

## METROPOLITAN MILK.

No. 49 of 1932.

(As amended by No. 28 of 1933\* and No. 27 of 1935†.)

**AN ACT to provide for the regulation and organisation of the production, purchase, treatment, sale and distribution of Milk for use by consumers within the Metropolitan Area.**

Amended by  
No. 27 of  
1935, s. 18.

[Assented to 30th December, 1932.]

**B**E 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 Milk Act, 1932-1935*,† and shall come into operation on a day to be fixed by proclamation.

Short title  
and com-  
mencement.  
Amended by  
No. 27 of  
1935, ss. (3)  
of s. 18.

2. This Act shall not (except in so far as it expressly or impliedly indicates a contrary intention) affect the provisions of any other Act or of any regulation, by-law, Order in Council, or proclamation.

Preserving  
existing laws.  
Amended by  
No. 27 of  
1935, s. 2.

3. In this Act, subject to the context—

“Accommodation milk” means milk other than quota milk supplied by a dairyman for milk purposes for sale or treatment pursuant to a license issued under this Act.

Interpretation.  
As amended  
by No. 27 of  
1935, s. 2.

“Board” means the Metropolitan Milk Board constituted by this Act.

As amended  
by No. 27 of  
1935, s. 2.

\*Assented to 14th December, 1933. †Assented to 23rd December, 1935. ‡ The Metropolitan Whole Milk Act, 1932 came into operation by proclamation on the 21st day of January, 1933. The short title was changed to the Metropolitan Milk Act, 1932-1935, by Section 18 of Act No. 27 of 1935.

Inserted by  
No. 27 of  
1935, s. 3.

“Contract milk” means milk supplied by a dairyman under the terms of a written contract.

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

(i) be classed as cream, notwithstanding that it has been scalded, pasteurised, or preservatised;

(ii) not be classed as cream when it is used or intended to be used in the manufacture of butter or cheese.

“Dairy” means any farm, dairy, or other place where animals are kept for the purpose of producing milk for sale, and includes every stockyard, milking yard, paddock, shed, stable, stall and other place on, in, or about a dairy in which animals are kept, depastured or milked, or in which the milk produced in the dairy is stored or treated prior to removal from the dairy.

“Dairy area” means a defined portion of the State as constituted and declared to be a dairy area under this Act.

“Dairyman” means the owner or occupier of a dairy.

“Department” means the Department of Agriculture.

“District” means a defined portion of the Metropolitan Area as constituted and declared to be a district under this Act.

“Inspector” means an inspector appointed or acting under the authority of this Act.

“Metropolitan area” means the metropolitan area constituted and declared under this Act.

“Milk” means the lacteal fluid product of an animal when such fluid is intended for human consumption or use, notwithstanding that—

(i) it is intended for or purchased for the production of cream; or

Amended by  
No. 28 of  
1933, s. 2;  
further  
amended by  
No. 27 of  
1935, s. 3.

- (ii) it has been chilled, pasteurised, flavoured, or had any other substance added to it;  
or
- (iii) that it is concentrated or solidified by freezing.

The term includes cream as hereinbefore defined, but does not include condensed milk.

“Milk store” means any shop, building, shed, place, cart or other vehicle, in or from which milk is treated, sold or distributed, or in or from which milk after treatment is offered for sale and distribution to consumers.

“Milk vendor” means any person who is the occupier or holder of a milk store, and also any person who by himself or by his employee receives or accepts milk to be forwarded or supplied to a milk store or to consumers otherwise than as a carrier. The term includes a dairyman who sells milk retail to consumers, but does not include a dairyman who sells milk wholesale to persons other than consumers.

“Quota” or “quota milk” means the average daily quantity of milk actually produced and marketed by a dairyman during the months from March to May, both inclusive, in each year, or any other similar period of production which the Board may from time to time determine.

Amended by  
No. 27 of  
1935, s. 3.

“Surplus milk” means the milk produced by a dairyman in excess of quota milk and accommodation milk.

Amended by  
No. 27 of  
1935, s. 3.

“Minister” means the Minister for Agriculture.

“To sell” means to sell by wholesale or retail, and includes barter, supply for profit, offer for sale, receive for sale, have in possession for sale, expose for sale, send forward or deliver for sale, cause or suffer or allow to be sold, offered or exposed for sale, and refers only to selling for human consumption; and “sale” and “sold” have a corresponding meaning.

