

## DAIRY INDUSTRY.

13° GEO. V., No. XIX.

## No. 37 of 1922.

AN ACT to regulate the manufacture, sale, storage, transit, and export of dairy produce, including margarine, and for prescribing standards for the same ; to provide for the testing, blending, mixing, and grading of cream, and the basis of payment for milk and cream ; for the grading and branding of butter ; and for purposes consequent thereon or incidental thereto.

[Assented to 30th December, 1922.]

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*, Short title,  
1922.

2. In this Act the following terms shall, if not inconsistent with the context or subject matter, have the following meanings:—

Interpretation.  
N.S.W. 1915, No.  
45, s. 2.

“Butter fat” means the pure fat of milk.

“Dairy produce” means milk, cream, butter, cheese, dried milk, condensed milk, and includes margarine.

“Dairy produce factory” means building or place where condensed milk, dried milk, butter, cheese, or margarine is prepared or manufactured, or where cream is treated preparatory to manufacture.

“Inspector” means inspector appointed under this Act.

“Manager” means the owner or occupier of a dairy produce factory, or the person for the time being in control thereof on behalf of the owner or occupier.

"Margarine" means any substance made from vegetable or animal fats, or a combination of both, and sold as a substitute for butter.

"Minister" means Minister for Agriculture.

"Pasteurised" means the heating of milk or cream to a temperature of 185° F. and holding it at such temperature for three minutes, or to a temperature of 145° F. and holding it at such temperature for twenty minutes.

"Prescribed" means prescribed by regulations under this Act.

"Store" means place where condensed milk, butter, cheese, or margarine is stored, whether in a cold chamber or otherwise, but does not include premises used for the sale by retail of such dairy produce.

#### *Registration.*

Registration of  
premises.  
*Ibid.*, s. 3.  
Time for  
registration.

3. Premises shall not be used as a dairy produce factory or store unless registered under this Act: Provided that where premises are so used at the commencement of this Act, they may, without registration, continue to be so used for six months after such commencement.

The premises of a farmer used by him for the preparation or storage of dairy produce shall not be deemed a dairy produce factory or store within the meaning of this Act, unless such farmer is notified in writing by the Minister that such premises are deemed by him to be a dairy produce factory or store within the meaning of this Act.

Penalties.  
*Ibid.*, s. 4.

4. Any person who uses any premises as a dairy produce factory or store shall, unless he proves that such premises are duly registered under this Act, or that he comes within the proviso to the last preceding section, be liable to a penalty not exceeding, where such premises are used partly or wholly for the purpose of making margarine, one hundred pounds, and in any other case twenty pounds.

Application for  
registration.  
*Ibid.*, s. 5.

5. (1) The application for registration shall be made at the Department of Agriculture, in Perth, in the manner prescribed by the person so using or intending so to use the premises.

Registration.

(2) Upon such application being so made, and upon the inspector being satisfied that the premises are fit for such use, on payment of a prescribed fee not to exceed one

pound, the premises shall be registered, and a certificate of registration shall be issued to the applicant, which shall be evidence of registration under this Act. Such registration shall be in force until cancelled.

(3) Nothing in this Act shall, except as expressly provided, affect the provisions of the Health Act, 1911-1919.

6. (1.) When any person ceases to use any registered premises as a dairy produce factory or store he shall so notify in writing to the Department of Agriculture in the manner prescribed.

Notice that premises have ceased to be used as a dairy produce factory or store.  
*Ibid.*, s. 6.

(2) If such person fails to so notify he shall be liable to a penalty not exceeding five pounds.

(3) On such notification being received, or on such penalty being imposed, the registration of the premises shall be cancelled.

#### *Storage.*

7. If any person in control holds dairy produce in any store or on board any ship or in any vehicle in such a manner that such produce may be deteriorated either by heat or by injurious smells, or by the proximity of unclean matter, he shall be liable to a penalty not exceeding twenty pounds.

Storage of dairy produce.  
*Ibid.*, s. 7.

#### *Inspection.*

8. The Governor may, by notification in the *Gazette*, appoint such persons as he may think fit to be inspectors for the purposes of this Act. Provided that notwithstanding anything to the contrary therein contained, the provisions relating to the inspection of factories under "The Shops and Factories Act, 1920," and "Amendment Act, 1922," and "The Inspection of Machinery Act, 1921," other than the provisions therein relating to the registration and inspection of boilers may be vested in the inspector for butter factories under this Act.

Inspectors.

9. An inspector may—

(a) at any reasonable time enter for the purposes of this Act any dairy produce factory or store and examine any books necessary to ascertain if the provisions of this Act have been complied with, and any scales, measures, or apparatus, and any churns, vats, or other utensils therein used in connection with the business of such factory or store ;

Powers of inspectors.  
*Ibid.*, s. 9.

- (b) at any reasonable time examine any ship or vehicle used for the carriage of dairy produce ;
- (c) at any time and in any place detain and open any package which contains, or which he has reasonable grounds to believe contains butter, cheese, or margarine, and examine and take samples of any such produce contained therein for the purpose of ascertaining its composition or condition.

