

Act No. 46, 1901.

An Act to consolidate enactments regulating the production, manufacture, and distribution of milk, cream, butter, and cheese. [8th November, 1901.]

DAIRIES
SUPERVISION.
—

BE it enacted by the King'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:—

1. (1) This Act may be cited for all purposes as the “Dairies Supervision Act, 1901,” and shall be in force in the metropolitan police district, as defined in the Second Schedule, and to any other portions of New South Wales to which the application of the Dairies Supervision Act has been extended by proclamation thereunder.

Short title.
Application and
extension of Act.
50 Vic. No. 17, s. 1.

(2) The Governor may by proclamation in the Gazette extend the provisions of this Act to any other portions of New South Wales described in such proclamation as from the date therein named.

2. (1) The several enactments mentioned in the First Schedule to this Act to the extent therein expressed are hereby repealed.

Repeal and Saving
clauses.

(2)

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(2) All local authorities and districts duly constituted, and all persons appointed by virtue of the provisions of any Act hereby repealed, and existing or holding office as the case may be at the commencement of this Act, shall be deemed to have been constituted or appointed hereunder.

(3) All rules of Court and regulations made under the authority of any Act hereby repealed, and being in force at the commencement of this Act, shall be deemed to have been made under the authority of this Act.

(4) Any registration duly effected under the provisions of any Act hereby repealed, and in force at the commencement of this Act, shall for the purposes of this Act be deemed to have been made hereunder.

(5) All proclamations and declarations made under the authority of either of the Acts hereby repealed and in force at the commencement of this Act shall have the same force and effect as if the said Acts had not been repealed.

Interpretation.

50 Vic. No. 17, s. 16.

56 Vic. No. 38, s. 71.

3. In this Act or any regulation thereunder the following expressions shall, if not inconsistent with the subject-matter or context, have the respective meanings hereby assigned to them, that is to say:—

“Board of health”—The board of health as constituted under the authority of the Infectious Diseases Supervision Act, 1881.

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

“Dairyman”—The occupier of any dairy-premises as hereinbefore defined, or any person engaged in the production of milk or cream or in the manufacture of butter or cheese for sale or supply for profit.

“District”—Any district constituted under the authority of this Act for the purposes thereof.

“Factory”—Any building, shed, or place used in connection with the manufacture of butter or cheese for sale or supply for profit.

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

“Milk-vendor”—The occupier of any milk-store as hereinbefore defined, or any person engaged in the storage or distribution of milk or cream for sale or supply for profit.

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

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4. Subject to the provisions hereinafter contained, the local authorities charged with the administration of this Act shall be as follows:—

Local authorities for administration of Act.

50 Vic. No. 17, s. 2.

- (1) Within the boundaries of the city of Sydney, the municipal council of that city.
- (2) Within the limits of any other municipality or portion thereof, the council thereof.
- (3) In any place where there is 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 municipal council or police magistrate respectively have authority as aforesaid shall constitute a district for the purposes of this Act.

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

Duties of local authorities.

Ibid. s. 3.

60 Vic. No. 38, s. 71.

- (1) To keep a register of the names and addresses of all dairymen and milk-vendors selling or supplying milk or cream, or manufacturing butter or cheese within such district, and of all dairy-premises, milk-stores, and factories used by each of them.
- (2) To strike off such register the names and addresses of all persons who have ceased or become disqualified as hereinafter provided to carry on the business of dairymen or milk-vendors.
- (3) 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 such board or its officers may require.
- (4) To inspect all such dairy-premises, milk-stores, and factories, and the cattle, appliances, and utensils therein used for the production or distribution of milk or cream, or the manufacture of butter and cheese, at the times prescribed in any regulations under this Act, and to enter the date and result of every such inspection in the register.
- (5) To furnish in the month of January each year to the board of health a report of their or his proceedings under this Act during the preceding twelve months in the form prescribed by any regulation under this Act.

6. The local authority in each such district shall have the following powers in addition to any other powers in this Act conferred, viz.—

Powers of local authorities.

50 Vic. No. 17, s. 4.

60 Vic. No. 38, s. 71.

- (1) To enter or authorise the entry at all reasonable times into or upon any such dairy-premises, milk-store, or factory for the purpose of making any inspection by this Act authorised, and to take away samples of the milk or cream, butter or cheese,

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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.

- (2) To require any dairyman or milk-vendor, by notice in writing, to cleanse and maintain in a sanitary condition his dairy-premises, milk-store, or factory, and any utensils therein used as aforesaid.
- (3) With the consent of the board of health and by notice in writing to require any dairyman or milk-vendor to close any well or other source of water supplied in or on his dairy-premises, milk-store, or factory, 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.
- (4) To refuse or cancel the registration of any dairyman or milk-vendor in respect of any dairy-premises, milk-store, or factory which are in an insanitary 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, cream, butter, or cheese therein against infection or contamination.

Dairymen and others
to register.

