

TASMANIA.

THE DAIRY PRODUCE ACT, 1932.

ANALYSIS.

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MEMORANDUM

TO :

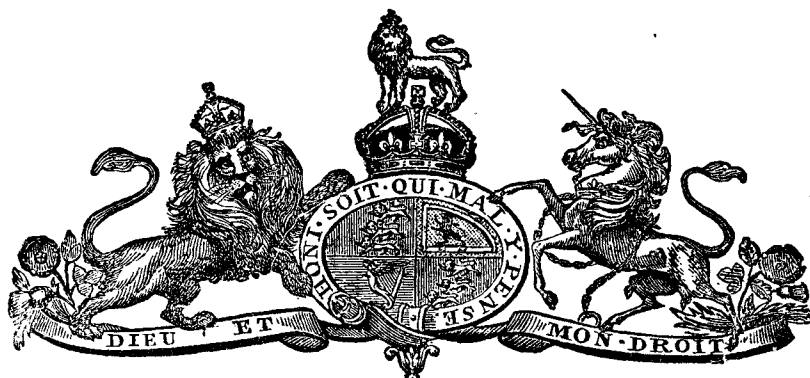
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TASMANIA.



1932.

ANNO VICESIMO TERTIO
GEORGII V. REGIS.

No. 37.



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

A.D.
1932.
 —

[23 December, 1932.]

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 Act, 1932.” Short title.
- 2** The Dairy Produce Act, 1930, and the Dairy Produce Act, 1931, are hereby repealed. Repeal of 21
Geo. V. No. 66
and 22 Geo. V.
No. 15.
- 3**—(1) In this Act, unless a contrary intention appears—
 “Dairy” includes any land, premises, or buildings used in connection with the production of milk :
 “Dairy produce” means milk, cream, butter, cheese, condensed milk, and any other product of milk, and includes margarine : Interpretation.

Dairy Produce.

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“Dairy produce premises” means a store, dairy, depot, factory, and any place where dairy produce is deposited, treated, dealt with, or sold otherwise than by retail :

“Depot” means any building, structure, or place where milk or cream is deposited for the purpose of weighing, sampling, testing, or grading before it is forwarded to a factory :

“Director” means the Director of Agriculture :

“Disease” means any disease in human beings or stock specified 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 :

“Grade” and “grading” mean the classification of dairy produce according to quality in the prescribed manner ; and “to grade” and “graded” respectively have a corresponding interpretation :

“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 :

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

“Owner” includes a joint owner, and the authorised agent, manager, or superintendent of the owner :

“Store” means any building, structure, or place where any dairy produce is sold, otherwise than by retail, or stored, whether in a cold chamber or otherwise :

“Supervisor” means a supervisor appointed under this Act.

(2) For the purposes of this Act, sale by retail means sale in any quantity less than fourteen pounds at any one time.

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

Application of Act.

4 This Act shall not apply to any dairy produce which is intended solely for the use of the owner for consumption on his premises, and which is not sold or offered for sale by him, or to the premises on which only such dairy produce is produced.

Officers.

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

Registration of premises, and cancellation of registration.

6—(1) No person shall use any premises as dairy produce premises unless a certificate of registration has been issued in respect thereof under this Act, and is in force.

Penalty : Fifty Pounds.

Dairy Produce.

(2) Applications for a certificate of registration of dairy produce premises shall be made to the Director in the prescribed manner by the person using or intending to use the premises. A.D. 1932.

(3) A certificate of registration shall not be issued unless the Director is satisfied that the premises in respect of which the application is made are fit for the purpose for which they are used or intended to be used, and are so constructed and equipped as to comply with all the requirements of this Act.

(4) The certificate of registration of any dairy produce premises may be cancelled by the Director after such reasonable notice as may be prescribed if all the requirements of this Act relating to the construction and equipment of the premises, and to the treatment of dairy produce therein, are not complied with and observed to his satisfaction, or if in his opinion the premises are not fit for the purpose for which they are used.

(5) Subject to this Act, the certificate of registration of a dairy or of a store shall remain in force until cancelled by the Minister; and the certificate of registration of any other dairy produce premises shall remain in force until the thirtieth day of June next after the certificate is issued.

(6) Applications for certificates of registration in respect of premises which have been registered during the preceding twelve months shall be made on or before the first day of July in each year.

(7) No fee shall be payable for the certificate of registration of a dairy, but in all other cases there shall be payable such registration fee as may be prescribed.

