

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1934.

A BILL

To provide for the supply of milk to children in attendance at schools; to make additional provisions in relation to legal proceedings under the Milk Act, 1931; to validate a certain notification made under the said Act; for these and other purposes to amend the said Act 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:—

1. (1) This Act may be cited as the "Milk (Amendment) Act, 1934." Short title.

(2) The Milk Act, 1931, as amended by this Act, may be cited as the Milk Act, 1931-1934.

2. (1) The Milk Act, 1931, is amended—

Amendment of Act No. 59, 1931.

- (a) by inserting next after section twenty-two the following new sections:—

New ss. 22A and 22B.

22A. (1) The Board shall, upon each school day, supply milk for the use of children in attendance at such schools as the Minister may direct.

Supply of milk to school children.

The quantity of milk to be so supplied on each school day shall be such as to permit of each child in attendance receiving such amount as the Minister may direct.

(2) The Minister may direct that milk shall be supplied for the use of children in attendance at any school, whether or not such school is within a milk distributing district.

(3) Where a school is within a milk distributing district the Board shall supply milk produced in the producing district for that milk distributing district.

Where a school is not within a milk distributing district the Board shall, where practicable, supply milk produced in the locality in which the school is situated.

(4) The costs and expenses of the Board in respect of any supply of milk in accordance with a direction under subsection one of this section shall be paid out of moneys provided by Parliament.

22B. The Minister may impose a charge of such amount as he may determine in respect of the supply of milk in accordance with any direction under subsection one of section 22A, and may waive payment of such charge in any case or class of cases.

Minister may impose charge.

Any amount received in respect of such charge shall be paid into the Consolidated Revenue Fund.

- (b) (i) by inserting at the end of paragraph (b) of subsection two of section twenty-three the words "or in respect of milk delivered

Sec. 23. (Fixation of prices.)

OR

or sold for the purpose of being used for the production of sweet cream or of being supplied for the use of children in attendance at schools”;

(ii) by inserting at the end of paragraph (e) of the same subsection the words “or in respect of milk delivered or sold for the purpose of being used for the production of sweet cream or of being supplied for the use of children in attendance at schools”;

(c) by inserting in subsection three of section twenty-eight after the word “delivery” the words “and as to whether milk was delivered for the purpose of being used for the production of sweet cream or of being supplied for the use of children in attendance at schools”;

Sec. 28.
(Delivery of milk.)

(d) by inserting next after paragraph (e) of section forty-one the following new paragraph:—

Sec. 41.
(Offences.)

(e1) applies or uses milk delivered or sold for the purpose of being used for the production of sweet cream or of being supplied for the use of children in attendance at schools for any other purpose; or

(e) by inserting at the end of section seventy-five the following new paragraph:—

Sec. 75.
(Regulations.)

(d) the supply of milk for the use of children in attendance at schools;

(f) by inserting next after section eighty-two the following new section:—

New s. 83.

83. (1) In any legal proceedings under this Act the production by or on behalf of the Minister or the Board or the secretary or other officer of the Board of a certificate under the seal of the Board that—

Certificate of Board prima facie evidence of certain matters.

(a) any milk referred to in the certificate was or was not supplied, sold, delivered, bought or received for the purpose of being used for the production of sweet cream shall be prima facie evidence of the fact so stated;

(b)

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- (b) any milk referred to in the certificate was or was not supplied, sold, delivered, bought or received for the purpose of being supplied for the use of children in attendance at any school shall be prima facie evidence of the fact so stated;
- (c) any supply, sale, delivery, purchase or receipt of milk referred to in the certificate was for consumption or use in the milk distributing district or sub-district thereof mentioned in the certificate, shall be prima facie evidence that such supply, sale, delivery, purchase or receipt, as the case may be, of the milk was for consumption or use in such milk distributing district or sub-district.

(2) Nothing in paragraph (a) or paragraph (b) of subsection one of this section shall affect the operation of subsection three of section twenty-eight of this Act.

(3) In any legal proceedings under this Act it shall be assumed, in the absence of proof to the contrary, that any sale of milk was a sale for human consumption. Onus of proof of purpose of sale of milk.

(2) Subsection one of this section shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

3. (1) The notification published in Gazette number thirty of the fourth day of March, one thousand nine hundred and thirty-two, pages nine hundred and eleven and nine hundred and twelve, of the determination and fixing by the Board of minimum prices to be paid to dairy-men and of the approval by the Minister of such prices, shall be and be deemed to have been validly determined and fixed and approved, notwithstanding that different prices were determined and fixed and approved for milk (other than milk supplied for production of sweet cream) and for milk supplied for production of sweet cream. Validation of notification published on 4th March, 1932, fixing different minimum prices.

(2) The said notification shall continue to have effect until revoked by a notification made under the Milk Act, 1931-1934.