

· · METROPOLITAN MILK ACT.

Act No. 59, 1929.

**George V,
No. 59, 1929.**

An Act to provide for the regulation and control of the supply and sale of milk for consumption or use in certain areas in and around the city of Sydney; to constitute a Metropolitan Milk Board and to define its jurisdiction, powers, and duties; and for purposes connected therewith [Assented to, 23rd December, 1929.]

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:—

PART I.

PRELIMINARY.

Short title. **1.** (1) This Act may be cited as the “Metropolitan Milk Act, 1929.”

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Construction. (3) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any enactment thereof would, but for this subsection, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

2.

2. This Act is divided into Parts as follows:—

No. 59, 1929.

Division
into Parts.

PART I.—PRELIMINARY—ss. 1-4.

PART II.—METROPOLITAN MILK BOARD—OFFICERS, &C.—ss. 5-23.

PART III.—FUNCTIONS AND POWERS OF THE BOARD—ss. 24-30.

PART IV.—FINANCE—ss. 31-36.

PART V.—REGULATIONS AND BY-LAWS—ss. 37-39.

PART VI.—SUPPLEMENTAL—ss. 40, 41.

SCHEDULE.

3. In this Act, unless the context otherwise indicates or requires,— Interpretation.

“Area” means any municipality or shire.

“Board” means the Metropolitan Milk Board constituted under this Act.

“By-laws” means by-laws made under this Act by the Board.

“Chairman” means chairman of the Board.

“Dairyman” means the occupier of any dairy premises.

“Dairy premises” means any land or premises used for or in connection with the milking of cattle for the purpose of producing milk which is sold or to be sold for consumption or use within the metropolitan milk area.

“Member” means member of the Board.

“Metropolitan milk area” means that portion of the State which is within the areas and parts of areas for the time being included in the second part of the Schedule to this Act, together with the Port of Sydney, as defined in the Sydney Harbour Trust Act, 1900.

“Milk” includes cream, and refers only to milk or cream which is sold or to be sold for consumption or use within the metropolitan milk area.

“Milk

No. 59, 1929.

"Milk store" means any building, shed, or place at or upon which milk which is sold or to be sold for consumption or use within the metropolitan milk area is treated, deposited, or stored, and includes any building or premises within the metropolitan milk area at or upon which milk is sold.

"Milk vendor" means any person who is the occupier of a milk store, or who himself or by his employee sells milk within the metropolitan milk area.

"Prescribed" means prescribed by this Act or by the regulations or by-laws.

"Regulations" means regulations made under this Act by the Governor.

"Secretary" means secretary of the Board.

"To sell" means to sell by wholesale or by retail and includes barter, supply for profit, offer for sale, receive for sale, have in possession for sale, expose for sale, send forward or deliver for sale, cause or suffer or allow to be sold, offered, or exposed for sale, and refers only to selling for human consumption; and "sale" and "sold" have a corresponding meaning.

"Treatment" includes the examination, cleansing, pasteurisation, modification, testing, grading, cooling, refrigerating, or bottling of milk, and "treat" has a corresponding meaning.

Saving of
certain Acts.

4. Unless otherwise in this Act expressly provided this Act shall not affect any provision of the Dairies Supervision Act, 1901; the Sydney Corporation Act, 1902; the Public Health Act, 1902; the Public Health (Amendment) Act, 1915; the Pure Food Act, 1908; the Factories and Shops Act, 1912; the Dairy Industry Act, 1915; the Weights and Measures Act, 1915; the Local Government Act, 1919; the Stock Diseases Act, 1923, or any Act amending those Acts, or any rules, regulations, or by-laws made under any of such Acts, or take away powers vested in any person or body by any of the said Acts or by any rules, regulations, or by-laws made thereunder.

PART II.

No. 59, 1929.

METROPOLITAN MILK BOARD—OFFICERS, &C.

5. (1) Upon a date to be appointed by the Governor and notified by proclamation published in the Gazette, a Board to be called the Metropolitan Milk Board shall be constituted.

The date so appointed shall be a date not later than six months after the commencement of this Act.

