analysts for carrying out microscopical, bacteriological, or analytical examinations under or for the purposes of any provision of this Part of this Act.

Analysts. cf. S. African Act, 1918, No. 16, s. 3; 1926, No. 14, s. 7.

(2) Every analyst so appointed shall furnish a certificate in or to the effect of the form prescribed of the results of each examination or analysis made by him.

(3)

(3) In any proceedings against any person for a contravention of any provision of this Part of this Act or of any regulation made thereunder, the production of the certificate of the analyst who made the examination or analysis for the purpose of ascertaining such contravention shall be prima facie evidence of the facts stated in the certificate, unless the person charged shall not less than three days before the hearing of the charge against him have required that the analyst be called as a witness.

The person charged shall bear the expenses incidental to such analyst being summoned and appearing as a witness, and before such analyst is summoned the person charged shall deposit with the clerk of the court in which the proceedings are pending such sum as may be sufficient to meet the said expenses which sum shall be refunded to the person charged if he is not convicted.

19. (1) An inspector may, for the purposes of this Act, at any reasonable time—

Powers of inspectors.

- (a) enter and inspect any dairy produce premises, or any premises, place, vehicle, or vessel which is used or to be used for the storage or carriage of dairy produce intended for sale, and all dairy produce found therein or thereon, and all utensils, machinery, or apparatus therein or thereon or used in connection therewith, and any books, records, or documents therein or thereon relating to dairy produce; cf. S. African Act, 1918, No. 16, s. 8 (1) (a).
- (b) take samples thereat or thereon of dairy produce, or of any water supplied to live-stock or used in connection with dairy produce, or of any article used in connection with dairy produce;
- (c) for the purposes of inspection or examination or of taking samples, open any vessel which contains or is suspected of containing dairy produce;
- (d) transmit or deliver to a person appointed under section eighteen of this Act, for such examination or analysis as is in that section mentioned, any sample taken by the inspector in pursuance of the powers conferred by this section.

20. Where as the result of any such inspection, Remedial examination, or analysis, an inspector is satisfied that— measures.

- (a) any premises, place, vehicle, or vessel so in- cf. S. African spected are in an unclean or unwholesome Act, 1918, No. 16, s. 8 condition ; or (1) (a).
- (b) any utensils, machinery, or apparatus are not in accordance with the prescribed standard, or are incorrect or are otherwise unfit for the use for which they are intended ; or
- (c) any dairy produce premises are unfit for use as such ; or
- (d) any vehicle or vessel used for the carriage or storage of dairy produce is unfit for such use ; or
- (e) any water supplied to live-stock or used in connection with dairy produce is impure or unwholesome ; or
- (f) any article used in connection with dairy produce is impure or unwholesome or unfit for such use,

he may issue an order in writing under his hand addressed to the occupier or person having the apparent custody or control of such premises, place, vehicle, or vessel without further naming him or describing him in the order—

- (i) requiring the premises, including utensils, machinery or apparatus, or such vehicle or vessel, as the case may be, forthwith to be cleansed, disinfected, and rendered wholesome to his satisfaction ;
- (ii) requiring such utensils, machinery, or apparatus to be replaced or corrected or made fit for the use for which they are intended ;
- (iii) requiring such dairy produce premises to be made fit for use to his satisfaction ;
- (iv) requiring such vehicle or vessel aforesaid to be made fit for use to his satisfaction ;
- (v) requiring the supply of the water aforesaid to be discontinued until it has been rendered fit for use, or a supply of pure water to be used ;
- (vi)

- (vi) requiring the use of any such article as aforesaid in connection with dairy produce to be discontinued ;

and may further by such written order as aforesaid prohibit any dairy produce, premises, utensils, machinery, apparatus, vehicle, or vessel from being used for or in connection with dairy produce at all or until the defects aforesaid have been remedied to his satisfaction or for such time specified in the order as he thinks necessary, and may further by such written order as aforesaid, prohibit the removal from any such premises of any dairy produce for such time as he thinks necessary.

