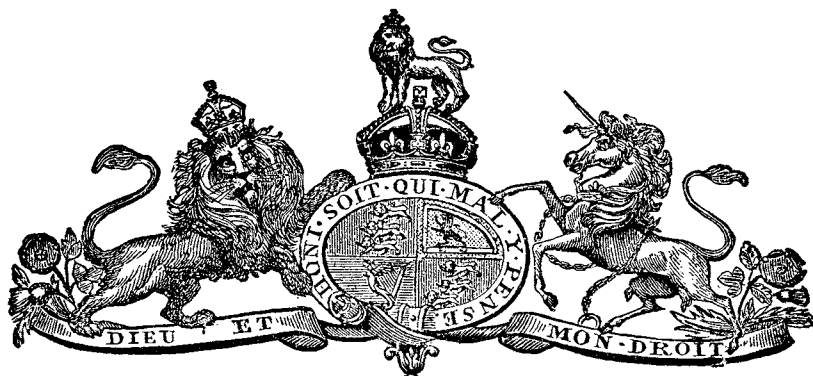


1417

TASMANIA.



1933.

ANNO VICESIMO QUARTO

GEORGII V. REGIS.

No. 56.

ANALYSIS.

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AN ACT to regulate and control the Sale of ^{A.D.} 1933.
 certain Dairy Products. [10 January, 1934.]

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 Products Act, 1933.” Short title and commencement.
- (2) This Act shall come into operation on a day to be fixed by proclamation.

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Interpretation.

2 In this Act, unless the contrary intention appears —

“Agent” means any person who, on behalf of any other person, sells dairy products on commission or for other remuneration :

“Board” means the Tasmanian Dairy Products Board appointed under this Act :

“Dairy products” means butter and cheese :

“Dealer” means any person who purchases dairy products for the purpose of resale :

“Factory” means any premises where dairy products are manufactured for sale :

“Manufacturer” means a person who manufactures any dairy products for sale, but does not include a processor :

“Processor” means any person who carries on the business of comminuting, pasteurising, re-emulsifying, and packing cheeses which have been purchased by him from a manufacturer, agent, or dealer :

“Quota” means the proportion of dairy products manufactured by a manufacturer within Tasmania which he is, for the time being, permitted to sell in the course of his intra-state trade or commerce in Tasmania :

“Sell” includes barter or exchange, and “sale” has a corresponding interpretation :

“Store” means any premises other than a factory where dairy products are stored, tinned, printed, packed for sale, or sold, or where cheese is processed :

“Tinner” means any person who carries on the business of tinning or repacking dairy products, which have been purchased by him from a manufacturer, agent, or dealer.

Constitution of Board.

3—(1) For the purposes of this Act, the Governor may appoint a board to be called the Tasmanian Dairy Products Board, constituted as hereinafter provided.

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

- i. One shall be a person nominated by the Minister :
- ii. One shall be a person nominated by the Boards of Directors of Tasmanian Co-operative Butter and Cheese Factories :
- iii. One shall be a person nominated by the Boards of Directors of Tasmanian Proprietary Butter and Cheese Factories :
- iv. One shall be a person nominated by the Dairying Committee of the Agricultural Bureau of Tasmania to represent dairymen's interests :
- v. One shall be a person nominated by the Minister as representing consumers of dairy products.

(3) All such nominations shall be made as prescribed, and if, any of the bodies or groups mentioned in Subsection (2) hereof fails within twenty-one days after the commencement of this Act, to nominate a person as representing that body or group, as the case may be, or

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fails to notify the Minister of the name of such person, the Governor may appoint any person as the member representing that body or group on the Board. A.D. 1933.

4 Every member of the Board shall hold office for a period of two years, and shall be paid such fees and allowances, if any, as may be prescribed. Tenure of office and emoluments.

5—(1) The Board shall be a body corporate under the name of the Tasmanian Dairy Products Board, and shall have a common seal, and be capable in law of suing and being sued in its corporate name, and of acquiring, holding, and disposing of real and personal property. Incorporation of Board and validation of its proceedings.

(2) At any meeting of the Board three members shall constitute a quorum.

(3) No act or proceeding of the Board shall be invalidated by reason of any defect or irregularity in the constitution of the Board, or in the nomination or appointment of any member, or by reason of there being any vacancy in the number of members at the time of such act or proceeding so long as a quorum remains.

6 For the purposes of this Act the Board may appoint a secretary, and may appoint, employ, and authorise such other officers, servants, and agents as may be necessary to assist the Board in carrying out its functions, duties, and authorities under this Act. Appointment of officers.

7—(1) There shall be payable to the Board by every manufacturer a contribution towards the expenditure incurred in the administration of this Act, and in the carrying out by the Board of its functions thereunder. Contribution by manufacturers towards expenditure.

(2) Such contribution shall be on a basis to be prescribed, and shall be payable at such times and in such manner as may be prescribed.

(3) If any such contribution or any instalment or part thereof is unpaid, the Board may recover the same from the manufacturer upon complaint under the Justices Procedure Act, 1919, or in any court of competent jurisdiction. 10 Geo V. No. 55.

8—(1) The Minister after consultation with the Board may determine a quota for the purposes of this Act. Determination and promulgation of quota.

(2) Every such quota shall be promulgated by public notice in the Gazette and in such newspapers as the Minister may think fit, and shall take effect from the date therein specified, not being a date prior to such publication in the Gazette.

(3) Every such quota shall continue in force until superseded by a quota subsequently determined and promulgated as aforesaid.