Inspector may  
order remedial  
measures.  
*Ibid.*, s. 10.

10. Where, as the result of such examination, the inspector is of opinion—

- (a) that any chemical, or any scales, measures, or apparatus used in testing cream or milk are not up to standard or are incorrect, or are otherwise unfit for the purposes for which they are intended to be used ; or
- (b) that any churns, vats, or other utensils used for dairy produce are not fit for such use ; or
- (c) that any dairy produce factory or store or any ship or vehicle used for the manufacture, storage, or carriage of dairy produce is unfit for such purpose—

he may order—

- (i.) such chemical to be made fit for the purpose for which it is to be used, or such scales, measures, or apparatus to be replaced or corrected, or
- (ii.) such churns, vats, or other utensils to be replaced or made fit for use for dairy produce, or
- (iii.) such dairy produce factory, store, ship, or vehicle to be made fit for such purposes to his satisfaction,

and (subject to an appeal under section twenty-four) it shall be the duty of the manager of the dairy produce factory or store to comply with such order.

#### *The Manufacture of Dairy Produce.*

Payment for cream.  
*Ibid.*, s. 10.

11. (1) Cream supplied to a dairy produce factory shall, according to the grade of the cream, be paid for on the basis of the butter-fat results, estimated in the prescribed manner.

Provided that where the value of the butter obtained from the cream exceeds that estimated as aforesaid, such excess shall be credited to the persons who supplied the cream, less the charges to be stated and levied by the manager.

(2) Milk supplied to a dairy produce factory for the manufacture of cheese, condensed milk, or dried milk, shall comply with the requirements of such regulations as may be prescribed.

(3.) Any vendor of milk or cream shall have the right to have his milk or cream tested in his presence or in the presence of his agent at the factory not oftener than once a week.

12. (1) The manager of every dairy produce factory shall grade, or cause to be graded, according to quality, all cream which is supplied to him, and in manufacturing butter therefrom shall keep apart and not blend or mix either as cream or butter the various grades thereof. It shall not be compulsory to grade cream in more than three qualities.

Grading cream.  
*Ibid.*, s. 11.

(2) All cream graded as "Choice" or "First Grade" must be pasteurised.

(3) Any butter made from cream which has been graded as aforesaid shall be put up in packages bearing a brand registered under this Act, representing the grade or quality of the butter.

The manner of registering such brands, and provisions for cancelling such registration, shall be prescribed by regulations under this Act. Such brands may be so designed as to indicate the grade of the butter and the factory in which it has been manufactured.

Butter made by a farmer otherwise than in a registered dairy produce factory, under the exemption under the second paragraph of section three of this Act, shall not be sold or kept for sale otherwise than in packages with the words "farm butter" thereon; and in any proceedings for a breach of this subsection an averment in the complaint that the butter so sold or kept for sale was farm butter within the meaning of this subsection shall be deemed to be proved in the absence of proof to the contrary.

13. Where cream which is supplied to a dairy produce factory is manifestly affected by putrefactive decomposition, the manager of the factory shall not manufacture butter from such cream, or retain it on the premises. Such cream shall be treated by adding thereto such substance as may be prescribed (such added substance not being such as to in any way destroy the value of such cream for animal food) and may be returned to the supplier.

Putrescent cream.  
*Ibid.*, s. 13.

Who may test or grade.  
*Ibid.*, s. 14.

14. After the expiration of six months from the commencement of this Act every person employed to test milk or cream, or to grade cream supplied to a dairy produce factory, shall, before he enters into or continues such employment, have the qualifications and pass the examination prescribed in that behalf, and shall hold a certificate to that effect:

Provided that any person who is at the commencement of this Act, and has been continuously employed in this work for a period of one year, may be exempt from such examination on passing a practical test as prescribed.

Statement of quantity and grade of butter manufactured.  
*Ibid.*, s. 15.

15. The manager of every dairy produce factory shall every month forward to the Department of Agriculture, and to suppliers of cream, a statement showing the quantity and value of each grade of butter manufactured in the factory, and the quantity and value of cream of each grade which the suppliers of cream have been paid for.

Grading of butter for export.  
*Ibid.*, s. 16.

See Com. Acts, Vol. 4, p. 41.

16. (1) Butter shall not be exported from Western Australia unless it is graded, and is up to the standard prescribed by regulations under the Commerce (Trade Descriptions) Act, 1905. If it is found by an inspector that the butter is of a grade different from that indicated by the registered brand on the package, such inspector shall give notice to the owner or owners that such butter cannot be exported under the brand indicated on the package.

A certificate of such grading shall be supplied to the person exporting the butter, and to the person who has manufactured it.

(2) Butter shall not be so exported unless it has been kept at the prescribed temperature for the prescribed time.

### *Margarine.*

Butter and margarine must not be manufactured in the same premises.  
*Ibid.*, s. 17.

