

## No. XVII.

### An Act to establish Sanitary Regulations in respect of the Production and Distribution of Milk. [30th September, 1886.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title.

Commencement.

Extension of Act.

Local authorities for administration of Act.

Duties of local authorities.

1. This Act may be cited for all purposes as the "Dairies Supervision Act". It shall come into force in the Metropolitan Police District as defined in the Schedule on the passing thereof. Provided that the Governor shall by proclamation in the *Gazette* have power from time to time to extend its provisions to any other portions of this Colony described in such proclamation from such dates respectively as shall be therein named.

2. Subject to the provisions hereinafter contained the local authorities charged with the administration of this Act shall be as follow—

- (i) Within the boundaries of the City of Sydney the Municipal Council of that city
- (ii) Within the limits of any other Municipality or portion thereof the Council thereof
- (iii) In any place where there shall be no Municipality the Police Magistrate or senior Police Officer of the police district in which such place is situate

And in each case the limits within which such Municipal Council or Police Magistrate shall respectively have authority as aforesaid shall constitute a district for the purposes of this Act.

3. It shall be the duty of the local authority in each such district—

- (i) To keep a register of the names and addresses of all dairymen and milk-vendors selling or supplying milk within their respective districts and of all dairy-premises and milk-stores used from time to time by each of them for the production deposit or distribution of such milk.
- (ii) To strike off such register the names and addresses of all persons who shall have ceased or become disqualified as hereinafter provided to carry on the business of dairymen or milk-vendors.

(III)

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- (iii) To keep such register open at all reasonable times for inspection by the Board of Health or its officers and to furnish any extracts from the same that it may require.
- (iv) To inspect all such dairy-premises and milk-stores and the cattle appliances and utensils therein used for the production or distribution of milk at the times prescribed in any regulations for the time being in force under this Act and to enter the date and result of every such inspection in the register.
- (v) To furnish in the month of January of each year to the Board of Health a report of their or his proceedings under this Act during the preceding twelve months in such form as may be prescribed by any regulation for the time being in force under this Act.

4. The local authority in each such district shall have the Powers of Local Authorities. following powers in addition to any other powers in this Act conferred *viz.*—

- (i) To enter or authorize the entry at all reasonable times into or upon any dairy-premises or milk-store for the purpose of making any inspection by this Act authorized to take away samples of the milk there found and of the water of any well or other source of water supply therein or thereon for the purpose of examination or analysis only.
- (ii) To require any dairyman or milk-vendor by notice in writing to cleanse and maintain in a sanitary condition his dairy-premises or milk-store and any utensils therein used as aforesaid.
- (iii) To require any dairyman or milk-vendor by notice in writing after the consent of the Board of Health shall have been obtained for that purpose to close any well or other source of water supply in or on his dairy-premises or milk-store or used in connection therewith which is so polluted or unwholesome as to be unfit for human consumption and to wholly discontinue the use of the water thereof for any purposes whatsoever for such period as the said Board shall direct or to fill up the said well or source of water supply and keep the same so filled up.
- (iv) To refuse or cancel the registration of any dairyman or milk-vendor in respect of any dairy-premises or milk-store which is in an unsanitary condition or in which the provisions for lighting ventilation drainage lavatory and privy accommodation or water supply are not such as are necessary for health or for the cleanliness of the appliances and utensils used therein or for the protection of any milk therein against infection or contamination.

5. Every dairyman and milk-vendor engaged in the sale or supply of milk in any district at the time of this Act coming in force therein shall within three months of such time and every dairyman and milk-vendor thereafter commencing to engage in such sale or supply shall before so commencing apply to the persons or person hereinbefore authorized in that behalf to cause to be entered on the register for that district his name and place of residence and the locality of every dairy-premises and milk-store used or to be used by him and thenceforward from time to time any change of such residence or discontinuance by him to use any former or commencement by him to use any other dairy-premises or milk-store and immediately upon such registration and whilst the same continues in force shall in some conspicuous place affix to and maintain upon every dairy-premises or milk-store in respect of which he is so registered and to and upon every cart or other vehicle used by him for the distribution of milk in legible letters his name and the words "registered dairyman" or "registered milk-vendor" as the case may be.

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Unregistered persons  
forbidden to sell or  
supply milk.

6. It shall not be lawful for any person to sell or supply milk in any district if his name and place of residence and every dairy-premises and milk-store used for the purpose of the production deposit or distribution of any such milk are not entered upon the register for that district. Provided that persons engaged in the sale or supply of milk in any district at the time of this Act coming into force therein shall not be affected by the provisions of this section until after the lapse of three months from such time.

Infectious disease in  
dairy premises &c.  
to be reported  
immediately.

7. On the appearance of any case of infectious disease in any dairy-premises or milk-store within a district the householder or occupier or if there be no such householder or occupier the owner of such premises or store and also the medical practitioner attending the case shall immediately report in writing such case to the proper authorities in manner following that is to say if the case occur within the City of Sydney then the reports of the case shall be delivered to the officer in charge at the nearest or any police station within such district or to the Secretary of the Board of Health and if the case occur beyond the City of Sydney then the reports shall be delivered to the nearest Officer of Police Clerk of Petty Sessions or to the Government Medical Officer of the district within which the case has occurred.

Dairymen to supply  
names and addresses  
of customers.

8. Whenever it shall appear to a local authority or be certified to such authority by two legally qualified medical practitioners that the spread of infectious disease is in their opinion attributable to the milk supplied by any dairyman or milk-vendor the local authority may require such dairyman or milk-vendor to furnish forthwith upon demand a full and complete list of the names and addresses of all his customers and to give such assistance to discover the residence of all or any of them as the authority making the inquiry may deem necessary and every such dairyman or milk-vendor shall for the purposes of such inquiry only be deemed to be within the district of the authority making the inquiry whether he is actually resident within their district or within some other proclaimed district or outside any proclaimed district.

