

DAIRY INDUSTRY AUTHORITY ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 29, 1970.

An Act to constitute the Dairy Industry Authority of New South Wales and to confer and impose on that Authority powers, authorities, duties and functions relating to the supply of milk; to constitute the Dairy Industry Prices Tribunal and to confer on that Tribunal power to recommend prices for milk and dairy products; to constitute the Dairy Industry Artificial Breeding Advisory Board and to define its functions; to repeal the Milk Act, 1931, and the Dairies Supervision Act, 1901; and for purposes connected therewith. [Assented to, 8th April, 1970.]

BE

No. 29, 1970 **B**E 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:—

PART I.

PRELIMINARY.

Short title and commencement. **1.** (1) This Act may be cited as the "Dairy Industry Authority Act, 1970".

(2) Except as provided in subsection three of this section, this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Part VII of this Act shall commence upon a day, not being earlier than the day appointed and notified under subsection two of this section, to be appointed by the Governor and notified by proclamation published in the Gazette.

Division of Act.

2. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–7.

PART II.—CONSTITUTION OF DAIRY INDUSTRY AUTHORITY OF NEW SOUTH WALES—*ss.* 8–16.

PART III.—SUPPLY OF MILK—*ss.* 17–38.

DIVISION 1.—*Powers, Authorities, Duties and Functions of the Authority—ss.* 17–22.

DIVISION 2.—*Vesting of Milk in the Authority—ss.* 23–32.

DIVISION 3.—*Registration of Dairymen and Milk Vendors—ss.* 33, 34.

DIVISION 4.—*Miscellaneous—ss.* 35–38.

PART

Dairy Industry Authority.

PART IV.—QUOTAS—ss. 39–41.

No. 29, 1970

PART V.—DAIRY INDUSTRY PRICES TRIBUNAL—ss.
42–51.

PART VI.—ACQUISITION OF PROPERTY—ss. 52–60.

DIVISION 1.—*Acquisition of Land*—ss. 52, 53.DIVISION 2.—*Acquisition of Undertakings*—ss. 54–60.PART VII.—DAIRY INDUSTRY ARTIFICIAL BREEDING
ADVISORY BOARD—ss. 61–64.

PART VIII.—FINANCE—ss. 65–75.

PART IX.—GENERAL—ss. 76–89.

SCHEDULES.

3. (1) The several Acts specified in Part I of the First Schedule to this Act are repealed.

Repeal and
amendment
of certain
Acts.

(2) The several Acts specified in column 1 of Part II of the First Schedule to this Act are amended in the manner set forth opposite those Acts respectively in column 2 of that Part.

4. (1) In this Act, except in so far as the context or subject matter otherwise indicates or requires—

Interpre-
tation.

“Authority” means the Dairy Industry Authority of New South Wales constituted under this Act;

“Board” means the Dairy Industry Artificial Breeding Advisory Board constituted under section sixty-one of this Act;

“bulk collection” means the collection from a person of milk for conveyance in a tanker vehicle mixed with milk collected from another person;

“carrier”

Dairy Industry Authority.

No. 29, 1970

“carrier” means any person (other than a dairyman or milk vendor who carries milk as a dairyman or as part of his business as a milk vendor) who carries on business as a carrier of milk;

“certificate of registration” means a certificate of registration issued under section thirty-three of this Act;

“Chairman” means Chairman of the Authority;

“dairyman” means the occupier of dairy premises;

“dairy premises” means any land or premises used for or in connection with the stalling, grazing, feeding or milking of cattle for the purpose of producing milk which is supplied or to be supplied for profit or sale;

“dairy product” means any substance, not being milk, in the production or manufacture of which—

(a) milk is used; or

(b) any substance produced or manufactured from milk is used,

and which is ordinarily used as a food for humans;

“Deputy Chairman” means Deputy Chairman of the Authority;

“member” means member of the Authority;

“milk” includes—

(a) any liquid; or

(b) any liquid of a class,

from time to time described in the Second Schedule to this Act;

“Milk Board” means the Milk Board constituted under the Milk Act, 1931;

“milk store” means any building or place at or upon which milk is treated, deposited, or stored, and includes any building or place at or from which milk is supplied, but does not include dairy premises;

“milk

Dairy Industry Authority.

“milk vendor” means any person—

No. 29, 1970

- (a) who is the occupier of a milk store ;
- (b) who, otherwise than as an employee or a carrier, receives or accepts milk to be supplied to another person ; or
- (c) who sells milk to another person ;

“registered”, in relation to—

- (a) a dairyman, means holding a certificate of registration as a dairyman ; or
- (b) a milk vendor, means holding a certificate of registration as a milk vendor ;

“regulations” means regulations made under this Act ;

“secretary” means secretary of the Authority or the person for the time being acting as the secretary of the Authority ;

“sell” means 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, suffer or allow to be sold, offered, or exposed for sale, and “sale” and “sold” have corresponding meanings ;

“treatment”, in relation to milk, includes the examination, cleansing, pasteurisation, modification, homogenisation, separation, sterilisation, alteration or manufacture into another form of milk or into a dairy product, packaging, testing, grading, cooling, refrigerating, bottling, or packing, and “treat” has a corresponding meaning ;

“Tribunal” means the Dairy Industry Prices Tribunal constituted under section forty-two of this Act.

(2) A reference in this Act to the commencement of this Act is a reference to the day appointed and notified under subsection two of section one of this Act.

(3)

No. 29, 1970

(3) For the purposes of this Act—

- (a) a reference to milk supplied for human consumption, as milk, or for use by humans, as milk, includes a reference to milk supplied for treatment before it, or milk that is a product of its treatment, is supplied for human consumption, as milk, or for use by humans, as milk; and
- (b) a reference to milk supplied for use in the production or manufacture of dairy products includes a reference to milk supplied for treatment before it, or milk that is a product of its treatment, is supplied for use in the production or manufacture of dairy products.

Amendment
of Second
Schedule.

5. (1) The Governor may from time to time by proclamation published in the Gazette amend the Second Schedule to this Act by adding thereto or excluding therefrom the description of any liquid, or any class of liquids, specified in the proclamation.

(2) Any proclamation made under this section may be amended or revoked by a subsequent proclamation.

(3) A proclamation made under this section shall—

- (a) take effect from the date of publication of the proclamation or a later date specified in the proclamation; and
- (b) be laid before each House of Parliament within fourteen sitting days of that House after the date of publication.

(4) If either House of Parliament passes a resolution, of which notice has been given within fifteen sitting days of that House after a proclamation under this section has been laid before it, disallowing the proclamation or any part thereof, the proclamation or part thereupon ceases to have effect.

(5)

Dairy Industry Authority.

(5) For the purposes of subsections three and four of this section, sitting days shall be counted, whether or not they occur during the same session. **No. 29, 1970**

(6) The Second Schedule, as amended by any proclamation made under this section, shall be the Second Schedule to this Act.

6. Unless otherwise in this Act expressly provided, this Act shall not affect any provision of the Public Health Act, 1902, the Pure Food Act, 1908, the Factories, Shops and Industries Act, 1962, the Dairy Industry Act, 1915, the Weights and Measures Act, 1915, the Local Government Act, 1919, the Stock Diseases Act, 1923, or any rules, regulations, ordinances or by-laws made under any of those Acts, or take away powers vested in any person or body by any of those Acts or by any rules, regulations, ordinances or by-laws made thereunder. ^{Saving of certain Acts.}

7. (1) The Minister may, by order published in the Gazette, declare that all of the provisions of this Act, or any of the provisions of this Act specified in the order, do not apply to or in respect of—

- (a) any dairyman or any dairyman of a class;
- (b) any milk vendor or any milk vendor of a class;
- (c) any person or any person of a class;
- (d) any dairy premises or any dairy premises of a class;
- (e) any milk store or any milk store of a class;
- (f) any milk or any milk of a class; or
- (g) any part of the State,

specified in the order.

(2)

Dairy Industry Authority.

No. 29, 1970 — (2) Any such order shall take effect from a date specified therein, not being earlier than the date of the publication of the order in the *Gazette*.

(3) An order made under paragraph (a), (b) or (c) of subsection one of this section may be absolute or may be subject to such conditions as are specified by the Minister in the order.

(4) For the purposes of subsection one of this section a class may be defined by reference to such circumstances or factors as the Minister thinks fit and specifies in the order.

(5) If any person to whom an order under paragraph (a), (b) or (c) of subsection one of this section relates fails to comply with any condition subject to which the order was made, the Minister may by order published in the *Gazette* amend the order by excluding that person from its operation.

(6) An order under this section has effect according to its tenor.

PART II.

CONSTITUTION OF DAIRY INDUSTRY AUTHORITY OF
NEW SOUTH WALES.

Constitution of Authority. 8. (1) There is hereby constituted a corporation under the corporate name of the "Dairy Industry Authority of New South Wales" which—

(a) shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this or any other Act;

(b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and

(c)

Dairy Industry Authority.

(c) shall, in the exercise of its powers, authorities, duties No. 29, 1970 and functions (except when it makes a recommendation or report to the Minister or furnishes to the Minister its comments on any recommendation or report made to the Minister by the Tribunal or the Board), be subject to the control and direction of the Minister.

(2) The Authority shall consist of five members, appointed by the Governor, of whom—

- (a) one shall be a person nominated by the Minister as Chairman of the Authority;
- (b) one shall be a person nominated by the Minister as Deputy Chairman of the Authority;
- (c) one shall be a person nominated by the Minister to represent the consumers of milk; and
- (d) two shall be persons elected, as prescribed, by dairymen registered under this Act to represent them.

(3) Subject to section nine of this Act, the members appointed pursuant to paragraphs (a) and (b) of subsection two of this section shall, in and by the instruments by which they are appointed, or by other instruments, be respectively appointed Chairman and Deputy Chairman of the Authority.

(4) Subject to this Act, the term of office of a member shall be such term, not exceeding seven years, as is specified in the instrument of his appointment.

(5) Upon the expiration of the term of office of a member he shall, if otherwise qualified, be eligible for reappointment from time to time and any such reappointment shall be for such term, not exceeding seven years, as is specified in the instrument of his reappointment.

(6)

Dairy Industry Authority.

No. 29, 1970 (6) Subject to subsection seven of this section and to section nine of this Act, where a vacancy occurs in the office of a member appointed or deemed to be appointed pursuant to paragraph (d) of subsection two of this section, otherwise than by reason of the expiration of that member's term of office, a person shall be elected, as prescribed, to fill the vacant office and the person elected shall be appointed to fill that office during the unexpired term of that office.

(7) Subject to section nine of this Act, where—

(a) a vacancy occurs in the office of a member appointed pursuant to paragraph (d) of subsection two of this section; and

(b) that vacancy so occurs within the final six months of the term of office of the member,

the Governor may appoint to the vacant office a person nominated by the Minister, and that person shall be deemed to have been appointed pursuant to that paragraph and shall hold office during the unexpired term of the vacant office.

(8) A person who is of or above the age of sixty-five years shall not be appointed as a member of the Authority.

(9) During the absence or illness of a member the Governor may, on such terms and conditions (including terms and conditions as to payment of remuneration, allowances and expenses) as the Governor may determine, appoint a person as a deputy of that member and the person so appointed, while he holds office as a deputy member of the Authority—

(a) shall have and may exercise or perform the powers, authorities, duties and functions of the member of whom he is the deputy; and

(b) if he is not otherwise a member of the Authority, shall be deemed to be such a member.

(10)

Dairy Industry Authority.

(10) During the illness or absence of the Chairman, No. 29, 1970 the Deputy Chairman shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed on the Chairman by or under this Act.

(11) No person shall be concerned to enquire whether or not any occasion has arisen requiring or authorising the Deputy Chairman to act in the place of the Chairman, and all acts or things done or omitted by the Deputy Chairman while acting as Chairman shall have the same consequences as if they had been done or omitted by the Chairman.

(12) A member shall receive such annual salary, allowances and travelling expenses as the Governor may from time to time determine, and shall devote the whole of his time to the duties of his office.

