

DAIRY PRODUCE AMENDMENT ACT 1982

No. 38 of 1982

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DAIRY PRODUCE AMENDMENT ACT 1982

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No. 38 of 1982
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AN ACT to amend the Dairy Produce Act 1932 for the purpose of making further provision relating to the supply of milk and cream for manufacturing dairy produce and to the manufacture and sale of margarine and butter and for related purposes.

[Royal Assent 19 October 1982]

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—This Act may be cited as the *Dairy Produce Amendment Act* **Short title.** 1982.

2—(1) Except as provided in subsection (2), this Act shall **Commence-** commence on the day on which it receives the royal assent. **ment.**

(2) Sections 5 and 7 (2) shall commence on such day as may be fixed by proclamation.

3—In this Act, the *Dairy Produce Act 1932** is referred to as **Principal Act.** the Principal Act.

* 23 Geo. V No. 37. For this Act, as reprinted to 1st March 1980, see the continuing Reprint of Statutes. Subsequently amended by No. 80 of 1978.

Amendment of
section 3
of Principal
Act (Inter-
pretation).

4—(1) Section 3 (1) of the Principal Act is amended as follows:—

(a) by omitting the definition of “ Board ”;

(b) by inserting the following definition after the definition of “ butter substitute ”:—

“ cooking margarine ” means margarine that contains beef fat or mutton fat, or beef fat and mutton fat, in a quantity of not less than 90 per cent by weight of the total quantity of fat and oil contained in the margarine;

(c) by inserting the following definition after the definition of “ package ”:—

“ the regulations ” means regulations in force under this Act;

(d) by inserting the following definitions after the definition of “ supervisor ”:—

“ supply ” means send, forward, or deliver for, or in furtherance of, sale and includes—

(a) cause or permit to be sent, forwarded, or delivered for, or in furtherance of, sale; and

(b) attempt to send, forward, or deliver for, or in furtherance of, sale;

“ table margarine ” means margarine that is not cooking margarine;

(2) Section 3 of the Principal Act is further amended by inserting after subsection (3) the following subsection:—

(4) The Governor may, by order-in-council, amend Schedule 1 by the addition of a reference to a substance to, the omission of a reference to a substance from, or the substitution of a reference to a substance in, that Schedule.

5—Section 9A of the Principal Act is repealed and the following section is substituted:—

Substitution of
section 9A of
Principal Act.

9A—(1) A person who acquires milk for the purpose of manufacturing dairy produce shall—

Duty of
person
acquiring
milk or
cream for
manufacturing
dairy produce.

(a) pay to the supplier of the milk an amount determined in accordance with the regulations by reference to the grade of the milk; and

(b) within the period of 28 days after the last day of the month during which the milk was acquired, provide the supplier with a statement in writing specifying, with respect to the milk acquired from the supplier during that month—

- (i) the quantity of the milk;
- (ii) the grade of the milk;
- (iii) the mass of the milk-fat content of the milk expressed in kilograms;
- (iv) if payment for the milk is made by reference to its protein content, the mass of the protein content of the milk expressed in kilograms;
- (v) if the milk was subject to an order under section 15 of the *Dairy Industry Act* 1976, the price fixed under that order for that milk; and
- (vi) the total amount payable for the milk.

(2) A person who acquires cream for the purpose of manufacturing dairy produce shall—

(a) pay the supplier for the cream an amount determined in accordance with the regulations by reference to the grade of the cream; and

(b) within a period of 28 days after the month during which the cream was supplied, provide the supplier with a statement in writing specifying with respect to the cream purchased during that month—

- (i) the quantity of the cream;
- (ii) the grade of the cream;
- (iii) the mass of the milk-fat content of the cream expressed in kilograms; and
- (iv) the total amount payable for the cream.

(3) In this section, a reference to the grade, milk-fat content, or protein content of milk or cream is a reference to the grade, milk-fat content, or protein content, as the case may be, of that milk or cream determined in accordance with the regulations.

(4) Nothing in this section shall be construed so as to authorize the acquisition or supply of milk or cream in contravention of any law in force in Tasmania relating to trade practices.

Amendment of section 30 of Principal Act (Offences relating to dairy blend, margarine, and butter substitutes).

6—Section 30 of the Principal Act is amended by omitting from paragraphs (b) and (e) “offer,” and substituting “offer for sale,” in each case.

Amendment of section 31 of Principal Act (Offences in connection with dairy produce).

7—(1) Section 31 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) (c), (e), and (g) “offer,” and substituting “offer for sale,” in each case;

(b) by omitting from subsection (1) (f) “9”;

(c) by omitting from subsections (2) and (2A) “offer,” and substituting “offer for sale,” in each case;

(d) by omitting from subsection (3) “subsection (2)” and substituting “this section”.