“Treatment” includes the examination, cleansing, pasteurisation, separation, testing, grading,

Amended by  
No. 27 of  
1935, s. 3.

cooling, refrigerating, bottling or packing of milk; and "treat" has a corresponding meaning.

Administration  
of this Act.

4. Subject to the Minister, this Act shall be administered by the Board.

Metropolitan  
area.

5. The metropolitan area shall be that portion of the State including the city of Perth and the city of Fremantle which the Governor shall by proclamation from time to time constitute and declare to be the metropolitan area for the purposes of this Act.

Metropolitan  
Milk Board.  
Amended by  
No. 27 of  
1935, s. 18.

6. (1.) A Board, to be called "The Metropolitan Milk Board," is hereby constituted.

(2.) The Board shall consist of five members, as follows:—

(a) Two members as representatives of the consumers who shall be appointed by the Governor, but such members not to be engaged or interested in the production or vending of milk, or the members of any milk producers' or milk vendors' organisation;

(b) Two members as representatives of the dairymen licensed under this Act, one of whom shall be elected by those licensed dairymen being owners or occupiers of dairies within the area of the district defined in the Schedule, and one by those licensed dairymen outside such area;

(c) One member appointed by the Governor who shall be chairman, with a casting vote, but such member not to be engaged or interested in the production or vending of milk.

Amended by  
No. 27 of  
1935, s. 4.

Terms of  
office of mem-  
bers of Board.  
Amended by  
No. 28 of  
1933, s. 3.

7. Subject to sections eight and nine of this Act, the members of the Board, other than the chairman, shall hold office for two years and be eligible for re-appointment or for re-election as the case may be.

The chairman of the Board shall hold office during the pleasure of the Governor.

First mem-  
bers of the  
Board.

8. (1.) All the first members of the Board shall, as soon as may be after the commencement of this Act, be

appointed by the Governor upon the recommendation of the Minister, who before making any recommendation shall consult with any association or associations of dairymen as regards persons to be recommended as their representatives respectively, but who nevertheless may use his own discretion when making recommendations.

(2.) All the members of the Board appointed under this section shall hold office until the thirtieth day of June, one thousand nine hundred and thirty-four, but thereafter shall, subject to this Act, be eligible for re-appointment or for re-election as the case may be.

(3.) The election of the present members of the Board is hereby validated and, notwithstanding anything contained in this or the preceding section, the present members of the Board shall hold office until the thirty-first day of December, one thousand nine hundred and thirty-six.

Inserted by  
No. 27 of  
1935, s. 5.

9. (1.) On a day to be fixed by the Minister and being at least three months prior to the thirtieth day of June, one thousand nine hundred and thirty-four, the first election shall be held for the election of elective members of the Board, and prior to the said last-mentioned date the Minister shall nominate two persons for appointment as the representatives of the consumers on the Board.

Election of  
members.  
Amended by  
No. 28 of  
1933, s. 4.

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.

(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.

Amended by  
No. 28 of  
1933, s. 4.

The provisions of this subsection shall apply to the present members of the Board, whose tenure of office expires on the thirty-first day of December, one thousand nine hundred and thirty-six.

Inserted by  
No. 27 of  
1935, s. 6.  
See ss. 3 of  
previous sec-  
tion.

10. (1.) Elections of elective members of the Board shall be held at the place and time and in the manner prescribed.

Elections.

(2.) Every dairyman who is duly licensed under this Act on the day fixed for an election shall be entitled to vote in the election of members to represent the class to which he belongs.

Expenses of elections.

11. All expenses incurred in holding elections shall be borne and paid by the Board out of its funds.

Funds of the Board.

12. The funds of the Board shall consist of the fees prescribed and payable to the Board, moneys appropriated by Parliament and payable to the Board for the purposes of this Act, and all other moneys which may come into the hands of the Board under and for the purposes of this Act.

Proceedings of Board.

13. (1.) Any three members of the Board shall form a quorum thereof.

(2.) At all meetings of the Board the chairman of the Board shall preside, if present, and in his absence from any meeting the members then present shall elect one of their number to be chairman of that meeting.