(13) A member shall be deemed to have vacated his office—

- (a) if he engages during his term of office in any paid employment outside the duties of his office;
- (b) if he dies;
- (c) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- (d) if he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless his absence is occasioned by illness or other unavoidable cause;
- (e) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (f) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales

of

Dairy Industry Authority.

No. 29, 1970

of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;

- (g) if he resigns his office by writing under his hand addressed to the Governor;
- (h) if he attains the age of sixty-five years; or
- (i) if he is removed from office by the Governor.

(14) The Governor may, for any cause which appears to him sufficient, remove any member from office.

(15) Where a member appointed pursuant to paragraph (a), (b) or (c) of subsection two of this section was, immediately before his appointment, an officer of the Public Service or of the Authority and ceases to be such a member otherwise than pursuant to subsection thirteen (paragraph (g) excepted) or fourteen of this section he shall, if he has not attained the age of sixty years, be appointed—

- (a) where he was an officer of the Public Service, to an office in the Public Service; or
- (b) where he was an officer of the Authority, to an office with the Authority,

not lower in classification or salary than that which he held immediately before that appointment.

(16) Where a member was, immediately before his appointment, an officer of the Public Service, the Authority or the Milk Board or an employee within the meaning of the Superannuation Act, 1916, he shall retain any rights which have accrued or are accruing to him as such an officer or employee and he shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he had continued to be such an officer or employee during his service with the Authority, and for the purposes of this subsection his service as such a member shall be deemed to be service for the purposes of those Acts.

(17)

Dairy Industry Authority.

(17) A member shall not, in respect of the same No. 29, 1970 period of service, be entitled to claim a benefit under this Act and another Act.

(18) Where a member contributes to a fund or account as referred to in subsection sixteen of this section, the Authority shall pay to the State Superannuation Board such amounts as would have been payable to that Board if that member had remained an employee within the meaning of the Superannuation Act, 1916, and had continued to be employed by the employer by whom he was employed immediately before his appointment as such a member and as if he were receiving from that employer the same salary and allowances as is or are being paid to him under this Act.

(19) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member and a member shall not, as a member, be subject to that Act during his term of office as a member.

9. (1) Subject to this Act—

- (a) the person who, immediately before the commencement of this Act, held office as chairman of the Milk Board shall be deemed to have been duly appointed, pursuant to paragraph (a) of subsection two of section eight of this Act, to take office, at that commencement, as a member, and as Chairman of the Authority;
- (b) the person who, immediately before that commencement, held office as the member of that Board representative of dairymen shall be deemed to have been duly appointed a member of the Authority pursuant to paragraph (d) of that subsection, to take office at that commencement; and
- (c) the person who, immediately before that commencement, held office as the member of that Board representative of the consumers of milk shall be

Certain
persons to be
Chairman,
&c., of
Authority.

deemed

Dairy Industry Authority.

No. 29, 1970

deemed to have been duly appointed as a member of the Authority pursuant to paragraph (c) of that subsection, to take office at that commencement,

and, in each case, shall be deemed to have been appointed on the same terms and conditions as those upon which, and for a term expiring at the same time as that for which, he was appointed to the office he held immediately before that commencement.

(2) Notwithstanding anything contained in paragraph (d) of subsection two of section eight of this Act, the Governor may appoint, as a person appointed pursuant to that paragraph to take office at the commencement of this Act, a person nominated by the Minister and, where such a person is so appointed he shall, subject to this Act, hold office as a member of the Authority pursuant to that paragraph for the same term as the person who, pursuant to paragraph (b) of subsection one of this section, is deemed to have been appointed such a member.

(3) Where, before the first election of members for appointment pursuant to paragraph (d) of subsection two of section eight of this Act, a vacancy occurs in an office referred to in that paragraph, the Governor may appoint a person to the vacant office for the remainder of the term of office of the immediate predecessor in office of that person.

(4) Nothing in this Act shall prejudice or affect any right that, immediately before the commencement of this Act, had accrued, or was accruing, under the Public Service Act, 1902, the Superannuation Act, 1916, or the Milk Act, 1931, to a member referred to in subsection one of this section and any such right shall, until the member vacates his office by effluxion of time or otherwise, subsist or continue to accrue as if—

(a) the repeals and amendments effected by this Act (including the repeal of subsection five of section seven of the Milk Act, 1931) had not been effected; and

(b)

Dairy Industry Authority.

(b) service with the Authority were service for the purposes of the Act pursuant to which the right was accruing, No. 29, 1970

but no such member shall be entitled to claim, in respect of the same period of service, a benefit under this Act and another Act.

10. A person who is a member of any firm or a director or officer of any company, society, association, or corporation directly or indirectly carrying on the business of or having for its objects the supply, treatment, distribution, or sale of milk, or who receives any remuneration or fee, or any benefit (otherwise than as a shareholder) from any such firm, company, society, association, or corporation shall not be eligible for appointment as a member of the Authority and is disqualified from holding office as a member of the Authority. Disquali-
fication.

11. (1) The procedure for the calling of meetings of the Authority and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Authority. Procedure
at meetings
of Authority.

(2) The Chairman, or in the absence of the Chairman, the Deputy Chairman, or in the absence of the Chairman and Deputy Chairman, the member chosen by the members present at the meeting to act as chairman, shall preside at any meeting of the Authority.

(3) Three members shall form a quorum and any duly convened meeting of the Authority at which a quorum is present shall be competent to transact any business of the Authority and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Authority.

(4) The person acting as chairman at any meeting of the Authority shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

(5)

Dairy Industry Authority.

No. 29, 1970 (5) A decision of a majority of the members present at a meeting of the Authority shall be the decision of the Authority.

(6) The Authority shall cause full and accurate minutes to be kept of its proceedings at meetings, and shall submit to the Minister a copy of the minutes of each meeting as soon as practicable after the date on which it was held.

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

(8) Nothing in subsection seven of this section shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Authority, and which the member authorised or joined in authorising.

Transfer of officers. **12.** (1) The persons who, immediately before the commencement of this Act, were officers and employees of the Milk Board shall on that commencement become and be respectively officers and employees of the Authority.

(2) Where a condition of employment of a person who, pursuant to subsection one of this section, becomes an officer or employee of the Authority is, at the commencement of this Act, regulated by an award or industrial agreement, the condition shall continue to be so regulated until an award by which the Authority is bound is made in relation to the condition by a competent tribunal or the condition is regulated by an industrial agreement to which the Authority is a party.

13.

Dairy Industry Authority.

13. (1) Where a person becomes, pursuant to subsection No. 29, 1970 one of section twelve of this Act, an officer or employee of the Authority, nothing in this Act shall prejudice or affect any right that, immediately before the commencement of this Act, had accrued, or was accruing, under the Public Service Act, 1902, the Superannuation Act, 1916, the Milk Act, 1931, or any other Act, to that person and any such right so accruing shall, until lawfully terminated or varied, continue to accrue as if—

Saving of
certain
rights.

- (a) the repeals and amendments effected by this Act had not been effected; and
- (b) service with the Authority were service for the purposes of the Act pursuant to which the right had accrued or was accruing,

but no such officer or employee shall be entitled to claim, in respect of the same period of service, a benefit under this Act and another Act.

(2) Where, immediately before the commencement of this Act, an appeal was pending before, or could have been made to, the Crown Employees Appeal Board by a person who at that commencement, becomes, pursuant to subsection one of section twelve of this Act an officer or employee of the Authority, that appeal may—

- (a) where it was pending, be continued and completed; or
- (b) where it is made after that commencement, be commenced within the period prescribed by the Crown Employees Appeal Board Act, 1944, and be continued and completed,

as if the Milk Board were the Authority.

(3) The determination of the Crown Employees Appeal Board on an appeal referred to in subsection two of this section shall be given effect to by the Authority.

14.

Dairy Industry Authority.

No. 29, 1970 **14.** (1) The Governor may, on the recommendation of the Authority, appoint such officers as are necessary for carrying out the provisions of this Act, and may, on a like recommendation, determine the salary, wages, allowances and conditions of employment of the officers so appointed where they are not determined in accordance with the provisions of any other Act.

Appointment
of officers.

(2) Upon the recommendation of the Authority, the regulations may provide for the conditions and terms of employment of officers and employees of the Authority.

(3) The Authority may employ such casual or temporary employees as it deems necessary at such wages or remuneration as the Authority determines and may dismiss any such employees.

Saving of
rights of
public
servants
appointed
to
Authority.

15. (1) An officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, appointed to the service of the Authority shall retain any rights which have accrued or are accruing to him as such an officer or employee and he shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he had continued to be such an officer or employee during his service with the Authority, and for the purposes of this subsection his service with the Authority shall be deemed to be service for the purposes of that Act, and of the Public Service Act, 1902.

(2) An officer or employee referred to in subsection one of this section shall not be entitled to claim, in respect of the same period of service, a benefit under this Act and another Act.

Transfer of
assets,
liabilities,
&c., of the
Milk Board.

16. (1) On and from the commencement of this Act—

(a) all real and personal property and all right and interest therein and all management and control

thereof

Dairy Industry Authority.

thereof that, immediately before the commencement of this Act, was vested in or belonged to the Milk Board shall vest in and belong to the Authority;

- (b) all moneys, liquidated and unliquidated claims that, immediately before that commencement were payable to or recoverable by the Milk Board shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Authority;
- (c) all suits, actions and proceedings pending immediately before that commencement at the suit of the Milk Board shall be respectively suits, actions and proceedings pending at the suit of the Authority and all suits, actions and proceedings so pending at the suit of any person against the Milk Board shall be suits, actions and proceedings pending at the suit of that person against the Authority;
- (d) all contracts, agreements and undertakings entered into with, and all securities lawfully given to or by, the Milk Board and in force immediately before that commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the Authority;
- (e) the Authority may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of suits, actions and proceedings so referred to as the Milk Board might have done but for the repeals and amendments effected by this Act;
- (f) the Authority may enforce and realise any security or charge existing immediately before that commencement in favour of the Milk Board, and may exercise any powers thereby conferred on the Milk Board as if the security or charge were a security or charge in favour of the Authority;

(g)

Dairy Industry Authority.

No. 29, 1970

(g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, the Milk Board shall be debts due, moneys payable by and claims recoverable against, the Authority;

(h) all liquidated or unliquidated claims for which the Milk Board would, but for the repeals and amendments effected by this Act, have been liable shall be liquidated and unliquidated claims for which the Authority shall be liable.

(2) No attornment to the Authority by a lessee from the Milk Board shall be required.

(3) A reference to the Milk Board in any other Act, or in any by-law, regulation, statutory instrument or other document, whether of the same kind or of a different kind, shall be read and construed as a reference to the Authority.

PART III.

SUPPLY OF MILK.

DIVISION 1.—*Powers, Authorities, Duties and Functions of the Authority.*

Regulation and control of supply, &c., of milk.
cf. Act No. 59, 1931, s. 22.

17. The Authority is hereby charged with the regulation and control of the quality, supply and distribution of milk for the purposes of ensuring the wholesomeness and purity of milk and dairy products in the interests of public health.

General powers of Authority.
cf. Act No. 59, 1931, s. 25.

18. (1) The Authority may—

(a) establish and maintain laboratories to carry out research into matters relating to milk, dairy products and by-products of milk;

(b)

Dairy Industry Authority.

- (b) take, without payment, samples of milk from any dairy premises or milk store, or from any conveyance, utensil, or container; No. 29, 1970
- (c) at any reasonable time enter and inspect any premises which are, or which the Authority believes to be, used as dairy premises or as a milk store, and examine any books, documents, papers, scales, measures, appliances, apparatus, vehicles, containers or utensils referring to or used in connection with the production, collection, treatment, carriage, deposit, storage, distribution, delivery, supply, use or sale of milk or dairy products and take notes, copies, or extracts of or from any such books, documents, or papers;
- (d) prepare a scheme and, from time to time, vary any scheme prepared by it, for the purpose of determining the quantities of milk that may be delivered to or will be accepted by the Authority or the quantities of any such milk for which payment will be made by the Authority at any particular price and, for the purposes of any such scheme, allocate quotas to any person producing milk for delivery to the Authority;
- (e) by instrument in writing appoint any person to be an authorised agent to act as the Authority's agent for the purpose of carrying out such of the powers, authorities, duties and functions of the Authority in such circumstances as may be specified in the instrument;
- (f) maintain and provide an artificial stock breeding service, or services for the supply of semen, for the purposes of the dairy industry and beef industry;
- (g) by notice in writing served on any dairyman or milk vendor, whether or not he is appointed an agent of the Authority, direct him to install and maintain such equipment, facilities and staff as are specified in the notice as being necessary for the

effective

Dairy Industry Authority.

