

FIRST COLUMN.	SECOND COLUMN.
Section Amended.	How amended.
	(c) By inserting after the word "member" (second occurring) in subsection (2) the words "or police magistrate."
109	By inserting in subsection (7), after the word "court", the words "before which the proceedings are heard".
110	By inserting in subsection (1), after the word "court" the words "before which the proceedings are heard."
116	By omitting the words "the court for the district in which the offence is alleged to have been committed or by".
121	By omitting from subsection (2) the word "licensing" occurring before the word "court".
124	By omitting from paragraph III, of subsection (2) the words "for the district in which his licensed premises are situated" and substituting therefor the words "or to a police magistrate".

## PART II.—AMENDMENTS OF SECOND SCHEDULE.

1. By omitting from Form (I) the words "for the District of (*here state name of District*)".
2. By omitting from Form (V) the words "of the District of (*here state name of District*)".
3. By omitting from the several forms the words "for the District of (*here state name of District*)", wherever occurring therein.

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**DAIRY PRODUCE.**


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**No. 71 of 1952.**


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**AN ACT to amend the *Dairy Produce Act 1932.***  
**[12 December, 1952.]**

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Dairy Produce Act 1952.* Short title and citation.

(2) The *Dairy Produce Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpreta-  
tion.

**2** Section three of the Principal Act is amended by inserting after the definition of "Accredited agent" the following definition:—

" 'Board' means the Dairy Factories Registration Board constituted under this Act:—"

Registration  
of premises.

**3** Section six of the Principal Act is amended—

(a) by omitting subsections (2), (3), and (4) and substituting therefor the following subsections:—

"(2) Applications for registration shall be made to the Director in writing in the prescribed form, and every application shall specify the purpose for which the premises are proposed to be used.

(3) A certificate of registration shall be issued by the Director if—

i. He is satisfied that the premises in respect of which application for registration is made are—

(a) Fit for the purpose for which they are proposed to be used: and

(b) So constructed and equipped as to comply with the provisions of this Act: and

ii. In the case of an application for registration which the Director is required by section six B to refer to the Board, the Director has received a report from the Board stating that it is in the best interests of the industry that the application should be approved.

(4) A certificate of registration shall be in the prescribed form and shall specify the purpose or purposes for which the premises to which the certificate relates may be used and shall authorise the holder thereof, so long as the certificate continues in force, to use the premises to which the certificate relates for the purposes, or in connection with, the manufacturing, processing, preparation, treatment, depositing, dealing with, or selling of all classes of dairy produce subject to compliance with the provisions of this Act.

(4A) Where the Board reports to the Director that it is in the best interests of the industry that an application for registration should be approved, but the Director is not satisfied that the premises in respect of which the application is made are fit for the purpose for which they are proposed to be used and are so constructed

and equipped as to comply with the provisions of this Act, the Director may grant to the applicant a provisional certificate of registration in respect of those premises.

(4B) It shall be an express condition of a provisional certificate of registration that the holder thereof shall, within such period (not exceeding twelve months or such extended period (if any) as may be endorsed thereon pursuant to subsection (4C) of this section) after the date of the certificate, as the Director may determine and as may be specified in or endorsed on the certificate, do all such acts and things as the Director may require or direct for the purpose of rendering the premises concerned fit for the purpose for which they are proposed to be used and for ensuring that they are so constructed and equipped as to comply with the provisions of this Act.

(4C) Where the Director is satisfied that the holder of a provisional certificate of registration has made all reasonable efforts to comply with the condition referred to in subsection (4B) of this section within the period specified in or endorsed on the certificate, but has been unable, for reasons beyond his control, so to comply with that condition, the Director may, in his discretion, extend the period for compliance therewith for such further period or periods as the Director thinks fit, and shall endorse the provisional certificate accordingly.

(4D) The holder of a provisional certificate of registration, if so required by the Director, shall produce the certificate to the Director as and when it may be necessary for the purpose of enabling the Director to endorse it pursuant to subsection (4C) of this section.

(4E) A provisional certificate of registration shall cease to have any force or effect after the expiration of such period (not exceeding twelve months, or such extended period, if any, as may be endorsed thereon pursuant to subsection (4B) of this section) from the date thereof as may be specified in or endorsed on the certificate.

(4F) A provisional certificate of registration, while in force, shall entitle the holder thereof, upon compliance with the condition referred to in subsection (4B) of this section within the period specified in that behalf in the certificate, or, as the case may be, within such extended time, if any, as may be endorsed thereon pur-

suant to that subsection, to the grant of a certificate of registration in respect of the premises concerned.