(3.) Whenever the members are not unanimous as to any matter, such matter shall be decided by the majority of votes, and the decision so arrived at shall be the decision of the Board.

Acts of Board not invalidated by vacancy.

14. No act or proceeding of the Board shall be invalid or be prejudiced by reason only of the fact that at the time when such act or proceeding is done, taken, or commenced there is a vacancy in the office of any member.

Deputy members.

15. In case of illness, other incapacity, or absence from the State of any member of the Board by reason whereof the member is likely to be unable to perform his duties for three months, the Governor may, on the recommendation of the Minister, appoint some person of the class to which the sick, incapacitated or absent member belongs, to act in his place as a member of the Board during the sickness, incapacity, or absence of such member.

Remuneration of members.

16. The fees and expenses to be paid to and received by members of the Board for their services shall be such as may be prescribed from time to time.

17. (1.) The Board may, subject in each case to the approval of the Minister, appoint and pay out of the funds of the Board such officers as it considers necessary to enable it to carry out its duties and functions.

Officers of the Board.  
Amended by No. 27 of 1935, s. 7.

(2.) For the purpose of this Act the Board may, with the approval of the Minister of Public Health, authorise any specified officer or officers in the employ of the Board to exercise the powers and functions of health inspectors under the provisions of the Health Act, 1911-1933.

Inserted by No. 27 of 1935, s. 7.

18. (1.) The Minister may, by notice in writing signed by him and published in the *Government Gazette*, authorise any inspectors on the staff of the department to be inspectors under and for the purposes of this Act. All such inspectors, when performing any duties under this Act, shall be deemed to be performing such duties for the Board.

Departmental inspectors.

(2.) The Minister may fix the remuneration (if any) to be paid by the Board to departmental inspectors acting for the Board, and such remuneration shall be payable by the Board out of its funds.

19. The Minister may from time to time, by notice published in the *Government Gazette*—

Dairy areas and districts.

- (a) constitute and declare any defined portion of the State to be a dairy area in which milk is produced or deemed to be produced for the purpose of sale by milk vendors to consumers in the metropolitan area; and
- (b) divide the metropolitan area into districts in which persons may, subject to this Act, carry on business as milk vendors.

20. (1.) Subject to the provisions of subsection (3) of section twenty-two, no person shall—

- (a) carry on business as a dairyman in any dairy area; or
- (b) carry on business as a milk vendor in any district; or
- (c) treat milk intended for sale to consumers in the metropolitan area;

Prohibition against carrying on business as dairyman, milk vendor, or treating milk without license. See s.s. 20, 21, and 23 of Act No. 49 of 1932, as amended by 28 of 1933.

except on the authority of an appropriate license issued by the Board under this Act.

This section is a new section enacted by 27 of 1935, s. 8.

Penalty: Fifty pounds, or imprisonment for three months.

(2.) Subsection (1) of this section shall not apply to any person who proves to the satisfaction of the Board that milk produced by him is not sold or intended for sale to consumers in the metropolitan area.

(3.) For the purposes of this section the fact that any person who is the owner or occupier of any place where animals are kept for depasture or milking has delivered milk in any quantity or quantities aggregating one gallon or more on any specified day to any person or persons (other than to a member of the owner or occupier's family, or to any employee of the owner or occupier) shall be *prima facie* evidence that the owner or occupier was carrying on business as a dairyman at the place in question.

Kinds of licenses.

21. (1.) Licenses which may be issued under this Act are as follows:—

(i) A dairyman's license—which shall entitle the licensee to carry on the business or calling of a dairyman in specified premises in a specified dairy area and to supply by wholesale milk produced on such premises for consumption or treatment in the metropolitan area.

(ii) A milk vendor's license—which may be in one of the following forms and have effect as follows—

(a) a milkman's license—which shall entitle the licensee to sell milk in a specified district in the metropolitan area from any vehicle or vehicles used by the holder for the distribution of milk from a specified depot or place in the metropolitan area;

(b) a cream vendor's license—which shall entitle the licensee to sell cream from any vehicle or vehicles in a specified locality in the metropolitan area;

(c) a milk shop license—which shall entitle the licensee to sell in a specified shop in the metropolitan area milk for consumption on or off the premises;

See s.s. 20, 21 and 23 of Act No. 49 of 1932, as amended by 28 of 1933. This section is a new section enacted by 27 of 1935, s. 8.