No. 29, 1970

effective maintenance of the standards of quality of milk and dairy products, provided for or prescribed by or under this or any other Act;

- (h) by notice in writing served on any person who has possession of any milk which appears to the Authority to be deleterious to health, unwholesome or impure, direct that person not to supply that milk for consumption or use and to deal with or dispose of that milk in such manner as may be specified in the direction;
- (i) by notice in writing served on any milk vendor who sells milk to other persons, direct that milk vendor not to sell that milk to other persons or to any class of persons, except during the periods or between the times specified in the notice;
- (j) by notice in writing served on any carrier, direct him not to collect and carry milk from or to any place, area or person, specified in the direction, in the course of his business as a carrier;
- (k) by notice in writing served on any milk vendor, direct him not to use or display, in connection with his business as a milk vendor, any advertisement, description, sign, notice, device or representation in the nature of an advertisement, which does not correctly describe or represent the milk sold, or the services offered, by that milk vendor;
- (l) by notice in writing served on any dairyman or milk vendor or other person concerned with the production, collection, treatment, carriage, deposit, storage, distribution, delivery, supply, use or sale of milk, direct him to furnish such information or returns, including periodical information or returns, as are specified in the notice.

(2)

Dairy Industry Authority.

(2) A person on whom a notice under paragraph No. 29, 1970 (g), (h), (i), (j), (k) or (l) of subsection one of this section is served and who neglects or fails to comply with the direction contained in the notice is guilty of an offence against this Act.

(3) Where the Authority appoints an authorised agent under paragraph (e) of subsection one of this section for the purpose of carrying out any powers, authorities, duties or functions of the Authority, those powers, authorities, duties and functions may be carried out by any employee, or agent, of that authorised agent who is authorised to do so by that authorised agent.

19. The Authority may, with the approval of the Governor, exercise any one or more of the following powers, that is to say—

- (a) engage in the collection, treatment or wholesale or retail distribution of milk;
- (b) purchase or acquire in accordance with Division 2 of Part VI of this Act, or lease or rent, the undertaking or portion of the undertaking of any milk vendor;
- (c) establish and conduct cool stores;
- (d) establish and conduct milk stores and manufacture, distribute and sell milk, dairy products, ice and other foodstuffs;
- (e) purchase milk for resale or use.

20.

No. 29, 1970 **20. The Authority—**

Authority
required
to perform
certain
functions.
cf. Act No.
59, 1931,
s. 39.

- (a) may carry out research and make investigations relating to milk and dairy products (including chemical, physical, bacteriological, and economic researches and investigations);
- (b) may devise and initiate as far as may be practicable improved methods of producing, collecting, treating, carrying, storing, distributing, delivering, supplying and using milk;
- (c) may devise and initiate as far as may be practicable means to prevent or eliminate wasteful, unnecessary, or unhygienic agencies, methods, practices, costs, or charges in connection with the production, collection, treatment, carriage, storage, distribution, delivery, supply, use or sale of milk;
- (d) may publish reports, information, and advice concerning the production, collection, treatment, carriage, storage, distribution, delivery, supply, preservation, use and sale of milk, and by these and other means encourage the consumption of milk;
- (e) may establish grades, classes or descriptions of milk and dairy products;
- (f) may take all such steps as may be reasonably practicable to ensure that a retail supply of milk shall be available to any consumers who may require it; and
- (g) shall, at such times as the Minister may require, report to and confer with the Minister upon all matters referred to in the preceding paragraphs of this section, or generally affecting the administration of this Act, and recommend such amendments of the law as to the Authority may seem advisable.

Dairy Industry Authority.

21. (1) The Authority may, by instrument in writing under seal, delegate to a member or officer of the Authority or to an officer of the Public Service employed in the Department of Agriculture the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Authority by or under this Act or any other Act as may be specified in the instrument of delegation.

Power of
Authority
to delegate.
cf. Act No.
59, 1931,
s. 22A.

(2) A power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the member or officer to whom the exercise or performance thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Authority may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Authority.

(6) A certificate or other instrument purporting to be signed by a delegate of the Authority in his capacity as such a delegate shall in all courts be received in evidence as if it were a certificate or other instrument executed by the Authority under seal and, until the contrary is proved, shall be deemed to be a certificate or other instrument signed by a delegate of the Authority.

Dairy Industry Authority.

No. 29, 1970 **22.** (1) For the purposes of exercising and discharging the responsibilities, powers, authorities, duties and functions conferred or imposed on the Authority by or under this Act the Authority may, with the approval of the Minister of the Department concerned and on such terms as may be arranged with that Department, make use of the services of any of the officers or employees of any Government Department.

Authority may make use of certain employees of the Crown and statutory bodies.

(2) The Authority may, for the like purpose with the approval of any statutory body and the Minister, and on such terms as may be arranged with that statutory body, make use of the services of any of the officers, servants or employees of that statutory body.

DIVISION 2.—Vesting of Milk in the Authority.

All milk supplied for consumption or use to vest in the Authority. cf. Act No. 59, 1931, s. 26.

23. (1) Milk—

- (a) supplied for human consumption, as milk, or for use by humans, as milk, in New South Wales; or
- (b) supplied for use in the production or manufacture, in New South Wales, of dairy products,

is absolutely vested in and is the property of the Authority.

(2) Milk vested in the Authority by the operation of subsection one of this section and accepted by the Authority at a place where the Authority accepts milk is so vested, freed from all mortgages, charges, liens, pledges, interests, and trusts affecting it, and the rights and interests of every person in that milk are converted into a claim for payment for the quantity of milk so accepted.

Delivery and acceptance of milk. cf. Act No. 59, 1931, s. 27.

24. (1) A registered dairyman may, subject to the provisions of this Act, deliver to the Authority any milk vested in the Authority under section twenty-three of this Act.

(2) Nothing in this Act shall be construed as requiring the Authority to accept all or any milk delivered to it by any person.

(3)

Dairy Industry Authority.

(3) The Authority may from time to time No. 29, 1970 determine—

- (a) the quantity of milk per week which may be supplied by dairymen to and accepted by the Authority at any place appointed by the Authority at which milk will be accepted;
- (b) the quantity of milk or the number of milkings per week either morning or afternoon which may be delivered by a dairyman to and accepted by the Authority;
- (c) the places at which milk will be accepted by the Authority;
- (d) the periods during which milk may be so delivered and accepted.

(4) Milk delivered to and accepted by the Authority may be disposed of by the Authority to milk vendors or to other persons.

(5) Where any milk is not accepted by the Authority, the person who, but for section twenty-three of this Act, would have been the owner of the milk—

- (a) is entitled to dispose of that milk in any manner, and subject to any conditions, specified in an instrument, in writing, authorising him to do so issued to him by the Authority; and
- (b) shall, unless the Authority otherwise determines and notifies him in writing before he disposes of the milk, be deemed to have been authorised to dispose of the milk in any manner, otherwise than by supplying it—
 - (i) for human consumption, as milk, or for use by humans, as milk, in New South Wales; or
 - (ii) for use in the production or manufacture, in New South Wales, of dairy products.

(6)

Dairy Industry Authority.

No. 29, 1970

(6) A dairyman who, except as authorised by subsection five of this section, supplies, sells or delivers milk vested in the Authority under section twenty-three of this Act to a person other than the Authority is guilty of an offence against this Act.

(7) A person—

- (a) who buys or receives any milk knowing that it is supplied, sold or delivered in contravention of subsection six of this section; or
- (b) who buys by wholesale any milk at a price other than the price notified by an order in force under subsection eight of section forty-six of this Act,

is guilty of an offence against this Act.

Delivery
of milk.
cf. Act No.
59, 1931,
s. 28.

25. (1) All milk delivered at a place where the Authority will accept milk shall be delivered in the name of the registered dairyman on whose dairy premises the milk was produced.

(2) Every delivery of milk at a place where the Authority will accept milk shall, for the purposes of the Pure Food Act, 1908, be deemed to be a sale of that milk to the Authority by the dairyman in whose name the milk was delivered, whether or not the milk is accepted wholly or in part by the Authority, and the provisions of that Act and of any regulations made thereunder shall apply accordingly.

(3) All milk produced by a registered dairyman, being milk in his possession or in the possession of some person on his behalf, shall, for the purposes of the Pure Food Act, 1908, be deemed to be in the possession of that dairyman for the sale thereof within the meaning of that Act, and that Act and the regulations made thereunder shall apply accordingly.

(4)

Dairy Industry Authority.

(4) The Authority shall, out of the proceeds of milk No. 29, 1970 disposed of by the Authority under this Act, make provision for—

- (a) expenditure incurred in the treatment, carriage, distribution and sale of the milk, the costs, charges, and expenses of the administration of this Act by the Authority, the Tribunal, the Department of Agriculture and the Board, and any amounts necessary to repay advances made to the Authority; and
- (b) a sinking fund in respect of any loan raised by the Authority, and interest on any such advance or loan,

and, subject to this Act, shall, in accordance with subsection five of this section, make payments to each dairyman in respect of the milk accepted from him.

(5) The Authority shall, at such times as it thinks fit, pay to each dairyman in respect of milk delivered by him to, and accepted by, the Authority—

- (a) where that milk was accepted for human consumption, as milk, or for use by humans, as milk, an amount calculated at the rate of the minimum price notified under Part V of this Act and applicable to that milk; and
- (b) where that milk was accepted by the Authority for use in the production or manufacture, in New South Wales, of dairy products, an amount calculated at the rate of the minimum price notified under Part V of this Act—
 - (i) in respect of milk supplied for that use; or
 - (ii) in respect of the butter fat content of milk supplied for that use,

whichever price is applicable or where either of those prices is applicable at the rate of either of those prices as the Authority thinks fit.

(6)

Dairy Industry Authority.

No. 29, 1970

(6) Where milk produced under a share-farming or partnership agreement is delivered to and accepted by the Authority, the Authority may in its discretion make payment to each of the parties to the agreement in accordance with their interests in the milk delivered.

Determina-
tion of
quantity of
milk
delivered to
and accepted
by the
Authority.
cf. Act No.
59, 1931,
s. 28A.

26. (1) For the purposes of this Act, and of any regulation or order made, or notice, certificate, or other document issued, thereunder, delivery of milk at a place where the Authority will accept milk shall not, except to the extent provided by this section, constitute delivery to, or acceptance by, the Authority of that milk.

(2) Where, during any period, a person delivers, or a person from time to time delivers, milk at a place where the Authority will accept milk—

- (a) the quantity of milk or the quantity of milk of any grade, class or description, that is delivered to the Authority by that person during that period or at that time at that place;
- (b) the quantity of milk, or the quantity of milk of any grade, class or description, that is accepted by the Authority from that person during that period or at that time at that place;
- (c) the purpose or purposes for which the quantity or quantities of milk so delivered and accepted is used or to be used; and
- (d) the conditions under which any quantity of milk so delivered and accepted was produced, collected, treated, carried, deposited, stored, distributed, delivered or supplied,

shall be deemed, as the case may require, to have been—

- (e) such quantity or quantities, in respect of that person, period, time, place, or that grade, class or description;
- (f) such purpose; or
- (g) such conditions.

as

Dairy Industry Authority.

as may at any time thereafter be determined by the Authority No. 29, 1970 or by an officer of the Authority authorised by it for that purpose.

(3) In any legal proceedings by or against the Authority, a certificate by the Authority—

(a) to the effect that—

- (i) no milk;
- (ii) no milk of a specified grade, class or description;
- (iii) a quantity of milk; or
- (iv) a quantity of milk of a specified grade, class or description,

was, during a specified period, delivered to the Authority by, and accepted by the Authority from, a specified person at a specified place or the purpose or purposes for which no milk or a quantity of milk was so delivered and accepted; or

(b) as to the conditions under which any quantity of milk was produced, collected, treated, carried, deposited, stored, distributed, delivered or supplied,

shall be conclusive evidence of the matters specified therein and of the fact that the place so specified was a place at which the Authority would, during that period, accept milk and any such certificate shall not be questioned, reviewed or examinable in any court of law or equity.