(2) The Board shall consist of nine members. Five of such members shall be appointed by the Governor by commission under the seal of the State, and the remaining four members shall be elected as provided in this Part of this Act.

6. (1) The five members appointed by the Governor (in this Act referred to as appointed members) shall be as follows:—

One member who shall in and by his commission be appointed chairman of the Board, and shall hold office for five years.

Two members to be representative of the consumers of milk within the metropolitan milk area, who shall hold office for four years.

Two advisory members to be representative of the persons engaged in the business of milk distribution within the metropolitan milk area, and who shall hold office for two years.

The two advisory members shall be entitled to sit and speak at any meeting of the Board, or act on any committee thereof, but shall not be entitled to vote on any matter coming before the Board or any such committee.

(2) The Governor may remove or suspend from office any appointed member for misbehaviour or incompetence.

(3) Any appointed member whose term of office expires by effluxion of time shall be eligible for re-appointment.

(4) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to the appointment of members of the Board, and such members shall not as members be subject to the provisions of the said Act during their tenure of office.

(5)

No. 59, 1929.

(5) The chairman shall be the permanent head within the meaning of the Public Service Act, 1902, and any Act amending that Act.

Chairman—
accrued
rights.

7. Any chairman of the Board who at the date of his appointment is an officer of the Public Service—

- (a) shall, in the event of his office on the Board being discontinued, or in the event of the dissolution of the Board, be eligible, on the recommendation of the Public Service Board, to be appointed to some office in the Public Service not lower in classification and salary than that which he held at the date of his appointment to the Board; and
- (b) shall continue to contribute to the Superannuation Fund in accordance with the Superannuation Act, 1916, and be entitled to the benefits under that Act in respect of which he has contributed; and
- (c) shall retain any leave of absence accrued under the Public Service Act, 1902, or any amendment of that Act.

Election of
members.

8. (1) Each of the four members to be elected to the Board (in this Act referred to as elected members) shall be elected for a constituency.

A constituency shall comprise the areas and parts of areas for the time being grouped in the first part of the Schedule to this Act as being that constituency.

(2) At any election for a constituency only those persons who—

- (a) are registered as dairymen under this Act; and
- (b) occupy and work dairy premises situated within the constituency,

shall be entitled to vote:

Provided that for the purposes of the first election to be held after the commencement of this Act for any constituency the persons entitled to vote shall be persons who—

- (a) are registered under the Dairies Supervision Act, 1901; and
- (b) occupy and work dairy premises situated within the constituency; and

(c)

- (c) produce milk which is sold or to be sold for consumption or use within the metropolitan milk area. No. 59, 1929.

(3) An elected member shall hold office for four years.

(4) For the purposes of any election of a member of the Board the Governor may appoint a returning officer, and such deputy returning officers as he may deem necessary.

(5) Elections shall be carried out at the times and in the manner prescribed by the regulations, and the result of an election shall be reported to the Governor as prescribed.

9. (1) No person who is a director or officer of any firm, company, society, or association carrying on the business of or having for its objects the wholesale or retail distribution of milk in the metropolitan milk area, shall be qualified to hold office as an elected member of the Board. Qualification for election and appointment.

(2) Nothing in subsection one of this section shall disqualify a dairyman who distributes milk on his own behalf from being elected or from holding office as a member of the Board.

10. (1) If a candidate at an election or any other person shall, directly or indirectly by himself or his agent, offer to pay or give money, food, drink, or valuable consideration to induce any person to vote or abstain from voting at the election, he shall be guilty of an offence against this Act. Bribery.

(2) The election of a candidate shall upon his conviction for an offence under this section be null and void, and an election shall be held to fill the extraordinary vacancy created.

11. (1) If at the time appointed for an election to be held in a constituency there is no candidate, the Governor may appoint a person to be a member of the Board for the constituency. Appointment where no candidate.

(2) The person so appointed shall hold office for the term for which the member to be elected would have held office, and shall for the purpose of this Act be deemed to be an elected member.

12.

No. 59, 1929.

Election not
to be
questioned
for
informality.

