

TASMANIA.

THE DAIRY PRODUCE AMENDMENT ACT, 1919.

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Standards.
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Protection from contamination.
Cream and milk testers and graders.

1911

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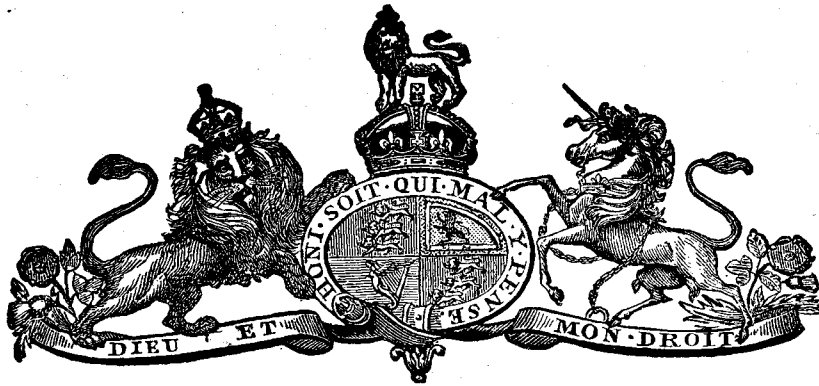
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TASMANIA.



1919.

ANNO DECIMO.

GEORGII V. REGIS.

No. 40.

AN ACT to amend "The Dairy Produce Act, 1910," and for other purposes.

A.D.
1919.

[24 December, 1919.]

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:—

1 This Act may be cited as "The Dairy Produce Act, 1919," and shall be incorporated and read as one with "The Dairy Produce Act, 1910" (hereinafter referred to as the Principal Act).

Short title and incorporation with 1 Geo. V. No. 46.

2 Section Two of the Principal Act is hereby amended—

- i. By omitting the definition of "Grading," and substituting therefor the following:—
 "Grade" or "Grading" means the classification according to quality of dairy produce in the prescribed manner; and "to Grade" and "Graded" respectively have a corresponding interpretation;
- ii. By inserting immediately after the definition of "Grade," the following definition:—
 "Grader" means a person holding a certificate from the Minister as a grader of milk and cream;

Amendment of Section 2 of 1 Geo. V. No. 46. Definition of "grade," "grader," "inspector," and "tester."

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- III. By inserting immediately after the definition of "Grader," the following definition:—
 "Inspector" means an inspector appointed by the Governor under this Act:
- IV. By inserting immediately after the definition of "Prescribed," the following definition:—
 "Receptacle" includes any vessel, can, utensil, or other receptacle for the storing or conveying of milk or cream:
- V. By inserting at the end of the definition "Supervisor," the words "and includes an inspector appointed by the Governor under this Act":
- VI. By inserting immediately after the definition of "Stock," the following definitions:—
 "Test" means to determine in the prescribed manner the contents or constituents of dairy produce:
 "Tester" means a person holding a certificate from the Minister as a tester of milk and cream.

Governor may
proclaim disease.

3—(1) After Section Two of the Principal Act the following section is inserted:—

"**2a** The Governor may from time to time, by Proclamation, bring under this Act any disease of an infectious or contagious nature likely to contaminate dairy produce by declaring such disease to be included in the definition of "disease" in Section Two of this Act. Any such proclamation may be revoked by the Governor at any time."

(2) The said Section **2a** shall be deemed to have been inserted in the Principal Act as from the commencement thereof.

Amendment of
Section 4 of 1
Geo. V No. 46.

4 Section Four of the Principal Act is hereby amended—

I. As to Subsection (1) thereof—

(a) By omitting the word "and" occurring in the Third line, and substituting therefor the words "inspectors and other":

(b) By omitting the words "districts to any supervisor or supervisors," and substituting therefor the words "a district to any supervisor or inspector":

II. As to Subsection (2), by inserting after the word "supervisor" wherever occurring in the subsection the words "or inspector."

5 After Section Four of the Principal Act the following Sections are inserted:—

Examinations.

"**4a**—(1) The Minister shall appoint fit and proper persons to hold examinations of candidates for certificates as testers or graders of milk and cream under this Act, and the persons so appointed shall hold such examinations.

(2) The examinations shall be written or practical or both; but in lieu of the written part of an examination the Minister may accept any prescribed public examination.

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(3) The time, place, and manner of holding examinations shall be determined by the Minister." A.D. 1919.

"4b—(1) The Minister shall issue to every person who has passed the prescribed examination and paid the prescribed fee and as to whose general conduct and character the Minister is satisfied, a certificate to be called a certificate as a tester or as a grader (as the case may be) of milk and cream for the purposes of this Act. Certificate as tester or grader.

(2) Every certificate shall be under the hands of at least Two examiners."