Persons suffering  
from infectious  
diseases or having  
been recently  
exposed to infection  
not to take part in  
dairy operations.

9. No person within any district following the trade of a dairy-farmer cowkeeper dairyman or purveyor of milk or being the occupier of a milk-store or milk-shop shall knowingly allow any person suffering from an infectious disease or having recently been exposed to infection from a person so suffering to milk cows or to handle vessels used for containing milk or in any way to take part or to assist in the conduct of the trade or business of the dairy-farmer cowkeeper dairyman or purveyor of milk or occupier of any milk-store or milk-shop as far as regards the production distribution or storage of milk until he shall have shown to the satisfaction of the local authority that all danger of communication of infection to the milk or of its contamination has ceased.

Sale or supply of  
unwholesome milk  
forbidden.

10. It shall not be lawful in any district for any person to store keep or deposit any milk in any room used for sleeping or dwelling in or in any other place or way calculated to render such milk unwholesome or injurious to health or to sell or supply any milk which shall have been produced from any diseased animal or which shall have been in any place or way exposed to infection from any person suffering from any infectious disease or which shall have been upon or in any dairy-premises or milk-store from which the sale of milk has been directed to be discontinued on account of infectious disease as provided in section four of this Act.

Penalties &c.

11. Every person who shall wilfully disobey or act in violation of any of the provisions contained in either of the last six preceding sections or shall resist or wilfully obstruct any person in the lawful exercise of any of the powers conferred under section four of this

Act

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Act or shall without lawful excuse neglect or disobey any requirement made under the provisions of section four hereof or shall neglect or refuse to obey any order or direction of the Board of Health or any local authority made under the said section within the time limited in that behalf by such order or direction such person shall for every such offence be liable to a penalty not exceeding twenty pounds.

12. The Governor on the recommendation of Board of Health shall as soon as practicable after the passing of this Act declare what are infectious diseases for the purposes of this Act and may thereafter from time to time add to alter or amend such declaration as may seem necessary or advisable. And the Board of Health shall forthwith furnish a copy of each such declaration and of each such addition alteration or amendment to every local authority.

13. All informations for offences against this Act may be heard and determined and all penalties under this Act may be imposed by any Stipendiary or Police Magistrate in a summary way on the complaint of any local authority or officer thereof. Provided that where such local authority shall be a Police Magistrate any two Justices but not such Police Magistrate shall have jurisdiction to adjudicate upon the hearing of such complaint. Provided always that any person aggrieved by any adjudication of such Magistrate or Justices may appeal therefrom to the next Court of General Sessions held within the district where the adjudication was had or nearest thereto. And such appeal and the parties thereto shall be governed by the provisions regulating appeals contained in sections four hundred and forty-four hundred and forty-one—four hundred and forty-two—and four hundred and forty-three of the "Criminal Law Amendment Act of 1883." Provided further that in all cases where the local authority is a Municipality the fine shall be paid to the Municipality wherein the offence is committed.

14. The Board of Health shall have power to require the local authority in any district to proceed with the execution of any power conferred or the performance of any duty imposed by this Act within the said district and within the time limited by the Board in that behalf and in case such requirement shall without lawful excuse be neglected or disobeyed it shall be lawful for the said Board itself to execute the said power or perform the said duty and to recover in an action of debt in any Court of competent jurisdiction the expenses thereby incurred together with the costs of such action against the authority or person so neglecting or disobeying.

15. It shall be lawful for the Governor upon the recommendation of the Board of Health to issue from time to time regulations subject to the provisions of this Act for the purpose of carrying the same into effect.

16. The following expressions in inverted commas when occurring in this Act or any regulation thereunder shall for the purposes thereof bear the meanings hereinafter respectively assigned to them unless inconsistent with the context viz.—

"The Governor"—The Governor with the advice of the Executive Council.

"Board of Health"—The Board of Health as constituted under the authority of the "Infectious Disease Supervision Act 1881."

"District"—Any District constituted under the authority of this Act for the purposes thereof.

"Dairy-premises"—Any building shed land or place used for the stalling grazing feeding or milking of cattle for the purpose of producing milk to be sold or supplied or any building or place used for the purpose of depositing or storing milk when so produced.

Governor to declare what are infectious diseases.

Summary jurisdiction and appeal.

Board of Health to have certain powers in all districts.

Power to issue regulations.

Interpretation.

*Consolidated Revenue Fund (No. 9).*

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“Milk-store”—Any building shed or stall used for the purpose of depositing storing or exposing milk for the purpose of selling or disposing thereof.

“Dairyman”—The Occupier of any dairy-premises as hereinbefore defined or any person engaged in the production of milk for sale or supply for profit to other persons.

“Milk-vendor”—The Occupier of any milk-store as hereinbefore defined or any person engaged in the storage or distribution of milk for sale or supply to other persons.

“Register”—The register of dairymen and milk-vendors and of dairy-premises and milk-stores kept under the authority of this Act.

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## SCHEDEULE.

The north-east portion of the county of Cumberland bounded on the north by the Hawkesbury River from the sea at Broken Bay to Cowan Creek on the west by the western boundaries of the parishes of Broken Bay and Gordon to Lane Cove by Lane Cove to the Parramatta River by that river upward and by the western boundaries of the parishes of Concord and Saint George to George's River on the south by that river and the south shore of Botany Bay to Cape Solander on the east by the sea to Broken Bay aforesaid including all the islands in the Harbour of Port Jackson and the Parramatta River.

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