12. No election under this Act shall be questioned by reason of any defect in the appointment of any person before whom such election shall have taken place if such person shall have really acted at the election, nor by reason of any formal error or defect in any publication under this Act or the regulations (or purporting so to be), nor by reason of any publication being out of time.

Vacancies—
how caused

13. (1) A member of the Board shall be deemed to have vacated his office if he—

- (a) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit; or
- (b) is absent from four consecutive meetings of the Board without leave granted by the Board; or
- (c) becomes an insane person or patient, or an incapable person within the meaning of the Lunacy Act, 1898; or
- (d) is convicted of any felony or misdemeanour; or
- (e) being an elected member, becomes disqualified from holding office as a member of the Board; or
- (f) being the chairman, engages in New South Wales during his term of office in any paid employment outside the duties of his office; or
- (g) resigns his office, by writing under his hand addressed to the Governor.

(2) Where a member vacates his office in pursuance of this section an extraordinary vacancy shall be deemed to have occurred.

Extra-
ordinary
vacancies.

14. (1) An election to fill an extraordinary vacancy in respect of the office of an elected member shall be carried out and conducted within the time and in the manner prescribed by regulations.

(2) A person elected or appointed to fill an extraordinary vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer, but shall be eligible for re-election or appointment if otherwise qualified.

15.

15. (1) The chairman of the Board shall be paid such annual salary as is fixed by the Governor.

No. 59, 1929.

(2) Each member of the Board other than the chairman shall be entitled to receive such fee as the Governor may fix for each meeting of the Board attended.

Remuneration of chairman and members.

(3) The regulations may prescribe the travelling expenses to be paid to the chairman and members of the Board and the allowances to be paid to any member of the Board other than the chairman while engaged on the business of the Board at the request of the Board.

(4) The office of a member of the Board other than the chairman shall not, for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1902, be deemed to be an office or place of profit under the Crown.

16. In case of the illness, suspension, or absence of any appointed member of the Board a deputy may be appointed by the Governor, to act for such member during his illness, suspension, or absence; and every such deputy shall have the immunities, and shall during the time he acts as deputy have all the powers and authority of such member, and receive such salary, fee, or remuneration as the Governor may direct.

Appointment of deputy.

17. (1) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall, subject to any regulations or by-laws in relation thereto, be as determined by the Board.

Procedure, quorum, &c.

(2) Any four members of the Board who are qualified to vote shall be a quorum thereof, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Board, and shall have and may exercise all the powers and authorities which by this Act are conferred on the Board.

(3) The chairman, or in his absence the deputy-chairman, shall preside at all meetings of the Board, and when so presiding shall have a casting vote in addition to a deliberative vote.

If at any duly convened meeting of the Board the chairman is absent and the Governor has not appointed

No. 59, 1929.

a deputy, the members present may elect one of their number to act as chairman until the appointment of such deputy.

(4) All questions arising at any meeting of the Board shall be decided by the majority of the votes of the members present who are entitled to vote.

(5) The board shall keep full and accurate minutes of all its proceedings in such manner and form as may be prescribed by the regulations.

(6) The Board may by resolution under seal authorise the chairman to determine such matters as are specified in the resolution.

Any such authority may from time to time be revoked or varied by resolution under seal.

(7) All acts and proceedings of the Board shall be valid notwithstanding any vacancy in the Board or any irregularity in the appointment or election or continuance in office of any member of the Board, and notwithstanding that any person not qualified or ceasing to be qualified may have acted as a member of the Board.

Incorporation
and style of
Board.

18. (1) The Board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(2) The corporate name of the Board shall be "The Metropolitan Milk Board."

(3) The common seal shall be kept in the custody of the chairman, or of such member of the Board as the Board may determine, and shall not be affixed to any instrument or writing except in the presence of a quorum of the Board; and the chairman or deputy or acting chairman and two of the members, in whose presence the seal is affixed, shall attest by their signatures the fact and date of the seal being so affixed.

(4) All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence—

(a) shall take judicial notice of the seal of the Board affixed to any document; and

(b) shall, until the contrary is proved, presume that such seal was properly affixed thereto.

