

2.—(1.) Section four B of the Principal Act is amended by omitting from paragraph (a) of sub-section (3.) the word “or” (second occurring) and inserting in its stead the word “on”. Extension of Act to New Guinea.

(2.) This section shall be deemed to have commenced on the date of commencement of the *Patents Act 1921*.

3. After section four B of the Principal Act the following section is inserted :—

“4c.—(1.) On and after a date to be fixed by proclamation, this Act shall apply to the Territory of Norfolk Island as if that Territory were part of the Commonwealth, and no application for a patent under any patent law (other than this Act) applying to that Territory shall be receivable except pursuant to some right previously acquired. Extension of Act to Norfolk Island.

“(2.) For the purposes of the application of this Act to the Territory of Norfolk Island, any reference in this Act to the Commonwealth or to Australia shall be deemed to include a reference to the Territory of Norfolk Island.

“(3.) Nothing in this section shall affect—

- (a) any application for a patent lodged at the Patent Office prior to the date fixed by proclamation under this section, or any patent granted on any application so lodged; or
- (b) any application for a patent lodged or made in Norfolk Island prior to the said date, or any patent granted on any application so lodged or made.”

4.—(1.) Section sixty-eight of the Principal Act is amended—

- (a) by omitting the words “expiration of the sixteen months aforesaid” and inserting in their stead the words “sealing of a patent on the application”; and
- (b) by omitting the words “and sealed at any time within twelve months after the death of the applicant”. Death of applicant.

(2.) The last preceding sub-section shall be deemed to have commenced on the first day of January, One thousand nine hundred and thirty-three.

DAIRY PRODUCE.

No. 58 of 1933.

An Act relating to Trade and Commerce with other Countries and among the States in certain Dairy Produce.

[Assented to 14th December, 1933.]

BE it enacted by the King’s Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Dairy Produce Act 1933*.

Short title.

Commencement. 2. This Act shall commence on a date to be fixed by Proclamation.

Duration of Act.

3. Unless, at a poll of producers held in the prescribed manner within six months from the commencement of this Act, a majority of the producers voting at the poll are in favour of the continued operation of this Act, this Act shall cease to have effect upon a date to be fixed by Proclamation, not being later than one month after the expiration of the period of six months from the commencement of this Act.

Definitions.

4. In this Act, unless the contrary intention appears—

“dairy produce” means butter and cheese, but does not include processed cheese;

“processed cheese” means any cheese manufactured and sold in the Commonwealth which has been subjected to any further prescribed process of manufacture;

“producer” means any person who being a producer of milk during the year ending the thirty-first day of December, One thousand nine hundred and thirty-three, has manufactured and sold at least five hundred pounds in weight of dairy produce, or has supplied to a manufacturer of dairy produce sufficient milk or cream or both to produce at least five hundred pounds in weight of dairy produce.

Inter-state trade in dairy produce.

5.—(1.) Except as provided by the Regulations—

(a) the owner or person having possession or custody of dairy produce shall not deliver any dairy produce to any person for carriage into or through another State to a place in Australia beyond the State in which the delivery is made; and

(b) a person shall not carry any dairy produce from a place in one State into or through another State to a place in Australia beyond the State in which the carriage begins,

unless, in either case, a licence has been issued under this Act permitting that carriage of that dairy produce and except in accordance with the licence so issued.

Penalty : One hundred pounds or imprisonment for six months.

(2.) Prescribed authorities may issue licences, for such period and upon such terms and conditions as are prescribed, permitting the carriage of dairy produce from a place in one State to a place in Australia beyond that State.

(3.) Any dairy produce which has been, or is in process of being, carried in contravention of this Act, shall be forfeited to the King.

(4.) A prescribed authority may require any person to give security, in such form and to such amounts as are approved by the Minister, for compliance by the person with the terms and conditions of any licence issued to him under this Act.

(5.) Where the Minister, on report by a prescribed authority, is satisfied that any person to whom a licence has been issued under this section has contravened or failed to comply with any term or condition of the licence, the Minister may cancel the licence, and the licence shall thereupon cease to be of any force or effect.

6.—(1.) A prescribed authority may require any person to furnish or produce, within such period as the prescribed authority specifies, any licence issued to him under this Act, and may require any person to furnish or produce, within a like period, such returns or documents in relation to dairy produce as are prescribed. Furnishing of returns, &c.

(2.) Any person who, being required in pursuance of the last preceding sub-section to produce a licence or to furnish a return or produce documents, refuses or fails to comply with that requirement within the period specified by the prescribed authority shall be guilty of an offence.

Penalty : One hundred pounds.

7. The Governor-General may make regulations, not inconsistent with 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 Act and in particular for— Regulations.

- (a) prescribing the conditions (which may include conditions as to the export from Australia of dairy produce by or on behalf of the person applying for a licence) upon which licences may be issued ;
- (b) prescribing the maximum quantity which may be contained in a consignment of dairy produce which may be carried from a place in one State to a place in Australia beyond that State without the issue of a licence under this Act ;
- (c) prescribing the grades and quality of dairy produce for the carriage of which from a place in one State to a place in Australia beyond that State a licence shall not be necessary ;
- (d) prescribing the form of licences, and the procedure in relation to their use ;
- (e) prescribing means of identifying the dairy produce to which a licence relates ;
- (f) conferring upon prescribed authorities and officers powers of entry on, and inspection of, places where any process in connexion with the manufacture of dairy produce is carried on, or on or of any places where dairy produce is, or is believed by a prescribed authority or officer to be ; and
- (g) prescribing penalties not exceeding a fine of Fifty pounds or imprisonment for six months for any offence against or contravention of the Regulations or of any condition of any licence.