

DAIRY INDUSTRY.

1° EDWD. VIII., No. XXVII.

No. 27 of 1936.**AN ACT to amend the Dairy Industry Act, 1922.**

[Assented to 11th December, 1936.]

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

1. This Act may be cited as the *Dairy Industry Act Amendment Act, 1936*, and shall be read as one with the Dairy Industry Act, 1922 (No. 37 of 1922), hereinafter called "the principal Act." Short title.

2. Section two of the principal Act is hereby amended— Amendment of s. 2 of the principal Act.

(a) by inserting after the definition of "butter fat" the following new definitions:—

"Cheese" is the solid or semi-solid product Cheese. obtained by coagulating the caseinogen of milk (which for the purpose of this definition shall include the lacteal fluid product of any animal where such product is commonly used for domestic purposes), cream or skim milk by means of approved rennets, pepsins, or acids with or without the addition of ripening ferments or

approved seasoning ingredients and colouring matter, but without the addition of any foreign fat.

Cold store.

“Cold store” means premises approved in the prescribed manner as a cold store for the examination, grading, marking, weighing, storage, and delivery of dairy produce.

Condensed milk.

“Condensed milk” means milk condensed or concentrated by any method whatsoever.

Cream

“Cream” means that portion of the lacteal fluid product of an animal in which either through rest or mechanical separation the greater portion of the fat has become concentrated.

(b) in the definition of “Dairy produce” by striking out the words “and includes margarine” at the end of the definition and substituting the words “and any other product of milk or cream and also margarine.”

(c) by striking out the definition “Dairy produce factory” and substituting the following:—

“Dairy produce factory” means any building or place where dairy produce is manufactured; or where dairy produce is graded, treated or prepared preparatory to manufacture.

(d) by adding the following further definition after the definition of “Dairy produce factory”:—

Depot.

“Depot” means any building, structure, or place where dairy produce is deposited for the purpose of weighing, sampling, testing, or grading.

(e) by striking out the definition of “Margarine” and substituting the following:—

Margarine.

“Margarine” includes any solid or semi-solid substance made from animal or vegetable fats or oils or any combination thereof, the fatty contents of which are not derived exclusively from milk, and which is used or capable of being used as a substitute for butter. The term does not include dripping or lard.

(f) by adding the following further definition after the definition of "Minister":—

"Package" includes anything which acts as a container or wrapper. Package.

3. The amendments detailed in the Schedule (consequential on the addition of the new definition of "depot" inserted in the principal Act by section two of this Act) are hereby made in the principal Act. Consequential amendments.

4. Section five of the principal Act is hereby amended— Amendment of s. 5 of the principal Act.

(a) by striking out subsection one and substituting the following:—

(1) Application for registration shall be made in the prescribed form and manner annually at the Department of Agriculture in Perth, and when registration is effected (subject to subsection two of this section) it shall last until the ensuing thirty-first day of December:

Provided that all dairy produce factories and stores registered under the provisions of this Act prior to the commencement of this subsection shall be deemed to be registered (subject to subsection two of this section) until the thirty-first day of March, one thousand nine hundred and thirty-seven.

(b) by striking out the words "such registration shall be in force until cancelled," in lines six and seven of subsection two, and substituting the words "Such registration may nevertheless be cancelled in the prescribed manner for breach of this Act or the regulations, subject, however, to a right of appeal by any person aggrieved within the prescribed time and manner to the Board of Appeal constituted under section twenty-four.

5. Section eight of the principal Act is hereby amended by striking out the proviso to the section and inserting a subsection as follows:— Amendment of s. 8 of the principal Act.

(2.) Every inspector appointed for the purposes of this Act may exercise, in relation to dairy produce factories, stores, and depots all the powers of an inspector of factories under the Factories and

Shops Act, 1920, and its amendments, and all the powers of an inspector under the Inspection of Machinery Act, 1921, other than such powers specified in the last-mentioned Act as relate to the registration and inspection of boilers.

Amendment
of s. 9 of the
principal Act.

6. Section nine of the principal Act is amended by striking out the words "butter, cheese" in lines three and four of paragraph (c) and substituting the words "dairy produce."

Amendment
of s. 10 of the
principal Act.

7. Section ten of the principal Act is hereby amended by adding subsections as follows:—

(2.) If the manager of a dairy produce factory, store, or depot fails to comply with any order made by an inspector under this section, and such order is not reversed on appeal under the provisions of section twenty-four, the manager shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding two pounds for every day during which the offence shall continue after a complaint has been made of such offence before a court of summary jurisdiction.

(3.) If any manager fails to comply with any order (not reversed on appeal) the inspector may cause the order to be complied with at the expense of the manager, and in such event (notwithstanding the penal liability of the manager under the preceding subsection) any court of summary jurisdiction on complaint made by the inspector shall order the payment by the manager of the amount incurred and any incidental expenses.

Amendment
of s. 11 of the
principal Act.

8. Subsection (1) of section eleven of the principal Act is hereby amended—

- (a) by adding the words "milk or" before the word "cream" in line one of the subsection;
- (b) by adding a further proviso to the subsection, as follows:—

Provided further, that in order to encourage the production of superior grades of milk or cream differential rates shall be payable according to a prescribed scale for each grade of milk or cream.

9. Section twelve of the principal Act is amended, as follows:—

Amendment
of s. 12 of the
principal Act.

- (a) in subsection (1) by adding the words “milk or” before the word “cream” in lines three and six respectively;
- (b) in subsection (3) by—
 - (i) striking out the words “butter made from cream” in line one and substituting the words “dairy produce made from milk or cream”;
 - (ii) striking out the word “butter” in the fourth line of the subsection and substituting the words “dairy produce”;
 - (iii) striking out the word “butter” in the eighth line of the subsection and substituting the words “dairy produce.”

