

DAIRY PRODUCE.

No. 48 of 1965.

AN ACT to amend the *Dairy Produce Act 1932.*

[22 December 1965.]

BE 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:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Dairy Produce Act 1965.*

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

(3) The provisions of this Act shall commence on such dates respectively as may be fixed by proclamation in relation to each of those provisions.

Interpre-
tation.

2 Section three of the Principal Act is amended—

(a) by omitting from subsection (1) the definition of “disease” and substituting therefor the following definition:—

“ ‘disease’ means any disease that is for the time being proclaimed under subsection (3) of this section to be a disease within the meaning of this Act;” and

(b) by omitting from that subsection the definition of “owner” and substituting therefor the following definition:—

“ ‘owner’, when used in relation to any dairy produce premises, means—

(a) the person who is the holder of a subsisting certificate of registration issued under this Act in respect of those dairy produce premises;

(b) any person who uses those dairy produce premises for the production, deposit, treating, weighing, sampling, testing, or grading of dairy produce, or for the sale of, or the dealing in, dairy produce; and

(c) any person who is employed as the manager, superintendent, or person in charge of those dairy produce premises in relation to their use as such;”.

3 Section six of the Principal Act is amended—

Registration
of dairy
produce
premises.

(a) by omitting from subsection (1) the words “Fifty pounds.” and substituting therefor the words “One hundred pounds.”;

(b) by inserting after subsection (4AA) the following subsection:—

“(4AB) Where the Director is satisfied that any premises are fit for use as a dairy but is not satisfied that they are so constructed or equipped as to comply with the requirements of this Act, he may, on an application under this section for a certificate of registration in respect of those premises, grant a provisional certificate of registration in respect of those premises for the purpose of their use as a dairy.”;

(c) by omitting from subsection (5) the words “or of a store”;

(d) by inserting after that subsection the following subsection:—

“(5A) Notwithstanding anything in subsection (5) of this section a certificate of registration of a store that was in force immediately before the commencement of this subsection shall, unless it is sooner cancelled, remain in force until the thirtieth day of June 1966 and no longer.”; and

(e) by omitting subsection (7) and substituting therefor the following subsection:—

“(7) An application for a certificate of registration, except an application for a certificate of registration of premises for use as a dairy and for no other purpose, shall be accompanied by the fee prescribed in relation to that application, being—

(a) in the case of an application that is required to be referred to the Board under subsection (1) of section six B, a fee not exceeding one hundred pounds; and

(b) in any other case, a fee not exceeding five pounds.”.

4 Section seven of the Principal Act is repealed and the following section is substituted therefor:—

Testing,
grading, &c.,
of milk
and cream
received at
factories
and depots.

“7—(1) Regulations under this Act may—

- (a) require the measuring and grading of, and the taking of samples from, milk or cream before it is mixed with other milk or cream that is being conveyed to a factory or depot, and the testing of the samples so taken;
- (b) prohibit or restrict the mixing of milk or cream of different grades in any conveyance being used for the conveyance of milk or cream to a factory or depot; and
- (c) require the measuring, weighing, testing, or grading of milk or cream that is received, or is for the time being kept, at a factory or depot.

“(2) Regulations made for the purposes of this section may impose the duty of securing compliance with the provisions thereof in relation to any milk or cream on—

- (a) an owner of the factory or depot to which that milk or cream is being conveyed or at which it is for the time being held; and
- (b) if the milk or cream is being conveyed to a factory or depot, the person in charge of the conveyance in which it is being conveyed.

“(3) Any person upon whom is imposed a duty to secure compliance with any of the provisions of the regulations made for the purposes of this section who fails to secure the compliance with that provision is guilty of an offence and liable to a penalty of fifty pounds or such lesser amount as may be specified in that behalf in the regulations.

“(4) Regulations made for the purposes of this section may prescribe the time at which, and the manner in which, any weighing, testing, or grading required by these regulations to be carried out is so to be carried out.”.

Provisions as
to testers
and graders.

5 Section eight of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) No person shall carry out any testing or grading of dairy produce for the purposes of this Act unless he holds the prescribed certificate to act as a tester or grader, as the case may be.”;

- (b) by omitting from subsection (2) the words “Fifty pounds.” and substituting therefor the words “One hundred pounds.”; and
- (c) by omitting subsections (3), (4), and (5) and substituting therefor the following subsections:—

“(3) Regulations under this Act may require the making and keeping of records with respect

to the testing and grading of dairy produce carried out for the purposes of this Act, and may impose penalties, not exceeding one hundred pounds, for failure to make or keep any record in the manner so prescribed.

“(3A) A person who uses a conveyance for the purpose of conveying milk or cream to a factory or depot shall secure that a person authorized by this Act is available to carry out any grading of any milk or cream conveyed in that conveyance that, by this Act, is required to be carried out before that milk or cream is delivered at the factory or depot.

Penalty: One hundred pounds.

“(4) A person—

- (a) who holds a subsisting certificate of registration under this Act in respect of a factory or depot; or
- (b) who uses any building, structure, premises, or place as a factory or depot,

shall secure that there is employed in connection with that factory or depot as many testers and graders as are necessary to test and grade, as required by this Act, the milk and cream received thereat or for the time being kept therein.

“(5) Any person referred to in subsection (4) of this section who, for a period of more than fourteen consecutive days, fails to comply with the provisions of that subsection so far as they are applicable to him is guilty of an offence.

Penalty: One hundred pounds.”.

6 After section twelve of the Principal Act the following section is inserted:—

“12A—(1) A person who holds a subsisting certificate of registration in respect of any dairy produce premises or uses any dairy produce premises for the purpose of manufacturing butter or cheese shall secure that—

- (a) a certificated butter maker is employed on those premises at any time at which butter is being manufactured on those premises from purchased milk or cream; and
- (b) a certificated cheese maker is employed on those premises at any time at which cheese is being manufactured on those premises from purchased milk or cream.