(4G) A certificate of registration of dairy produce premises may be cancelled by the Director after such reasonable notice as may be prescribed if—

- I. All the prescribed requirements relating to the construction, sanitation, ventilation, drainage, and equipment of the premises and the treatment of dairy produce therein are not complied with to the Director's satisfaction:
- II. The premises are used for any purpose other than the purpose or purposes specified in the certificate of registration: or
- III. The continued use of the premises is, in the opinion of the Director, likely for any reason, to be dangerous to the health of persons employed in or resorting to the premises or of the public.”;

(b) by omitting from subsection (5) the word “Minister” and substituting therefor the word “Director”; and

(c) by omitting subsection (9) and substituting therefor the following subsections:—

“(9) Where an application for a certificate of registration has been refused by the Director, no further application in respect of the same premises shall be made until the expiration of six months after the date of the refusal.

(10) A person whose application for a certificate of registration is refused by the Director on the grounds that the Board has reported that it is not in the best interests of the industry that the application for a certificate of registration should be approved, may appeal from that refusal to the Supreme Court, which shall have jurisdiction to hear and determine the appeal.

(11) The Supreme Court may uphold an appeal under this section, notwithstanding that the Board has reported that it is not in the best interests of the industry that the application for a certificate of registration should be approved.

(12) Subject to subsection (11) of this section, appeals under this section shall be instituted, heard, and determined in accordance with the Rules of Court relating to appeals from statutory tribunals (other than courts).”.

**4** After section six of the Principal Act the following sections are inserted:—

“6A.—(1) There shall be a board, to be known as the Dairy Factories Registration Board, constituted as provided by this section.

Dairy  
Factories  
Registration  
Board.

(2) The Board shall consist of four persons appointed by the Governor, of whom—

- I. One shall be a police magistrate, who shall be the chairman of the Board:
- II. One shall be a person appointed on the nomination of the body of persons known as the Tasmanian Butter and Cheese Factories Association:
- III. One shall be a person appointed on the nomination of the body of persons known as the Processed Milk Manufacturers' Association of Tasmania: and
- IV. One shall be a person appointed on the nomination of the body of persons known as the Tasmanian Farmers' Federation.

(3) Each of the bodies mentioned in paragraphs II., III., and IV. of subsection (2) of this section shall, within thirty days after being requested, in writing, by the Minister so to do, or within such extended time as the Minister may, on the application of the body concerned, allow, nominate a person for appointment as a member of the Board, and, in default thereof, the Governor may, without nomination, appoint such person as he thinks fit as a member of the Board to represent the body concerned.

(4) Subject to subsection (5) of this section, a member of the Board, unless he sooner resigns his office by writing under his hand addressed to the Governor, shall hold office for the term of three years.

(5) The Governor may remove a member of the Board from office if the member—

- I. Being the chairman, ceases to hold the office of police magistrate:
- II. Becomes, in the opinion of the Governor, physically unfit or mentally unfit to continue in office as a member of the Board:
- III. Applies to take or takes advantage of any law relating to bankrupt or insolvent debtors: or
- IV. Is convicted of any crime.

(6) Where a vacancy occurs in the office of a member of the Board otherwise than by reason of the effluxion of time, the person appointed to fill the vacancy shall hold office for the remainder of the term of office of the member in whose place he is appointed.

(7) The members of the Board (other than the chairman) shall be entitled to be paid such fees and allowances as may be prescribed.

(8) The chairman of the Board shall have a deliberative vote and, in the event of an equality of voting on any question arising at any meeting or sitting of the Board, shall also have a second or casting vote.

Certain applications to be referred to the Board.

“6B.—(1) The Director shall, as prescribed, refer to the Board for consideration and report every application for registration under this Act as a factory of any premises that are not registered under this Act as a factory at the time of the making of the application.

(2) Where an application has been referred to the Board by the Director pursuant to this section, the Director shall, as prescribed, publicly notify the fact that the application has been referred to the Board.

Consideration, &c., of applications by the Board.

“6C.—(1) The Board shall consider every application referred to it by the Director as provided by section six B, and shall report to the Director whether or not the Board, having regard to the situation and environment of the premises to which the application relates, considers it to be in the best interests of the industry that the application should be approved.

(2) Applications that are referred to the Board pursuant to section six B, and objections thereto, shall be considered by the Board at a public hearing, that, subject to this section, shall be held in such manner as may be prescribed.

(3) The Board shall, as prescribed, publicly notify the time and place fixed by it for the consideration of any application and of any objection thereto, pursuant to this section.

