

DAIRY INDUSTRY ACT.

Act No. 45, 1915.

An Act to regulate the manufacture, sale, storage, transit, and export of dairy produce, including margarine, and for prescribing standards for the same ; to provide for the testing, blending, mixing, and grading of cream, and the basis of payment for cream ; for the grading and branding of butter ; for purposes consequent thereon or incidental thereto ; to amend the Dairies Supervision Act, 1901, and certain other Acts. [Assented to, 21st December, 1915.]

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No. 45.

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. This Act may be cited as the “ Dairy Industry Act, 1915.”

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2.

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Definitions.

2. In this Act the following terms shall, if not inconsistent with the context or subject matter, have the following meanings :—

“ Butter fat ” means the pure fat of milk.

“ Dairy produce ” means milk, cream, butter, cheese, dried milk, condensed milk, and includes margarine.

“ Dairy produce factory ” means building or place where condensed milk, butter, cheese, or margarine is prepared or manufactured or where cream is treated preparatory to manufacture.

“ Inspector ” means inspector appointed under this Act.

“ Margarine ” means any substance made from vegetable or animal fats, or a combination of both, and sold as a substitute for butter.

“ Minister ” means Minister of Agriculture.

“ Prescribed ” means prescribed by regulations under this Act.

“ Store ” means place where condensed milk, butter, cheese, or margarine is stored, whether in a cold chamber or otherwise, but does not include premises used for the sale by retail of such dairy produce.

Registration.

Registration
of premises.

Time for
registration.

Penalties.

3. Premises shall not be used as a dairy produce factory or store unless registered under this Act: Provided that where premises are so used at the commencement of this Act, they may, without registration, continue to be so used for six months after such commencement.

4. Any person who uses any premises as a dairy produce factory or store shall, unless he proves that such premises are duly registered under this Act, or that he comes within the proviso to the last preceding section, be liable to a penalty not exceeding, where such premises are used partly or wholly for the purpose of making margarine, one hundred pounds, and in any other case five pounds.

5. (1) The application for registration shall be made in the manner prescribed by the person so using or intending so to use the premises.

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Application for
registration.

(2) Upon such application being so made, and upon the inspector being satisfied that the premises are fit for such use, on payment of the fee of one pound, the premises shall be registered, and a certificate of registration shall be sent to the applicant as prescribed, which certificate shall be evidence of registration under this Act. Such registration shall be in force until cancelled.

Registration.

(3) It shall not be necessary for a local authority to keep a register under the Dairies Supervision Act, 1901, in respect of any dairy produce factory, or store which is registered under this Act, and sections seven and eight of the above mentioned Act shall not apply to such factories and stores so registered.

Dairy Super-
vision Act,
1901.

(4) Nothing in this Act shall be taken to abridge the powers vested in the Board of Health at the date of the passing of this Act.

Powers
Board of
Health.

6. When any person ceases to use any registered premises as a dairy produce factory or store he shall so notify in writing to the Under Secretary of the Department of Agriculture in the manner prescribed, and thereupon the registration of such premises shall be cancelled. If such person fails to so notify he shall be liable to a penalty not exceeding five pounds.

Notice that
premises have
ceased to be
used as a
dairy produce
factory or
store.

Storage.

7. If any person in control holds dairy produce in any store or on board any ship or in any vehicle in such a manner that such produce may be deteriorated either by heat or by injurious smells, or by the proximity of unclean matter, he shall be liable to a penalty not exceeding twenty pounds.

Storage of
dairy produce.

Inspection.

8. The Governor may, by notification in the Gazette, appoint such persons as he approves of to be inspectors for the purposes of this Act.

Inspectors.

9.

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Powers of
inspectors.

9. An inspector may—

- (a) at any reasonable time enter for the purposes of this Act any dairy produce factory or store and examine any books necessary to ascertain if the provisions of this Act have been complied with, and any scales, measures, or apparatus, and any churns, vats, or other utensils therein used in connection with the business of such factory or store ;
- (b) at any reasonable time examine any ship or vehicle used for the carriage of dairy produce ;
- (c) at any time and in any place detain and open any package which contains, or which he has reasonable grounds to believe contains butter, cheese, or margarine, and examine and take samples of any such produce contained therein for the purpose of ascertaining its composition or condition.

