

## TASMANIA.

## THE DAIRY PRODUCE ACT, 1930.

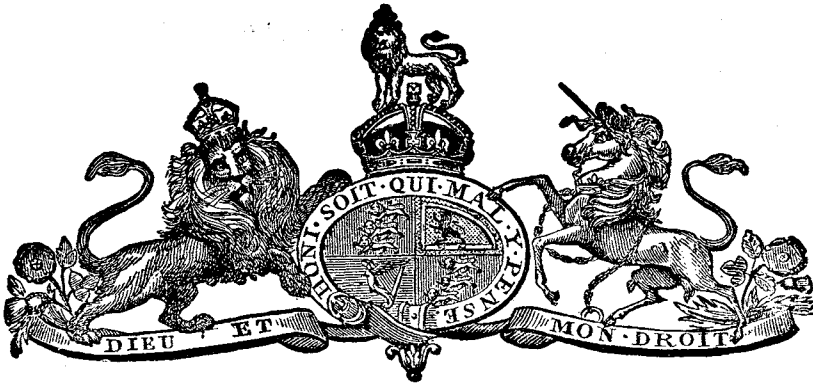
## ANALYSIS.

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## TASMANIA



1930.

ANNO VICESIMO PRIMO

GEORGII V. REGIS.

No. 66.

AN ACT to consolidate and amend the Law  
relating to the Production, Manufacture,  
and Sale of Dairy Produce.

A.D.  
1930.

[12 January, 1931.]

**B**E 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 Act, 1930.”

Short title.

**2** The Dairy Produce Act, 1910, and the Dairy Produce Act, 1919,  
are hereby repealed.

Repeal of 1 Geo.  
V. No. 46 and 10  
Geo. V. No. 40.

**3—(1)** In this Act, unless a contrary intention appears—

Interpretation.

“Dairy” includes any land, premises, and buildings used in  
connection with the production of milk:

“Dairy-house” means any room or place in a dairy used as a  
separator-room, milk-room, or room for the storage of dairy  
produce or dairy utensils:

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“Dairy produce” means milk, cream, butter, cheese, condensed milk, and any other product of milk, and includes margarine :

“Dairy produce premises” means a cold-store, dairy, depot, factory, milk shop, and any place where dairy produce is deposited, treated, dealt with, or sold :

“Director” means the Director of Agriculture :

“Disease” means any disease in human beings or stock mentioned in the schedule, and any contagious or infectious disease likely to contaminate dairy produce which is proclaimed by the Governor as a disease within the meaning of this Act :

“Factory” means any building, premises, or place where purchased dairy produce is processed, manufactured, prepared, or treated :

“Margarine” means any substance made from vegetable or animal fats, or a combination of both, and intended to be used as a substitute for butter :

“Mark” includes brand or stamp :

“Milk-fat” means the pure fat of milk :

“Milk shop” means any building, structure, or place, or any stall or conveyance, in which milk or dairy produce is sold or kept for sale by retail :

“Owner” means the owner, whether jointly or severally, and includes the authorised agent, manager, or superintendent of the owner :

“Supervisor” means a supervisor appointed under this Act.

(2) The Governor, by proclamation, may declare any infectious or contagious disease likely to contaminate dairy produce to be a disease within the meaning of this Act.

Application of Act.

**4** None of the provisions of this Act (other than the provisions of Sections Seventeen, Eighteen, Nineteen, and Twenty) shall apply to—

- i. Any dairy produce which is intended for the use of the owner for consumption on his premises, and which is not sold or offered for sale by him : or
- ii. Any case where the whole of the dairy produce consumed by any person, and sold or offered for sale by him is the produce of not more than three cows.

Officers.

**5** The Governor may appoint such supervisors and other officers as may be necessary for the purposes of this Act.

Registration of premises.

**6—(1)** All dairy produce premises shall be registered under this Act.

(2) Subject to this Act—

- i. The registration of a milk shop shall remain in force until cancelled by the Minister : and

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11. The registration of any other premises shall remain in force until the thirtieth day of June next after the same is effected or renewed, as the case may be, and shall be renewed on or before the first day of July in each year. A.D. 1930.

(3) No fee shall be payable for registration of a milk shop or dairy, but in all other cases there shall be payable such annual fee for registration as may be prescribed.

(4) Applications for registration, and for renewal of registration, shall be made by the owner in the prescribed manner, and shall be accompanied by the prescribed fee, if any.

(5) No person shall use as dairy produce premises any premises not registered under this Act.

