

1990 - No. 771

DAIRY INDUSTRY ACT 1979 - REGULATION

(Relating to retail sales of milk from shops)

NEW SOUTH WALES



[Published in Gazette No. 167 of 14 December 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Dairy Industry Act 1979, has been pleased to make the Regulation set forth hereunder.

IAN ARMSTRONG
Minister for Agriculture and Rural Affairs.

Commencement

1. This Regulation commences on 28 December 1990.

Amendments

2. The Dairy Industry (General) Regulation 1983 is amended:
 - (a) by omitting clause 5 (1) (b) and by inserting instead the following paragraph:
 - (b) in relation to an application for a certificate of registration as a dairy produce merchant, being a certificate:
 - (i) which authorises the holder to sell milk from a vehicle - Form 3; or
 - (ii) which authorises the holder otherwise than as referred to in subparagraph (i) - Form 4.
 - (b) by omitting clause 5 (2) (b) and by inserting instead the following paragraph:

- (b) in relation to an application for a certificate of registration as a dairy produce merchant, being a certificate:
 - (i) which authorises the holder to sell milk from a vehicle - \$12.50; or
 - (ii) which authorises the holder otherwise than as referred to in subparagraph (i) - \$12.50 for each milk store, dairy produce factory or dairy produce store of which the holder is or is to be the occupier.
- (c) by omitting from clause 5 (3) the words "(not being a certificate which only authorises the holder as referred to in subclause (1) (b) (i))";
- (d) by inserting after clause 6 the following clause:

Directions prohibiting the sale of milk by retail shop

6A. (1) For the purposes of section 37 of the Act:

- (a) the prescribed notice is a notice in accordance with Form 12;
 - (b) the prescribed manner in which, and the prescribed time within which, a person may appeal are:
 - (i) by lodging, at any Local Court, within 7 days after the date of receipt by the appellant of the prescribed notice referred to in paragraph (a), a notice of appeal in accordance with Form 5; and
 - (ii) by serving on the General Manager, a Deputy General Manager or the Secretary, within 28 days after the date referred to in subparagraph (i) and not later than 7 days before the date fixed by the Court for hearing the appeal, a true copy of the notice of appeal, endorsed by the Clerk of the Court with the place and date fixed for the hearing.
- (2) For the purpose of subclause (1) (b) (ii), service may be effected personally or by post.
- (e) by omitting Form 2;
 - (f) by omitting from Form 3 the matter "Cl. 5 (1) (b) (ii)" and by inserting instead the matter "Cl. 5 (1) (b) (i)";

- (g) by omitting from Form 4 the matter "Cl. 5 (1) (b) (iii)" and by inserting instead the matter "Cl. 5 (1) (b) (ii)";
- (h) by omitting from Form 5 the matter "Cl. 6 (1) (c)" and by inserting instead the matter "Cl. 6 (1) (c) and 6A (1) (b) (i)";
- (i) by inserting after Form 11 the following Form:

Form 12

(Cl. 6A (1) (a))

**NOTICE OF GROUNDS FOR PROPOSED
DIRECTION TO CEASE SELLING MILK**

Dairy Industry Act 1979

To:
(name)

of
(address)

The New South Wales Dairy Corporation gives you notice that
it proposes to direct you to cease selling milk by retail from
premises at
.....
(address)

on the following grounds:
.....
.....
.....
.....

Signature:

Date:

EXPLANATORY NOTE

The object of this Regulation is to amend the Dairy Industry (General) Regulation 1983 in consequence of the passage of the Dairy Industry (Amendment) Act 1989 so as:

- (a) to reflect the fact that persons who sell milk by retail sale from premises are no longer required to be registered under the Dairy Industry Act 1979; and

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- (b) to make provision for the giving of a direction by the New South Wales Dairy Corporation to a person not to sell milk by retail sale from premises and for the making of an appeal by a person against such a direction.
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