Inspector
may order
remedial
measures.

10. Where, as the result of such examination, the inspector is of opinion—

- (a) that any chemical or any scales, measures, or apparatus used in testing cream or milk are not up to standard or are incorrect, or are otherwise unfit for the purposes for which they are intended to be used ; or
- (b) that any churns, vats, or other utensils used for dairy produce are not fit for such use ; or
- (c) that any dairy produce factory or store or any ship or vehicle used for the manufacture, storage, or carriage of dairy produce is unfit for such purpose,

he may order—

- (i) such chemical to be made fit for the purpose for which it is to be used, or such scales, measures, or apparatus to be replaced or corrected, or
- (ii) such churns, vats, or other utensils to be replaced or made fit for use for dairy produce, or
- (iii) such dairy produce factory, store, ship, or vehicle to be made fit for such purposes to his satisfaction.

The

The manufacture of dairy produce.

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Payment for
cream.

11. Cream supplied to a dairy produce factory shall, according to the grade of the cream, be paid for—

- (a) on the basis of the butter-fat results, estimated in the prescribed manner; or
- (b) on the amount of butter obtainable from such cream estimated in the prescribed manner :

Provided that where the butter obtained from the cream exceeds that estimated as aforesaid, such excess shall be credited to the persons who supplied the cream.

12. (1) The manager of every dairy produce factory shall grade, or cause to be graded, according to quality, all cream which is supplied to him, and in manufacturing butter therefrom shall keep apart and not blend or mix either as cream or butter the various grades thereof. It shall not be compulsory to grade cream in more than three qualities.

Grading
cream.

(2) Any butter made from cream which has been graded as aforesaid shall be put up in packages bearing a brand registered under this Act, representing the grade or quality of the butter.

The manner of registering such brands, and provisions for cancelling such registration, shall be prescribed by regulations under this Act. Such brands may be so designed as to indicate the grade of the butter and the factory in which it has been manufactured.

13. Where cream which is supplied to a dairy produce factory is manifestly affected by putrefactive decomposition, the manager of the factory shall not manufacture butter from such cream, or retain it on the premises. Such cream shall be treated by adding thereto such substance as may be prescribed, such substance added shall not in any way destroy the value of such cream for animal food, and may be returned to the supplier.

Putrescent
cream.

14. After the expiration of six months from the commencement of this Act every person employed to test milk or cream, or to grade cream supplied to a dairy produce factory, shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed in that behalf, and shall hold a certificate to that effect :

Who may test.
or grade.

Provided

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Statement of
quantity and
grade of
butter manu-
factured.

15. The manager of every dairy produce factory shall every month forward to the Under Secretary of the Department of Agriculture, and to suppliers, a statement showing the quantity of each grade of butter manufactured in the factory, and the quantity of butter which the suppliers of cream have been paid for.

Grading of
butter for
export.

16. (1) Butter shall not be exported from New South Wales unless it is graded, and is up to the standard prescribed by regulations under the Commerce (Trade Descriptions) Act, 1905. If it is found by an inspector that the butter is of a grade different from that indicated by the registered brand on the package, such inspector shall give notice to the owner or owners that such butter cannot be exported under the brand indicated on the package.

A certificate of such grading shall be supplied to the person exporting the butter, and to the person who has manufactured it.

(2) Butter shall not be so exported unless it has been kept at the prescribed temperature for the prescribed time.

Margarine.

Butter and mar-
garine must not
be manufactured
in the same
premises.

17. Butter and margarine shall not be manufactured in the same premises or in premises within one hundred yards of each other.

Margarine not to
contain more
than 10 per cent.
of butter fat.

18. Margarine containing more than ten per centum of butter fat shall not be manufactured or sold.

Colouring of
margarine.

19. Colouring matter shall not be added to margarine, either in the process of manufacture or after manufacture, and margarine containing added colouring matter shall not be sold. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding two hundred pounds.

20.

20. Margarine shall not be manufactured or sold unless it contains the percentage of sesame oil prescribed under the Pure Food Act, 1908.

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Margarine to
contain sesame
oil.

