



DAIRY PRODUCE

No. 51 of 1976

ANALYSIS

1. Short title and citation.
2. Registration of premises and cancellation of registration.
3. Director may refuse to issue a certificate of registration.
Discontinuance of use of dairy produce premises.

AN ACT to amend the Dairy Produce Act 1932.

[14 October 1976]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1—**(1) This Act may be cited as the *Dairy Produce Act 1976*. Short title and citation.
- (2) The *Dairy Produce Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

Registration of premises and cancellation of registration.

2 Section 6 of the Principal Act is amended by inserting, after subsection (5), the following subsections:—

“(5AAA) The holder of a certificate of registration of dairy produce premises may give written notice to the Director that he requires his certificate to be cancelled and, from the time of receipt of that notice by the Director, the certificate shall be deemed to have been cancelled.

“(5AA) Nothing in subsection (5AAA) shall be construed as preventing an application for registration of premises as dairy produce premises from being made or granted in respect of any premises.”.

3 The Principal Act is amended by inserting the following sections after section 6:—

Director may refuse to issue a certificate of registration.

“6AAA—(1) In consequence of any application made before the 1st July 1977, notwithstanding anything contained in section 6, the Director may refuse to issue a certificate of registration under that section.

“(2) In determining in accordance with subsection (1) whether or not he will issue a certificate of registration under section 6, in addition to any other matters as to which the Director may or shall be satisfied before issuing such a certificate, he shall have regard to—

- (a) the need for new dairy produce premises to enable an existing factory to remain viable;
- (b) the need for new dairy produce premises for the efficient servicing of any area of the State with dairy products;
- (c) the financial outlay by an applicant in developing proposed dairy produce premises; and
- (d) where the applicant has purchased the proposed dairy premises, the fact that those premises were registered under section 6 (if such were the case) immediately prior to the purchase.

Discontinuance of use of dairy produce premises.

“6AA Where, at any time whether before or after the commencement of the Dairy Produce Act 1976, the use of any dairy produce premises that are registered under section 6 as such premises is or has been discontinued for any period of time in excess of 12 months or such other longer period as the Director considers appropriate in the circumstances, the registration of those premises shall be deemed to have been cancelled by the Director as provided by that section at the commencement of such discontinuance and those premises

may not be again used as dairy produce premises unless a new certificate of registration under that section is issued in respect of those premises.

Penalty: \$100 and a daily penalty of \$20.”.