19.

19. Any moneys due to the Board shall, for the purposes of the recovery thereof, be deemed to be moneys due to His Majesty, and may be sued for and recovered by the Board.

No. 59, 1929.

Crown debts.

20. (1) No matter or thing done and no contract entered into by the Board, and no matter or thing done by any member or officer of the Board or by any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done or the contract was entered into bona-fide for the purpose of executing this Act, subject any such member, officer, or person to any action, liability, claim, or demand whatsoever.

Member acting bona-fide not personally liable.

(2) Nothing in this section shall exempt any member of the Board from liability to be surcharged with the amount of any payment which is disallowed by the auditor or auditors in the accounts of the Board, and which such member authorised or joined in authorising.

21. (1) The Governor may, in accordance with the Public Service Act, 1902, or any Act amending that Act, appoint a secretary and such other officers as are necessary for carrying out the provisions of this Act.

Secretary and officers.

(2) The Board may employ and dismiss at pleasure such casual employees as it deems necessary.

Casual employees shall receive such wages or remuneration as the Board may determine.

(3) Any person who, being a member of the Board or holder of any office or employment under this Act, without lawful authority demands or receives from any person any payment, gratuity, or present in consideration of doing or of omitting to do any act or thing pertaining to his office or employment shall be liable upon summary conviction to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding two years.

(4) Any person who without lawful authority offers, makes, or gives to any member of the Board or to the holder of any office or employment under this Act any payment, gratuity, or present in consideration that such member or holder of office or employment will do or omit to do some act or thing pertaining to his office

No. 59, 1929.

office or employment shall be liable upon summary conviction to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding two years.

Failure to
account, &c.

22. (1) If any officer or employee, when required by the chairman or secretary, fails—

- (a) to render account of moneys which in the course of his duties as such officer or employee shall have come into his hands or under his control and of his dealings therewith, or to pay to the chairman or secretary the balance of such moneys; or
- (b) to deliver up within two days to the chairman or secretary all papers, property, and things in his possession or power relating to the execution of this Act or belonging to the Board,

any stipendiary or police magistrate or any two justices may on the complaint of the chairman or secretary order such officer or employee to render the accounts, pay the balance, or deliver up the papers, property, and things as the case may be, and that on non-compliance with the order the officer or employee be imprisoned for a term not exceeding six months.

(2) Proceedings under this section shall not affect the liability of any surety of any officer or employee or relieve any officer or employee from being held to answer any criminal information, charge, or proceedings.

(3) For the purposes of this section "officer" or "employee" shall include a person who has within twelve months prior to any requirement referred to in subsection one of this section been an officer or employee.

Wilful
destruction
of document.

23. Any officer, employee, or other person who wilfully destroys any document of or belonging to the Board shall be guilty of a misdemeanour, and shall be punishable accordingly.

PART III.

FUNCTIONS AND POWERS OF THE BOARD.

24. (1) Subject to the provisions of this Act the Board shall be charged with the regulation and control of the supply and distribution of milk within the metropolitan milk area. Powers of the Board.

(2) The Board shall—

- (a) devise improved methods of collecting, treating, carrying, and distributing milk, including the distribution of milk in sealed containers;
- (b) devise means to eliminate unhygienic, wasteful, or unnecessary agencies, methods, practices, costs, or charges in connection with the collection, treatment, carriage, distribution, or sale of milk;
- (c) report to or confer with the Minister from time to time upon matters affecting the supply and distribution of milk, upon means to be adopted to ensure as far as possible that milk shall be collected from dairymen on an equitable basis, and upon any amendments which it thinks desirable in the law;
- (d) establish grades of milk, including a grade of milk suitable for the use of infants.

(3) The Board shall from time to time by by-laws made for the purpose declare—

- (i) the minimum price which may be paid to a dairyman by a milk vendor for milk of a particular grade or quality;
- (ii) the price or prices which may be charged by a milk vendor or other person for milk sold by him.

The prices so declared shall be determined by the Board at a public inquiry held in the manner and after such notice as is prescribed by regulations.

