

(2) The *Tuberculosis Act* 1949, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section nine of the Principal Act is amended—

Medical boards.

- (a) by omitting from subsection (2) the word “three” and substituting therefor the word “five”; and  
 (b) by inserting after that subsection the following subsections:—

“(2A) Any three members of a board constitute a quorum thereof, and a board may function, notwithstanding any vacancy in its membership, so long as a quorum remains.

“(2B) The powers, duties, and functions of a board may lawfully be exercised and performed, for and on behalf of the board, by any three or more members thereof present at any meeting of the board.”

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## FILLED MILK.

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No. 6 of 1960.

AN ACT to prohibit the manufacture and sale of filled milk, and to provide for matters incidental thereto. [20 June 1960.]

**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 *Filled Milk Act* 1960.

Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.

**2** In this Act, unless the contrary intention appears—

Interpretation.

“butter fat” means the fat of cow’s milk;

“committee” means the advisory committee constituted under section four;

“filled milk” means any liquid or powder containing the non-fat solids of milk with which has been incorporated or to which has been added any fat other than butter fat, whether described as filled milk or by any other name, and whether intended as a substitute for milk or for whole milk powder or not;

Cf., No. 6468 (Vict.) s. 2. 7 Eliz. II No. 76 (Q’land.), s. 2.

“inspector” means a person who is appointed as an inspector under subsection (1) of section three or who is an inspector by virtue of subsection (2) of that section;

“manufacture” includes prepare and process;

“milk” means cow’s milk;

“pack” includes any action taken for the purpose of enclosing filled milk in a package;

“package” includes every means by which goods may be cased, covered, contained, or packed;

“sell” includes barter, exchange, deal in, agree to sell, offer or expose for sale, or have in possession for sale, and send, forward, or deliver for or on sale, and authorize, direct, cause, permit, or attempt a sale.

Inspectors.  
Vict., s. 6.  
Q’land., s. 5.

**3**—(1) The Governor may appoint such and so many inspectors as he may think necessary for the purposes of this Act.

(2) A person who is a supervisor under the *Dairy Produce Act 1932* is, by virtue of his office as such and without further appointment, an inspector for the purposes of this Act.

Advisory  
Committee.  
Vict., s. 3  
(part).  
Q’land., s.  
14.

**4**—(1) For the purposes of this Act, there shall be an advisory committee consisting of three persons appointed by the Minister.

(2) Of the members of the committee—

(a) one shall be the Secretary for Agriculture or an officer of the Department of Agriculture nominated by the Secretary for Agriculture, and that member shall be the chairman of the committee;

(b) one shall be a legally qualified medical practitioner nominated by the Milk Board of Tasmania; and

(c) one shall be a person nominated by the Minister having for the time being the administration of the *Public Health Act 1935*.

(3) If a nomination required by this section is not made within thirty days after the Minister has requested in writing that it be made, the Minister may, without any nomination, appoint some suitable person as a member of the committee as representing the person by whom, or body by which, the nomination should have been made.

(4) Each member of the committee shall hold office for such term, not exceeding five years, as may be fixed by the Minister before his appointment.

(5) Any two members of the committee constitute a quorum thereof, and the committee may function, notwithstanding a vacancy in its membership, so long as a quorum remains.

(6) The chairman of the committee shall preside at all meetings of the committee at which he is present, and in the absence of the chairman from any meeting of the committee, such one of the remaining members as they may mutually decide shall preside at that meeting.

(7) A question arising at a meeting of the committee shall be decided by a majority of the votes of the members present and voting on the question, and, in the event of an equality of votes on a question, the chairman, if present, may exercise a second or casting vote.

(8) Subject to this section, the committee may regulate its own procedure.

**5**—(1) This Act does not apply to or in relation to any product that is declared by the Minister, by order, to be an exempted product for the purposes of this Act.

Exemptions.  
Vict., s. 3  
(part).

(2) The question whether or not any product should be declared to be an exempted product for the purposes of this Act shall be determined by the Minister in his discretion after consideration by him of a report and recommendation by the committee in respect of the product.

**6** No person shall manufacture or pack filled milk.

Prohibition  
of manufac-  
ture and  
packing of  
filled milk.

**7**—(1) No person shall sell filled milk.

Vict., s. 4.  
Q'land., s. 3.

(2) This section does not apply to the sale of filled milk in the course of interstate trade and commerce.

Prohibition  
of sale of  
filled milk.

**8**—(1) An inspector may at any reasonable time—

Vict., s. 5.  
Q'land., s. 4.