50 Vic. No. 17, s. 5.

60 Vic. No. 38, ss.

71, 72.

7. (1) Every dairyman or milk-vendor shall, before commencing to engage in the sale, supply, or manufacture of milk, cream, butter, or cheese in any district, apply to the persons hereinbefore authorised in that behalf to cause to be entered on the register for that district his name and address and the locality of every dairy-premises, milk-store, or factory to be used by him, and thenceforward any change of such address or discontinuance by him to use any former or commencement by him to use any other dairy-premises, milk-store, or factory, 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, milk-store, or factory 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, cream, butter, or cheese in legible letters his name and the words "registered dairyman" or "registered milk-vendor," as the case may be.

(2) Such registration shall be made annually, and shall have effect until the thirty-first day of December in the year in respect of which the registration was made.

Unregistered persons
forbidden to sell or
supply milk.

50 Vic. No. 17, s. 6.

60 Vic. No. 38, s. 71.

8. It shall not be lawful for any person to sell or supply for profit milk or cream, or to manufacture for sale or for supply for profit cheese

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cheese or butter in any district if his name and address, and the locality of every dairy-premises, milk-store, or factory, used by him are not entered upon the register for that district.

9. On the appearance of any case of infectious disease in any dairy-premises, milk-store, or factory within a district, the householder or occupier, or if there be no such householder or occupier, the owner of such premises, store, or factory, 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 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.

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

50 Vic. No. 17, s. 7.

60 Vic. No. 38, s. 71.

10. Whenever it appears to a local authority, or is 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 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 comply with every such requirement whether actually resident there or not.

Dairymen to supply names and addresses of customers.

50 Vic. No. 17, s. 8.

50 Vic. No. 38, s. 71.

11. No dairyman or milk-vendor shall knowingly allow any person suffering from any 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, cream, butter, or cheese, or in any way to take part or to assist in the conduct of the trade or business of such dairyman or milk-vendor as far as regards the production, distribution, or storage of milk, cream, butter, or cheese until he has shown to the satisfaction of the local authority that all danger of communication of infection to the milk, cream, butter, or cheese or of its contamination has ceased.

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

50 Vic. No. 17, s. 9.

60 Vic. No. 38, s. 71.

12. It shall not be lawful in any district for any dairyman, or milk-vendor to store, keep, or deposit any milk, cream, butter, or cheese in any room used for sleeping or dwelling in or in any other place or way calculated to render such milk, cream, butter, or cheese unwholesome or injurious to health or to sell or supply any milk, cream, butter, or cheese which has been produced from any diseased animal or which has been in any place or way exposed to infection from any person suffering from any infectious disease or which has been upon or in any dairy-premises, milk-store, or factory in respect of which the registration has been cancelled under section six of this Act.

Sale or supply of unwholesome milk forbidden.

50 Vic. No. 17, s. 10.

60 Vic. No. 38, s. 71.

13.

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Penalties, &c.

50 Vic. No. 17, s. 11.

13. Every person who—

- (a) wilfully disobeys or acts in violation of any of the provisions contained in any of the last six preceding sections ; or
- (b) resists or wilfully obstructs any person in the lawful exercise of any of the powers conferred under section six of this Act ; or
- (c) without lawful excuse neglects or disobeys any requirement made under the provisions of section six hereof ; or
- (d) neglects or refuses 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 ;

shall for every such offence be liable to a penalty not exceeding twenty pounds.

Governor to declare what are infectious diseases.

Ibid. s. 12.

14. The Governor, on the recommendation of the board of health, may from time to time declare what are infectious diseases for the purposes of this Act, and may add to, alter, or amend such declaration or any declaration made under any Act hereby repealed 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.

Summary jurisdiction.

Ibid. s. 13.

15. All offences against this Act may be prosecuted on the complaint of any local authority or officer thereof.

Where such local authority is a police magistrate he shall not adjudicate upon the hearing of such complaint.

In all cases where the local authority is a municipality the fine shall be paid to the municipality wherein the offence is committed.

Board of health to have certain powers in all districts.

Ibid. s. 14.

16. 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 is, without lawful excuse, neglected or disobeyed, the said board may itself execute the said power or perform the said duty, and 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.

Power to issue regulations.

Ibid. s. 15.

60 Vic. No. 38, s. 73.

17. (1) The Governor may upon the recommendation of the board of health issue regulations subject to the provisions of this Act for the purpose of carrying the same into effect, and penalties not exceeding in any case twenty pounds may be imposed in any such regulations for any breach of the same.

(2) Any such penalty shall be deemed to be a penalty imposed by this Act.

SCHEDULES.

Municipal District of Inverell Reduced Area.

SCHEDULES.

FIRST SCHEDULE.

Reference to Act.	Title of Act.	Extent of repeal.
50 Vic. No. 17 ..	Dairies Supervision Act	The whole.
60 Vic. No. 38 ..	Public Health Act, 1896	The whole of Part IX.

SECOND SCHEDULE.

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.