The price or prices declared shall be reasonable in the circumstances, and in arriving at the prices due regard shall be paid to the costs of the commodity to the seller, the cost of wages, commodities, rents, rates, taxes,

No. 59, 1929.

taxes, and any other expenses and contingencies, reasonable allowance for depreciation of assets due to wear and tear, obsolescence, or other causes and fluctuations in trade.

Any milk vendor who pays to a dairyman a price less than the price so declared for milk of the particular grade or quality, and any milk vendor or person who charges a price in excess of the price so declared for milk of any particular grade or quality shall be guilty of an offence.

And any dairyman who sells to a milk vendor milk at a price less than the price declared as the minimum price which may be paid by a milk vendor for milk of the particular grade or quality sold shall also be guilty of an offence.

Further
powers.

25. The Board may from time to time—

- (a) by by-laws made in that behalf regulate the collection and treatment of milk within the areas mentioned in the first part of the Schedule to this Act;
- (b) issue certificates in the prescribed form to dairymen or milk vendors specifying the grade or grades of milk which any such dairyman or milk vendor is authorised to supply, treat, distribute, or sell.

No certificate specifying any milk as the product of tuberculin tested cows shall issue unless the cows producing such milk have been certified as free from tubercle by the Department of Agriculture or by the Board of Health, or by a veterinary surgeon approved by the Board;

- (c) for the purpose of this Act and at any reasonable time by authorised officers enter any dairy premises or milk store and examine any books, documents, or papers relating to or any scales, measures, appliances, apparatus, or utensils used in connection with the supply, treatment, distribution, or sale of milk;
- (d) by notice in writing require dairymen and milk vendors to furnish such information or returns as are prescribed by the by-laws;

(c)

- (e) require dairymen and milk vendors to keep such books and records as may be prescribed by the by-laws, and in such forms as may be so prescribed;
- (f) take or purchase samples of milk from any dairy premises or milk store or from any conveyance, utensil, or container.

No. 59, 1929.

26. (1) From and after a day to be appointed by the Governor and notified by proclamation published in the Gazette, no person shall carry on business as a dairyman or milk vendor unless he is authorised so to do by a certificate of registration issued by the Board.

Registration
of dairymen
and milk
vendors.

(2) From and after the day so appointed the Board shall be the local authority under the Dairies Supervision Act, 1901, in respect of dairymen, milk vendors, and other persons or of dairy premises, factories, and milk stores engaged or used in the supply, treatment, distribution or sale of milk for consumption or use within the metropolitan milk area.

(3) Every such registration shall be sufficient for all purposes under the Dairies Supervision Act, 1901, and it shall not be necessary for a local authority other than the Board to keep a register under the Dairies Supervision Act, 1901, in respect of dairymen, milk vendors, or other persons or of dairy premises, factories, or milk stores registered by the Board.

(4) The certificate of registration issued to a milk vendor may contain provisions prohibiting the milk vendor from treating, storing, distributing, or selling milk except at the milk store or within the area or part thereof specified in the certificate.

Any milk vendor who contravenes any such provision contained in the certificate of registration issued to him shall be guilty of an offence against this Act.

(5) A certificate of registration may be issued in the manner prescribed by the by-laws upon payment of such fee (if any) as is prescribed.

27. (1) The Board may refuse to issue a certificate of registration or may cancel the certificate of any person if he has been convicted of two or more offences against the Dairies Supervision Act, 1901, the Pure Food Act, 1908, or this Act, or any regulations or by-laws made under any such Act.

Refusal or
cancellation
of registration
for certain
offences, &c.

No. 59, 1929.

(2) (a) Before exercising the power of cancellation under subsection one of this section the Board shall in the manner prescribed notify the person whose registration it is proposed to cancel of the decision of the Board.

(b) The person so notified or any person whose application for registration has been refused may, in the manner and within a time prescribed, appeal against the decision of the Board to a court of petty sessions presided over by a stipendiary or police magistrate.

(c) The magistrate shall inquire into the circumstances of the case, including the nature of the offences for which the appellant has been convicted, and shall decide upon the appeal.