21. (1) An inspector may at all reasonable times enter and inspect any premises for the purpose of ascertaining— Additional powers of inspector.

- (a) whether the premises are used in such a manner as to be likely to cause the deterioration of dairy produce on any dairy produce premises ;
- (b) whether the water supply used in connection with dairy produce at any dairy produce premises is contaminated or polluted.

(2) An inspector may by an order under his hand addressed to the owner or person having the apparent custody or control of dairy produce premises requiring him to aerate, cool, or treat in such manner as is specified in the order, or as may be prescribed, all milk and cream produced on or delivered to the premises after a date specified in the order.

(3) An inspector may by an order under his hand addressed to the person having the apparent custody or control of any vessel containing dairy produce to correct any statement of grade, quality, or quantity or other description marked on or attached to the vessel, or may himself correct it by marking the vessel in the prescribed manner.

(4) An inspector may—

- (a) take possession of any dairy produce which is not of the prescribed standard or in connection with which the provisions of this part of this Act or the regulations have not been complied with ;
- (b)

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- (b) take possession of or mark for identification any apparatus, utensil, or vessel which he considers unsuitable for use in connection with dairy produce or order the person having the apparent custody or control of such apparatus, utensil, or package to keep the same in a specified place until it is rendered suitable;
 - (c) apply a prescribed mark to any vessel containing dairy produce to indicate that the dairy produce has been inspected and that it is of the grade or standard indicated on the vessel;
 - (d) order the person having the apparent custody or control of any vessel containing dairy produce to obliterate any brand which has been placed on the vessel in contravention of the provisions of this Part of this Act or the regulations, or may himself obliterate the brand.

(5) Any apparatus, utensil, or vessel seized by an inspector under this section shall be disposed of in such manner as the Minister may direct, or as may be prescribed.

DIVISION 4.—*Miscellaneous provisions.*

22. (1) No person shall at any dairy produce premises act as butter maker, cheese maker, milk or cream grader or milk or cream tester, or in such other capacity as may be prescribed, unless he is the holder of a license in or to the effect of the prescribed form issued by the Department of Agriculture authorising him so to do. Certification of operatives.

(2) A license shall not be issued to any person who does not possess the prescribed qualifications or who has not passed such examination as may be prescribed.

(3) A license may be cancelled upon the grounds that the holder no longer possesses the prescribed qualifications or that he has been convicted of an offence against this Act or the regulations.

(4)

(4) Before the cancellation of a license the prescribed notice shall be given to the holder thereof, calling upon him to show cause why the license should not be cancelled, and any representations which the holder may make shall be considered.

23. The person in charge of any dairy produce premises at which butter, cheese, or other prescribed milk product is manufactured, shall—

Grading and treatment of milk and cream.

- (a) cause to be correctly graded in the prescribed manner all milk and cream intended to be used thereon for such manufacture;
- (b) cause all such milk and cream to be treated in such manner as may be prescribed;
- (c) keep in the prescribed manner an accurate record of the successive temperatures and acidity percentages of the milk and cream, and such other records of its condition and treatment as may be prescribed.

24. Cream received at any dairy produce premises at which a milk product is manufactured shall not be mixed with cream of any other grade, and butter manufactured at any dairy produce premises shall not be of a lower grade than the cream from which it is manufactured.

Cream of different grades not to be mixed.

Every person who contravenes any provision of this section shall be liable upon conviction to a penalty not exceeding *fifty* pounds, and the owner of the dairy produce premises shall be liable to the like penalty unless he proves that the offence was committed without his connivance or consent.

25. (1) The regulations may prescribe grades of any dairy produce.

Grades of dairy produce.

(2) When grades of any milk product have been prescribed no person shall sell any such milk product unless it is one of the prescribed grades.

26. (1) When grades of any milk product have been prescribed, every person who packs for sale any such product shall, in addition to any other marking prescribed by this Act or the regulations, in the prescribed manner, mark every vessel in which he packs over fifty pounds of the milk product with a brand registered in respect of the milk product of that grade.

