



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2209.

An Act to revive and to extend the period of operation of the Dairy Produce Act, 1934, to make certain amendments to that Act, and for purposes incidental thereto.

[Assented to, 24th October, 1935.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the " Dairy Produce Act Amendment Act, 1935 ". Short titles.

(2) The Dairy Produce Act, 1934, and this Act may be cited together as the " Dairy Produce Acts, 1934 and 1935 ". No. 2166, 1934.

(3) The Dairy Produce Act, 1934, is hereinafter called " the principal Act ".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 2 of the principal Act is amended by striking out the definition of " quota " therein. Consequential amendment of principal Act, s. 2.

4. Section 5 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :— Amendment of principal Act, s. 5—
Term of office of board.

(1) The first members of the board shall hold office until the thirtieth day of September, nineteen hundred and thirty-five, and thereafter until further appointments are made to the board under this section.

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As early as possible after the thirtieth day of September, nineteen hundred and thirty-five, the Governor shall appoint members of the board to succeed the first members, and the members so appointed shall, subject to this Act, hold office until the thirtieth day of September, nineteen hundred and thirty-seven. Any of the first members of the board shall be eligible for re-appointment under this section.

Re-enactment
of principal
Act, s. 16—

5. Section 16 of the principal Act is repealed and the following section is enacted in lieu thereof :—

Determination
of quotas.

16. (1) The Governor, after consultation with the board, may from time to time determine quotas for butter and cheese respectively; and the Minister shall by notice in the *Gazette* and in two newspapers circulating generally in the State give notice of every quota so determined.

(2) Every quota shall be expressed as a percentage of butter or cheese manufactured in the State, and the percentage so expressed is hereinafter called “the prescribed percentage”.

(3) The Governor shall at the time of determining any quota also determine the period for which it is to operate and the commencing and closing dates of that period shall be set forth in the notice of the quota.

(4) Every quota shall operate for the period set forth in the notice; but if on the closing date of that period another quota has not been determined and notified so as to come into operation immediately after that date, another quota equal to the expiring quota shall be deemed to have been duly determined and notified, and shall operate as from the expiration of the expiring quota for a further period equal to the period of the expiring quota.

Re-enactment
of principal
Act, s. 17—

6. Section 17 of the principal Act is repealed and the following section is enacted in lieu thereof :—

Penalty for
exceeding
quota.

17. (1) Any manufacturer who during the period of operation of any quota sells within the State in the course of his intra-State trade or commerce, any butter or cheese manufactured by him in the State (whether before or during that period) in excess of a quantity equal to the prescribed percentage of the butter or cheese manufactured in the State by him during that period shall be guilty of an offence.

(2) The penalty for an offence against this section shall be a fine of not less than four pounds and not more than six pounds for every hundredweight or part of a hundredweight of the butter or cheese sold in excess

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of the quantity allowed by this section. Notwithstanding any other enactment the court shall not, in any case under this section in which one hundredweight or more of butter or cheese is proved to have been sold in excess of the quantity allowed by this section, reduce the fine below the minimum prescribed by this section.

(3) This section shall not apply to a manufacturer during the period of operation of any quota if, during that period, the average weekly amount of butter or cheese (as the case may be) produced by him for sale does not exceed ten pounds.

7. Subsection (1) of section 19 of the principal Act is amended so as to read as follows :—

Amendment of
principal Act,
s. 19—

19. (1) The board, or any person acting under the authority of the board, may for the purposes of the administration or enforcement of this Act require any person to supply to the board or such authorised person any information in relation to dairy produce.

Information
as to dairy
produce.

8. Section 26 is amended by striking out the word “ thirty-five ” at the end thereof and inserting in lieu thereof the word “ thirty-seven.”

Amendment of
principal Act,
s. 26—
Duration of
Act.

9. This Act shall be deemed to have come into operation on the thirtieth day of September, nineteen hundred and thirty-five ; and the principal Act shall be deemed to have remained in force continuously from the said day until the passing of this Act, as well as for the further period provided for in this Act.

Commencement
of Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. ANGAS PARSONS, Deputy Governor.