The magistrate's decision shall be final, and shall be given effect to by the Board.

Other
authorities.

28. The Board shall have regard to services maintained or supervision exercised under statutory authority by the Department of Public Health, the Department of Agriculture, or any other department, and shall avoid duplication of such services or supervision.

Offences.

29. Every person who—

- (a) resists or obstructs any authorised officer of the Board in the exercise of any of the powers and authorities conferred upon him by this Act;
- (b) refuses to give information or gives false information in answer to any inquiry made by any authorised officer in pursuance of this Act;
- (c) refuses or neglects to comply with any order, notice, prohibition, or requirement of the Board lawfully made under this Act, or the regulations or by-laws;
- (d) being the holder of a certificate issued under paragraph (d) of section twenty-six sells, treats, distributes, or supplies for sale milk of a grade inferior to that which he is authorised in the certificate to sell, treat, distribute, or supply;

(c)

- (e) is guilty of an offence against this Act, or by any Act or omission is guilty of any contravention of this Act or of any notification made thereunder or any regulation or by-law for which no specific penalty is provided,

No. 59, 1929.

shall be liable on summary conviction to a penalty not exceeding twenty pounds.

30. For the purpose of conducting any public inquiry under this Act, the Board or the person conducting the inquiry shall have the same powers and authority to summon witnesses and receive evidence as are conferred upon a commissioner appointed under Division 1 of Part II of the Royal Commissions Act, 1923, and the said Act, section thirteen and Division 2 of Part II excepted shall, *mutatis mutandis*, apply to any witness summoned by or appearing before the Board or such person.

Application
of Royal
Commissions
Act, 1923.

PART IV.

FINANCE.

31. The Board may at the times and in the manner prescribed by the by-laws levy upon each dairyman in respect of milk supplied by him for consumption or use within the metropolitan milk area such rate as is fixed by the by-laws, but not exceeding one-eighth of a penny per gallon upon the milk so supplied.

Board may
make levy.

32. (1) Where under the provisions of this Act or of any regulation or by-law the Board—

Charges and
fees.

- (a) makes any registration; or
 - (b) issues any certificate; or
 - (c) furnishes any information; or
 - (d) gives any permission; or
 - (e) receives any application for its approval,
- the charge or fee thereon may be fixed by the by-laws.

(2)

No. 59, 1929.

(2) In any such by-law provision may be made requiring a deposit or prepayment in respect of such charge or fee.

Collection
and recovery.

33. Any rate levied shall be collected, and any fee or charge imposed shall be recovered in the manner prescribed by by-laws.

Funds and
accounts.

34. (1) The Board shall establish such funds and accounts as are prescribed by regulation.

(2) The Colonial Treasurer may advance such moneys to the Board or guarantee such advances by a bank as the Governor may approve, upon such terms and conditions as to repayment and interest as may be agreed upon.

(3) There shall be paid to the credit of the funds of the Board all moneys collected, received, or recovered by the Board in pursuance of this Act, or any regulation or by-law.

(4) The funds of the Board may be operated upon by the Board for the purposes of this Act in the manner prescribed by the by-laws.

Application
of funds.

35. All costs and expenses incurred in the administration of this Act, including the salaries, fees, allowances, and travelling expenses of members of the Board, the salaries, wages, and remuneration of officers and casual employees of the Board, and all expenses arising out of the conduct of any election under this Act, shall be paid out of the funds of the Board.

Report.

36. (1) The Board shall prepare an annual report of its operations and such statements of account as are prescribed by regulations. The report and statements shall be laid before both Houses of Parliament.

(2) The statements of account so prepared shall be audited and reported upon by the Auditor-General, who shall have in respect to the accounts of the Board all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of the public accounts, as well as all powers conferred by this Act.

(3)

(3) The Auditor-General shall report to the Board and the Minister—^{No. 59, 1929.}

(a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of income; and
- (ii) the expenditure incurred has been duly authorised, vouched, and supervised; and
- (iii) any of the moneys or other property of the Board have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed by the regulations.