(d) a milk store license—which shall entitle the licensee to sell milk in a particular store in the metropolitan area, to be named in the license, provided the milk is consumed in the store.

(iii) A treatment license—which shall entitle the licensee to treat milk for use or consumption in the metropolitan area, but in particular premises to be specified in the license.

(2.) Every license shall be issued subject to the provisions of this Act and the regulations from time to time made thereunder.

(3.) Every license shall be incapable of transfer or assignment, except with the express approval in writing of the Board.

(4.) The fee for a license shall be as prescribed, but shall not exceed ten shillings.

22. (1.) Every person who desires to obtain a license under this Act shall make application in writing to the Board in the prescribed form.

How licenses obtained. See s. 22 of Act No. 49 of 1932. This section was repealed and s. 22 of this Act enacted in place thereof by s. 8 of No. 27 of 1935.

(2.) Licenses shall have effect until the thirtieth day of June next following the date of the issue thereof.

(3.) Any person who on the thirtieth day of June preceding the day of application for a license was the holder of the particular kind of license applied for under this Act, shall be entitled to a period of fourteen days' grace after the thirtieth day of June in which to apply for a license, and shall not during such period of grace be liable to any penalty for carrying on business in terms of the license so held by him.

(4.) (a) All licenses in force at the commencement of this section shall by force of this Act be deemed to be surrendered at the expiration of thirty days from such date of commencement.

(b) If the licensee under any such license desires to obtain a license under this Act in substitution for such surrendered license, he shall make application to the Board in the prescribed form, and the Board shall deal with the same and exercise the same powers and authorities in regard thereto as it may exercise in relation to other applications under this Act.

(c) The fixed fee payable under section twenty-one shall not be payable in respect of any such substituted license.

Appeal where license refused.

See s. 23 of No. 49 of 1932, which was repealed by s. 8 of 27 of 1935 and re-enacted by that Act as s. 23 of this Act.

23. (1.) Any person to whom the Board has refused to issue a license under this Act may appeal within the prescribed time and manner against the decision of the Board to a resident or police magistrate or magistrate of a local court sitting within the metropolitan area as defined by this Act.

(2.) On the hearing of the appeal the magistrate may order the license applied for to be issued, or may confirm the decision of the Board, and effect shall be given by the Board to any decision of the magistrate.

(3.) The decision of the magistrate shall be final.

Returns to be furnished in respect of milk brought into metropolitan area other than for use as such.

Inserted by No. 28 of 1933, s. 8, as new section 23A to original Act and amended by s. 18 of 27 of 1935.

24. (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 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.

(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).

Revocation of licenses. Formerly s. 24 of 49 of 1932, as amended by No. 27 of 1935, s. 9.

25. (1.) Upon the conviction of any person holding a license under this Act for any offence against this Act or any regulation made under this Act, or for any offence against the laws or regulations relating to public health (provided such last-mentioned offence relates to the premises in respect of which the license is granted, or to the conduct of the business carried on in connection with such premises), the Board may forthwith revoke the license held by such person:

Provided that such person may appeal, as prescribed, against the Board's decision to a resident or police

magistrate or the magistrate of a local court sitting within the metropolitan area, and the magistrate may reverse or confirm the revocation as shall be just.

(2.) A license may be revoked under this section by notice in writing signed by the chairman of the Board with the approval of the Board and served upon the person whose license is revoked.

26. Any licensed person who mixes or permits the mixing of any milk purchased or obtained for treatment with any other milk not purchased or obtained for treatment commits an offence against this Act.

Penalty for mixing milk for treatment. Inserted by No. 27 of 1935, s. 10, as new section 24A. to Act No. 49 of 1932.

Penalty: Fifty pounds or imprisonment for three months.

27. (1.) Any unlicensed dairyman who sells or supplies or offers to sell or supply milk to any licensed dairyman for the purpose of or in connection with the business of the licensed dairyman commits an offence against this Act.

Illicit dealing in milk. Inserted by No. 27 of 1935, s. 10, as new section 24B. in Act No. 49 of 1932.

(2.) Any licensed person who obtains any milk for sale or treatment under his license from any unlicensed person commits an offence against this Act.