9—(1) No manufacturer shall, in the course of his intra-state trade or commerce within this State, sell, in excess of the quota for the time being in force, dairy products manufactured by him. Application of quota.

Penalty: Five hundred Pounds.

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(2) No person shall be convicted under this section if he proves to the satisfaction of the Court before which he is charged—

- i. That he has paid, in respect of the matter in relation to which he is so charged, a contribution to the funds of the body mentioned in Section Ten, the amount of which has been determined by that body : or
- ii. That, in respect of the period in relation to which he is so charged, he has exported from this State a quantity of dairy products sufficient, when added to his quota, to equal the total quantity manufactured by him in such period.

(3) No person shall be prosecuted under this section without the consent of the Board.

Representative
body to be
proclaimed.

10 If and when a body representing manufacturers and consumers, and having a constitution and objects approved by the Governor, has been formed in this State, the Governor by proclamation shall declare such body, by a name to be specified in such proclamation, to be the body mentioned in Subsection (2) of Section Nine.

Registration of
manufacturers
and others.

11—(1) Every manufacturer, tinner, agent, processor, and dealer shall be registered by the Board as prescribed.

(2) Application for registration shall be made in the manner and within the time prescribed.

(3) No fee shall be payable in respect of any such registration.

(4) The Board shall issue to every person registered as aforesaid a certificate of registration in the prescribed form, which shall remain in force until cancelled as provided by this Act.

(5) No person shall carry on business as a manufacturer, tinner, agent, processor, or dealer unless he is registered as such under this Act.

Penalty : One hundred Pounds.

Cancellation of
registration.

12 The Board may cancel a certificate of registration if the holder thereof has—

i. Died :

ii. Permanently ceased to carry on business thereunder :

iii. Been convicted of any offence against this Act committed after such certificate was issued to him—

and thereupon such certificate shall cease to have effect.

Returns.

13—(1) The Board at any time, by public notice in a newspaper or by written notice addressed to any person, may require all or any persons having in their possession, or under their control, any dairy products for the purposes of trade or sale to furnish a return of all such dairy products to the Board, and to supply such information as is required by the Board for the purposes of this Act.

(2) Every such return shall be in the prescribed form, and contain the prescribed particulars, and be lodged as prescribed.

Dairy Products.

(3) No person, to whom any such notice as aforesaid applies, shall fail or neglect to furnish a return or supply information as thereby required, or shall furnish a return or supply information which is false in any material particular.

Penalty : One hundred Pounds.

14—(1) All contributions paid as provided by Section Seven, and all penalties recovered and received under this Act, shall be paid to the Board, and shall be at the disposal of the Board for the purposes of this Act.

(2) The Board shall pay, out of such moneys as aforesaid, all expenses incurred by it in the administration of this Act, including such remuneration and allowances as the Board may determine, to all officers, servants, and agents employed by the Board.

15—(1) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for or on account of this Act or pursuant thereto and of the several purposes for which sums of money have been received and paid.

(2) The accounts of the Board shall be subject to the provisions of the Audit Act, 1918, and the Board shall pay out of its funds to the Treasurer such sum as the Auditor-General shall direct in respect of each audit made by him of its accounts.

(3) The Board shall furnish to the Minister, at the beginning of each financial year, a true copy of the accounts so audited as aforesaid, together with a true statement of the moneys received by the Board and of the expenditure thereof up to the end of the immediately preceding financial year.

16—(1) Any officer of the Board or any person authorised by the Board in that behalf, either generally or in any particular case, may, at any reasonable time, enter any premises of any person registered, or required to be registered, under this Act, and may inspect any books, accounts, registers, documents, or writings found in or upon such premises relating to any transaction in connection with dairy products, and may take copies thereof or of any entries therein, and, in any proceedings in respect of a contravention of this Act, copies of or extracts from any books, accounts, registers, or documents found in or upon any such premises relating to any transaction in connection with dairy products shall be evidence of the contents of such books, accounts, registers, or documents respectively.

(2) Any such officer or person may require any manufacturer or owner of any dairy products, or his manager or agent, to furnish him with such particulars in respect thereof as may be required.

(3) No person shall obstruct, hinder, prevent, or interfere with any officer or person so authorised, or, when requested so to do, shall fail, neglect, or refuse to produce such books, accounts, registers, or documents, or refuse to give any information so required.

Penalty : Fifty Pounds.

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Funds of the Board.

Accounts.

9 Geo. V. No. 3.

Power to Board to inspect books.

Dairy Products.

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Proceedings.

17 — (1) No proceedings in respect of offences against this Act shall be taken otherwise than by the Board or by some person with its authority.

(2) Any such proceedings may be taken by the Board or its secretary or by some person authorised by the Board in that behalf, either generally or specially.

(3) The Board shall pay all costs, charges, and expenses incurred by any person on its behalf or in connection with any such proceedings.

Indemnity.

18 No action, claim, or demand whatsoever shall lie, or be made, or allowed by or in favour of any person whomsoever against His Majesty, or the Minister, or the Board, or any member thereof, or any officer or person acting in the execution of this Act for or in respect of any damage, loss, or injury sustained, or alleged to be sustained, by reason of the passing of this Act, or of its operation, or anything done, or purporting to be done, under this Act.

Regulations.

19 The Governor may make regulations under and for the purposes of this Act, and any such regulations may include provision for regulating the procedure of the Board, the cases in which members of the Board shall vacate office, and the cases in which, the persons by whom, and the manner in which, deputies to act in place of members may be appointed, and may prescribe what allowances and remuneration, if any, may be paid to members of the Board.

Limitation of Act.

20 The operation of this Act shall cease at the expiration of two years after its commencement.