(6) The Minister at any time may cancel the registration of any dairy produce premises if all the requirements of this Act relating to the premises are not complied with and observed to the satisfaction of the Minister.

**7—**(1) The owner of every factory shall keep employed at the factory as many testers and graders as may be prescribed in relation to the quantity of milk and cream received at the factory. Testers and graders to be employed in every factory.

(2) The owner of any factory who fails to comply with the provisions of this section for more than fourteen consecutive days at any time shall be guilty of an offence.

Penalty: Minimum, Ten Pounds; Maximum, Fifty Pounds.

(3) The Minister may exempt any factory from the operation of this section for any period not exceeding six months at any one time.

(4) No person shall act as a tester or grader unless he holds the prescribed certificate.

**8** The owner of every factory shall cause all milk and cream received at the factory to be tested and graded as may be prescribed. Milk and cream received at factory to be tested and graded.

**9—**(1) Payment shall be made for all milk or cream purchased for the purpose of manufacture into dairy produce on the basis of its milk-fat content as determined in the prescribed manner, and the rates to be paid for such milk and cream shall vary in the prescribed proportion in accordance with the prescribed standards of such milk or cream. Milk or cream to be paid for on the basis of milk-fat content.

(2) Every person who purchases milk or cream for the purpose of manufacturing the same into dairy produce shall furnish the supplier with a statement in the prescribed form showing the milk-fat content of such milk or cream, and the number of pounds of milk-fat contained therein for which payment is made in accordance with this section.

**10** The owner of every factory, once in every month, if required by the Director, shall forward to him a statement in the prescribed form, showing the quantity of each grade of dairy produce manufactured in the factory and the quantity and grade of milk-fat for which the suppliers have been paid. Statement of quantity and grade of dairy produce manufactured.

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Low grade or  
putrescent milk or  
cream.**11—**(1) The owner of a factory shall not—

- I. Manufacture dairy produce from : or
- II. Retain at the factory—

any milk or cream which is below the standard prescribed for milk or cream which may be used for manufacture into dairy produce.

(2) Any such milk or cream shall be treated as prescribed.

Treatment of  
dairy produce.

**12** All milk and cream in any dairy produce premises shall be neutralised, pasteurised, aerated or cooled as may be prescribed except where the same is in—

- I. A dairy : or
- II. A milkshop.

Dairy produce to  
be branded.

**13** All dairy produce made from purchased milk or cream or any other dairy produce which has been graded in the prescribed manner shall be put up in packages bearing a brand registered under this Act, indicating the grade or quality of the dairy produce in each of such packages.

Labelling, mark-  
ing, &c., of dairy  
produce.

**14—**(1) Except where otherwise prescribed, there shall be affixed in the prescribed manner to every package containing dairy produce a statement showing the net weight of the contents.

(2) Except where otherwise prescribed all dairy produce manufactured for sale shall be packed or wrapped in such manner that the registered mark of the manufacturer is clearly depicted on the outside of the package.

(3) Brands and marks may be registered under this Act in such form and manner and subject to such conditions and provision for cancellation as may be prescribed.

Inspection of  
dairy produce  
premises.

**15—**(1) Subject to this Act, a supervisor at all reasonable times may—

- I. Enter and inspect any dairy produce premises and any dairy produce, utensils, machinery, or apparatus therein :
- II. Take samples in the prescribed manner of any dairy produce, or any water supplied to stock or used in connection with dairy produce, or any material or thing used in the production of dairy produce, or in the testing or grading thereof :
- III. Enter and inspect any conveyance or ship used for the carriage of dairy produce :
- IV. Open and inspect the contents of any package which he believes, on reasonable grounds, to contain dairy produce : and
- V. Require the manufacturer or owner of any dairy produce, or his agent, to furnish him with such particulars in respect thereof as may be prescribed.

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(2) A supervisor shall not take any sample or open any package under this section except in the presence of the owner of the dairy produce or the dairy produce premises, as the case may be, or of the agent of such owner, or unless such owner or agent has an opportunity of being present at the time when the sample is taken or the package opened. A.D. 1930.

**16—**(1) A supervisor who has taken any sample under Section Fifteen may forward it to a person appointed by the Minister to carry out examinations of dairy produce for the purposes of this Act. Samples may be examined by expert.

(2) The person so appointed shall examine in the prescribed manner any sample of dairy produce forwarded to him, and shall give to the supervisor forwarding the sample a certificate in the prescribed form.

**17—**(1) If, after inspection, a supervisor is satisfied that—

Powers of supervisor.

