

MILK.

9° Elizabeth II., No. LXII.

No. 62 of 1960.

AN ACT to amend the Milk Act, 1946-1954.

[Assented to 2nd December, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Milk Act Amendment Act, 1960.*

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reprint,
27th May,
1958.

(2) In this Act the Milk Act, 1946-1954, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Milk Act, 1946-1960.

2. Section seventeen of the principal Act is ^{S. 17} amended. amended by deleting paragraph (c).

3. Section twenty-six of the principal Act is ^{S. 26} amended. amended—

(a) by substituting for the word, “regulations” in line one of paragraph (A) of subsection (1) the word, “regulation”;

(b) by adding after the word, “licenses” in paragraph (D) of subsection (1) the passage, “, and the classification in such manner and into such classes as the Board thinks fit of each of the kinds of business which under section thirty of this Act the respective licensees are entitled to carry on”;

(c) by adding after paragraph (F) of subsection (1) the following paragraph:—

(FA) Fixing minimum standards of quality for milk and cream, and preventing the supply of milk or cream which does not comply with the prescribed standard.

4. Section thirty of the principal Act is ^{S. 30} amended. amended—

(a) by inserting after the word, “on” in line two of paragraph (i) of subsection (1) the words, “the classification specified by the Board of”;

(b) by substituting for the word, “sell” where it occurs in line two of subparagraph (a), line two of subparagraph (b), line two of subparagraph (c) and line two of subparagraph (d), of paragraph (ii) of subsection (1) the words, “carry on the classification specified by the Board of the business of selling” in each case;

(c) by substituting for the word, "treat" in line two of paragraph (iii) of subsection (1) the words, "carry on the classification specified by the Board of the business of treating";

(d) by substituting for subsection (5) the following subsection:—

(5) (a) The fees respectively payable for the licenses referred to in subsection (1) of this section shall be as prescribed, and may be prescribed on a scale or scales varying in relation to the classification specified by the Board of the business which under that subsection the licensee is entitled to carry on.

(b) A scale of license fees prescribed in accordance with the provisions of paragraph (a) of this subsection may be based, where practicable, upon the quantity of milk sold or treated during the year immediately preceding the year in respect of which the license fees are payable, but where that basis is not practicable, or the board considers that that basis is not practicable, in respect of any license, a separate scale or fixed fee may be prescribed therefor notwithstanding that the license is of the same kind as one included in a scale first-mentioned in this paragraph.

s. 31
amended

5. Section thirty-one of the principal Act is amended—

(a) by adding after the word, "Board" in line three of subsection (1) the passage, "and at the time of making the application shall pay to the Board the appropriate prescribed fee";

- (b) by adding after subsection (1) the following subsection:—

(1a) Where the Board issues a license under this Act to a person who has applied therefor, the fee paid for that license is irrecoverable by the applicant, but if in any case the Board refuses to issue the license applied for, it shall refund to the person applying for that license the fee paid by him when so applying.

6. Sections forty and forty-one of the principal Act are repealed. Ss. 40 and 41
repealed.

7. Section sixty of the principal Act is amended— S. 60
amended.

- (a) by substituting for paragraph (a) of subsection (1) the following paragraph—

(a) the Board may deduct from the license fee paid by each person to whom it issues a dairyman's license under this Act, and pay into the Compensation Fund, such sum as the Board may determine, and is hereby authorised to determine, annually, and the sum so deducted shall be and be deemed to be in full satisfaction of the contribution to the Compensation Fund of that person so licensed;

- (b) by substituting for the passage commencing with the word, "contributions" in lines four and five of paragraph (b) of subsection (1) and ending with the word, "paragraph", being the last word in that paragraph, the following passage—

sums deducted from time to time from the license fees pursuant to the provisions of paragraph (a) of this subsection and paid into the Compensation Fund as provided by that paragraph.

S. 62
amended.

8. Section sixty-two of the principal Act is amended—

(a) by adding after subsection (1) the following subsection:—

(1a) A scheme for milk improvement referred to in subsection (1) of this section may contain provisions imposing penalties on persons, including the holders of licenses under this Act, who contravene the scheme or any part or provision thereof. ;

(b) by adding after the word, "*Gazette*" in line three of subsection (3), the passage, ", and thereupon the Minister may, with the approval of the Governor, make regulations for implementing, enforcing or facilitating the operation of the scheme or any part or provision thereof.