6 After Section Five of the Principal Act the following sections are inserted:—

"5a—(1) From and after a day to be proclaimed by the Governor, the owner of every factory within the meaning of this Act shall— Tester and grader to be employed in every factory.

- i. Employ and continue to employ in connection with such factory a sufficient number of testers and graders for the purposes of this Act: and
- ii. Cause all milk or cream received thereat to be forthwith in the prescribed manner tested by a tester and graded by a grader in the state in which it was received thereat and without being mixed with any other milk or cream.

(2) It shall be the duty of a tester employed for the purposes of this Act at a factory to test as aforesaid milk and cream received thereat and to make a record as prescribed of the result of every testing. Duties of testers and graders.

(3) It shall be the duty of a grader employed for the purposes of this Act at a factory—

- i. To grade as aforesaid milk and cream received thereat:
- ii. To determine whether or not the same is below the standard prescribed for the lowest grade of milk or cream which may be used for manufacture into butter or cheese or any other kind of dairy produce (as the case may be):
- iii. To indicate the result of such grading or determination by the marks and in the manner prescribed: and
- iv. To make a record of every such grading and determination.

(4) If for any period of more than Fourteen consecutive days the owner of any factory does not employ in connection with the factory a sufficient number of testers and of graders for the purposes of this Act, he shall be liable to a penalty of not less than Ten Pounds and not more than Fifty Pounds. Penalty.

(5) It shall not be necessary for the owner of a factory who is a tester or grader to employ in connection with such factory other testers or graders if with respect to all milk and cream received thereat he personally performs all the duties imposed upon a tester or a grader (as the case may be) by or under this Act. Where owner qualified to test and grade.

(6) The Minister may from time to time, upon reasonable grounds being shown, exempt any factory from the operation of this section for a period not exceeding Six months at any one time." Power to exempt factory.

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Tester and grader
to comply with
requirements of
this Act.

Offences by tester
or grader.

Differential rates
for the several
grades of milk
and cream.

Prices to be paid
in accordance
with differential
rates.

Record of weight,
grading, &c., of
milk or cream
supplied to be
furnished on
request.

Low grade or
putrescent milk
or cream.

Neutralization
&c. of milk and
cream.

Amendment of
Section 6 of
Principal Act

“**5b** Every tester or grader of milk or cream shall in every testing, grading, or determination, comply with the requirements of this Act.”

“**5c** Any tester or grader who—

i. Knowingly misinterprets any information, data, or results which he obtains during the process of testing or grading ;
- or

ii. In any other respect fails, neglects, or refuses to carry out any of the duties imposed on him under this Act—
shall be guilty of a contravention of this Act.”

“**5d**—(1) Regulations may be made under this Act prescribing that the prices payable to suppliers for the several grades of milk and cream received at a factory shall differ one from another by such amounts or proportions as are specified in the regulations, increasing according to quality of the milk or cream in accordance with the standards prescribed for the several grades thereof.

(2) Every owner of a factory purchasing milk or cream shall pay for the same a price in accordance with the differing amounts or proportions so specified.

(3) Every owner of a factory shall, if so requested by any person from whom he purchases milk or cream, furnish to such person a record of the weight, grading, testing, and the butter-fat contents of such milk or cream.”

“**5e**—(1) Where milk or cream which is supplied to a factory is below the standard prescribed for the lowest grade of milk or cream which may be used for manufacture into dairy produce, or is manifestly affected by putrefactive decomposition, the owner of the factory shall not manufacture butter or cheese from such milk or cream, or retain it on the premises.

(2) Such milk or cream shall be treated by adding thereto such substance as is prescribed, and when so treated may be returned to the supplier : Provided that such substance shall not be added in such a way as to destroy the value of such milk or cream for animal (other than human) food.”

“**5f** Milk and cream shall be neutralized, pasteurized, aerated, or cooled as prescribed.”

7 Subsection (1) of Section Six of the Principal Act is hereby amended as follows :—

i. By omitting Paragraph ii. thereof, and substituting the following therefor—

“ii. Take samples of any dairy produce or water supplied to stock or used in connection with dairy produce, or of any material, chemical, or other substance or thing used in connection with the preparation of any dairy produce or with the testing or grading of the same” ;

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ii. By inserting at the end of Paragraph iv. thereof the following Paragraphs v. and vi.— A.D. 1919

“v. Conduct or cause to be conducted such tests as are prescribed for testing or grading dairy produce ; and

“vi. Conduct or cause to be conducted in the manner and under the conditions prescribed such examinations or analysis of dairy produce as he deems necessary or expedient.”