(4) A determination referred to in subsection two of this section made in relation to any milk, or a certificate under subsection three of this section embodying any matters in respect of which any such determination has been made, shall have effect whether or not that milk was of any grade, quality or description specified in the determination or certificate and whether or not any quantity or conditions
under

Dairy Industry Authority.

No. 29, 1970 under which that milk was produced, collected, treated, carried, deposited, stored, distributed, delivered or supplied or any purpose for which that milk was used was or were as specified in the determination or certificate.

(5) No proceedings, whether at law or in equity, shall be taken in any court in any circumstances in relation to any act or thing done or omitted to be done pursuant or purportedly pursuant to this section by the Authority or an officer of the Authority.

Advances
by
Authority.
cf. Act No.
59, 1931,
s. 29.

27. The Authority may make or arrange for the making of advances on account of milk delivered to the Authority, and any such advances and any payment made on account of any such milk may be made at such time or times, and on such terms and conditions, and in such manner as the Authority may think fit.

Avoidance
of contracts
for sale
of milk.
cf. Act No.
59, 1931,
s. 30.

28. (1) Every contract, whether made before or after the commencement of this Act, or provision in any such contract, so far as it relates to milk referred to in subsection one of section twenty-three of this Act, is and shall be deemed to have been void and of no effect as from the date upon which the contract was made, except in so far as the contract relates to milk that has been accepted by the Authority or to the supply, sale or delivery of milk, the supply, sale or delivery of which is not prohibited under subsection six of section twenty-four of this Act, or the contract has been completed at the commencement of this Act.

(2) Any provision in a contract, being a provision referred to in subsection one of this section, shall be deemed to be severable.

(3) Any transaction or contract with respect to milk which is the subject-matter of any contract or provision of a contract declared by this section to be void shall also be

void

Dairy Industry Authority.

void and of no effect, and any money paid pursuant to any such contract or provision or to any such transaction shall be repayable. No. 29, 1970

(4) The Minister may, by order published in the Gazette, declare that this section shall not apply to or in respect of any contract specified in the order and made before the commencement of this Act.

29. (1) Subject to this section, no proceedings at law or in equity shall be brought against the Authority or any person acting under its authority by any person claiming to be entitled under any bill of sale, mortgage, charge, lien (including any lien under the Liens on Crops and Wool and Stock Mortgages Act of 1898, or the Co-operation Act, 1923) or other encumbrance over, of or upon any milk delivered by a dairyman to, and accepted by, the Authority, or claiming to be the true owner of any such milk, as against the dairyman who delivered the milk. Remedy against Authority confined to claim for account. cf. Act No. 59, 1931, s. 31.

(2) Any person who but for subsection one of this section would have been entitled to bring any such proceedings may adopt the delivery of the milk to the Authority as a delivery thereof by him to the Authority, and may claim accordingly for an account of the payments due in respect thereof, and recover the amount due in any court of competent jurisdiction as a debt.

(3) Notwithstanding anything in the Liens on Crops and Wool and Stock Mortgages Act of 1898, or any other Act, or any rule of law to the contrary, any such person shall not be entitled to make any such claim for an account of the payments due in respect of the milk, or any part of those payments, unless he has given prior notice in writing to the Authority in the form and containing the particulars prescribed of the bill of sale, mortgage, charge, lien, or other encumbrance, or the claim of ownership, and then only for such part of those moneys as has not been paid to any other person at the time of the receipt by the Authority of the notice.

Dairy Industry Authority.

No. 29, 1970 **30.** (1) Every person delivering milk to the Authority which is subject to any bill of sale, mortgage, charge, lien or encumbrance or in respect of which he has entered into any contract in derogation of his title to supply the milk as the absolute owner thereof (and whether the bill of sale, mortgage, charge, lien, or encumbrance, or contract was made before or after the commencement of this Act) shall, within one month after the making thereof, give to the Authority a notice in writing in the prescribed form of the bill of sale, mortgage, charge, lien, encumbrance, or contract.

Duty to give notice of encumbrances.
cf. Act No. 59, 1931, s. 32.

(2) Any person wilfully guilty of a failure to comply with the provisions of this section is guilty of an offence against this Act.

31. Where the Authority in good faith and without negligence has made any payment—

Authority not liable for payments made in good faith.
cf. Act No. 59, 1931, s. 33.

- (a) to a dairyman delivering or causing to be delivered any milk to the Authority or any person acting under its authority;
- (b) to any person entitled or claiming to be entitled through such a dairyman; or
- (c) to any person on the order of such a dairyman or of a person referred to in paragraph (b) of this section,

the Authority shall not be answerable to any other person in respect of that payment for the milk or any part thereof, or in any action, suit, claim, or demand whatsoever for damages or otherwise.

32. (1) If before receiving notice of claim to any payment for milk vested in the Authority or to the chose in action or any part thereof the subject-matter of any such payment the Authority has in good faith and without negligence made that payment, in whole or in part, in accordance with the provisions of this Part, the Authority shall not, to the

Authority protected in certain cases.
cf. Act No. 59, 1931, s. 34.

extent

Dairy Industry Authority.

extent to which it has made that payment, incur any liability No. 29, 1970 to the true owner of the milk or chose in action or any part thereof or to any person claiming through, under, or in trust for him.

(2) This section does not in any way prejudice or affect any rights inter se of any parties claiming adversely to one another to be entitled whether at law or in equity to the milk or chose in action the subject-matter or part of the subject-matter of any claim for payment.

(3) The Authority may plead this section in absolute bar of any proceeding (whether at law or in equity) by any dairyman, transferee, or party aforesaid in respect of any such milk or chose in action or part.

DIVISION 3.—Registration of Dairymen and Milk Vendors.

33. (1) A person who acts as a dairyman or carries on any activities as a milk vendor, without being the holder of a certificate of registration as a dairyman or milk vendor, as the case may be, that authorises him to do so, is guilty of an offence against this Act. Registration of dairymen and milk vendors. cf. Act No. 59, 1931, s. 36.

(2) A certificate of registration may authorise a milk vendor to carry on only such activities as a milk vendor as are specified in the certificate.

(3) An application for a certificate of registration as a dairyman or milk vendor shall be made—

- (a) in or to the effect of the prescribed form; and
- (b) shall be accompanied by the fee fixed under this Act for making the application and for issuing the certificate of registration if the application is approved.

(4) The Authority may approve the application subject to such conditions as it thinks fit or refuse the application.

(5)

Dairy Industry Authority.

No. 29, 1970 (5) A certificate of registration issued to a person after the commencement of this Act shall, unless sooner cancelled or surrendered, be in force until a day specified in the certificate that is not less than one year or more than two years after the date of issue of the certificate.

(6) The conditions to which a certificate of registration may be made subject may include—

- (a) conditions as to the grade, class or description of milk which the holder of the certificate is authorised to treat, deposit, store, distribute, supply or sell;
- (b) conditions prohibiting the holder of the certificate from treating, depositing, storing, distributing, supplying or selling milk otherwise than at a place or in an area or in a manner specified in the certificate; and
- (c) such other conditions as the Authority deems necessary for the purpose of carrying out or giving effect to any of the provisions of this Act.

(7) The Authority may by notice in writing served on the holder of a certificate of registration vary the conditions to which the certificate is subject by altering or revoking any of those conditions or may, in like manner, impose conditions or additional conditions to which the certificate is subject.

(8) The holder of a certificate of registration who fails to comply with any conditions to which the certificate is from time to time subject is guilty of an offence against this Act.

(9) Any certificate of registration granted or purporting to have been granted under the Milk Act, 1931, and in force, or purporting to be in force, immediately before the commencement of this Act, shall be deemed to have been issued by the Authority under this section.

(10)

Dairy Industry Authority.

(10) Any person who immediately before the commencement of this Act was registered or licensed as a dairyman or as a milk vendor under the provisions of the Dairies Supervision Act, 1901, or of Division 8A of Part X of the Local Government Act, 1919, shall be deemed to be the holder of a certificate of registration as a dairyman or milk vendor, as the case may be, expiring on the day on which his registration or license under those provisions would have expired had the repeals and amendments effected by this Act not been effected or on the anniversary of the commencement of this Act, whichever first occurs.

34. (1) The Authority may refuse to issue a certificate of registration to, or may cancel the certificate of registration issued to, any person—

Authority
may refuse
to issue
certificate.
&c.

- (a) if he has been convicted of two or more offences against the Dairies Supervision Act, 1901, the Pure Food Act, 1908, the Metropolitan Milk Act, 1929, the Milk Act, 1931, Division 8A of Part X of the Local Government Act, 1919, or this Act, or against any regulations, by-laws or ordinances made under any such Act;
- (b) if in the opinion of the Authority he is not a fit and proper person to hold such a certificate;
- (c) if in the opinion of the Authority any dairy premises, milk store, vehicle, or equipment occupied or used by him as a dairyman or milk vendor are or is unsuitable; or
- (d) if in the opinion of the Authority it is necessary or desirable, in the public interest or to enable the Authority to effectively carry out or give effect to any of the provisions of this Act, to refuse to issue or to cancel the certificate.

(2)

No. 29, 1970

(2) Before cancelling a certificate of registration upon either of the grounds specified in paragraph (a) or (b) of subsection one of this section, the Authority shall, in the prescribed manner, notify the holder of the certificate of the grounds upon which the Authority proposes to cancel the certificate.

(3) A person so notified or a person whose application for a certificate of registration has been refused upon either of the grounds specified in paragraph (a) or (b) of subsection one of this section may in the manner and within a time prescribed appeal against the cancellation or refusal to a court of petty sessions held before a stipendiary magistrate.

(4) The court shall hear and determine the appeal and the decision of the court shall be final and shall be given effect to by the Authority.

(5) The court hearing an appeal under this section shall not, for the purposes of that hearing, be bound by the rules of evidence and may inform itself on the matter of the appeal in such manner as it thinks fit.

DIVISION 4.—*Miscellaneous.*

Milk to be
pasteurised.

35. (1) As on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette (being a day after the day appointed and notified under subsection two of section one of this Act), any person who sells, otherwise than to a milk vendor, or to a dairy produce factory within the meaning of the Dairy Industry Act, 1915, milk that has not been—

(a) pasteurised within the meaning of the Pure Food Act, 1908, and the regulations made under that Act; or

(b) treated in the prescribed manner,

is guilty of an offence against this Act.

(2)

Dairy Industry Authority.

(2) The power conferred by section seven of this Act to exempt any person from any of the provisions of this Act does not extend to exempting a person from the provisions of subsection one of this section except in relation to milk obtained from a dairy herd—

- (a) which has been certified, by the Chief of Division of Animal Industry of the Department of Agriculture, to be free from tuberculosis and any other disease prescribed for the purposes of this subsection; and
- (b) to which an animal has not been admitted after the herd was so certified.

36. (1) In this section, "infectious disease" means any disease declared by the Governor, by order published in the Gazette, to be an infectious disease for the purposes of this section. ^{Infectious diseases in milk.}

(2) Where a medical practitioner is treating a person for an infectious disease and the medical practitioner is aware that that person or any other person who has come into contact with that person could by reason of his presence on or in any dairy premises, milk store, or dairy produce factory within the meaning of the Dairy Industry Act, 1915, have caused any milk to have become contaminated by that disease, the medical practitioner shall forthwith notify, in writing, the Director-General of Public Health and the Authority.

37. Where the Authority is of the opinion—

- (a) that any person who has suffered from any disease (whether or not it is an infectious disease as defined in section thirty-six of this Act) or that any person who has come into contact with any such person could, by reason of his presence on or in any dairy premises, milk store, or dairy produce factory

Seizure of contaminated milk.

within

Dairy Industry Authority.