(4) The Board shall in each year pay into the Treasury such sum as is fixed by the Colonial Treasurer towards the amount payable by the Crown in respect of the salaries of the officers of the Auditor-General engaged in the audit of the accounts of the Board.

PART V.

REGULATIONS AND BY-LAWS.

37. (1) The Governor may make regulations pre-^{Regulations.}scribing all matters required or permitted to be prescribed by regulation, and in particular but without limiting the generality of the foregoing powers in relation to—

- (a) the election of the members of the Board;
- (b) the accounts to be kept by the Board;
- (c) the method in which the accounts are to be kept and shown.

(2) Regulations relating to the election of members of the Board may include provision for preferential or postal voting.

Different

No. 59, 1929.

Different regulations may be made and applied to different constituencies.

By-laws.

38. (1) The Board may, with the approval of the Governor, make by-laws not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and without limiting the generality of the foregoing, in particular—

- (a) prescribing grades for milk which may be supplied for sale or sold, including the prescribing of different grades for different classes of milk;
- (b) prescribing methods to be adopted by persons engaged in the collection, carriage, treatment, distribution, or sale of milk;
- (c) prescribing all matters which are necessary or convenient to eliminate unhygienic, wasteful, or unnecessary agencies, methods, practices, costs, or charges in connection with the collection, treatment, carriage, distribution, or sale of milk;
- (d) requiring milk of any prescribed grade to be sold in prescribed containers labelled as prescribed;
- (e) prescribing the books and records to be kept by persons engaged in the collection, treatment, carriage, storage, distribution, or sale of milk;
- (f) providing for the fixing, collection, and recovery of rates, fees, and charges, and providing different methods of collection in respect of different dairymen or milk vendors or different areas or parts thereof, including the collection and recovery of such rates, fees, and charges from persons holding moneys to the credit of any person liable in respect of any rates, fees, or charges;
- (g) prescribing forms for use under this Act;
- (h) prescribing the methods of giving or serving notices, orders, demands or requirements by the Board or any authorised officer;
- (i)

- (i) relating to any premises, person, or matter in any case where by this Act the Board or any authorised officer is empowered or required to regulate, appoint, inspect, examine, register, prohibit, devise, require, or specify ;
- (j) prescribing the procedure to be adopted in the taking of samples.

No. 59, 1929.

(2) Different by-laws may be made and applied to different areas or parts thereof.

(3) Any by-laws made in exercise of the powers conferred by subsection one of this section as to any matter referred to in paragraphs (a), (b), (c), (d), or (j) of that subsection or as to any matter referred to in the Schedule to the Public Health (Amendment) Act, 1915, shall, before being submitted to the Governor for his approval, be submitted to the Board of Health for its concurrence, and shall not be made unless the Board of Health concurs.

39. (1) Any regulation or by-law may impose a penalty not exceeding twenty pounds for any breach thereof, or where the breach is a continuing one, not exceeding two pounds for every day during which the breach continues.

Provisions
as to by-laws
and
regulations.

- (2) Any regulations or by-laws so made 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 or by-laws ; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations or by-laws have been laid before such House disallowing any regulation or by-law or part thereof, such regulation, by-law, or part shall thereupon cease to have effect.

PART VI.

SUPPLEMENTAL.

Information

40. (1) Any information, complaint, or other legal proceeding under this Act may be taken in the name of the Metropolitan Milk Board by the secretary, or by any other officer authorised by the Board in that behalf either generally or in any particular case.

(2) In any proceedings the production of a notification in the Gazette that any person has been so authorised shall be conclusive evidence of the authority and evidence that his authority to act remains in force.

(3) The secretary or other officer shall, out of the funds of the Board, be reimbursed all damages, costs, charges, and expenses to which he is put or with which he becomes chargeable by reason of anything contained in subsection one of this section.

Notice of
action.
cf. Act No.
50, 1924,
s. 133.