8 After Section Thirteen of the Principal Act the following section is inserted :—

“**13a**—(1) Any person who uses any receptacle for storing milk or cream in or conveying the same to a factory or store, which receptacle does not comply with this Act or the regulations, shall be guilty of a contravention of this Act. Use of certain receptacles for storage or conveyance of milk or cream prohibited.

(2) Any officer may seize, and if he thinks fit remove any such receptacle and the contents thereof, and the same shall be retained and treated, destroyed, or disposed of as prescribed.”

9 Section Fifteen of the Principal Act is hereby amended by inserting after the word “supervisor’s” in Paragraph 1. the words “or inspector’s.” Amendment of Section 15 of Principal Act.

10 After Section Fifteen of the Principal Act the following section is inserted :—

“**15a** The owner of, or any person employed in connection with, a factory who, for the purpose of manufacture into butter or cheese, mixes milk or cream of any grade or causes the same to be mixed— Mixing different grades, &c., of milk or cream for the manufacture of butter or cheese an offence.

i. With milk or cream of any other grade : or

ii. With milk or cream which has been determined by a grader pursuant to this Act to be below the prescribed standard for the lowest grade of milk or cream which may be used for the purposes aforesaid—

shall be guilty of a contravention of this Act.

11 Section Eighteen of the Principal Act is hereby amended by inserting the following new paragraphs after the word “Act” in Paragraph v. thereof— Amendment of Section 18 of Principal Act by insertion of other offences.

“vi. After any milk or cream leaves the farm or other place whatsoever at which it was produced, for the purpose of being conveyed either forthwith, or ultimately, to a factory, and before the same is tested and graded at a factory, mixes or causes to be mixed such milk or cream with any other milk or cream ; Penalty for mixing.

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A.D. 1919.

Offence to make butter or cheese from milk or cream determined to be below lowest grade.

Sending milk or cream unfit for human consumption to a factory, an offence.

Obstruction of officers, an offence.

Repeal and re-enactment of Section Twenty of Principal Act.

Grading.

Standards.

Analysis.

“VII. For the purpose of manufacture into butter or cheese, uses milk or cream received at any factory and determined by a grader, pursuant to this Act, to be below the prescribed standard for the lowest grade of milk or cream which may be used for the purpose aforesaid :

“VIII. Sends or brings, or causes to be sent or brought, or attempts to send or bring to a factory any milk or cream which is unfit for human consumption, or unfit for manufacture into any dairy produce for sale for human consumption :

“IX. In any way obstructs or interferes with any supervisor, inspector, or other officer in the discharge of any of his duties or the exercise of any of his powers under this Act.”

12 Section Twenty of the Principal Act is hereby repealed, and the following substituted therefor:—

“**20** Every owner of a factory shall, on or before the Seventh day of July in each year, furnish a return in the prescribed form and containing the prescribed particulars, to the Director, with respect to all milk and cream received at the factory during the immediately preceding Twelve months ending the Thirtieth day of June.”

13 Section Twenty-one of the Principal Act is hereby amended as follows:—

I. By omitting Paragraph VIII. thereof, and substituting the following therefor—

“VIII. Prescribing grades for dairy produce (including grades for different kinds of dairy produce and grades varying according to the purpose, whether of manufacture or otherwise, for which the dairy produce is to be used) and the names or designations for such grades, and for dairy produce of qualities below the lowest grades” :

II. By inserting immediately after Paragraph VIII. the following paragraphs—

“VIIIa. The grading or testing of dairy produce and the supplying of a certificate of such grading, the inspection of dairy produce, and the description of marks to be used by supervisors or inspectors, to indicate the several grades of dairy produce, and the method of applying such marks :

“VIIIb. Prescribing standards for dairy produce and for the different grades thereof, prescribing minimum qualities of milk or cream which may be used for manufacture into any kind of dairy produce” :

“VIIIc. The analysis, examination, and re-examination of dairy produce :

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- “ viiid. Prescribing substances with which milk or cream below the lowest grade which may be used for manufacture into butter or cheese, or which is manifestly affected by putrefactive decomposition, may be treated when supplied to a factory : A.D. 1919.
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Treatment of low grade or putrescent milk, &c.
- “ viiie. The conditions to be observed by suppliers to secure the proper protection from contamination and deterioration during transit of any dairy produce : Protection from contamination.
- “ viiif. Receptacles used for storing or conveying milk or cream, and the prohibition of the use thereof for any other purpose than that of storing milk or cream :”
- iii. By omitting Paragraph x. thereof, and substituting the following therefor—
- “ x. The qualifications and examination of persons employed in the testing and grading of cream and milk at factories ; Cream and milk testers and graders.
The subjects of examination ;
The nature of the practical knowledge required ;
The conditions on which certificates of competency may be issued or revoked ; and
Requiring the employment of certificated persons as cream and milk testers and graders.