17. Butter and margarine shall not be manufactured in the same premises or in premises within one hundred yards of each other.

Margarine not to contain more than 5 per cent. of butter fat.  
*Ibid.*, s. 18.

18. Margarine containing more than five per centum of butter fat shall not be manufactured or sold.

19. Colouring matter shall not be added to margarine, either in the process of manufacture or after manufacture, and margarine containing added colouring matter shall not be sold. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding two hundred pounds.

Colouring of margarine.  
*Ibid.*, s. 19.

20. Margarine shall not be manufactured or sold unless it contains the prescribed percentage of Queensland or other approved Australian arrowroot, nor sold unless branded or marked with the word "margarine" as prescribed under the Health Act, 1911.

Margarine to contain Queensland or other approved Australian arrowroot.  
*See Ibid.*, s. 2.

21. Margarine shall not be exported from Western Australia unless it is submitted for examination by an inspector and a certificate is granted that the margarine has been prepared in accordance with the provisions of this Act, and unless the package in which it is contained is branded or marked as prescribed. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding one hundred pounds.

Regulation of export of margarine.  
*Ibid.*, s. 21.

22. The manager of any premises in which margarine is manufactured shall keep books in such a manner as to show the quantities of fat, butter, milk, and cream purchased for the purpose of making margarine, and also the names and addresses of the persons to whom margarine is sold. If any person fails to comply with any of the provisions of this section he shall be liable to a penalty not exceeding one hundred pounds.

Books to be kept in factory.  
*Ibid.*, s. 22.

### *Penalties.*

23. Any person contravening any of the provisions of this Act shall, where no other penalty is by this Act provided, be liable to a penalty not exceeding twenty pounds: Provided that no penalty shall be enforced under section sixteen, when it is shown that the misrepresentation of the quality of the butter put up in the boxes is not intentional.

Penalty.  
*Ibid.*, s. 23.

### *Appeals.*

24. A board of appeal shall be constituted by the Minister to deal with appeals from decisions of inspectors. Such board shall consist of three members, one of whom shall be nominated by the Minister, and shall be chairman,

Appeals.  
*Ibid.*, s. 24.

one by the Commissioner of Public Health, and one by the managers of dairy produce factories.

A right of appeal to such board is conferred upon any person dissatisfied with a decision of an inspector.

*Regulations.*

25. (1) The Governor may make regulations—

- (a) prescribing generally the manner of registration of premises, the forms of application for and certificates of registration ;
- (b) prescribing the form of notices, certificates, or other documents to be used under this Act ;
- (c) prescribing the keeping of books for recording the quantity of cream received daily in a dairy produce factory, and the tests thereof, the amount of butter manufactured and sold ;
- (d) regulating the keeping of any books which by this Act or the regulations are directed to be kept ;
- (e) prescribing the qualifications to be possessed and the examinations to be passed by persons employed in testing or grading milk and cream, and the issue, renewal, and cancellation of certificates to such persons ;
- (f) prescribing the furnishing of advice dockets to suppliers of cream by managers of dairy produce factories, and the form of such dockets ;
- (g) prescribing the books to be kept in any dairy produce factory showing the results of tests of milk, cream, and butter, and the weight of butter manufactured in the factory, and prescribing the forms of statements required under this Act to be made ;
- (h) prescribing the method of estimating butter fat results and the amount of butter obtainable from cream supplied to any dairy produce factory ;
- (i) prescribing the maximum percentage of lactic acid and the maximum and minimum percentage of butter fat to be contained in any cream delivered at a dairy produce factory in any prescribed locality for the manufacture of butter ;
- (j) prescribing standards for dairy produce ;



- (*k*) prohibiting the adding to any cream which is intended to be made into butter for sale of any preservative matter, except of the kinds, in the quantities, and under and subject to the conditions prescribed, or prohibiting altogether the addition of any preservative matter ;
- (*l*) providing for the registration of brands to be applied to packages of butter intended for export, and for cancelling any such registration ;
- (*m*) prescribing the conditions under which any preservative matter (if any) may be introduced into butter for export, and the kind and quantity of such preservative matter ;
- (*n*) regulating the grading of butter for export and the supplying of a certificate of such grading ;
- (*o*) prescribing the temperature at which butter must be kept before export, or the time during which it must be so kept ;
- (*p*) regulating the examination and certification of margarine for export, and the branding or marking of packages in which it is contained ;
- (*q*) regulating the size of cream or milk cans :
- (*r*) and generally for all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which appear to be necessary or convenient to be prescribed for the purpose of more effectually carrying out the provisions of this Act.

Provided that all regulations made for the purposes set out in paragraphs (*i*), (*j*), (*k*), and (*m*) shall before publication be recommended by the Commissioner of Public Health.

(2) Any regulation made under this Act may impose any penalty not exceeding twenty pounds for each breach of the same, or where the breach is a continuing one, not exceeding two pounds for every day during which such breach continues. Penalties

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