

METROPOLITAN WHOLE MILK.

24° GEO. V., No. XXVIII.

No. 28 of 1933.

AN ACT to amend the Metropolitan Whole Milk Act, 1932.

[Assented to 14th December, 1933.]

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 *Metropolitan Whole Milk Act Amendment Act, 1933*, and shall be read as one with the Metropolitan Whole Milk Act, 1932 (No. 49 of 1932), hereinafter referred to as the principal Act. Short title.

2. Section three of the principal Act is amended by deleting the definition of "Milk" and substituting the following:— Amendment of s. 3.

"Milk" means the natural lacteal fluid product of an animal, intended for human consumption as milk, notwithstanding that such product has been chilled, pasteurised, or concentrated, but shall not include such product when converted into condensed milk; the term includes fresh cream, and cream which has been scalded or pasteurised, but does not include cream used in the manufacture of butter.

Amendment
of s. 7.

3. Section seven of the principal Act is amended as follows:—

- (a) by inserting after the word “Board,” in line two, the words “other than the chairman”;
- (b) by adding at the end of the section the words “The Chairman of the Board shall hold office during the pleasure of the Governor.”

Amendment
of s. 9.

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

- (a) by adding at the end of subsection (1) the words “The members then elected and appointed as aforesaid shall take office on the first day of July next following their election and appointment, as the case may be”;
- (b) by deleting subsection (2) and inserting in lieu thereof a subsection as follows:—
 - (2) In case of a vacancy occurring in the office of any elected member, an election shall be held to fill the vacancy, and in the case of a vacancy occurring in the office of an appointed member, an appointment shall be made to fill the vacancy, but the member then elected or appointed, as the case may be, shall hold office only for the remainder of the term of his predecessor.

Amendment
of s. 20.

5. Section twenty of the principal Act is amended by inserting in subsection (1), after the word “business,” in line two of this subsection, the words “or sell milk.”

Amendment
of s. 21.

6. Section twenty-one of the principal Act is amended as follows:—

- (a) by deleting the words “other than a licensed dairyman or a licensed milk vendor,” in lines one and two;
- (b) by adding at the end of the section subsections, as follows:—
 - (2) Subsection (1) of this section shall not apply to a licensed dairyman or a licensed milk vendor who treats his own milk on his own premises and who is exempted by the Board from the provisions of the said subsection;

- (3) The Board may, by a certificate signed by the chairman with the authority of the Board, exempt from the provisions of subsection (1) of this section any licensed dairyman or any licensed milk vendor who treats his own milk on his own premises, where the Board is of the opinion that the circumstances warrant such exemption.

7. Section twenty-three of the principal Act is amended by adding to subsection (1) a proviso, as follows:— Amendment of s. 23.

Provided that the amount of any prescribed license fee shall not exceed the sum of ten shillings.

8. A new section is inserted in the principal Act, after section twenty-three, as follows:—

23A. (1.) Every person who, in any year, intends to produce for sale in the metropolitan area, or to bring into the metropolitan area for sale, any milk other than milk for use as whole milk shall give notice thereof in writing to the Board on the prescribed form, and during such year or thereafter, shall submit to the Board, at such times and places, as may be specified, such returns, giving information as to the quantities of milk handled and to the manner of its disposal as the Board may require.

Persons producing or bringing into the metropolitan area for sale milk, other than milk to be used as whole milk, to give notice thereof to the Board and to furnish returns.

(2.) Any person who fails in any respect to comply with the provisions of subsection (1) hereof shall be guilty of an offence against this Act.

Penalty: Fifty pounds (£50).

9. Section twenty-five of the principal Act is amended by inserting in subsection (2), after the word "funds," in line one of the subsection, the words "but subject to section twenty-six B of this Act." Amendment of s. 25.

10. Sections are inserted in the principal Act after section twenty-six, as follows:— New sections.

26A. (1.) Every holder of a license under this Act shall, in every year, contribute towards the expenditure to be incurred by the Board in the administration of this Act, and in carrying out their duties and functions, such

Contribution by licensees to expenditure. See No. 49 of 1926, s. 15.

sum as is determined by the Board in accordance with the regulations; and, subject to section twenty-six B of this Act, such contribution shall be paid by the holder of the license to the Board at the times, in the instalments, and in the manner prescribed.

Provided that no holder of a license shall be required to contribute in any year an amount exceeding the rate of one penny halfpenny for every five shillings of the gross proceeds in that year derived by him from the carrying on of his business in the exercise of his license.

(2.) If any such sum, or any instalment thereof, is not paid as and when the same becomes payable, the amount thereof may be recovered as a debt due to the Board by action, at the suit of the chairman of the Board, in any court of competent jurisdiction.

Special provisions
in the case of
certain milk
vendors.

26B. (1.) Notwithstanding anything to the contrary contained in either section twenty-five or section twenty-six A of this Act, if any milk vendor, who sells milk by retail to consumers in a shop occupied by him as a shop and, when making application for a milk vendor's license under this Act, proves to the satisfaction of the Board that he has been so selling milk for the year ending the thirtieth day of June next preceding the year in respect of which he is then applying for a license as aforesaid, and that the quantity of milk so sold by him as aforesaid in that year was less than one thousand gallons, such milk vendor shall be required to pay to the Board, on the issue of the license, the sum of one pound, inclusive of the license fee payable, and the difference between the amount so paid and the amount of the license fee shall be a complete satisfaction by the licensee of his obligations under both section twenty-five and section twenty-six A of this Act for the year in respect whereof the license has been issued to him as aforesaid.

(2.) Upon receipt of the said sum of one pound the Board shall deduct therefrom the amount of the license fee included therein, and shall apportion the balance in satisfaction of the licensee's obligations under section twenty-five and section twenty-six A aforesaid, in such proportions as the Board shall deem reasonable.

Citation of
principal Act
as amended.

11. The principal Act as amended by this Act may be cited as the Metropolitan Whole Milk Act, 1932-1933.