No. 29, 1970

within the meaning of the Dairy Industry Act, 1915, have caused any milk to have become contaminated by that disease; and

- (b) that any milk, if so contaminated, would be unfit for human consumption,

the Authority may seize and destroy any milk found on those dairy premises or that milk store or dairy produce factory at any time before the Authority is satisfied that there is no longer any risk of milk so found being contaminated by that disease or may, in relation to any such milk, exercise any other power conferred on the Authority by this Act.

Offences.

38. Every person who—

- (a) resists or obstructs any officer of the Authority in the course of his duty;
- (b) refuses to give information, or gives information knowing it to be false, in answer to any inquiry made by any officer of the Authority in the course of his duty;
- (c) being the holder of a certificate of registration issued under this Act, sells, distributes or supplies for sale milk which is not of a grade, class or description that he is authorised in the certificate to sell, distribute or supply; or
- (d) sells, distributes or supplies milk to a person carrying on the business of a milk vendor who is not the holder of a certificate of registration as a milk vendor, or, being a milk vendor, purchases milk for re-sale from a person who is not the holder of a certificate of registration as a milk vendor.

is guilty of an offence against this Act.

PART

Dairy Industry Authority.

PART IV.

No. 29, 1970

QUOTAS.

39. In this Part—Interpreta-
tion.

“base market quantity” means the total quantity of milk determined or estimated by the Authority to have been sold by the Milk Board for human consumption, as milk, or for use by humans, as milk, during the period of twelve months ending on the eighteenth day of June, one thousand nine hundred and seventy ;

“existing quota”, in relation to dairy premises, means the base quota specified in a quota notification, varied as referred to in section forty of this Act ;

“holder”, in relation to a quota, means the person to whom was issued a notification or notice referred to in the definition of “quota” in this section in respect of that quota ;

“quota”, in relation to milk, means a quantity of milk specified, as a base quota, in a quota notification or in a notice issued by the Authority allocating quotas under any scheme prepared by the Authority for the purpose of determining the quantities of milk that may be delivered to or will be accepted by the Authority or the quantities of any such milk for which payment will be made by the Authority at any particular price ;

“quota notification” means a document last issued by the Milk Board before the commencement of this Act to a dairyman specifying a base quota in relation to dairy premises occupied by that dairyman.

40. (1) Where the Authority is of the opinion that an existing quota relating to any dairy premises would, had this Act not been enacted, have been varied by the Milk Board during the year one thousand nine hundred and seventy, the

Variation
or cancel-
lation of
existing
quotas.
Authority

Dairy Industry Authority.

No. 29, 1970 Authority shall, in making any annual determination of quotas in that year, vary that existing quota and in doing so shall apply such principles as in its opinion would have been applied by the Milk Board had that Board been varying that existing quota.

(2) The Authority shall not cancel or vary an existing quota by reason only of the registration of dairymen as the occupiers of dairy premises which, immediately before the commencement of this Act, were not dairy premises registered under the Milk Act, 1931.

Allocation
of "base
market
quantity".

41. (1) The Authority shall not accept from dairymen who were not registered as dairymen under the Milk Act, 1931, any milk for sale by the Authority for human consumption, as milk, or for use by humans, as milk, in the areas comprised in milk distributing districts as in force under that Act immediately before the commencement of this Act except to the extent necessary to enable the Authority to sell milk for human consumption, as milk, or for use by humans, as milk, in those areas in excess of—

(a) the quantity of milk that is delivered by dairymen so registered to the Authority and that, in the opinion of the Authority, is fit for human consumption; or

(b) the base market quantity,

whichever is the less.

(2) Notwithstanding any other provision of this Act, where the total quantity of milk determined or estimated by the Authority to have been sold by the Authority for human consumption, as milk, or for use by humans, as milk, in any quota qualifying year—

(a) exceeds the base market quantity, the Authority shall, when making the next annual determination of quotas after the expiration of that quota qualifying year (whether or not those quotas are applicable

to

Dairy Industry Authority.

to dairy premises in respect of which existing quotas No. 29, 1970 are in force), adjust those quotas by allocating the difference between that total quantity and the base market quantity to the holders of those quotas in such manner as to the Authority appears equitable;
or

- (b) is less than the base market quantity, the Authority shall, when making the next annual determination of quotas after the expiration of that quota qualifying year that are applicable to dairy premises in respect of which existing quotas are in force, adjust each of those existing quotas, in such manner as to the Authority appears equitable.

(3) In this section, "quota qualifying year" means any period of fifty-two weeks during which sales of milk have been made by the Authority for human consumption, as milk, or for use by humans, as milk, the total quantity of milk sold during that period being the basis on which the Authority makes the annual determination, next following the expiration of that period, of any quotas applicable to dairy premises.

PART V.

DAIRY INDUSTRY PRICES TRIBUNAL.

42. (1) There is hereby constituted a Tribunal under the Constitution name of the "Dairy Industry Prices Tribunal" which shall of Dairy Industry have and may exercise and discharge the powers, authorities, Prices duties and functions conferred or imposed upon it by or Tribunal. under this Part.

(2) The Tribunal shall consist of three members of whom—

- (a) one shall be the Deputy Chairman of the Authority, who shall be the Chairman of the Tribunal;
- (b)

No. 29, 1970

(b) one shall be a Public Servant, who is an officer of the Department of Agriculture, appointed by the Minister; and

(c) one, who shall not be a member of the Authority, shall be a person appointed by the Minister to represent consumers of milk.

(3) The members referred to in paragraphs (b) and (c) of subsection two of this section are in this Part referred to as appointed members.

(4) Subject to this Part, the term of office of an appointed member of the Tribunal shall be such term, not exceeding seven years, as is specified in the instrument of his appointment.

(5) Upon the expiration of the term of office of an appointed member of the Tribunal he shall, if otherwise qualified, be eligible for reappointment from time to time and any such reappointment shall be for such term, not exceeding seven years, as may be specified in the instrument of reappointment.

(6) Where a vacancy occurs in the office of an appointed member of the Tribunal otherwise than by reason of the expiration of that member's term of office, the Minister may appoint a person having the like qualification or to represent the like interest as the member who has vacated his office to fill the vacant office during the unexpired term of the vacant office.

(7) A person who is of or above the age of sixty-five years shall not be appointed as a member of the Tribunal.

(8) During the absence or illness of a member of the Tribunal, the Minister may, on such terms and conditions (including terms and conditions as to payment of salary or remuneration and allowances) as the Minister may determine, appoint a person as a deputy of that member and the person so appointed, while he holds office as a deputy member of the
Tribunal

Dairy Industry Authority.

Tribunal, shall have and may exercise or perform the powers, authorities, duties and functions of the member of whom he is the deputy. No. 29, 1970

(9) A person shall not, under subsection eight of this section, be appointed as a deputy to act in the place of the Chairman of the Tribunal unless he is a member of the Authority.

(10) The appointed member of the Tribunal referred to in paragraph (c) of subsection two of this section shall receive such fees for attending meetings of the Tribunal and such allowances as the Minister may from time to time determine.

(11) An appointed member of the Tribunal shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he absents himself from three consecutive meetings of the Tribunal except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless his absence is occasioned by illness or other unavoidable cause;
- (c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (d) if, being the appointed member appointed under paragraph (b) of subsection two of this section, he ceases to be a Public Servant employed in the Department of Agriculture;
- (e) if he resigns his office by writing under his hand addressed to the Minister;
- (f) if he attains the age of sixty-five years; or
- (g) if he is removed from office by the Minister.

(12)

Dairy Industry Authority.

No. 29, 1970 (12) The Minister may, for any cause which appears to him sufficient, remove any appointed member from office.

(13) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of an appointed member of the Tribunal and a member shall not, as a member, be subject to that Act during his term of office as a member.

Meetings of the Tribunal. **43.** (1) The procedure for the calling of meetings of the Tribunal and for the conduct of business at those meetings shall be as determined by the Tribunal.

(2) At any meeting of the Tribunal, the decision of a majority of the members of the Tribunal shall be the decision of the Tribunal.

Documents of Tribunal—how authenticated. **44.** Every document requiring authentication by the Tribunal may be sufficiently authenticated if signed by the Chairman of the Tribunal and one other member of the Tribunal.

Surveys to be conducted by the Department of Agriculture. **45.** (1) For the purposes of this Part, the Minister shall cause the Division of Marketing and Agricultural Economics of the Department of Agriculture to carry out surveys, at the times required under subsection two of this section, of the cost and income structure of the dairying industry in New South Wales with particular reference to the costs of on farm production of milk, the costs of the processing of milk and the costs of the production or manufacture of dairy products.

(2) A survey under this section shall be carried out at intervals of not more than five years but the Minister may, at the request of the Tribunal or otherwise, direct that a supplementary survey be carried out at such other times as he considers appropriate.

(3)

Dairy Industry Authority.

(3) The information obtained from any survey No. 29, 1970 carried out under this section shall be embodied in a report a copy of which shall be furnished to the Tribunal and the Authority.

46. (1) The Tribunal may from time to time make a recommendation—

- (a) for fixing the minimum price which may be paid to dairymen for milk;
- (b) for fixing the price which may be paid to or charged by any person for the collection, treatment, carriage, storage, distribution, supply or delivery of milk;
- (c) for fixing the price which may be paid by milk vendors or other persons for milk bought by wholesale for re-sale or for use;
- (d) for fixing the maximum price at which milk may be sold by retail;
- (e) for fixing the minimum price which may be paid in respect of the butter fat content of milk sold by wholesale by dairymen for use in the production or manufacture, in New South Wales, of dairy products; or
- (f) for varying or revoking any order made under subsection eight of this section.

Tribunal
may
recommend
prices for
milk, &c.

(2) A recommendation under subsection one of this section may recommend—

- (a) different minimum prices under paragraph (a) or (e) of subsection one of this section according to differences in grade, quality, description or quantity, or the conditions or methods of collection, treatment, carriage, storage, distribution, delivery, supply, or sale of milk or butter fat, or the different areas in which milk or butter fat is produced, or the different purposes for which milk or butter fat is to be used; or

(b)

No. 29, 1970

-
- (b) different prices under paragraph (b) of subsection one of this section according to the different areas in which milk is collected, treated, carried, stored, distributed, supplied or delivered, different conditions or methods of collection, treatment, storage, distribution or delivery of milk or different quantities of milk collected, treated, carried, stored, distributed, supplied or delivered;
- (c) different wholesale prices or different maximum retail prices under paragraph (c) or (d) of subsection one of this section according to differences in grade, quality, description, or quantity, or the conditions or methods of delivery, distribution, supply or sale of milk, or different areas in which milk is to be delivered, distributed, supplied or sold or different purposes for which milk is to be used.

(3) For the purposes of making a recommendation under this section the Tribunal—

- (a) shall have regard to any report furnished to it under subsection three of section forty-five of this Act;
- (b) may conduct an investigation for the purpose of obtaining such further information as it considers necessary; and
- (c) may have regard to such other information as the Tribunal considers necessary or desirable for that purpose.

(4) For the purpose of conducting an investigation under subsection three of this section, the Tribunal 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 that Act, section thirteen and Division 2 of Part II excepted shall, *mutatis mutandis*, apply to any witness summoned by or appearing before the Tribunal.

(5)

Dairy Industry Authority.

(5) A recommendation under this section may be made at such times as the Tribunal, with the approval of the Minister, may appoint, and shall, if the Minister so directs, be made at any time required by him. No. 29, 1970

(6) Where the Tribunal has made a recommendation under this section it shall forward it to the Authority which shall forward it to the Minister together with any comments that the Authority sees fit to make in respect of the recommendation.

(7) The Minister may, after considering the recommendation of the Tribunal and any comments of the Authority, approve or reject the recommendation.

(8) Where the Minister approves of the recommendation, he may, by order published in the Gazette, notify prices in respect of milk or the butter fat content of milk in accordance with the recommendation of the Tribunal and those prices shall take effect on and from a day (not being earlier than the date of publication of the order) to be specified in the order and shall continue to have effect until varied or revoked by a subsequent order made on the recommendation of the Tribunal.