21. Margarine shall not be exported from New South Wales unless it is submitted for examination by an inspector and a certificate is granted that the margarine has been prepared in accordance with the provisions of this Act, and unless the package in which it is contained is branded or marked as prescribed. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding two hundred pounds.

Regulation of
export of
margarine.

22. The manager of any premises in which margarine is manufactured shall keep books in such a manner as to show the quantities of fat, butter, milk, and cream purchased for the purpose of making margarine, and also the names and addresses of the persons to whom margarine is sold. If any person fails to comply with any of the provisions of this section he shall be liable to a penalty not exceeding two hundred pounds.

Books to be
kept in
factory.

Penalties.

23. Any person contravening any of the provisions of this Act shall, where no other penalty is by this Act provided, be liable to a penalty not exceeding twenty pounds: Provided that no penalty shall be enforced under section sixteen, when it is shown that the misrepresentation of the quality of the butter put up in the boxes is not intentional.

Penalty.

Appeals.

24. A board of appeal shall be constituted by the Minister to deal with appeals from decisions of inspectors. Such board shall consist of three members, one of whom shall be nominated by the Minister, and shall be chairman, one by the Board of Health, and one by the managers of dairy produce factories.

Appeals.

A right of appeal to such board is conferred upon any person dissatisfied with a decision of an inspector.

Regulations.

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Regulations.

Regulations.

25. (1) The Governor may, at any time after the passing of this Act, make regulations for carrying out the provisions of this Act, and in particular for—

- (a) prescribing generally the manner of registration of premises, the forms of application for and certificates of registration, and the fees to be paid in connection therewith;
- (b) prescribing the form of notices, certificates, or other documents to be used under this Act;
- (c) prescribing the keeping of books for recording the quantity of cream received daily in a dairy produce factory, and the tests thereof, the amount of butter manufactured and sold;
- (d) regulating the keeping of any books which by this Act or the regulations are directed to be kept;
- (e) prescribing the qualifications to be possessed and the examinations to be passed by persons employed in testing or grading milk and cream, and the issue, renewal, and cancellation of certificates to such persons;
- (f) prescribing the furnishing of advice dockets to suppliers of cream by managers of dairy produce factories, and the form of such dockets;
- (g) prescribing the books to be kept in any dairy produce factory showing the results of tests of milk, cream and butter, and the weight of butter manufactured in the factory, and prescribing the forms of statements required under this Act to be made;
- (h) prescribing the method of estimating butter fat results and the amount of butter obtainable from cream supplied to any dairy produce factory;
- (i) prescribing the maximum percentage of lactic acid and the maximum and minimum percentage of butter fat to be contained in any cream delivered at a dairy produce factory in any prescribed locality for the manufacture of butter;
- (j)

- (j) prescribing standards for dairy produce ; George V,
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- (k) prohibiting the adding to any cream which is intended to be made into butter for sale of any preservative matter, except of the kinds, in the quantities, and under and subject to the conditions prescribed, or prohibiting altogether the addition of any preservative matter ;
- (l) providing for the registration of brands to be applied to packages of butter intended for export, and for cancelling any such registration ;
- (m) prescribing the conditions under which any preservative matter (if any) may be introduced into butter for export, and the kind and quantity of such preservative matter ;
- (n) regulating the grading of butter for export and the supplying of a certificate of such grading ;
- (o) prescribing the temperature at which butter must be kept before export, or the time during which it must be so kept ;
- (p) regulating the examination and certification of margarine for export, and the branding or marking of packages in which it is contained ;
- (q) regulating the size of cream or milk cans :

Provided that all regulations made for the purposes set out in paragraphs (h) (i) (j) (k) and (m) shall before publication be recommended by the Minister of Public Health.

(2) Any regulation made under this Act may Penalties. impose any penalty not exceeding twenty pounds for each breach of the same, or where the breach is a continuing one, not exceeding two pounds for every day during which such breach continues.

(3) Such regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of publication or from a later date to be specified in such regulations ; and
- (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not then within fourteen days after the commencement of the next session.

Publication of
regulations.

If

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If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Evidence of
the making
of regulations.

(4) The production of a copy of the Gazette containing any regulation purporting to have been made under this Act shall be evidence, until the contrary is proved, of the due making of such regulation, and that all preliminary steps have been duly taken necessary to give full force and effect to the same.