- i. Any dairy produce premises are in an unclean or unwholesome condition :
- ii. Any utensil, machinery, or apparatus in any dairy produce premises, or any conveyance or ship used for the carriage of dairy produce, is in an unclean or unwholesome condition, or is unfit for the purposes for which it is used :
- iii. Any stock on any dairy are diseased : or
- iv. The water supply from which water is obtained and used in connection with any dairy produce premises is impure—

he may, by notice in writing in the prescribed form, require the owner of the dairy produce premises, or of the conveyance or ship, as the case may be, to take steps to remedy such matter as hereinafter provided.

(2) Any supervisor, by any such notice as aforesaid, may direct that—

- i. The dairy produce premises, or any utensils, machinery, or apparatus, or the conveyance or ship, as the case may be, be cleaned, disinfected, and rendered wholesome to the satisfaction of the supervisor :
- ii. Any such dairy produce premises, utensils, machinery, apparatus, conveyance, or ship, as the case may be, be not used in connection with dairy produce for the time specified in the notice, or until the supervisor is satisfied that the same are fit for use :
- iii. Any impure water be no longer used in connection with the dairy produce premises :
- iv. Any diseased stock be treated as prescribed : and
- v. No dairy produce be removed from any dairy produce premises for any period specified in the notice.

(3) No notice shall be given under Paragraph v. of Subsection (2) of this section except with the approval of the Director.

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Powers of  
supervisor with  
respect to diseased  
persons in dairy  
produce premises.

**18**—(1) Subject to the provisions of this section, if a supervisor is satisfied that any person employed in connection with dairy produce premises is affected with disease, he may, by notice in writing addressed to the owner of such premises, order the removal of such person from such premises.

(2) A supervisor shall not make any order under this section unless he has obtained a certificate from the health officer of the district in which the dairy produce premises are situated, or from some other medical practitioner, that such person is affected with disease.

(3) An order under this section shall have effect until such person produces to the supervisor a certificate from a medical practitioner that such person is free from disease.

Supervisor to  
report to Director.

**19** Every supervisor, immediately after exercising any of the powers conferred by Sections Seventeen or Eighteen, shall report to the Director thereon, and the Director may vary or cancel any direction or order so given or made.

Owners of dairy  
produce premises  
to give notice of  
disease.

**20**—(1) When it comes to the knowledge of the owner of any dairy produce premises that—

i. Any stock : or

ii. Any person employed on the dairy produce premises—  
is affected with disease, he shall immediately give notice thereof to the nearest supervisor.

(2) Every such owner shall forthwith separate any such diseased stock from the stock free from disease, and shall not—

i. Mix any dairy produce obtained from diseased stock with any other dairy produce : or

ii. Sell or use, or cause to be sold or used, any dairy produce obtained from diseased stock for consumption by human beings or animals.

(3) No owner of dairy produce premises shall permit any person affected with disease to be employed in connection with such premises.

Construction and  
use of dairy pro-  
duce premises.

**21**—(1) Dairy produce premises shall be constructed in such manner as to comply with the prescribed conditions.

(2) A dairy house shall not be used for any purpose other than storing dairy produce or dairy utensils.

Storage of dairy  
produce.

**22**—(1) No dairy produce intended for sale shall be deposited or kept—

i. In any room used for domestic purposes :

ii. In any store, or in any conveyance or ship, or in any other place where such dairy produce may become unwholesome or injurious to health, or may be deteriorated by heat : or

iii. In any place where any goods or materials are kept which are likely to contaminate such dairy produce.

(2) No person shall sell, or offer or expose for sale any dairy produce which, to his knowledge, has been kept in contravention of this section.



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**23**—(1) No person shall use for the storage or conveyance of dairy produce any receptacle which does not comply with the provisions of this Act. A.D. 1930.

Receptacles for storage or conveyance of dairy produce.

(2) Any supervisor may seize any such receptacle and any dairy produce therein, and may dispose of the same as may be prescribed.

**24** No tester or grader shall—

Offences by tester or grader.

- i. Knowingly misinterpret any information or results which he obtained during the process of testing or grading : or
- ii. Neglect or refuse to carry out any of the duties imposed on him by this Act.

**25**—(1) No supervisor shall—

Offences by supervisor and officers.

- i. Hire out or lend to any person any official mark or marking instrument :
- ii. Give any certificate which is false in any particular : or
- iii. Be a party to any evasion or contravention of this Act.

Penalty : One hundred Pounds.