Brands.

(2)

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(2) No person shall use a brand unless he is registered as the proprietor thereof or is authorised by the proprietor so to do.

(3) Application for the registration of a brand shall be made to the Department of Agriculture in the prescribed manner, and shall be accompanied by the prescribed fee.

(4) A certificate of the registration of a brand shall be issued to the proprietor thereof.

(5) The Governor may by regulations prescribe the kinds of brands which may be registered.

(6) The registration of a brand may be refused if—

- (a) it does not comply with the regulations;
- (b) it closely resembles any registered brand; or
- (c) it contains any words or signs likely to deceive.

(7) A brand shall not be registered in respect of any milk product of which grades have not been prescribed, and a brand shall not be registered in respect of more than one grade of a milk product.

27. When any brand registered under this Act is intended to be transferred the proprietor and the intending transferee shall execute a joint memorandum in the form prescribed, and on the receipt of such memorandum and the prescribed fee, the Department of Agriculture shall register the transferee as the proprietor thereof and shall issue to him a certificate in the form prescribed.

Transfer of brands.

28. Upon the death of any proprietor his personal representative shall be entitled to use any brand which belonged to the deceased proprietor at the date of his death for a period of six months after his death. The personal representative may within that period apply in the manner prescribed to have a person nominated by him registered as the proprietor of the brand. If application has not been made within the said period, the registration of the brand shall be cancelled.

Death of proprietor.

29. The registration of a brand may be cancelled if it is no longer used by the proprietor thereof.

Cancellation of brand.

30. No person shall pack for sale or sell any milk product unless the vessel in which it is packed is marked in such manner as may be prescribed.

Milk products to be marked.

31.

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31. (1) The amount payable for milk or cream supplied to dairy produce premises and manufactured into butter shall be calculated in accordance with the grade of the cream and the amount of butter obtainable therefrom estimated in the prescribed manner:

Amount payable for milk or cream.

Provided that when the total quantity of butter obtained from milk or cream supplied to any dairy produce premises during a prescribed period exceeds the total amount estimated in the prescribed manner a further payment for the excess calculated upon a prescribed basis shall be made to each supplier during the month following that in which the milk or cream was supplied by him to the dairy produce premises.

(2) The regulations may prescribe the difference by which the amount payable for cream of any grade shall vary from the amount payable for cream of any other grade.

32. Milk or cream purchased for manufacture into cheese or other prescribed milk product for re-sale without manufacture shall be graded in the prescribed manner, and the amount payable to the person from whom it was purchased shall be calculated upon the prescribed basis.

Price payable for milk or cream purchased.

33. No person shall sell any milk product of which grades have been prescribed which has been manufactured outside New South Wales unless it is of the prescribed standard and unless the vessel containing it is marked on the outside in the prescribed manner with the grade of the milk product and the name of the State or country in which it was manufactured.

Milk product manufactured outside New South Wales.

34. Butter, cheese, or other prescribed milk product manufactured in New South Wales shall not be—

Export of milk products.

- (a) exported beyond the State;
- (b) held in a cold store beyond the prescribed period; or
- (c) sold for ships' stores,

unless it complies with the provisions of this Act and the regulations.

35. (1) The owner of dairy produce premises shall, unless exempted by the regulations, lodge with the Department of Agriculture not later than the twentieth day

Returns of milk products manufactured.

day of each month a return in the prescribed form showing the quantity of butter, cheese, and other prescribed milk product manufactured on the dairy produce premises from milk or cream received at the dairy produce premises during the month previous to that in which the return is made, and the quantity of margarine manufactured on the dairy produce premises during that month.

(2) The owner of any dairy produce premises where butter and cheese or margarine is held in cold storage shall at such periods and in such manner as may be prescribed furnish returns of the respective quantities of butter and cheese or margarine so stored.

36. The person in charge of dairy produce premises shall, when forwarding any butter, cheese, or other prescribed milk product or margarine for sale, storage, or export give notice in the manner and form prescribed to the Department of Agriculture. Notice when milk produce forwarded for sale, &c.