(2) Section 31 of the Principal Act is further amended by inserting after subsection (4) the following subsection:—

(5) A person who, having acquired milk or cream for the purpose of manufacturing dairy produce, fails to comply with section 9A (1) or (2) is guilty of an offence and liable on summary conviction to a penalty not exceeding \$400.

Insertion in Principal Act of new sections 31A, 31B, 31C, and 31D.

8—After section 31 of the Principal Act, the following sections are inserted:—

Labelling of table margarine.

31A—(1) A person shall not sell, offer for sale, expose for sale, or supply table margarine unless it is enclosed in a package on which there is printed in the prescribed manner—

(a) the words “table margarine” in letters not smaller than the prescribed size and in the prescribed colour;

(b) the name and principal business address of the manufacturer of the table margarine; and

(c) such other words, statements, or particulars as may be prescribed.

Penalty: \$500, and, in the case of a continuing offence, a further penalty not exceeding \$100 for each day during which the offence continues.

(2) Subsection (1) does not apply to, or in relation to, the sale or supply of table margarine for export to a place outside the Commonwealth.

31B—(1) A person shall not sell, offer for sale, expose for sale, or supply cooking margarine unless it is enclosed in a package on which there is printed in the prescribed manner—

Labelling of
cooking
margarine.

(a) the words “cooking margarine” in letters not smaller than the prescribed size and in the prescribed colour;

(b) the name and principal business address of the manufacturer of the cooking margarine;

(c) subject to subsection (4), a statement to the effect that not less than 90 per cent by weight of the total quantity of fat and oil contained in the cooking margarine consists of beef fat, or mutton fat, or both; and

(d) such other words, statements, or particulars as may be prescribed.

Penalty: \$500, and, in the case of a continuing offence, a further penalty not exceeding \$100 for each day during which the offence continues.

(2) A statement referred to in subsection (1) (c) shall contain such words as are prescribed in letters not smaller than the prescribed size and in the prescribed colour.

(3) Subsection (1) does not apply to, or in relation to, the sale or supply of cooking margarine for export to a place outside the Commonwealth.

(4) Where cooking margarine is manufactured in another State, or a Territory, of the Commonwealth in accordance with the law in force in that State or Territory, subsection (1) (c) shall be deemed to be complied with if there is printed on the package in which the margarine is enclosed a statement that is in accordance with that law specifying the quantity of beef fat or mutton fat, or both, contained in the margarine.

Saving for other laws as to labelling.

31C—The provisions of sections 31A and 31B shall be read as being in addition to the provisions of any other law in force in Tasmania relating to the words, statements, particulars, or other matter required or permitted to be written or printed on packages containing margarine or any kind or class of margarine, or on labels attached to those packages.

Prohibition of manufacture, sale, &c., of cooking margarine or butter containing certain substances.

31D—(1) A person shall not manufacture, sell, offer for sale, expose for sale, or supply cooking margarine or butter to which there is or has been added—

- (a) a prohibited colouring substance; or
- (b) a prohibited flavouring substance.

Penalty: \$500, and, in the case of a continuing offence, a further penalty not exceeding \$100 for each day during which the offence continues.

(2) In subsection (1)—

“prohibited colouring substance” means a prohibited colouring substance specified in Part I of Schedule 1;

“prohibited flavouring substance” means a prohibited flavouring substance specified in Part II of Schedule 1.

Amendment of section 34 of Principal Act (Regulations).

9—Section 34 (1) is amended by omitting paragraph (e) and substituting the following paragraph:—

(e) The determination of prices to be paid for dairy produce by reference to its grade;

Insertion in Principal Act of Schedule 1.

10—After section 34 of the Principal Act, the following Schedule is inserted:—

SCHEDULE 1 Sections 3 and 31D

PROHIBITED COLOURING SUBSTANCES AND
PROHIBITED FLAVOURING SUBSTANCES

PART I—PROHIBITED COLOURING SUBSTANCES

1. Beta carotene.
2. Annatto.
3. Saffron.
4. The following coal tar dyes:—
 - (a) orange shade—
15980 Orange GGN;
 - (b) yellow shades—
13015 Acid Yellow G (Kond.);
15985 Sunset Yellow FCF;
19140 Tartrazine;
13011 Yellow RFS;
18965 Yellow 2G;
14330 Yellow RY.

For the purposes of this Part, the numbers referred to in relation to coal tar dyes are the numbers that are respectively allotted to those dyes in the second edition (1956) of the colour index published by the Society of Dyers and Colourists, England.

PART II—PROHIBITED FLAVOURING SUBSTANCES

1. Diacetyl.
2. Acetyl methyl carbinol.
3. Butyric acid and its salts.
4. Aliphatic delta or gamma lactones of carbon chain length from 7 to 13 (inclusive).