Penalty: One hundred pounds.

“(2) In this section the expressions ‘certificated butter maker’ and ‘certificated cheese maker’ mean, respectively, a person who holds the prescribed certificate to act as a butter maker and a person who holds the prescribed certificate to act as a cheese maker.”.

Employment
of certificated
butter makers
and cheese
makers.

Provisions as
to brands, &c.

7 Section fourteen of the Principal Act is amended by omitting subsection (6) and substituting therefor the following subsection:—

“(6) Any dairy produce manufactured otherwise than in a factory registered under this Act shall not be sold, or offered or exposed for sale, unless it is put up in a package with the words ‘Farm’ or ‘Dairy’ indicated thereon in the prescribed manner.”.

Powers of
supervisors
to inspect
dairy produce
premises, &c.

8 Section seventeen of the Principal Act is amended—

- (a) by adding at the end of paragraph (d) the word “and”;
- (b) by omitting from paragraph (e) the word “and” (occurring at the end thereof);
- (c) by omitting paragraph (f); and
- (d) by adding at the end thereof the following subsection:—

“(2) For the purpose of ascertaining whether the requirements of this Act have been complied with a supervisor, at any reasonable time, may—

- (a) enter any premises on which he believes there are any books, records, or other documents relating to any dairy produce premises or to the business carried on thereat and search those premises for any such books, records, or documents;
- (b) require any person apparently in charge of those premises to produce to the supervisor any such books, records, or other documents that may be on those premises;
- (c) require any person having the custody or control of any books, records, or other documents relating to any dairy produce premises or the business carried on thereat to produce to the supervisor those books, records, or documents; and
- (d) take copies of, or extracts from, any books, records, or other documents found or produced as a consequence of the exercise of the powers conferred by this section.”.

Powers of
supervisors
as to dairy
produce
premises, &c.

9 Section nineteen of the Principal Act is amended—

- (a) by inserting in subsection (1), after the words “premises, or” (occurring in the words following paragraph (d) thereof), the words “the person apparently in charge”; and
- (b) by omitting from subsection (4) the words “the relationship of landlord and tenant exists between the owner and occupier of dairy premises” and substituting therefor the words “any dairy premises are occupied under a lease”.

10 Section twenty-two of the Principal Act is amended by omitting from subsection (3) the words "One hundred pounds." and substituting therefor the words "Two hundred pounds." Notification of diseases.

11 Section twenty-seven of the Principal Act is amended by omitting the words "Fifty pounds." and substituting therefor the words "One hundred pounds." Offences by supervisors.

12 Section twenty-nine of the Principal Act is amended by omitting from subsection (1) the words "Fifty pounds." and substituting therefor the words "One hundred pounds." Fraudulent acts.

13 Section thirty-one of the Principal Act is amended— Offences in connection with dairy produce.

(a) by omitting the words "Fifty pounds." and substituting therefor the words "One hundred pounds."; and

(b) by adding at the end thereof the following subsections:—

"(2) No person shall sell, or offer, or expose for sale, or supply any market milk or market cream unless that milk or cream is of the grade prescribed as the grade for market milk or market cream.

Penalty: One hundred pounds.

"(2A) No person shall sell, or offer, or expose for sale, or supply any market milk—

(a) to which has been added any separated, condensed, concentrated, dried, or desiccated milk, or any water; or

(b) from which has been extracted the whole or any part of any of its original constituents.

Penalty: One hundred pounds.

"(3) For the purposes of subsection (2) of this section—

'market cream' means cream the whole or any part of which is intended for sale by retail as cream;

'market milk' means milk the whole or any part of which is intended for sale by retail as milk or for use in the manufacture of cream intended for sale by retail as cream.

"(4) In any proceedings for an offence alleged to have been committed under subsection (2) or subsection (2A) of this section in relation to any milk or cream it shall be assumed, unless the contrary is shown that that milk or cream was market milk or market cream, as the case may be."

Obstruction of
supervisors.

14 Section thirty-two of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) No person shall, without reasonable excuse, fail to comply with a requirement made under this Act by a supervisor for the production of any book, record, or other document.”.

General
penalty.

15 Section thirty-three of the Principal Act is amended by omitting from subsection (2) the words “twenty-five pounds” and substituting therefor the words “fifty pounds”.

Regulations.

16 Section thirty-four of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) Where any regulations are made under this section with respect to the examination of candidates for certificates to act as butter makers or cheese makers, and any person, on an application in writing made to the Director within three months of the coming into force of those regulations, satisfies the Director that before those regulations came into force he was engaged in making butter or cheese and that he is competent to make butter or cheese, the Director shall issue to that person the prescribed certificate to act as a butter maker or a cheese maker, as the case may be.”.

Repeal of
schedule.

17 The schedule to the Principal Act is repealed.

EMMERTON BEQUEST.

No. 49 of 1965.

AN ACT to enable certain moneys payable under the will of the late *Henry Thomas Emmerton* to the Smithton District Public Hospitals Board to be applied for the purpose of the provision of accommodation for aged persons at Smithton, and to make provision for matters incidental thereto. [22 December 1965.]

Preamble.

WHEREAS under the will of the late *Henry Thomas Emmerton* certain moneys have become payable to the Smithton District Public Hospitals Board to be applied by that board for the furnishing or equipping of the Smithton District Hospital or for or towards the erection of any building or part thereof for use by that hospital:

And whereas that board has made a request to the Minister that legislation be introduced into Parliament validating the transfer of those moneys to a charitable organization to be constituted to administer a scheme at Smithton for the care of aged persons: