ANNO SEXTO

ELIZABETHAE II REGINAE

A.D. 1957.

An Act to amend the Dairy Industry Act, 1928-1942.

[Assented to 7th November, 1957.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the “Dairy Industry Act Amendment Act, 1957”.

   (2) The Dairy Industry Act, 1928-1942, as amended by this Act, may be cited as the “Dairy Industry Act, 1928-1957”.

   (3) The Dairy Industry Act, 1928-1942, is hereinafter called “the principal Act”.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

3. Section 2 of the principal Act is repealed.

4. (1) Section 3 of the principal Act is amended by striking out subsections (1) and (2) thereof and inserting in lieu thereof the following subsections:—

   (1) Except as provided in this section, this Act shall apply throughout the whole State.

   (2) This Act shall not apply to any dairy farm—

      (a) within the metropolitan area;
(b) in any area declared by the Governor by proclamation to be an area the dairy farms in which shall be exempt from this Act.

(2a) The Governor may by proclamation declare any area defined or indicated in the proclamation to be an area the dairy farms in which shall be exempt from this Act, or from any provisions of this Act specified in the proclamation, and may by proclamation vary or revoke any proclamation in force under this section.

Dairy farms to which any such proclamation applies shall according to the tenor of the proclamation be wholly or partly exempt from this Act.

(2b) This Act shall not apply to a dairy farm wherever situate unless milk or cream produced thereon is—

(a) supplied in bulk to a factory milk depot or creamery or milk vendor, whether for wholesale or retail sale; or

(b) used in manufacturing dairy produce.

(2) Subsection (3) of section 3 of the principal Act is amended by adding at the end thereof the words "or to any regulations made under paragraph (11) of section 61 of the Food and Drugs Act, 1908".

5. Section 4 of the principal Act is amended as follows:—

(a) The definition of "creamery" is struck out and the following definition is inserted in lieu thereof:—

"creamery" means premises (not being a dairy farm or railway station) where cream is collected for transport elsewhere to a factory for manufacture or where milk is collected and separated into cream for transport to a factory for manufacture.

(b) The definition of "dairy farm" is amended by inserting the words "or goats" after the word "cows" in the first line.

(c) The definition of "milk depot" is amended so as to read as follows:—

"milk depot" means any premises where on any day more than fifty gallons of milk is pasteurized, chilled, treated, or packed for purposes other than manufacture, but does not include a dairy farm where milk is pasteurized, chilled, treated, or packed if all such milk is produced on such dairy farm.
(d) After the definition of “to sell” therein the following definition is inserted:—

“store” means premises (not being an export establishment registered under the Exports (Dairy Produce) Regulations of the Commonwealth or a factory, dairy farm, milk depot or creamery or part thereof in which one ton or more of dairy produce is at any time stored or held.

6. The following section is enacted and inserted in the principal Act after section 6 thereof:—

6a. (1) A person shall not build a factory, creamery, store or milk depot or convert a building into a factory, creamery, store or milk depot, or alter or add to a factory, creamery, store or milk depot unless—

(a) plans and specifications showing the work proposed to be done or other particulars accepted by the Minister in lieu of plans and specifications have been supplied to the Minister: and

(b) the Minister has approved such plans and specifications or particulars.

(2) The Minister shall not refuse his approval to any such plans, specifications or particulars except on the ground that the buildings to which they relate, when built, converted, altered, or added to as proposed will not comply with the regulations.

(3) A person shall not build, alter, or add to a factory, creamery, store or milk depot or convert any building into a factory, creamery, store or milk depot except in accordance with plans and specifications or particulars approved by the Minister.

(4) The Minister may grant a person exemption from the foregoing provisions of this section in relation to any alterations of premises, which in the Minister’s opinion are minor alterations.

7. The heading between sections 6 and 7 of the principal Act is amended by inserting after the word “Factories” therein the words “Milk Depots, Stores”.

8. Section 7 of the principal Act is amended as follows:—

(1) Subsection (1) is amended by inserting after the word “factory” in the third line the word “store”.

Amendment of heading.

Amendment of section 7 of principal Act—Licensing.
(2) Subsection (2) is repealed and the following subsections inserted in lieu thereof:

(2) Every application for a licence for a dairy farm, factory, store, milk depot, or creamery—

(a) shall be made in the prescribed form;
(b) shall be addressed to the Chief Dairy Adviser;
(c) shall be delivered (either by post or otherwise) to the Chief Dairy Adviser, or the officer in charge of a police station, or a person authorised by the Chief Dairy Adviser to receive applications.

(2a) Every application for a licence for a dairy farm may be dealt with by the person to whom it is delivered or by the Chief Dairy Adviser. Every application for a licence for premises other than a dairy farm shall be dealt with by the Chief Dairy Adviser.

Subject to any direction given by the Minister, under section 8 of this Act, an application duly made in accordance with law and for which the proper fee is paid, shall be granted.

(3) Subsection 4 is amended—

(a) by striking out the word “cow” in the fourth line and inserting in lieu thereof the word “animal”;
(b) by striking out the word “Two” in the fifth line and inserting in lieu thereof the word “Four”;
(c) by inserting after the word “creamery” in the sixth line the word “store”; and
(d) by striking out the word “Five” in the sixth line and inserting in lieu thereof the word “Ten”.

(4) Subsection (5) is amended by striking out the word “cows” wherever appearing therein and inserting in lieu thereof the word “animals”.

(5) Subsection (7) is amended by striking out the word “five” in the second line and inserting in lieu thereof the word “ten”.

(6) Subsection (8) is amended by striking out the word “cows” in the second line and inserting in lieu thereof the word “animals” and by striking out the expression “more than six cows” in the fifth and seventh lines and inserting in lieu thereof the words “six animals or more”.

(7) Subsection (10) is amended by inserting after the words "milk depot" (occurring twice) therein in each case the word "store".

(8) The following subsection is inserted after subsection (12) :

(13) In this section the word "animals" means cows or goats.

9. Section 19 of the principal Act is amended by striking out subsections (1) (2) and (3) thereof and inserting in lieu thereof the following subsections :

(1) Every owner of a factory, milk depot or creamery and every wholesale distributor of milk or cream to whom milk or cream is sold or supplied by the producer thereof shall—

(a) grade that milk or cream in accordance with the principles and in the manner prescribed by the regulations; and

(b) test and weigh that milk or cream and ascertain the percentage and weight of the butterfat therein by the Babcock test or any other test prescribed by the regulations to be used in place of the Babcock test; and

(c) keep records in the prescribed form showing the grades, weight, and butterfat content of all such milk and cream.

The seller or supplier of the milk or cream or any person authorized in writing by him or any inspector may be present at and inspect the grading, testing and weighing, and may examine and check any records of such grading, testing and weighing.

(2) Every owner of a factory milk depot or creamery and every wholesale distributor of milk to whom milk or cream is sold or supplied by the producer thereof shall pay the seller or supplier for the milk or cream according to—

(a) the grade of the milk or cream ascertained in accordance with the principles and in the manner prescribed by regulation; and

(b) the weight of the butterfat contained therein estimated by what is known as the Babcock test or by any other test prescribed by regulation to be used in place of that test.
(3) If the weight of the butter manufactured in any prescribed period at a factory exceeds the weight \(\text{as estimated under subsection (2) of this section} \) of the butterfat used in such manufacture by more than twenty-two per cent, the persons who sold or supplied such butterfat to the owner of the factory shall be entitled to be paid in addition to the price of the butterfat supplied by them a sum representing the value of the amount of butterfat corresponding to the amount of the excess butter mentioned above, and such sum shall be divided among them in proportion to the respective amounts of the payments made to them for the butterfat supplied.

10. Section 20 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:

20. Where milk or cream supplied to a factory, creamery or milk depot is manifestly affected by putrefactive decomposition or is for any reason unfit for human consumption the owner of the factory, creamery or milk depot—

(a) shall not manufacture dairy produce from that milk or cream;

(b) shall not retain it in the factory creamery or milk depot; and

(c) shall cause it to be treated and disposed of in accordance with the regulations.