(9) Any person who—

(a) sells—

(i) milk by retail at a price exceeding the maximum price notified by an order in force under subsection eight of this section in respect of that milk; or

(ii) milk by wholesale at a price other than the price so notified in respect of that milk, or the butter fat content of that milk,

with knowledge, where the price so notified applies to milk to be used for any particular purpose, of the purpose for which the milk sold is to be used;
or

(b)

Dairy Industry Authority.

No. 29, 1970

- (b) pays or charges any price for the collection, treatment, carriage, storage, distribution, supply or delivery of milk exceeding the price so notified in respect thereof,

is guilty of an offence against this Act.

Tribunal
may make
recommendations
for fixing
prices for
declared
dairy
products.

47. (1) The Governor may, by order published in the Gazette, declare any dairy product to be a declared dairy product for the purposes of this section.

(2) The Tribunal may make a recommendation—

- (a) for fixing the minimum wholesale prices to be paid to producers or manufacturers of declared dairy products;
- (b) for varying or revoking any order made under subsection eight of this section.

(3) A recommendation under this section may recommend different minimum wholesale prices according to differences in grade, quality, description or quantity, or the conditions of delivery, distribution, or sale of the declared dairy products, or the different areas in which the declared dairy products are produced or manufactured or the different purposes for which the declared dairy products are to be used.

(4) For the purposes of making a recommendation under this section, the provisions of subsections three and four of section forty-six of this Act apply to the Tribunal in the same way as they apply to the Tribunal for the purposes of making a recommendation under that section.

(5) A recommendation under this section may be made at such times as the Tribunal, with the approval of the Minister, may appoint and shall, if the Minister so directs, be made at any time required by him.

(6)

Dairy Industry Authority.

(6) Where the Tribunal has made a recommendation under this section it shall forward it to the Authority which shall forward it to the Minister, together with any comments the Authority sees fit to make in respect of the recommendation. No. 29, 1970

(7) The Minister may, after considering the recommendation of the Tribunal and any comments of the Authority, approve or reject the recommendation.

(8) Where the Minister approves of the recommendation, he may, by order published in the Gazette, notify wholesale prices in respect of declared dairy products in accordance with the recommendation of the Tribunal and those prices shall take effect on and from a day (not being earlier than the date of publication of the order) to be specified in the order and shall continue to have effect until varied or revoked by a subsequent order made on the recommendation of the Tribunal.

(9) Any person—

- (a) who, being the producer or manufacturer of a declared dairy product, sells, by wholesale, a declared dairy product;
- (b) who buys, by wholesale, a declared dairy product from the producer or manufacturer thereof,

at a price less than the wholesale price notified by an order made under subsection eight of this section in respect of that declared dairy product is guilty of an offence against this Act.

48. (1) If after any agreement is made for the sale and purchase of milk the Minister in the exercise of his powers under section forty-six of this Act notifies any price which affects either directly or indirectly the price to be paid to a dairyman under that agreement for milk supplied for human consumption, as milk, or for use by humans, as milk, or the price

Effect of price fixing on contracts.

No. 29, 1970 price to be paid to or charged by any person under that agreement for the collection, treatment, carriage, storage, distribution, supply or delivery of milk supplied for human consumption, as milk, or for use by humans, as milk, that agreement shall, as on and from the date the notification takes effect, be deemed to be altered as follows :—

- (a) where any minimum price to be paid to a dairyman for milk so supplied is so notified, the price so notified shall be substituted for the agreed price in the agreement where the agreed price is less than the minimum price notified in respect of milk of the grade, quality, or description supplied or sold (whether or not grade, quality, or description is specified in the agreement) ;
- (b) where any price is so notified for the collection, treatment, carriage, storage, distribution, supply or delivery of milk so supplied, and that price applies to milk in respect of which the agreement applies, that price shall, if it is less than the agreed price in the agreement, be substituted for the agreed price ;
- (c) where the agreement is between a milk vendor and a person other than a dairyman, and any agreement under which the milk vendor acquired the milk has been varied by the operation of paragraph (a) or (b) of this subsection—
 - (i) if the variation operates to increase the cost of the milk to the milk vendor he may add to the agreed price in the agreement the net amount of the increase applicable to that milk ; and
 - (ii) if the variation operates to decrease the cost of the milk to the milk vendor, the purchaser may deduct from the agreed price in the agreement the net amount of the decrease applicable to that milk,

but

Dairy Industry Authority.

but in no case shall this paragraph operate to increase the price payable under any agreement to a price exceeding any maximum price so notified in relation to milk of the grade, quality, or description sold (whether or not grade, quality, or description is specified in the agreement).

(2) An order made by the Minister under section forty-six or forty-seven of this Act shall not apply to—

- (a) the price to be paid for any milk supplied otherwise than for human consumption, as milk or otherwise than for use by humans, as milk ;
- (b) the price to be paid or charged for the collection, treatment, carriage, storage, distribution, supply or delivery of any milk so supplied ; or
- (c) the price to be paid for any declared dairy product, within the meaning of section forty-seven of this Act, supplied,

under an agreement made before the order takes effect.

49. Any price determined or fixed by the Milk Board under section twenty-three of the Milk Act, 1931, and in force, or purporting to be in force, immediately before the commencement of this Act shall be deemed to have been notified by an order made by the Minister pursuant to this Part.

Milk Board determinations and fixations deemed to have been made under this Act.

50. For the purposes of exercising and discharging the powers, authorities, duties and functions conferred or imposed on the Tribunal by or under this Part the Tribunal may, with the approval of the Minister and on such terms as may be arranged with the Authority or the Department of Agriculture, as the case may be, make use of the services of any of the officers or employees of the Authority or of that Department.

Tribunal may make use of certain employees of the Authority, &c.

51.

No. 29, 1970 **51.** The fees and allowances payable to the member of the Tribunal referred to in paragraph (c) of subsection two of section forty-two of this Act and the costs of administration of this Part shall be paid by the Authority out of the funds of the Authority.

Tribunal's expenses to be paid by Authority.

PART VI.

ACQUISITION OF PROPERTY.

DIVISION 1.—*Acquisition of Land.*

52. The Authority may acquire land for any purpose of this Act by lease or purchase, or by resumption or appropriation in accordance with the provisions of section fifty-three of this Act.

Land—how acquired.
cf. Act No. 59, 1931,
s. 64.

53. (1) The Governor, on the application of the Authority, may, under the Public Works Act, 1912, resume any land, and appropriate any land vested in Her Majesty or in any person in trust for Her Majesty.

Resumption or appropriation of land.
cf. Act No. 59, 1931,
s. 67.

(2) Any such resumption or appropriation shall be deemed to be for an authorised work, and the Authority shall be deemed to be the constructing authority.

(3) The provisions of the Public Works Act, 1912, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the acquisition of land under this section.

DIVISION 2.—*Acquisition of Undertakings.*

54. In this Division—

Definitions.
cf. Act No. 59, 1931,
s. 68. “owner” in relation to an undertaking means the person carrying on that undertaking;

“undertaking”

Dairy Industry Authority.

“undertaking” means—

No. 29, 1970

- (a) the business of a person engaged in the collection, treatment, carriage, storage, distribution, supply, delivery or sale of milk, and any land, vehicles, machinery, equipment and plant mainly used in connection with that business; and
- (b) part of any undertaking defined by paragraph (a) of this definition.

55. (1) If the Authority determines that an undertaking should, in the public interest, be taken over by the Authority it may apply to the Governor through the Minister for authority to take over the undertaking.

Resumption
of under-
taking.
cf. Act No.
59, 1931,
s. 69.

(2) Before the Governor approves any such application, the Authority shall make provision to the satisfaction of the Governor for payment of compensation, interest, and all necessary costs and charges incidental to the taking over of the undertaking.

(3) The Governor may approve of any such application and authorise the Authority to take over the undertaking specified in the application.

(4) Where the Governor has authorised the Authority to take over any undertaking, it may, by notice served on the owner of the undertaking, notify him that, as on and from a date specified in the notice, not being less than one month after the service of the notice, the undertaking shall be taken over by the Authority, and thereupon the following provisions shall have effect :—

- (a) the owner may, by notice in or to the effect of the prescribed form, require the Authority to purchase the vehicles, machinery, equipment and plant, and his estate or interest in any land, mainly used by him in connection with the undertaking to be so taken over;

(b)

*Dairy Industry Authority.***No. 29, 1970**

- (b) any such vehicles, machinery, equipment, and plant shall be purchased at a price which shall not exceed the then replacement value of the vehicles, machinery, equipment, or plant, having regard to their age and condition at the time of their being actually handed over to the Authority, together with a sum equal to ten per centum of that value;
- (c) any land shall be paid for at the then market value of the estate or interest of the owner of the undertaking therein;
- (d) the Authority may at any time after the expiry of seven days after the receipt of a notice requiring the Authority to purchase, and shall not later than one month after the receipt of the notice, take possession of the vehicles, machinery, equipment and plant, and the land, of the owner of the undertaking on a date notified to that owner and the day on which possession is taken shall be the date as at which the values shall be ascertained;
- (e) where the owner of the undertaking requires the Authority to purchase his estate or interest in any land, he shall satisfy the Authority that he has a good marketable title to that estate or interest, and shall obtain the concurrence in the assurance thereof to the Authority of any mortgagee thereof and of any person entitled to any interest in the vehicles, machinery, equipment and plant purchased.

Valuation.
cf. Act No.
59, 1931,
s. 70.

56. (1) Upon receipt of a notice from an owner requiring the Authority to purchase his undertaking, the Authority shall forthwith cause a valuation to be made of the vehicles, machinery, equipment and plant, and of the estate or interest in the land, required to be purchased.

(2) The Authority may, with the approval of the Minister in charge of the Department concerned, make use of the services of any officers of the Public Service for the purpose of making the valuation.

(3)

Dairy Industry Authority.

(3) For the purpose of the making of the valuation No. 29, 1970 the owner of the undertaking shall permit any person authorised by the Authority so to do to enter his premises at any reasonable time, and to make full inspection of the land, vehicles, machinery, equipment and plant required to be purchased.

(4) Notwithstanding any other provision of this Part, in valuing any estate or interest in land for the purposes of this section any increase in the value of the land attributable directly or indirectly to the operation of this Act shall not be taken into account.

(5) No compensation shall be payable in respect of goodwill.

(6) The Authority shall in accordance with the provisions of this Part determine the amount to be paid in respect of any undertaking taken over by the Authority, and shall notify the owner of that amount.

57. (1) If any owner whose undertaking is taken over by the Authority under this Part is aggrieved by the determination of the Authority as to the amount to be paid in respect of the taking over of the undertaking he may appeal to the Land and Valuation Court against the determination in accordance with rules of court, and the Land and Valuation Court shall have jurisdiction to hear and determine the appeal. Appeal. cf. Act No. 59, 1931, s. 71.

(2) The Authority may exercise its powers under paragraph (d) of subsection four of section fifty-five of this Act notwithstanding that any appeal is pending under subsection one of this section.

58. The amount payable under the provisions of this Division upon the taking over of an undertaking shall carry interest at the rate of four per centum per annum as from the date upon which the Authority takes possession of the land, vehicles, machinery, equipment, and plant until the date of payment. Interest. cf. Act No. 59, 1931, s. 72.

Dairy Industry Authority.

No. 29, 1970 **59.** Until the date notified by the Authority as the date on which the land, vehicles, machinery, equipment, and plant are to be taken possession of by the Authority the owner of the undertaking shall continue to carry on the undertaking in a manner equally as satisfactory as it was carried on before the notice pursuant to paragraph (d) of subsection four of section fifty-five, of this Act was given by the Authority, and if, in the opinion of the Authority, the undertaking is not so carried on the Authority may give notice to the owner specifying the particular matters which are unsatisfactory, and requiring the owner to remedy those matters within a time specified in the notice, and in default of compliance with that notice the Authority may—

Owner to carry on until undertaking handed over.
cf. Act No. 59, 1931, s. 73.

- (a) rescind the notice given pursuant to paragraph (d) of subsection four of section fifty-five of this Act and thereupon the obligation of the Authority to purchase the undertaking of the owner or to pay any amount in connection therewith shall be terminated as from the date of the notice of rescission; or
- (b) require that compensation be allowed the Authority for any loss arising out of the failure of the owner to carry on the business in a satisfactory manner or to comply with the requirements of any notice of default given by the Authority under this subsection.