10. Section thirteen of the principal Act is amended—

Amendment
of s. 13 of the
principal Act.

- (a) by inserting the words “milk or” before the word “cream” wherever that word occurs in the section; and
- (b) by striking out the word “butter” in line four and substituting the words “dairy produce.”

11. Section fourteen of the principal Act is repealed and the following enacted in its place:—

Amendment
of s. 14 of the
principal Act.

14. No person shall be employed whether as a servant or by contract to test or grade milk or cream supplied to a dairy produce factory, or to carry out the duties of a butter-maker or cheese-maker in a dairy produce factory unless he has the qualifications and has passed the examination prescribed in that behalf and holds a certificate to that effect:

Butter or
cheese maker
to be quali-
fied.

Provided that this section shall not apply to any person who at the commencement of this section has been continuously employed as a cheese-maker or a butter-maker for a period of not less than one year, in which event such person may be employed in making cheese or in making butter (as the case may be) by virtue of such previous employment.

12. Section fifteen of the principal Act is repealed and the following enacted in its place:—

Amendment
of s. 15 of the
principal Act.

15. (1.) The manager of every dairy produce factory shall every month forward to the Department of

Factories to
make returns.

Agriculture a statement showing the quantity and value of each grade of dairy produce manufactured in the factory and the quantity and value of milk or cream of each grade for which the suppliers have been paid.

(2.) The manager of every dairy produce factory shall forward to suppliers of milk or cream within three months after the expiration of the thirty-first day of December in each year an account in the prescribed form showing the charge levied for manufacture and sale of all dairy produce manufactured during the twelve months preceding the thirty-first day of December, and the quantity and value of milk or cream of each grade for which suppliers have been paid during that period: Provided, however, that where any dairy produce factory balances its accounts on any other date than the thirty-first day of December in any year, the Minister may approve in writing of the account being furnished for the twelve months preceding such balancing date, and in that event the account shall be furnished within three months of such balancing date.

Amendment
of s. 16 of the
principal Act.

13. Section sixteen of the principal Act is amended by substituting the words "dairy produce" for the word "butter" wherever it occurs in the section.

Amendment
of s. 17 of the
principal Act.

14. Section seventeen of the principal Act is repealed and the following new section enacted in its place:—

Margarine to
be manufac-
tured away
from butter
or cheese.

17. Margarine shall not be manufactured in the same premises or in premises within one hundred yards of any premises where butter or cheese is manufactured.

Amendment
of s. 19 of the
principal Act.

15. Section nineteen of the principal Act is hereby repealed and the following section enacted in its stead:—

Margarine to
be coloured.

19. (1.) Every person who manufactures margarine shall add a distinctive colouring matter to the margarine.

(2.) The colouring matter shall be of such shade and consist of such substance as shall from time to time be prescribed.

(3.) No person shall sell, dispose of, or have in his possession for sale, or attempt to sell or dispose

of margarine which is not coloured in accordance with the provisions of this section.

(4.) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two hundred pounds.

(5.) Provided that the Minister may by writing under his hand exempt any substance from the provisions of this section if that substance is not likely to be confused with butter, but may also, by writing under his hand, at any time withdraw such exemption.

16. Section twenty-four of the principal Act is amended by adding a paragraph at the end of the section as follows:—

Amendment
s. 24 principal
Act.

Every such appeal shall be lodged in the prescribed time and manner.

17. Subsection (1) of section twenty-five of the principal Act is hereby amended—

Amendment
of s. 25 of the
principal Act.

- (a) (i) by inserting the words "milk or" before the word "cream" in line two of paragraph (c);
- (ii) by striking out the word "butter" in the last line of that paragraph and substituting the words "dairy produce";
- (b) in paragraph (e) by inserting after the word "cream" in line three of that paragraph the words "or employed as butter-makers or as cheese-makers";
- (c) by inserting before the word "cream" in line two of paragraph (f) the words "milk or";
- (d) by striking out the word "butter" in line four of paragraph (g) and substituting the words "dairy produce";
- (e) by striking out paragraph (h) and substituting the following paragraph:—

(h) prescribing the method of estimating butter-fat results and the minimum amount of cheese of each quality to be obtained from milk of any particular grade and the minimum amount of butter of each quality to be obtained from milk or cream of any particular grade.

- (f) in paragraph (l) by striking out the words “butter intended for export” and substituting the words “dairy produce”;
- (g) in paragraph (m) by striking out the words “butter for export” and substituting the words “dairy produce”;
- (h) in paragraph (n) by striking out the words “butter for export” and substituting the words “dairy produce”;
- (i) in paragraph (o) by striking out the word “butter” and substituting the words “dairy produce”;

Citation of principal Act as amended.

18. (1.) The principal Act as amended by this Act may be cited as the Dairy Industry Act, 1922-1936.

(2.) The principal Act as amended by this Act shall be reprinted by the Government Printer under the supervision of the Clerk of Parliaments.

(3.) In such reprint the sections shall be renumbered in arithmetical order, the cross-references adjusted and appropriate marginal notes made to indicate the amendments effected by this Act.

Section 3.

THE SCHEDULE

Section.	Extent of Amendment.
3, 4, 6, 9, 10	Substitute the words “dairy produce factory, store or depot” for the words “dairy produce factory or store” wherever they occur in each of the sections; and in line twenty of section ten add the word “depot” after the word “store.”
7	Substitute the words “store or depot” for the word “store” in line two.