

DAIRY INDUSTRY (AMENDMENT) ACT 1992 No. 28

NEW SOUTH WALES



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DAIRY INDUSTRY (AMENDMENT) ACT 1992 No. 28

NEW SOUTH WALES



Act No. 28, 1992

An Act to amend the Dairy Industry Act 1979 with respect to the vesting in the New South Wales Dairy Corporation of milk produced in the State and the price to be paid to dairy farmers for milk; to require certain purchases of milk to be made only from the New South Wales Dairy Corporation or its equivalent in another State; and for other purposes.
[Assented to 18 May 1992]

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Dairy Industry (Amendment) Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Dairy Industry Act 1979 No. 208

3. The Dairy Industry Act 1979 is amended as set out in Schedule 1.

SCHEDULE I—AMENDMENTS

(Sec. 3)

(1) Section 4 (Definitions):

After the definition of “milk” in section 4 (1), insert:

“**Milk Authority**” means:

- (a) the Corporation; or
- (b) any similar authority of another State or a Territory declared by the Minister, by order published in the Gazette, to be a Milk Authority for the purposes of this Act;

(2) Section 21 (All milk supplied for consumption or use to vest in the Corporation):

- (a) After “Milk” in section 21 (1), insert “produced in New South Wales and”.

- (b) After “New South Wales” wherever occurring in section 21 (1), insert “or elsewhere”.

(3) Section 25 (Delivery and acceptance of milk):

After “New South Wales” wherever occurring in section 25 (5), insert “or elsewhere”.

SCHEDULE 1—AMENDMENTS—*continued***(4) Section 32B:**

After section 32A, insert:

Acquisition of milk for sale or supply for human consumption or use

32B. (1) A person who sells or supplies milk for human consumption as milk, or for use by humans, as milk, is guilty of an offence against this Act unless the milk was obtained from a Milk Authority.

(2) It is a defence to a prosecution for an offence under this section if it is established:

- (a) that, at the time of the alleged offence, there was no Milk Authority in the State in which the milk was obtained; or
- (b) that the sale or supply was authorised by the Corporation; or
- (c) that the seller or supplier did not know, or had no reason to suspect, that the milk was not obtained from a Milk Authority.

(3) This section applies whether the milk is sold or supplied for consumption or use within or outside New South Wales.

(5) Section 54 (Price for milk to be fixed by Corporation):

After “milk” in section 54 (1) (a), insert “for human consumption within or outside New South Wales, as milk, or for use by humans within or outside New South Wales, as milk”.

*[Minister's second reading speech made in—
Legislative Assembly on 7 May 1992
Legislative Council on 7 May 1992]*