(8) Any dairy produce premises in respect of which a certificate of registration has been issued under the Dairy Produce Act, 1930, shall be deemed to have been registered under this Act, and any such certificate may be cancelled by the Director under the provisions of this Act.

7 The owner of every factory and of every depot respectively shall cause all milk and cream to be accurately weighed, and to be tested and graded in the prescribed manner forthwith on the receipt thereof at the factory or depot, as the case may be. Testing and grading of dairy produce.

8—(1) No person shall act as a tester or grader in any factory or depot unless he holds the prescribed certificate. Provisions as to testers and graders.

(2) The owner of any factory or depot who employs any person to act as a tester or grader who does not hold the prescribed certificate shall be guilty of an offence.

Penalty : Fifty Pounds.

(3) It shall be the duty of every tester and grader employed at a factory or depot to carry out the testing and grading, respectively, of milk and cream, and to make and keep a true and correct record thereof, as may be prescribed.

Penalty : Fifty Pounds.

Dairy Produce.

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(4) The owner of every factory and of every depot shall employ, and continue to employ, in connection therewith, as many testers and graders as may be necessary to test and grade the milk and cream received thereat, as provided by this Act.

(5) Subject to the provisions of Subsection (6) hereof, the owner of any factory or depot who fails to comply with the provisions of Subsection (4) for more than fourteen consecutive days at any time shall be guilty of an offence.

Penalty: Fifty Pounds.

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

Milk or cream to be paid for on the basis of milk-fat content.

9—(1) Payment shall be made for all milk and 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 milk and cream so purchased shall vary in the prescribed proportion in accordance with the grade of such milk or cream.

(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 quantity, grade, and milk-fat content of such milk or cream, and the number of pounds of milk-fat contained therein.

Statement of quantity and grade of dairy produce manufactured.

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 milk-fat received from suppliers during the month immediately preceding the month in which the statement is required to be furnished to the Director, and the quantity of each grade of dairy produce manufactured from the milk-fat received during that period.

Low grade or putrescent milk or cream not to be used.

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 grade prescribed as the lowest grade of milk or cream which may be used for manufacture into dairy produce.

(2) Any such milk or cream, and any dairy produce manufactured in contravention of this section, shall be treated as prescribed.

Treatment of milk and cream in butter-factory.

12—(1) The owner of every butter-factory shall cause all milk and cream received at the factory to be—

- i. Partially neutralised:
- ii. Pasteurised: and
- iii. Cooled—

at the factory before such milk or cream is manufactured into butter.

(2) Every butter-factory shall be equipped with the plant and machinery required for the treatment of dairy produce in accordance with this section.

Dairy Produce.

(3) In any proceedings in respect of a contravention of this section, proof that milk or cream has been received at a factory and manufactured into butter, and that the factory is not equipped with the plant and machinery required by this section, shall be evidence that such milk or cream has not been treated as required by this section.

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(4) The production of any statement required to be made under Section Ten by the owner of a butter-factory shall be evidence in any proceedings in respect of a contravention of this section that milk or cream has been received at the factory and that butter was manufactured therefrom if those facts are disclosed by the statement.

(5) For the purposes of this section, "butter-factory" means any building, premises, or place where purchased milk or cream is manufactured into butter, or where butter is processed, renovated, milled, or otherwise treated.

13—(1) Subject to this Act, every manufacturer of dairy produce shall put up all dairy produce manufactured by him in packages bearing a brand registered under this Act, indicating the name of the manufacturer and the grade of the dairy produce in each of such packages.

Name of manufacturer and quality and net weight of dairy produce to be stated.

(2) Except as may be otherwise prescribed, the net weight of the contents of every package containing dairy produce shall be clearly indicated thereon in the prescribed manner.

14—(1) Every manufacturer of dairy produce shall register a brand under this Act for each grade of dairy produce manufactured by him.

Provisions as to brands, &c.

(2) Brands shall be registered under this Act in such form and manner and subject to such conditions and provisions for cancellation as may be prescribed.

(3) Any person who purchases and repacks dairy produce for sale may register a brand under this Act, and may put up such dairy produce in packages bearing such brand.

(4) Where dairy produce is repacked in packages bearing a brand other than the brand of the manufacturer, the word "Repacked" shall appear on the package containing the dairy produce.

