

DAIRY INDUSTRY (AMENDMENT) ACT, 1984, No. 27

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 27, 1984.

An Act to amend the Dairy Industry Act, 1979, with respect to the registration of dairymen and dairy produce merchants, and in other respects.
[Assented to, 6th June, 1984.]

Dairy Industry (Amendment).

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.

1. This Act may be cited as the "Dairy Industry (Amendment) Act, 1984".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1 (7) and (8), and section 3 in its application to those provisions, shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 208, 1979.

3. The Dairy Industry Act, 1979, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979.

(1) (a) Section 9 (4) (a), (b)—

Omit "\$4.7136" wherever occurring, insert instead "the prescribed amount".

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SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(b) Section 9 (5)—

After section 9 (4), insert:—

(5) In subsection (4), “the prescribed amount” means—

(a) except as provided by paragraph (b)—4.7136 dollars;
or(b) such other amount as is prescribed by the regulations for
the purposes of this subsection.

(2) (a) Section 10 (1) (a), (d)—

Omit “direction” wherever occurring, insert instead “notice”.

(b) Section 10 (1) (a1)—

After section 10 (1) (a), insert:—

(a1) where the Corporation is of the opinion that the quality
of any milk, dairy product or margarine in the possession
of any person has been adversely affected (whether
by reason of the temperature at which it has been kept
or otherwise), by notice in writing served on that person,
direct that person—(i) not to supply that milk, dairy product or
margarine for consumption or use; and(ii) to deal with or dispose of that milk, dairy product
or margarine in such manner as may be
specified in the notice;

(c) Section 10 (2)—

After “(a).”, insert “(a1).”.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(3) Section 11 (1A)—

After section 11 (1), insert:—

(1A) A reference (however expressed) in subsection (1) to a conveyance which is unfit to be used for the purpose of the carriage of milk or dairy products includes a reference to a conveyance which is dilapidated or whose appearance may discourage the consumption of milk or dairy products.

(4) (a) Section 32 (6)—

Omit "less than 1 year or".

(b) Section 32 (7) (b1)–(b4)—

After section 32 (7) (b), insert:—

(b1) conditions prohibiting the holder of the certificate from distributing, supplying or selling milk unless the milk was obtained from—

- (i) a specified person or place;
- (ii) a person or place of a specified class;
- (iii) any person or place other than a specified person or place; or
- (iv) any person or place other than a person or place of a specified class;

(b2) conditions prohibiting the holder of the certificate from producing a specified dairy product unless the holder of the certificate purchases from the Corporation a specified quantity of milk calculated by reference to the quantity of the dairy product that is produced;

(b3) conditions regulating the packaging of milk, dairy products or margarine which the holder of the certificate is authorised to produce, treat, store, distribute, supply or sell (including conditions regulating the frequency of packaging and the type of package);

Dairy Industry (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(b4) conditions regulating the standard of dress of persons engaged in the delivery of milk, dairy products or margarine pursuant to the authority conferred by the certificate;

(c) Section 32 (10)—

After section 32 (9), insert:—

(10) A person is not required by subsection (1) to be the holder of a certificate of registration as a dairyman if all the milk produced from dairy premises occupied by the person is supplied or to be supplied for profit or sale outside New South Wales, but the person may, notwithstanding that fact, apply for and be issued with such a certificate in accordance with the provisions of this Act.

(5) (a) Section 33 (1) (c1)—

After section 33 (1) (c), insert:—

(c1) if, in the opinion of the Corporation, the certificate of registration would authorise, or authorises, the person to carry on activities which are wasteful or unnecessary;

(b) Section 33 (1) (d)—

Omit the paragraph. insert instead:—

(d) if, in the opinion of the Corporation, the person has ceased to be a dairyman or dairy produce merchant or has otherwise ceased to carry on the activities which the certificate of registration authorises the person to carry on;

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(6) Section 34 (1)—

Omit the subsection, insert instead:—

(1) Where the holder of a certificate of registration ceases to be a dairyman or dairy produce merchant or otherwise ceases to carry on the activities which the certificate authorises the holder of the certificate to carry on, the holder of the certificate shall forthwith furnish a notice in writing to that effect to the Corporation.

(7) Section 51A—

After section 51, insert:—

Calculation, etc., of payment for milk or cream not accepted by Corporation.

51A. (1) The occupier of a dairy produce factory is guilty of an offence against this Act if a payment for milk or cream (other than milk or cream accepted by the Corporation) supplied to the dairy produce factory is calculated or otherwise determined in a manner that has not been approved in writing by the Corporation.

(2) Subsection (1) does not apply in any case where a price is fixed pursuant to Part V in respect of payment for any such milk or cream.

(8) (a) Section 52 (1) (d)—

Omit “cream; and”, insert instead “cream.”.

(b) Section 52 (1) (e)—

Omit the paragraph.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(c) Section 52 (1A)—

After section 52 (1), insert:—

(1A) The occupier of a dairy produce factory shall forward to each person who supplies milk or cream to the factory a statement in writing setting out the manner in which payment for milk or cream so supplied is from time to time calculated or otherwise determined.

(d) Section 52 (2)—

After “(1)”, insert “or (1A)”.

(9) (a) Section 103 (1) (u)—

Omit “margarine;”, insert instead “margarine; and”.

(b) Section 103 (1) (v)—

Omit the paragraph.

(c) Section 103 (5)—

Omit “Health Commission of New South Wales”, insert instead “Minister for Health”.

(10) (a) Section 105 (c)—

Omit “or” where lastly occurring.

(b) Section 105 (d)—

Omit “merchant,” where lastly occurring, insert instead “merchant; or”.

Dairy Industry (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DAIRY INDUSTRY ACT, 1979—*continued.*

(c) Section 105 (e)—

After section 105 (d), insert:—

- (e) being an authorised agent of the Corporation, causes records to be prepared, or information to be given, in connection with the exercise of the person's functions as an agent knowing the records or information to be false or misleading in a material particular,

(11) Section 106—

Omit “, other than section 71 (3),”.