2) No supervisor or other officer appointed under this Act, by himself or by or through any other person or persons, shall have any interest directly or indirectly in any dairy produce premises.

Penalty : Fifty Pounds.

**26** No employee employed in connection with any dairy produce shall— Offences by employees.

- i. Hire out or lend to any person any mark or marking instrument of his employer : or
- ii. Be a party to any evasion or contravention of this Act by means of any such mark or marking instrument.

Penalty : Fifty Pounds.

**27** No person shall—

Fraudulent acts.

- i. Alter or obliterate, wholly or partially, or cause to be altered or obliterated, any mark on any dairy produce, or on any package containing dairy produce :
- ii. Counterfeit any such mark, or mark any dairy produce or any package, or cause any dairy produce or package to be marked, with any mark purporting to be the mark of a supervisor or of a manufacturer of dairy produce :
- iii. Use for the purpose of enclosing dairy produce any package that has been previously used for that purpose, without effacing all marks on such package :
- iv. Substitute, for the whole or part of the contents of any package of dairy produce which has been inspected, any dairy produce not contained in such package at the time of the inspection—

with intent thereby to defraud.

Penalty : One hundred Pounds.

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Offences in connection with dairy produce.

**28** No person shall—

- I. For the purpose, or in the process of manufacturing dairy produce, mix, or cause to be mixed, milk or cream of one grade with any milk or cream of another grade :
- II. Affix to any package containing dairy produce any particulars which are untrue or are calculated to mislead.

Obstructing supervisor, &amp;c.

**29** No person shall—

- I. Resist or obstruct or interfere with any supervisor or other officer : or
- II. Refuse to give any information lawfully required of him, or give any false information to any supervisor or other officer—

in the exercise of any powers or functions under this Act.

Personating supervisor, &amp;c.

**30** No person shall falsely represent himself to be, or personate, any supervisor or other officer under this Act.

Penalty : Imprisonment for twelve months.

Penalty, &amp;c.

**31**—(1) Where by this Act, any act is directed or forbidden to be done, or any authority is given to any person to direct or forbid any act to be done, any person who offends against any such direction or prohibition shall be guilty of an offence.

(2) Any person who is guilty of any offence against this Act, for which no penalty is elsewhere in this Act provided, shall be liable to a penalty not exceeding Ten Pounds.

Procedure.

**32** All proceedings in respect of offences against this Act shall be heard and determined, and all penalties shall be enforced and recovered, and all fees payable may be recovered in a summary way, on complaint, under the Justices Procedure Act, 1919.

10 Geo. V. No. 55.

Regulations.

**33**—(1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular, but without prejudice to the generality of the power conferred by this section, may make regulations with respect to the following matters :—

- I. The qualifications, powers, and duties of supervisors and officers appointed under this Act :
- II. The qualifications of testers and graders of dairy produce, the examination of candidates for certificates as such testers and graders, and the conditions under which such certificates may be issued and cancelled :
- III. The duties of testers and graders of dairy produce and the testing and grading of dairy produce :
- IV. The standards and grades of dairy produce and the purposes for which dairy produce of any standard or grade may be used :

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- v. The variation of prices to be paid for dairy produce in proportion to the standards or grades thereof : A.D. 1930.
  - vi. The registration of dairy produce premises and of brands and marks :
  - vii. The construction, situation, use, inspection, and cleansing of dairy produce premises, and machinery, utensils, and conveyances used in connection with dairy produce :
  - viii. The treatment of dairy produce :
  - ix. The inspection of stock used in connection with dairy produce premises and the treatment of diseased stock ; the destruction of diseased stock and the compensation of owners of such stock :
  - x. The receptacles to be used for conveying or storing dairy produce, and the conveyance of dairy produce :
  - xi. The statements and returns to be supplied in connection with dairy produce and the records which shall be kept in dairy produce premises :
  - xii. Fees payable under this Act.
- (2) Any such regulation may impose a penalty not exceeding Ten Pounds for the breach of any regulation so made.

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**SCHEDULE.**

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**LIST OF DISEASES.**

Section 3.

*In Human Beings :—*

Diphtheria, Scarlet Fever, Skin Diseases, Smallpox, Tuberculosis, Typhoid Fever, Venereal Diseases.

*In Stock :—*

Abscesses, Anthrax, Cancer, Contagious Abortion, Contagious Mammitis (Udder and Teat Inflammation), Cowpox (*Variola vaccina*), Lumpy Jaw (*Actinomycosis*), Metritis (Inflammation of the Womb), Pleuro-pneumonia, Tuberculosis.