37. No person shall—

- (a) manufacture margarine within one hundred yards of any premises in which butter is manufactured;
- (b) manufacture, export, or sell margarine which is not of the prescribed standard;
- (c) sell any margarine unless the exterior of the vessel containing it is marked with such particulars as may be prescribed.

Manufacture and sale of margarine.

38. No person shall export from New South Wales or sell for ships' stores any margarine unless— Export of margarine.

- (a) an inspector has issued a certificate that he has examined it and that it has been manufactured in accordance with the provisions of this Act and the regulations; and
- (b) the vessel containing it is marked on the outside with the prescribed particulars.

39. The person in charge of premises on which margarine is manufactured shall in the prescribed manner keep a record of any milk and of each kind of fat or oil used for that purpose. Record of manufacture of margarine.

40.

40. (1) The Minister shall appoint an appeal board Appeals. which shall consist of a chairman and two other members.

(2) Any person dissatisfied with any decision or order of an inspector may appeal to the board in the prescribed manner.

(3) The notice of appeal shall be accompanied by the prescribed fee.

In the event of the appeal being successful the whole or such part of the fee as the board may determine shall be refunded to the appellant.

(4) The procedure upon appeals shall be as prescribed.

(5) Any decision or order of the board shall be of the same effect as if given by an inspector, and any order shall be complied with within a time specified by the board.

DIVISION 5.—Offences and regulations.

41. Every person who—

Offences.

- (a) sells any dairy produce which is not of the prescribed standard ;
- (b) sells any dairy produce in any vessel on which there is any untrue statement of the grade, quantity, quality, or country or State of manufacture of the dairy produce ;
- (c) manufactures for sale or sells any dairy produce to which any substance has been added which is prohibited by the regulations ;
- (d) sells any dairy produce which is not of the grade, quality, or description demanded by the purchaser ;
- (e) sells any dairy produce in a vessel on which there is a brand other than the brand registered in respect of such dairy produce ;
- (f) stores or carries any dairy produce intended for manufacture, treatment, or sale in such a manner or places it in such a position that the quality thereof is likely to deteriorate ;

(g)

- (g) refuses or neglects to comply with any order of an inspector or with any decision or order of the appeal board ;
- (h) alters or obliterates, whether wholly or partially, or causes to be so altered or obliterated any inspector's mark or any brand or statement of grade or quantity on any vessel containing dairy produce after the dairy produce has been inspected by an inspector ;
- (i) counterfeits any inspector's mark or wrongfully places on any dairy produce or vessel containing dairy produce any mark purporting to be an inspector's mark ;
- (j) after any dairy produce has been inspected by an inspector mixes therewith or puts in the same vessel any dairy produce of an inferior grade or quality, or any margarine or foreign substance ;
- (k) uses for the purpose of packing dairy produce any vessel which has previously been used for the like purpose without effacing therefrom any mark previously placed thereon by an inspector ;
- (l) otherwise contravenes or fails to comply with any provision of this Act or the regulations for which a penalty is not expressly prescribed,

shall be liable on summary conviction to a penalty not exceeding *one hundred* pounds, and where the offence is a continuing one to a further penalty not exceeding *five* pounds for each day during which the offence continues.

42. When any offence against the provisions of this Act has been committed by a person employed on or in connection with any dairy produce premises the owner and the person having the management or control of the premises shall be liable to the same penalty as the person committing the offence unless he proves that it was committed without his connivance or consent. Offence by employee.

43. Any order or notice required by this Act or the regulations to be served on any person may be served by leaving it at his usual or last known place of residence Service.
or

or business, or may be served personally or by post addressed to his last known place of residence or business, or in such other manner as may be prescribed.

44. (1) The Governor may make regulations not inconsistent with this Part of this Act prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Part of this Act; and in particular and without limiting the generality of the foregoing power, the Governor may—

Regulations.

