



ANNO QUARTO

# ELIZABETHAE II REGINAE

A.D. 1955

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## No. 23 of 1955

### An Act to amend the Metropolitan Milk Supply Act, 1946-1950.

[Assented to 24th November, 1955.]

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 "Metropolitan Milk Supply Act Amendment Act, 1955". Short titles.

(2) The Metropolitan Milk Supply Act, 1946-1950, as amended by this Act, may be cited as the "Metropolitan Milk Supply Act, 1946-1955".

(3) The Metropolitan Milk Supply Act, 1946-1950, is hereinafter referred to as "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 32 of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsections :— Amendment of s. 32 of principal Act—

(2) Where—

(a) a person applies for a licence for unlicensed premises as defined in this subsection ; and

(b) such premises or the plant, equipment, or animals to be used by the applicant in carrying on the business for which the licence is required do not comply with this Act,

Refusal of licence.

the Board may refuse the application or grant a provisional licence.

In this subsection "unlicensed premises" means premises in respect of which a licence has not previously been granted, or premises the licence in respect of which has expired more than a month before the making of the application.

(2a) A provisional licence—

(a) shall be in force for the period specified therein by the board :

(b) while so in force shall have effect as a licence of the kind applied for :

(c) shall contain a condition that the applicant will, before the expiration of the provisional licence, do everything required to make the premises, plant, equipment and animals comply with this Act :

(d) may contain any other conditions which the Board deems necessary.

(2b) If the conditions of a provisional licence are complied with before the expiration of such provisional licence the holder thereof shall be entitled to be granted a licence of the kind for which he applied.

(2c) If the conditions of a provisional licence are not so complied with the licence applied for by the holder thereof shall be refused.

Enactment of  
s. 45a of  
principal Act—

Reconstituted  
milk.

4. The following section is enacted and inserted in the principal Act after section 45 thereof :—

45a. (1) In this section "reconstituted milk" means the product resulting from the mixing of—

(a) dried milk with water ; or

(b) dried skimmed milk and butter or butterfat or any derivative of milk or butter with water.

(2) No person shall within the metropolitan area sell or have in his possession for sale any reconstituted milk unless he has obtained a permit from the board entitling him to do so.

(3) Any such permit—

(a) shall specify the period or periods during which it is to be in operation, or shall declare that it is to be in operation for an indefinite period terminable by the board at any time by notice to the holder :

- (b) may contain conditions as to the composition and standard (including freedom from bacteria and foreign matter) of the reconstituted milk to which it applies and of the ingredients thereof :
- (c) may contain such other conditions as the board deems proper in the public interest.
- (4) Any permit granted under this section may be revoked by the board for breach of any condition thereof.

5. The following section is enacted and inserted in the principal Act after section 46 :—

Enactment of  
s. 46a of  
principal Act—

46a. (1) The power conferred on the Governor by the preceding section to make regulations on the recommendation of the board shall include power to make regulations for the zoning of milk deliveries, that is to say, regulations for the following purposes :—

Zoning of  
milk deliveries.

- (a) For empowering the board to define and alter retail milk distribution areas (hereinafter called "zones") within the metropolitan area or any part thereof :
- (b) For empowering the board to allot to any person a zone or zones in which he is permitted to carry on business as a retail vendor of milk and cream, and forbidding any person to carry on such business in the metropolitan area except in a zone allotted to him by the board :
- (c) For requiring every person to whom a zone has been allotted to supply and deliver milk or cream in bulk or bottles by retail to all persons desiring such supply within that zone :
- (d) For ensuring that persons carrying on business as retail vendors of milk and cream in zones will receive adequate supplies of milk and cream from holders of milk treatment licences :
- (e) For empowering the board to withdraw a zone from a retail vendor who has been guilty of any breach of the regulations :
- (f) Generally for the co-ordination, regulation and control of the supply and delivery of milk and cream to retail consumers in the metropolitan area and for any matters incidental thereto :

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(g) For fixing the fees, not exceeding ten shillings, payable on an application for the allotment of a zone :

(h) For prescribing penalties recoverable summarily and not exceeding fifty pounds for breach of any regulation.

(2) In the administration of the regulations under this section the board shall, as far as possible, ensure that in each zone there are at least three persons carrying on business, independently of each other, as retail vendors of milk and cream delivered at the premises of customers.

(3) This section shall not take away or restrict the duty of any person to comply with the provisions of, or the regulations made under, the Food and Drugs Act, 1908-1954.

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

R. A. GEORGE, Governor.