(5) The owner of a factory may put up dairy produce manufactured in the factory in packages bearing the registered brand of an agent or seller, if it is clearly indicated in the prescribed manner on the package that the dairy produce contained therein has been packed by such owner to the order of the agent or seller.

(6) Butter manufactured by any person otherwise than in a factory registered under this Act shall not be sold, or offered or exposed for sale, unless it is put up in packages with the words "Farm Butter" or "Dairy Butter" clearly indicated thereon in the prescribed manner.

(7) In any proceedings in respect of any contravention of Subsection (6) hereof, a statement in the complaint that the butter sold or offered or exposed for sale was manufactured otherwise than in a factory registered under this Act shall be deemed to be proved in the absence of proof to the contrary.

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(8) Any brand registered under the Dairy Produce Act, 1930, shall be deemed to be registered under, and to be subject to the provisions of, this Act.

Power of supervisor to grade dairy produce.

15—(1) Any supervisor may examine and grade any dairy produce.

(2) Any dairy produce which has been graded by a supervisor may be marked with the prescribed stamp, indicating the grade in which the dairy produce has been placed by the supervisor.

(3) If a supervisor is of opinion that the dairy produce contained in any package examined by him in any depot, factory, or store is not of the grade indicated by the brand on the package, he may—

- i. Give notice in writing to the owner of the dairy produce forbidding him to sell such dairy produce or deliver the same to a purchaser until it is rebranded as provided by this section : and
- ii. Require the owner of the dairy produce to cause the same to be rebranded as may be prescribed with a brand indicating the correct grade of the dairy produce.

(4) For the purposes of this section, if the supervisor so requires, rebranding shall include the putting up of the dairy produce into new packages branded as prescribed.

Power of supervisor to test and grade dairy produce.

16—(1) A supervisor may test, grade, weigh, and analyse any dairy produce received or manufactured in any dairy produce premises, and may make a record of such testing, grading, weighing, and analysis in the prescribed record books kept on the premises.

(2) No person shall alter or obliterate, or cause to be altered or obliterated, any record or entry made by a supervisor in any book kept in any dairy produce premises.

Inspection of dairy produce premises.

17 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 :
- v. Require the manufacturer or owner of any dairy produce, or his agent, to furnish him with such particulars in respect thereof as the supervisor may require : and
- vi. For the purpose of ascertaining whether the provisions of this Act have been complied with, examine any books, records, and statements kept in any dairy produce premises.

Dairy Produce.

18—(1) A supervisor who has taken any sample under Section Seventeen may forward it to a person authorised by the Minister to carry out examinations of dairy produce for the purposes of this Act.

(2) The person so appointed shall examine any sample of dairy produce forwarded to him, and shall give to the supervisor forwarding the sample a certificate signed by him of the results of such examination.

(3) A certificate under this section shall be evidence, in any proceedings in respect of a contravention of this Act, of the particulars set forth therein.

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Samples may be examined by expert.

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

- i. Any dairy produce premises are in an unclean or unwholesome condition :
- ii. Any utensil, machinery, apparatus, material, or thing 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 is 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 comply with any direction specified in the notice.

(2) A supervisor, by any such notice, may direct that—

- i. The dairy produce premises, or any utensil, machinery, or apparatus therein, or the conveyance, or ship, as the case may be, shall be cleaned, disinfected, and rendered wholesome to the satisfaction of the supervisor :
- ii. Any such dairy produce premises, utensils, machinery, apparatus, material, thing, conveyance, or ship, as the case may be, shall not be 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 such water shall not be used in connection with the dairy produce premises :
- iv. Such diseased stock shall be treated as prescribed : and
- v. No dairy produce shall be removed from such dairy produce premises during 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.

20—(1) Subject to 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 the premises, order that such person be effectively segregated, to the satisfaction of the supervisor, from connection with dairy produce.

Powers of supervisor.

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

Dairy Produce.

A.D. 1932.

(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 the person so employed is affected with disease; and such person when required by a supervisor shall submit himself for examination by the health officer or medical practitioner, as the case may be.

(3) An order under this section shall continue in force 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.

21 A supervisor, immediately after exercising any of the powers conferred by Sections Nineteen or Twenty, shall report to the Director thereon, and the Director may vary or cancel any requirement, direction, or order so given or made.

Owners of dairy produce premises to give notice of disease.

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

i. Any stock kept on or used in connection with such premises :
or

ii. Any person employed on the premises—

is affected with disease, he shall immediately give notice thereof to the Director.