Purchase. **60.** Nothing in this Part shall preclude the Authority from purchasing any undertaking, but such a purchase shall not be made if the purchase price exceeds the amount that would be payable in accordance with this Part if the Authority were required to purchase the undertaking under this Part.

cf. Act No. 59, 1931, s. 74.

*Dairy Industry Authority.***PART VII.****No. 29, 1970****DAIRY INDUSTRY ARTIFICIAL BREEDING ADVISORY BOARD.**

61. (1) There is hereby constituted a Board under the name of the "Dairy Industry Artificial Breeding Advisory Board" which shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon it by or under this Part.

(2) The Board shall consist of seven members of whom—

- (a) one, who shall be the Chairman of the Board, shall be the Chairman of the Authority or a member or officer of the Authority from time to time nominated by him;
- (b) one shall be the person for the time being holding office or acting as the Chief of Division of Animal Industry of the Department of Agriculture;
- (c) one shall be the person for the time being holding office or acting as the Chief of Division of Dairying of that Department;
- (d) one shall be a Principal Veterinary Officer of that Department appointed by the Minister;
- (e) one shall be a Principal Dairy Officer (Herd Improvement) of that Department appointed by the Minister; and
- (f) two shall be persons appointed by the Minister to represent breeders of dairy cattle.

(3) The members referred to in paragraphs (d), (e) and (f) of subsection two of this section are in this Part referred to as appointed members.

(4) Subject to this Part, the term of office of an appointed member of the Board shall be such term, not exceeding five years, as is specified in the instrument of his appointment.

(5)

No. 29, 1970

(5) Upon the expiration of the term of office of an appointed member of the Board he shall, if otherwise qualified, be eligible for reappointment from time to time and any such reappointment shall be for such term, not exceeding five years, as may be specified in the instrument of reappointment.

(6) Where a vacancy occurs in the office of an appointed member of the Board otherwise than by reason of the expiration of that member's term of office, the Minister may appoint a person having the like qualification or to represent the like interest as the member who has vacated his office to fill the vacant office during the unexpired term of the vacant office.

(7) A person who is of or above the age of sixty-five years shall not be appointed as a member of the Board.

(8) An appointed member of the Board referred to in paragraph (f) of subsection two of this section shall receive such fees for attending meetings of the Board and such travelling expenses as the Minister may from time to time determine.

(9) An appointed member of the Board shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he absents himself from three consecutive meetings of the Board, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless his absence is occasioned by illness or other unavoidable cause;
- (c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (d) if, except in the case of an appointed member appointed under paragraph (f) of subsection two of this section, he ceases to hold the office by virtue of which he was appointed;

(e)

Dairy Industry Authority.

-
- (e) if he resigns his office by writing under his hand No. 29, 1970 addressed to the Minister;
 - (f) if he attains the age of sixty-five years; or
 - (g) if he is removed from office by the Minister.

(10) The Minister may, for any cause which appears to him sufficient, remove any appointed member from office.

(11) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of an appointed member of the Board and a member of the Board shall not, as a member, be subject to that Act during his term of office as a member.

62. (1) The Board may and shall, when required by the Functions of Board. Minister to do so, carry out investigations—

- (a) in connection with any matter relating to the artificial stock breeding service, or services for the supply of semen, conducted by the Authority, for the purposes of the dairy industry and beef industry or relating to the availability of those services within New South Wales; or
- (b) in connection with any matter relating to the co-ordination of the herd production improvement services of the Department of Agriculture and the artificial stock breeding service, and services for the supply of semen, conducted by the Authority.

(2) When the Board has carried out any investigations referred to in subsection one of this section it shall furnish a copy of its report on those investigations, together with any recommendations made by the Board in relation thereto, to the Minister and to the Authority.

(3) The Minister may, after considering any report furnished to him by the Board together with any recommendations made by the Board in relation thereto and any
 comments

Dairy Industry Authority.

No. 29, 1970 — comments made by the Authority in relation to any such report and recommendations, direct the Authority to implement such of those recommendations as he thinks fit.

Board may make use of certain employees of the Authority, &c.

63. For the purpose of performing the functions imposed on the Board by this Part, the Board may, with the approval of the Minister and on such terms as may be arranged with the Authority or the Department of Agriculture, as the case may be, make use of the services of any of the officers or employees of the Authority or of that Department.

Fees, &c., of the Board to be paid by Authority.

64. The fees and allowances payable to any appointed member of the Board and the costs of administration of this Part shall be paid by the Authority out of the funds of the Authority.

PART VIII.

FINANCE.

Accounts to be kept by the Authority.

65. (1) The Authority shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in the form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

66.

Dairy Industry Authority.

66. (1) The accounts of the Authority shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on him by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, shall apply to the Chairman, Deputy Chairman and members of the Authority and its servants in the same manner as it applies to accounting officers of public Departments.

No. 29, 1970
Audit of
accounts.

(2) The Auditor-General shall report to the Authority and the Minister—

(a) whether or not in his opinion—

(i) due diligence and care have been shown in the collection and banking of moneys payable to the Authority;

(ii) the expenditure incurred has been duly authorised, vouched and supervised;

(iii) any of the moneys or other property of the Authority 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.

(3) Towards defraying the costs and expenses of any such audit the Authority shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Treasurer may decide.

67. The Authority may invest moneys held in government securities of the Commonwealth or of the State of New South Wales, or in any securities guaranteed by the Government of that State, or on call or on fixed deposit or partly on call and partly on fixed deposit with the Treasurer or with any bank, or in such other securities as the Governor may approve or as may be prescribed.

Investment
of funds.

68.

Dairy Industry Authority.

No. 29, 1970 **68.** (1) For the temporary accommodation of the Authority it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Authority's funds to such extent as may from time to time be approved by the Governor.

Temporary accommodation.

(2) The Treasurer may advance such moneys to the Authority upon such terms and conditions as to repayment and interest as may be agreed upon.

Purposes for which money may be borrowed. **69.** The Authority may, from time to time, with the concurrence of the Treasurer and the approval of the Governor, borrow money for—

- (a) the purpose of carrying out and performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans;
- (c) the discharge, or partial discharge, of any loan or any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

Reserves for repayment. **70.** (1) The Authority shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Authority.

(2) The Authority shall during each year transfer to each such fund from the revenue of the Authority a sum not less than the sum that the Authority in its application for approval of the loan intimated that it proposed to transfer as aforesaid.

(3) Moneys held as reserve for loan repayment may be invested in government securities of the Commonwealth or of the State of New South Wales, or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the

Authority

Dairy Industry Authority.

Authority, or in any securities guaranteed by the Government of that State, or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price. No. 29, 1970

(4) Any interest or profits realised on any such investments shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All moneys paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the Authority decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, then, in addition to the sum otherwise payable to the reserve for loan repayment in respect of that loan, the Authority shall, subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and one-half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If after a loan has been repaid there remains in the reserve for repayment of that loan any balance, that balance shall form part of the funds of the Authority.

(8) The reserve for loan repayment shall not be subject to seizure in satisfaction of any debt other than for the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Dairy Industry Authority.

No. 29, 1970 **71.** (1) For securing repayment of the principal and interest on any moneys borrowed, the Authority may as provided by the regulations issue debentures, bonds, inscribed stock or other prescribed securities.

Debentures,
&c.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond and whether separated therefrom or not shall be transferable by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Authority in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall as regards both the issue and transfer thereof for full consideration or money or money's worth be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

(5) The holder of a coupon originally annexed to a debenture or bond and whether separated therefrom or not shall be entitled to receive payment from the Authority of the interest mentioned in the coupon upon its presentation on or after the date when and at the place where the interest is payable.

(6) The due repayment of the debentures, bonds, stock and the interest thereon and of any loan in respect of which any other prescribed security is issued and the interest thereon shall be a charge upon the income and revenue of the Authority from whatever source arising and is hereby guaranteed by the Government.

(7) Any liability arising from any such guarantee shall be payable out of moneys provided by Parliament.

(8) The charge created by subsection six of this section shall not prejudice or affect the power of the Authority to sell or convey any property vested in it free of the charge.

Dairy Industry Authority.

72. (1) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the Authority, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925. No. 29, 1970
Trustees.

(2) Any debenture issued or stock inscribed by the Authority shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act is authorised or directed to invest in addition to any other investment expressly provided for the investment of those moneys.

(3) No notice of any trust expressed, implied or constructive, shall be received by the Authority or by any servant of the Authority in relation to any debenture or coupon issued or stock inscribed by the Authority.

73. (1) If any debenture or bond issued by the Authority is lost or destroyed or defaced before it has been paid, the Authority may, subject to the provisions of this section, issue a new debenture or bond in lieu thereof. Lost
debentures.

(2) The new debenture or bond with interest coupon annexed shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) When the debenture or bond is lost or destroyed the new debenture or bond shall not be issued unless and until—

- (a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture or bond, or of some person approved by the judge, that it has been lost or destroyed before it has been paid off;
- (b) such advertisement as the judge may direct has been published;

(c)

Dairy Industry Authority.

- No. 29, 1970
- (c) six months have elapsed since the publication of the last of the advertisements; and
 - (d) sufficient security has been given to the Authority to indemnify it against any double payment if the missing debenture or bond is presented for payment.

(4) When the debenture or bond is defaced the new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Authority for cancellation.

(5) The provisions of this section shall, mutatis mutandis, extend to the case of a lost, destroyed or defaced coupon.

Protection
of
investments.

74. (1) A person advancing money to the Authority shall not be bound to enquire into the application of the money advanced, or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Authority shall, in favour of a lender and of any holder of a security given by the Authority, be conclusive evidence that all conditions precedent to the borrowing have been complied with.

Debentures
and bonds
to rank
pari passu.

75. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Authority shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

PART

*Dairy Industry Authority.***PART IX.****No. 29, 1970****GENERAL.**

76. (1) Where under the provisions of this Act or any regulation the Authority— Fixing of fees and charges.

- (a) supplies any service, product or commodity;
- (b) gives any permission;
- (c) prepares and issues any certificate or other document;
- (d) furnishes any information;
- (e) makes any registration; or
- (f) receives any application for its approval,

the charge or fee therefor may be fixed by regulations or where there is no charge or fee so fixed, then the charge or fee may be fixed by resolution of the Authority subject to the maximum (if any) fixed by the regulations.

(2) In the regulations or in any such resolution provision may be made requiring a deposit or prepayment in respect of any such charge or fee.

(3) Different charges or fees may be fixed according to such circumstances or factors as are specified in the regulation or resolution.

(4) The charge or fee shall be paid to the Authority by the person to whom or at whose request the service, product, commodity, permission, certificate, document or information is supplied, given, made or furnished or at whose request the registration is made or from whom the application is received, as the case may be.

77. (1) Any charge, fee or money due to the Authority under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction. Recovery of charges, &c.

(2)

Dairy Industry Authority.

No. 29, 1970 (2) Proceedings for the recovery of any charge, fee or money so due to the Authority shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912;
- (c) section twenty-four of the Courts of Petty Sessions (Civil Claims) Act, 1970.

Proof of certain matters not required. **78.** In any legal proceedings by or against the Authority no proof shall be required (until evidence is given to the contrary) of—

- (a) the constitution of the Authority;
- (b) any resolution of the Authority;
- (c) the appointment of any member or any officer of the Authority;
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Authority.

Evidence. **79.** In any proceedings in any court or before any persons having by law or consent of parties authority to hear, receive and examine evidence—

- (a) any printed paper purporting to be—
 - (i) an order made and published under this Act; and
 - (ii) printed by the Government Printer,

shall be evidence that an order in the words printed in that paper was duly made and published under this Act; and

(b)

Dairy Industry Authority.