- (a) prescribe standards below which dairy produce shall not be sold;
- (b) prescribe the conditions which shall be complied with by vehicles used for the carriage of dairy produce;
- (c) prescribe the books and records which shall be kept and the returns which shall be furnished by persons in charge of dairy produce premises and the manner in which they shall be kept and made;
- (d) prescribe the substances which may be added to dairy produce and the proportions thereof which may be so added;
- (e) prescribe standards for any glassware, instrument, ingredient, material, or vessel used in the manufacture or packing of dairy produce;
- (f) prescribe periods beyond which dairy produce shall not be kept in a cold store without examination by an inspector;
- (g) prescribe the manner in which whey and butter milk shall be treated in dairy produce premises before being returned to suppliers of milk and cream;
- (h) prescribe the forms of notices and orders which may be given in accordance with the provisions of this Act and the regulations;
- (i) prescribe fees to be paid for any license or registration;
- (j) prescribe the method of treating putrescent milk and cream delivered at any dairy produce premises.

(2)

(2) The regulations shall —

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

(3) If either House of Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(4) The regulations may —

- (a) impose a penalty not exceeding *fifty* pounds for any breach thereof;
- (b) impose also a daily penalty for any continuing breach thereof not exceeding *five* pounds per day.

(5) Any penalty imposed by the regulations may be recovered in a summary manner before a police or stipendiary magistrate or any two or more justices.

(6) Any regulation may apply —

- (a) to dairy produce premises generally, or to a specified class of dairy produce premises;
- (b) to dairy produce generally, or to a specified class of dairy produce;
- (c) to the whole State, or to a specified portion of the State.

PART III.

REGISTRATION OF BULLS.

45. (1) This Part of this Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette, and shall apply only within those portions of the State to which it is from time to time applied by the Governor by proclamation published in the Gazette.

Act to apply only within certain proclaimed portions of the State. cf. S. Aust. Act, 1921, No. 1498.

(2) The Governor may in like manner revoke any such proclamation.

(3) In the application of this Part of this Act to any portion of the State a reference in this Part of this Act to the commencement of this Act shall be read as a reference to the date upon which this Part of this Act is applied to that portion of the State.

46. In this Part of this Act—

Interpretation. cf. *Ibid.*

“Owner,” used with reference to a bull, includes any part-owner or lessee of the bull or any person in possession of the bull.

“Prescribed” means prescribed by this Part of this Act or by regulations made thereunder.

“Registration” means registration of a bull under this Act.

“Unregistered,” used with reference to a bull, means that a certificate of registration is required by this Part of this Act for such bull, but that no such certificate is for the time being in force.

47. (1) Every bull over the age of nine months shall be registered.

Registration of bulls.

(2) If, after the expiration of six months from the commencement of this Part, any bull over the age of nine months is unregistered, the owner of the bull shall be guilty of any offence against this Act, and shall be liable on summary conviction to a penalty not exceeding *twenty* pounds.

48. (1) The registration of a bull shall be effected annually in the prescribed manner at the Department of Agriculture at Sydney.

Manner of registration.

(2)

(2) Application for registration shall be made in or to the effect of the form prescribed, and shall be accompanied by the prescribed fee.

(2) A certificate of registration in or to the effect of the prescribed form shall be issued to the applicant for the bull specified in the application.

(4) On proof in the prescribed manner of the loss or destruction of a certificate of registration, and on payment of the prescribed fee, a duplicate certificate may be issued to an applicant. Such duplicate certificate shall avail for all purposes as if it were the original certificate.

(5) Every registration shall remain in force until the first day of January next following the date of the issue of the certificate of registration, and shall be again effected in the like manner from year to year :

Provided that every registration effected within twenty-one days after the first day of January in any year shall be deemed to have been made on that day.

49. (1) The Governor may appoint such inspectors Inspectors—
appointment. as he may deem necessary for the purposes of this Part of this Act.

(2) Any inspector may, at any time, enter upon any land or premises where he has reason to believe that there is any bull, and may make such inspection, investigations, and inquiries as he thinks fit for the purpose of ascertaining whether any bull is un-registered. Power of entry and inspection.
cf. S. Aust. Act, 1921, No. 1498, s. 12.