(2) The owner of any dairy produce premises shall forthwith isolate any diseased stock from 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 permit 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 knowingly permit any person affected with disease to be employed in connection with the premises.

Penalty : One hundred Pounds.

Construction and use of dairy produce premises.

23 Dairy produce premises shall be constructed in such manner as to comply with the prescribed conditions.

Storage, &c., of dairy produce.

24—(1) No dairy produce intended for sale shall be deposited, kept, or transported—

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 is likely to become unwholesome or injurious to health, or may be deteriorated by heat :

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

iv. Unless such dairy produce is effectively protected from dust, flies, and the direct rays of the sun.

Dairy Produce.

(2) No person shall sell, or offer or expose for sale, any dairy produce which, to his knowledge, has been kept or transported in contravention of this section. A.D. 1932.

25 No person shall use for the storage or conveyance of dairy produce any vessel or container which does not comply with the provisions of this Act. Containers for storage or conveyance of dairy produce.

26 No tester or grader shall—

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

Offences by tester or grader.

27 No supervisor shall—

- i. Hire out or lend to any person or permit any unauthorised person to use any official stamp :
- ii. Give any certificate which is false in any particular : or
- iii. Connive at any evasion or contravention of this Act.

Offences by supervisor and officers.

Penalty : Fifty Pounds.

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

- i. Hire out or lend to any person any brand registered under this Act : or
- ii. Connive at any evasion or contravention of this Act by means of any such brand or otherwise.

29—(1) No person with intent to defraud shall—

Fraudulent acts.

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

Penalty : Fifty Pounds.

(2) In this section, " brand " includes an official stamp.

Dairy Produce.

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Restriction of use
of milk products
in margarine and
butter substitutes,
&c.

30—(1) No person shall—

- i. Use any butter or other product of milk (except skim milk containing not more than one-tenth of one per centum of milk-fat) in the manufacture of margarine or any butter substitute :
- ii. Keep or have in his possession on any premises where margarine or any butter substitute is manufactured any quantity of butter exceeding five pounds in weight :
- iii. Sell, or offer or expose, or prepare, for sale, by retail, margarine or any butter substitute which contains milk-fat or any product of milk (except skim milk containing not more than one-tenth of one per centum of milk-fat) :
- iv. Use the word “butter,” either alone or in conjunction with any other word, in the naming or description of any substance which is sold, or intended to be sold, as a butter substitute and is not a product of milk : or
- v. Mix, colour, or stain any butter substitute with any ingredient or material so as to imitate butter.

(2) For the purposes of this section, “butter substitute” means any substance resembling butter which is intended to be used as a substitute for butter.

Offences in
connection with
dairy produce.

31 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 :
- iii. Sell, or offer, or expose for sale, or supply to any person any manufactured dairy produce—
 - (a) Which does not comply with the prescribed standard ; or
 - (b) Unless the correct grade of such dairy produce is clearly indicated in the prescribed manner :
- iv. Manufacture for sale any dairy produce which does not comply with the prescribed standard : or
- v. Sell, or offer, or expose for sale, or supply, any dairy produce which, to his knowledge, is below the grade prescribed as the lowest grade of dairy produce which may be used for manufacture or for human consumption :
- vi. Contravene any of the provisions of Sections Seven, Nine, Twelve, Thirteen, or Fourteen.

Penalty : Fifty Pounds.

*Dairy Produce.***32** No person shall—

- i. Resist or obstruct or interfere with any supervisor or other officer : or
- ii. Refuse to give any information 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.

A.D. 1932.

Obstructing
supervisor, &c.

33 (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.

Penalty, &c.

(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 Twenty-five Pounds.

34 The Governor may make regulations under this Act, and in particular may make regulations with respect to the following matters:—

Regulations.

- 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 to act as 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 method of testing and grading of dairy produce :
- iv. The standards and grades of dairy produce and the purposes for which dairy produce of any grade may be used :
- v. The variation of prices to be paid for dairy produce in proportion to the grade thereof :
- vi. The registration of dairy produce premises and of brands :
- vii. The construction, situation, sanitation, drainage, 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 records to be kept at dairy produce premises, and the statements and returns to be supplied in connection with dairy produce :
- xii. Fees payable under this Act.

Dairy Produce.

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SCHEDULE.

LIST OF DISEASES.

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 (*Actinomyces*), Metritis (Inflammation of the Womb), Pleuro-pneumonia, Tuberculosis.