(a) enter and search any place, vehicle, aircraft, or ship wherein or whereon filled milk is manufactured, stored, packed, or sold or is suspected by the inspector to be manufactured, stored, packed, or sold, and inspect any plant, machinery, apparatus, or utensil in or on that place, vehicle, aircraft, or ship;

Powers of  
inspectors.  
Vict., ss. 7,  
8.  
Q'land., ss.  
6, 7.

(b) inspect any filled milk or any other substance suspected by him to be filled milk;

(c) without payment, take samples of any filled milk, or other substance suspected by him to be filled milk, that is found by him in or on any place, vehicle, aircraft, or ship, and, for that purpose, open or cause to be opened any package that contains, or that he suspects to contain, filled milk; and

(d) enter any place, vehicle, aircraft, or ship where he suspects that any account, book, or document relating to filled milk, or to any fat, oil, powder, or substance of any kind commonly used in the manufacture of filled milk is kept, and inspect, make copies of, or take extracts from any such account, book, or document.

(3) This Act shall commence on a date to be fixed by pro-  
 section he shall—

- (a) divide the sample into three approximately equal parts;
- (b) place each part into which the sample is divided in a separate package, and seal or fasten each package;
- (c) attach to each package mentioned in paragraph (b) of this subsection a label stating, so far as it is known to him, the name of the occupier, owner, master, or person in charge of the place, vehicle, aircraft, or ship where the sample was taken;
- (d) deliver one of the parts into which the sample is divided to the occupier, owner, master, or person in charge of the place, vehicle, aircraft, or ship;
- (e) retain for future comparison one of the parts into which the sample is divided; and
- (f) forward the remaining part into which the sample is divided to the Senior Bacteriologist of the Department of Agriculture or his deputy for analysis by him.

Purchaser of  
 filled milk  
 to state name  
 and address  
 of vendor.  
 Vict., s. 9.  
 Q'land., s. 8.

**9**—(1) An inspector may, at any time, require the purchaser of any filled milk to state the name and address of the vendor from whom he purchased the filled milk.

(2) A person who when so required—

- (a) fails to state the name and address of the vendor;  
 or
- (b) states a name or address that is false or misleading,

is guilty of an offence against this Act.

Seizure of  
 filled milk.  
 Vict., s. 11.  
 Q'land., s. 10.

**10**—(1) An inspector may seize, detain, or remove any filled milk that he has reason to suspect to have been manufactured or packed in contravention of this Act or in relation to which he has reason to suspect that an offence against this Act has been committed.

(2) Upon seizing, detaining, or removing any filled milk, the inspector shall forthwith give notice of the seizure, detention, or removal—

- (a) to any person who is apparently in charge thereof;  
 or
- (b) if there is no person apparently in charge thereof, to any person who appears to be the consignor or owner thereof by any name or address attached thereto or to any package containing the filled milk if that address is a place in this State, or, if it is not a place in this State, to the importer or the consignee or his agent.

(3) A person who claims any filled milk that is seized, detained, or removed under this section may, within forty-eight hours after the seizure, detention, or removal, complain thereof to a justice, and the complaint shall be heard and determined by a police magistrate or any two justices who, after hearing the evidence, may confirm, wholly or in part, or may disallow, the seizure, detention, or removal and make such order in the premises as he or they may think just.

(4) If no complaint is made under subsection (3) of this section, or if on such a complaint the seizure, detention, or removal is confirmed then to the extent of the confirmation, the filled milk seized, detained, or removed becomes the property of Her Majesty and shall be disposed of as the Minister may direct.

(5) An inspector who has seized, detained, or removed any filled milk pursuant to this section is not liable for any costs, expenses, or damages on account of the seizure, detention, or removal if he acted under a reasonable suspicion that the filled milk had been manufactured or packed in contravention of this Act or that an offence against this Act had been committed in relation to the filled milk.

**11**—(1) A person who contravenes or fails to comply with any provision of this Act that is applicable to him is guilty of an offence against this Act. Offences and penalties.  
Vict., s. 12.  
Q'land., s. 11.

(2) A person who is guilty of an offence against this Act is liable—

- (a) in the case of an offence under section six or section seven, to a penalty of two hundred pounds for a first offence or three hundred pounds for a subsequent offence; or
- (b) in the case of an offence under any other provision of this Act, to a penalty of one hundred pounds.

**12** The Governor may make regulations under this Act, and in particular and without prejudice to the generality of this section, may make regulations prescribing— Regulations.  
Vict., s. 13.  
Q'land., s. 12.

- (a) the methods of analysis of filled milk for the purposes of this Act; and
- (b) the chemical and physical criteria for the fatty portion of any kind of filled milk, that may constitute the basis of proof for the purposes of this Act that any fat in the relevant kind of filled milk is or is not of a particular nature.