50. (1) Any inspector may do any of the following things :— Power to require name and address and production of certificate of registration.

- (a) he may require the owner or any person in charge of any bull to state his name and address, and, if such person is not the owner, the name and address of the owner of the bull ; cf. *Ibid.* s. 13.
- (b) he may require the owner of any bull to produce the certificate of registration for such bull ; or
- (c) he may require the owner of any bull to satisfy him as to the age of such bull ;

(2)

- (2) If—
 - (a) the owner or person in charge of any bull, upon being required as aforesaid, refuses or fails to state his name or address, or the name or address of any owner of the bull, or states a false name or address ;
 - (b) the owner of any bull, upon being required as aforesaid, fails to produce the certificate of registration for the bull ; or
 - (c) the owner of any bull, upon being required as aforesaid, refuses to satisfy the inspector as to the age of the bull,

he shall be guilty of an offence, and shall be liable, upon summary conviction, to a penalty not exceeding *twenty* pounds.

Provided that in the case of a requisition to produce a certificate of registration, the owner shall not be guilty of an offence if the certificate is produced to the inspector within forty-eight hours of the making of the requisition.

51. Any person who in any way obstructs, hinders, prevents, or interferes with any inspector in the exercise of any of the powers conferred or the discharge of any of the duties imposed on him by this Part of this Act shall be guilty of an offence, and shall be liable, upon summary conviction, to a penalty not exceeding *ten* pounds.

Obstruction of inspectors. cf. S. Aust. Act, 1921, No. 1498, s. 14.

52. (1) From and after the first day of November, one thousand nine hundred and thirty-four—

Refusal of registration.

- (a) the registration of a bull may be refused if the bull is below the prescribed standard ;
- (b) the registration of a bull may be cancelled if the bull is no longer of the prescribed standard.

(2) Where the registration of a bull has been cancelled the bull shall be deemed to be an unregistered bull.

(3) If, after the registration of a bull has been refused or cancelled under this section, the owner is convicted under subsection two of section forty-seven of this Act in respect of such unregistered bull, the dairy expert

expert may order the bull to be emasculated, and it shall be lawful for an inspector to cause the bull to be emasculated accordingly at the owner's risk and expense.

53. (1) Every offence against this Part of this Act shall be reported to the Minister.

Offences to be reported to Minister who may direct prosecution.

(2) No proceedings for any such offence shall be taken without the consent in writing of the Minister.

(3) Such consent may be proved by the production of a memorandum in writing, in or to the effect of the form prescribed purporting to be signed by the Minister.

(4) Proceedings may be taken by any inspector.

54. In any proceedings in respect of an offence against this Part of this Act, the onus shall be on the defendant to prove—

Onus of proof. cf. S. Aust. Act, 1921, No. 1498, s. 18.

(a) that any bull mentioned in the information was not over the age of nine months, and;

(b) that the person named in the information as being the owner of any specified bull was not such owner; and

(c) that any bull mentioned in the information as being unregistered was not unregistered.

55. (1) No matter or thing done by any inspector in good faith for the purpose of executing this Part of this Act shall subject such inspector, or the Crown, to any liability in respect thereof.

Protection to officers. cf. *Ibid.* s. 22.

(2) No action shall be brought against any inspector for or on account of any matter or thing done or committed by him in the execution, or intended execution, of his duty or office under this Part of this Act unless such action is commenced within six months after the cause of action arises.

56. (1) The Governor may make regulations not inconsistent with this Part of this Act prescribing all matters which are required, or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Part of this Act.

Regulations.

(2) Any such regulation may impose a penalty not exceeding in any case the sum of *ten* pounds for a breach of the same or of any other regulation.

(3)

(3) Any penalty so imposed may be recovered in a summary manner before a police or stipendiary magistrate or any two justices.

(4) The regulations shall—

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

(5) If either House of Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.