(4) A person may object to the granting of an application for a certificate of registration that is required by section six B to be referred to the Board, and objections under this subsection shall be made, heard, and determined in such manner as, subject to this section, may be prescribed.”.

**5** Section ten and eleven of the Principal Act are repealed and the following sections are substituted therefor:—

Returns by owners.

“10. The Director may require the owner of every factory to furnish to the Director, once in each month, a return setting out such information as may be prescribed in relation to the quantity of dairy produce purchased from suppliers, and the amount of dairy produce manufactured, processed, or treated therein or sold therefrom, during the preceding month.”.

Prohibition of use, &c., in factories of low grade milk and cream.

therein or sold therefrom, during the preceding month.”.

I. Manufacture or prepare dairy produce from any milk or cream: or

II. Process, or retain at the factory, any milk or cream, which is below the grade prescribed as the lowest grade of milk or cream that may be used for manufacture into dairy produce, or that may be used for processing, or that is, for any reason, unfit for human consumption or injurious or dangerous to health.

(2) Any milk or cream received at a factory, being milk or cream that is below the grade referred to in subsection (1) of this section, or that is, for any reason, unfit for human consumption or injurious to health, and any dairy produce manufactured or prepared in contravention of that subsection, shall be treated as prescribed."

**6** Section fourteen of the Principal Act is amended—

Provisions as to brands.

- (a) by omitting the word "butter" (wherever occurring) in subsections (3), (4), and (5) and substituting therefor, in each case, the words "dairy produce"; and
- (b) by omitting from subsection (4) the word "wrapper" and substituting therefor the word "package".

**7** Section seventeen of the Principal Act is amended by inserting in paragraph III., after the word "conveyance", the word "aircraft".

Powers of supervisors as to inspection, &c.

**8** Section nineteen of the Principal Act is amended—

Powers of supervisor.

- (a) by inserting in subsection (1), after the word "conveyance", wherever occurring, the word "aircraft";
- (b) by inserting in subsection (2), after the word "conveyance", wherever occurring, the word "aircraft".

**9** Section twenty of the Principal Act is amended by inserting in subsection (1), after the word "premises" (last occurring), the words "or to the person so employed".

Powers of supervisor regarding diseased persons in dairy produce premises.

**10** Section twenty-two of the Principal Act is amended by adding at the end thereof the following subsections:—

Owners of dairy produce premises to notify disease.

"(4) The owner of any dairy produce premises shall, at all times, maintain in a clean and wholesome condition the premises, and all drains, pipes, and sinks in, or connected with, any part of the premises, and all utensils, machinery, apparatus, and other articles and things in or about the premises that are used in or in connection with the manufacture, preparation, processing, or treatment of dairy produce."

**11** Section twenty-four of the Principal Act is amended—

Storage, &c., of dairy produce.

- (a) by inserting in subsection (1), after the words "shall be", the words "manufactured, prepared, processed, treated,";

- (b) by inserting in paragraph II. of subsection (1), after the word "conveyance", the word "aircraft,";
- (c) by inserting in paragraph IV. of subsection (1), after the word "Unless", the words "the package containing"; and
- (d) by inserting in subsection (2), after the word "been", the words "manufactured, prepared, processed, treated, deposited,".

Fraudulent acts.

**12** Section twenty-nine of the Principal Act is amended by inserting in paragraph III. of subsection (1), after the word "brands", the word "previously".

Offences in connection with dairy produce.

**13** Section thirty-one of the Principal Act is amended—

- (a) by omitting from paragraph I. the words "process, of manufacturing" and substituting therefor the words "course, of manufacturing, preparing, processing, or treating"; and
- (b) by inserting in paragraph V., after the word "knowledge", the words "is, or is likely to be, injurious to health, or".

Regulations.

**14** Section thirty-four of the Principal Act is amended—

- (a) by omitting paragraph II. and substituting therefor the following paragraph:—

"II. The qualifications of testers and graders of dairy produce, and of butter makers, cheese makers, and other persons engaged in the manufacture, preparation, processing, or treatment of dairy produce; the examination of candidates for certificates to act as testers, graders, butter makers, and cheese makers, and for such other certificates as may be prescribed:"; and

- (b) by inserting in paragraph VII., after the word "sanitation", the word "ventilation,".

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## QUEEN VICTORIA MATERNITY HOSPITAL.

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No. 72 of 1952.

AN ACT to dissolve the Queen Victoria Hospital and Baby Health Association and to make better provision for giving effect to its objects and to repeal "*The Queen Victoria Hospital and Baby Health Association Incorporation Act 1928.*"

[12 December, 1952.]