(b) a certificate purporting to be signed by the Chair- **No. 29, 1970**
man or Deputy Chairman or two members certify-
ing—

- (i) that a person has been appointed as the delegate of the Authority under section twenty-one of this Act and specifying what powers, authorities, duties or functions of the Authority were delegated to him and the period during which he was a delegate ;
- (ii) that a person was appointed as an authorised agent under paragraph (e) of subsection one of section eighteen of this Act and specifying for what purposes and in what circumstances he was authorised to act as the agent of the Authority and the period during which he held that appointment ;
- (iii) that on a day, or during a period, specified in the certificate, a person was or was not registered as a dairyman and, if the certificate certifies that he was so registered, certifying the conditions to which the certificate of registration issued to him was subject ; or
- (iv) that on a day, or during a period, specified in the certificate, a person was or was not registered as a milk vendor and, if the certificate certifies that he was so registered, certifying the conditions to which the certificate of registration issued to him was subject and the activities he was authorised to carry on by that certificate of registration,

shall be prima facie evidence of the facts stated therein.

80. In any proceedings for an offence against this Act the Proof of onus of proving any exemption under section seven of this exemption.
Act lies on the defendant.

81.

Dairy Industry Authority.

No. 29, 1970
Notice of
action.

81. (1) A writ or other process in respect of any damage or injury to a person or to property shall not be sued out or served upon the Authority or any member of the Authority or any officer of the Authority or any person acting in its or his aid for anything done or intended to be done or omitted to be done under this Act, until the expiration of one month after notice in writing has been served on the Authority or member or officer as provided in this section.

(2) The notice shall state—

- (a) the cause of action;
- (b) the time and place at which the damage or injury was sustained; and
- (c) the name and place of abode or business of the intended plaintiff and of his attorney, if any, in the case.

(3) In the case of damage to property, any person who produces on demand his authority from the Authority shall be permitted to inspect the property damaged, and all facilities and information necessary to ascertain fully the value of the property damaged, and the amount of money, if any, expended in repairing the damage shall be given to him.

(4) At the 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, and unless the notice has been served the plaintiff shall not be entitled to maintain the action, but at any stage of the proceedings the court or any judge of the court in which the action is pending may, if the court or judge deems it to be just or reasonable in the circumstances so to do—

- (a) amend any defect in the notice on such terms and conditions, if any, as the court or judge may fix; or
- (b) direct that any non-compliance or insufficient compliance with this section shall not be a bar to the maintenance of the action.

(5)

Dairy Industry Authority.

(5) Every such action shall be commenced within **No. 29, 1970** the period (in this subsection referred to as the "prescribed period") of twelve months next after the occurring of the cause of action but where an application is made to a judge of the Supreme Court in accordance with rules of court for an extension of the prescribed period the judge may, if he is satisfied that sufficient cause has been shown, or that having regard to all the circumstances of the case, it would be reasonable so to do, make an order for extension of the prescribed period for such further period and subject to such terms and conditions, if any, as may be set out in the order.

(6) Any such application for extension may be made either within the prescribed period or at any time within twelve months thereafter.

(7) Any person who is dissatisfied with the decision of the judge on any such application may, in accordance with rules of court, appeal to the Court of Appeal and that court may on the appeal make any order which it considers ought to have been made in the first instance.

(8) The Authority or any member, officer or person to whom any such notice of action is given as aforesaid, may tender amends to the plaintiff, his attorney or agent at any time within one month after service of notice of action, and if the tender is not accepted may plead the tender in bar.

(9) The defendant in every such action may plead the general issue and at the trial thereof give this Act and the special matter in evidence.

82. The Authority may in any agreement, authority, licence, or certificate, insert conditions and fix a sum as and by way of liquidated damages for any breach of conditions and those damages shall be recoverable accordingly. Power to impose conditions and fix liquidated damages.

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

(2)

Dairy Industry Authority.

No. 29, 1970

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

(3) The secretary or other officer of the Authority shall, out of the funds of the Authority, 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.

Penalty.

84. (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act is liable to a penalty not exceeding four hundred dollars.

Recovery of penalty.

85. (1) Any penalty imposed by this Act or by the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information for each day or under an information for the sum of the daily penalties.

Transfer of certain records kept by councils to the Authority.

86. Any records or documents made by a local authority within the meaning of the Dairies Supervision Act, 1901, or by a council, within the meaning of the Local Government Act, 1919, for the purposes of the Dairies Supervision Act, 1901, or Division 8A of Part X of the Local Government Act, 1919, shall within one month after the commencement of this Act be delivered by the local authority or council to the Authority.

Service of notice of proceedings on the Authority.

87. Any summons, writ or other proceeding to be served on the Authority may be served by being served on any member or the secretary.

88.

Dairy Industry Authority.

88. (1) As soon as practicable after the thirtieth day ^{No. 29, 1970} of June in each year, the Authority shall prepare and furnish ^{Annual} to the Minister a report upon the operations and activities ^{report.} of the Authority during the year ending on that date.

(2) The Minister shall lay that report, or cause it to be laid, before both Houses of Parliament as soon as practicable after receipt by him of the report.

89. (1) The Governor may make regulations for or with ^{Regulations.} respect to—

- (a) grades, classes, descriptions and standards of quality of milk and dairy products which may be supplied or supplied for sale or sold;
- (b) the production, collection, treatment, carriage, deposit, storage, distribution, delivery, supply, use or sale of milk;
- (c) prohibiting the production or manufacture of any grade, class or description of milk from ingredients not approved, or from ingredients obtained from a source not approved, by the Authority;
- (d) the construction, alteration and maintenance of dairy premises and milk stores;
- (e) the provision, construction and equipment of laboratories in milk stores and the provision of staff in any such laboratories for the purpose of ensuring the wholesomeness and purity of milk and dairy products;
- (f) the cleaning and sterilising of cans, vessels, utensils, appliances and equipment used in dairy premises and milk stores;
- (g) the particulars to be kept by dairymen in respect of their herds;

(h)

*Dairy Industry Authority.*No. 29, 1970

- (h) the books and records to be kept by persons engaged in the production, collection, treatment, carriage, storage, deposit, distribution, delivery, use or sale of milk or dairy products;
- (i) the inspection of dairy premises and milk stores;
- (j) conditions of employment and promotion of officers and employees of the Authority;
- (k) forms for use under this Act;
- (l) the service of notices, orders, demands or requirements by the Authority or any officer of the Authority;
- (m) making payments in respect of milk vested in the Authority;
- (n) the powers, authorities, duties and functions of the Authority, the Tribunal and the Board;
- (o) the fees to be paid for inspections made by the Authority;
- (p) prescribing any matter which by this Act is required to be prescribed or which is necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Act.

(2) Different regulations may be made so as to apply to different areas or different classes of persons or in different circumstances or so as to apply differently according to such factors as may be specified in the regulations.

(3) A regulation shall not be made under paragraph (a), (b) or (f) of subsection one of this section except with the approval of the Board of Health.

(4) A regulation may impose a penalty not exceeding two hundred dollars for any breach thereof or, where the breach is a continuing one, not exceeding ten dollars for every day during which the breach continues.

(5)

Dairy Industry Authority.

(5) A regulation may provide that in addition to No. 29, 1970 imposing a penalty for a breach of the regulation, the court imposing the penalty may order the defendant to pay to the Authority an amount specified in the order equal to the amount of any expense incurred by the Authority as a consequence of the breach of the regulation and any amount so ordered to be paid shall be recoverable by the Authority as a debt in any court of competent jurisdiction.

FIRST SCHEDULE.

Sec. 3.

PART I.

REPEALS OF ACTS.

Year and Number of Act.	Short Title.
Act No. 46, 1901	Dairies Supervision Act, 1901.
Act No. 36, 1930	Dairies Supervision (Amendment) Act, 1930.
Act No. 59, 1931	Milk Act, 1931.
Act No. 7, 1936	Milk (Investigation) Act, 1936.
Act No. 49, 1936	Milk (Amendment) Act, 1936.
Act No. 56, 1936	Milk Board (Term of Office) Act, 1936.
Act No. 43, 1939	Milk Board (Member's Term of Office) Act, 1939.
Act No. 5, 1942	Milk (Amendment) Act, 1942.
Act No. 52, 1960	Local Government and Dairies Supervision (Amendment) Act, 1960.
Act No. 18, 1964	Milk (Amendment) Act, 1964.
Act No. 34, 1965	Milk (Decimal Currency) Act, 1965.
Act No. 40, 1969	Milk (Amendment) Act, 1969.

PART

Dairy Industry Authority.

No. 29, 1970

PART II.**AMENDMENTS OF ACTS.**

Column 1.		Column 2.
Year and No. of Act.	Short Title.	Amendment.
Act No. 31, 1908	Pure Food Act, 1908	Omit from section 21 (2A) the words "Dairies Supervision Act, 1901, as amended by subsequent Acts" and insert in lieu thereof the words "Dairy Industry Authority Act, 1970".
Act No. 45, 1915	Dairy Industry Act, 1915.	Omit section 5 (3).
Act No. 28, 1916	Superannuation Act, 1916.	Omit from Schedule III the words "The Milk Board in respect of any officer or employee transferred to it in pursuance of the Milk Act, 1931" and insert in lieu thereof the words "The Dairy Industry Authority of New South Wales in respect of any officer or employee transferred to the Milk Board in pursuance of the Milk Act, 1931, and subsequently transferred to the Dairy Industry Authority of New South Wales in pursuance of the Dairy Industry Authority Act, 1970". Omit from the same Schedule the words "Milk Board—in respect of any officer or employee not covered by section 17 of the Milk Act, 1931-1936" and insert in lieu thereof the words "The Dairy Industry Authority of New South Wales—in respect of any officer or employee not otherwise referred to in this Schedule".
Act No. 41, 1919	Local Government Act, 1919.	Omit section 94A. Omit section 295. Omit Division 8A of Part X.
Act No. 50, 1924	Metropolitan Water, Sewerage, and Drainage Act, 1924.	Insert in section 55 (5) (e) after the word "license" the words "or registration". Omit from the same paragraph the words "Dairy Supervision Act, 1901" and insert in lieu thereof the words "Dairy Industry Authority Act, 1970".

PART

*Dairy Industry Authority.*PART II—*continued.*

No. 29, 1970

AMENDMENTS OF ACTS—*continued.*

Column 1.		Column 2.
Year and No. of Act.	Short Title.	Amendment.
Act No. 35, 1937	Statute Law Revision Act, 1937.	Omit so much of the Second Schedule as relates to the Dairies Supervision Act, 1901.
Act No. 11, 1938	Hunter District Water, Sewerage and Drainage Act, 1938.	Insert in section 55 (5) (e) after the word "license" the words "or registration". Omit from the same paragraph the words "Dairy Supervision Act, 1901" and insert in lieu thereof the words "Dairy Industry Authority Act, 1970".
Act No. 20, 1938	Broken Hill Water and Sewerage Act, 1938.	Insert in section 47 (4) (e) after the word "license" the words "or registration". Omit from the same paragraph the words "the Dairy Supervision Act, 1901".
Act No. 55, 1941	Agricultural Holdings Act, 1941.	Omit from Item (26) of Part III of the Schedule the words "Dairies Supervision Act, 1901" and insert in lieu thereof the words "Dairy Industry Authority Act, 1970".
Act No. 15, 1944	Crown Employees Appeal Board Act, 1944.	Omit from the Second Schedule the words "The Milk Board" and insert in lieu thereof the words "The Dairy Industry Authority of New South Wales".
Act No. 53, 1952	Local Government (Further Amendment) Act, 1952.	Omit section 9 (f).
Act No. 28, 1957	Attachment of Wages Limitation Act, 1957.	Omit from the Schedule the words "Milk Board" and insert in the Schedule immediately before the words "The Electricity Authority of New South Wales" the words "The Dairy Industry Authority of New South Wales".

SECOND

No. 29, 1970

SECOND SCHEDULE.

Sec. 4 (1).

DEFINITION OF MILK.

Cream.

Milk for separation into cream.

Milk or cream that has been treated for the purpose of pasteurising or sterilising the milk, whether or not the pasteurisation or sterilisation is complete.

Milk that has been treated for the purpose of homogenising the milk, whether or not the homogenisation is complete.

Any liquid containing—

- (a) not less than nine per centum by volume of solids, other than butter fat, obtained from milk; and
- (b) not less than 0.2 per centum by volume, nor more than three per centum by volume, of butter fat.

DARTMOUTH