41. A writ or other process shall not be sued out or served upon the Board, or any member thereof, or any officer of the Board, or any person acting in his aid for anything done, or intended to be done, or omitted to be done under the provisions of this Act, until the expiration of one month after notice in writing has been served on the Board or such member, officer, or person, clearly stating the cause of action and the name and place of abode of the intended plaintiff, and of his solicitor or agent in the case, and on trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action that is not stated in the notice served; and unless such notice is served a verdict shall be found for defendant.

SCHEDULE.

SCHEDULE.

FIRST PART.

Constituencies.	Area.	Constituencies.	Area.
First ... Municipalities—		Second ... Shires—	
Cessnock.		Nattai.	
Greta.		Wingecarribee.	
Maitland East.		Wollondilly.	
Maitland West.		Baulkham Hills.	
Muswellbrook.		Blacktown.	
Singleton.		Nepean.	
Raymond Terrace.		Blue Mountains.	
Morpeth.		Colo.	
Dungog.			
Taree.		Third ... Municipalities—	
Wingham.		Illawarra Central.	
Port Macquarie.		Illawarra North.	
Kempsey.		Shellharbour.	
Shires—		Wollongong.	
Bolwarra.		Berry.	
Kearsley.		Broughton Vale.	
Erina.		Gerrington.	
Lake Macquarie.		Jamberoo.	
Muswellbrook.		Kiama.	
Patrick Plains.		Nowra.	
Port Stephens.		Shoalhaven South.	
Tarro.		Shires—	
Wallarobba.		Bulli.	
Stroud.		Cambewarra.	
Gloucester.		Clyde.	
Manning.			
Hastings.			
Macleay.			
Second ... Municipalities—		Fourth ... Municipalities—	
Bowral.		Sydney.	
Goulburn.		Alexandria.	
Mittagong.		Annandale.	
Moss Vale.		Ashfield.	
Camden.		Auburn.	
Picton.		Balmain.	
Campbelltown.		Bankstown.	
Windsor.		Bexley.	
Richmond.		Botany.	
Castlereagh.		Burwood.	
Penrith.		Cabramatta and	
St. Mary's.		Canley Vale.	
		Canterbury.	
		Concord.	
		Darlington.	
		Drummoyne.	

SCHEDULE.

SCHEDULE—*continued.*FIRST PART—*continued.*

Constituencies.	Area.	Constituencies.	Area.
Fourth— <i>continued.</i>		Fourth— <i>continued.</i>	
Municipalities— <i>contd.</i>		Municipalities— <i>contd.</i>	
Dundas		Mascot.	
Eastwood.		Mosman.	
Enfield.		Newtown.	
Ermington and		North Sydney.	
Rydalmere.		Paddington.	
Erskineville.		Parramatta.	
Fairfield.		Petersham.	
Glebe.		Randwick.	
Granville		Redfern.	
Holroyd.		Rockdale.	
Homebush		Ryde.	
Hunter's Hill.		St. Peters.	
Hurstville.		Strathfield.	
Ingleburn.		Vaucluse.	
Kogarah.		Waterloo.	
Ku-ring-gai.		Waverley.	
Lane Cove.		Willoughby.	
Leichhardt.		Woollahra.	
Lidcombe.		Shires—	
Liverpool.		Hornsby.	
Manly.		Sutherland.	
Marrickville.		Warringah.	

SECOND PART.

Metropolitan milk area.

Municipalities—

Sydney, Alexandria, Annandale, Ashfield, Auburn, Balmain, Bankstown, Bexley, Botany, Burwood, Cabramatta and Canley Vale, Canterbury, Concord, Darlington, Drummoyne, Dundas, Eastwood, Enfield, Ermington and Rydalmere, Erskineville, Fairfield, Glebe, Granville, Holroyd, Homebush, Hunter's Hill, Hurstville, Ingleburn, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Lidcombe, Liverpool, Manly, Marrickville, Mascot, Mosman, Newtown, North Sydney, Paddington, Parramatta, Petersham, Randwick, Redfern, Rockdale, Ryde, St. Peters, Strathfield, Vaucluse, Waterloo, Waverley, Willoughby, Woollahra.

Shires—

Hornsby, Sutherland, Warringah

TRUSTEE