11. Section 21 of the principal Act is amended—

(a) by striking out subsection (1) thereof; and

(b) by adding at the end thereof the following subsection:

(3) Every owner of a cheese factory shall cause all cheese manufactured at the factory to be marked with such marks and in such manner and place as are prescribed by regulations.

12. Section 24 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:

24. (1) No person shall test or grade milk or cream for the purpose of complying with any requirement of this Act unless he holds a tester’s certificate or a grader’s certificate, as the case may be.
(2) The Minister may issue a tester's certificate or a grader's certificate to any person who complies with the conditions prescribed by regulation for the issue of such certificate.

(3) The Minister may from time to time if he thinks that reasonable cause exists for doing so, exempt any person from the duty to comply with this section for a period not exceeding six months at any one time.

13. The following heading and section are enacted and inserted in the principal Act after section 24 thereof:—

**Buttermakers and Cheesemakers.**

24a. The Minister may issue a buttermaker's or a cheesemaker's certificate to any person who complies with the conditions prescribed by regulations for the issue of such certificate.

14. Section 25 of the principal Act is amended by striking out the word "ten" in the fourth line of subsection (2) and inserting in lieu thereof the word "fifty".

15. The principal Act is further amended in the manner set out in the Schedule hereto.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.
Act, 1957.

THE SCHEDULE.

<table>
<thead>
<tr>
<th>Section Amended</th>
<th>Amendment to be Made</th>
</tr>
</thead>
<tbody>
<tr>
<td>8... ... ... ...</td>
<td>Lines 2, 3, 4, 7 and 9: after “factory” insert “store”.</td>
</tr>
<tr>
<td>11.... ... ... ...</td>
<td>Line 1 of paragraph (6) and line 1 of paragraph (d) : after “factory” insert “store”.</td>
</tr>
<tr>
<td>12.... ... ... ...</td>
<td>Lines 1 and 2, 4 and 8: after “factory” insert “store”.</td>
</tr>
<tr>
<td>13.... ... ... ...</td>
<td>Line 2: after “factory” insert “store”.</td>
</tr>
<tr>
<td>26 (2) (a).....</td>
<td>After “factory” insert “store”.</td>
</tr>
<tr>
<td>27 (1).... ... ...</td>
<td>Line 1: after “factory” insert “store”.</td>
</tr>
<tr>
<td>28 (1) (2).....</td>
<td>Line 2: after “factories” insert “stores”.</td>
</tr>
<tr>
<td>28 (1) (4).....</td>
<td>Lines 4 and 6: after “factories” insert “milk depots, stores”.</td>
</tr>
<tr>
<td>28 (1) (8).....</td>
<td>Line 4: after “factory” insert “milk depot, store”.</td>
</tr>
<tr>
<td>28 (1) (9).....</td>
<td>Lines 3 and 4: leave out “for manufacturing dairy produce” and insert “by factories, milk depots or creameries”.</td>
</tr>
<tr>
<td>28 (1) (10)....</td>
<td>Lines 1 and 2: leave out “for use in the manufacture of dairy produce” and insert “or cream supplied to factories, milk depots and creameries”.</td>
</tr>
<tr>
<td>28 (1) (11)....</td>
<td>Line 1: after “milk” insert “or cream”.</td>
</tr>
<tr>
<td>28 (1) (12)....</td>
<td>Line 2: after “milk” insert “or cream”.</td>
</tr>
<tr>
<td>28 (1) (14)....</td>
<td>Line 8: after “grade” insert “milk or” ; after “cream” (second occurring) insert “by the holder of a buttermaker’s or cheesemaker’s certificate”.</td>
</tr>
<tr>
<td>28 (1) (15)....</td>
<td>Lines 7 and 8: leave out “used in the manufacture of dairy produce”.</td>
</tr>
<tr>
<td>28 (1) (21)....</td>
<td>Line 2: after “bran-dle” insert “or marks”.</td>
</tr>
<tr>
<td>28 (1) (22)....</td>
<td>Line 3: after “butter” insert “or on cheese”.</td>
</tr>
<tr>
<td>28 (1) (23)....</td>
<td>After “factory” insert “creamery, milk depot, or store”.</td>
</tr>
</tbody>
</table>