(3.) Any person who commits an offence under the provisions of this section shall be liable to a penalty of fifty pounds, or imprisonment for three months.

28. (1.) Any proceedings civil or penal may be taken in the name of the Board by any secretary or officer authorised by the Board.

How legal proceedings taken. Inserted by No. 27 of 1935, s. 10, as new section 24C. in Act No. 49 of 1932.

(2.) No proof shall be required of the appointment of the secretary or any such officer as an officer of the Board, or of the authority of the secretary or officer to take civil or penal proceedings in the name of the Board, but the allegation on the process that the officer in question is so authorised shall be deemed conclusive proof of the fact.

29. (1.) For the purposes of this Act there shall be established two compensation funds to be administered by the Board and to be known respectively as "The Dairymen's Compensation Fund" and "The Milk Vendors' Compensation Fund."

Compensation funds. Formerly s. 25 of 49 of 1932, as amended by No. 28 of 1933, s. 9.

(2.) For the purpose of maintaining the said funds but subject to section thirty-two of this Act—

- (a) every licensed dairyman shall contribute to the Dairymen's Compensation Fund at a rate to be prescribed by regulations, but not to exceed one-sixteenth of a penny per gallon for every gallon of milk produced by him; and
- (b) every licensed milk vendor and every person holding a license for the treatment of milk shall contribute to the Milk Vendors' Compensation Fund at a rate to be prescribed by regulations but not to exceed one-sixteenth of a penny per gallon for every gallon of milk sold or treated by him, as the case may be.

(3.) The contributions payable under this section shall be assessed and be paid at such times and in such manner as may be prescribed by regulations.

Licensees may be compensated in certain cases. See s. 26 of 49 of 1932.

**30.** (1.) Whenever any person holding any license under this Act is, upon the expiration of such license, refused a fresh license of the same kind, and such refusal is confirmed on appeal when such refusal is appealed against, such person may, subject to the regulations, apply to the Board for payment to him of compensation in respect of such refusal, and the Board may grant or refuse such application.

(2.) Whenever compensation is granted to any person under this section, such compensation shall be paid out of the Compensation Fund to which he has contributed under section twenty-nine of this Act.

(3.) Whenever application is made for payment of compensation under this section, such application shall be heard and determined by the Board in the manner prescribed by the regulations; and if the application is approved the Board shall assess the amount of compensation to be paid at such sum as it thinks fair and equitable, having regard to all the circumstances of the case.

(4.) Any applicant aggrieved by the refusal of the Board to grant compensation, or dissatisfied with the amount of compensation as assessed by the Board may, subject to the regulations, appeal from such refusal or such assessment to a resident or police magistrate or to a magistrate of a local court sitting within the metro-

politan area, who may confirm, reverse or vary the decision of the Board appealed from, as shall seem just.

31. (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 sum as is determined by the Board in accordance with the regulations: and, subject to section thirty-two 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:

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

Inserted by No. 28 of 1933, s. 10, as new section 26A. to Act 49 of 1932. Amended by No. 27 of 1935, s. 11.

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 in any court of competent jurisdiction.

32. (1.) Any milk vendor who—

(a) applies for or holds a milk shop license or a milk store license; and

(b) satisfies the Board that a fair estimate of the quantity of milk to be sold by him under the license is under one thousand gallons for the whole period of the license,

shall be entitled to pay to the Board—

(i) where the estimated quantity is under five hundred gallons, a fee of ten shillings;

(ii) where the estimated quantity is over five hundred gallons but under one thousand gallons, a fee of one pound,

in full satisfaction of the fixed fee otherwise payable for the license and in discharge of his obligations under the license pursuant to sections twenty-nine and thirty-one.

(2.) On receipt of the fee prescribed by this section the Board shall deduct the fixed fee for the license as prescribed under section twenty-one and apportion the

Contributions may be commuted to fixed payment in certain cases.

Inserted by No. 28 of 1933, s. 10, as new section 26B. in Act 49 of 1932. Amended by No. 27 of 1935, s. 12.

balance in such proportions as the Board may think fit in satisfaction of the obligations of the licensee under sections twenty-nine and thirty-one.

Persons not to be deemed to have a right to the issue of licenses.

Sec s. 27 of 49 of 1932.

**33.** Nothing in this Act or in any other Act shall be deemed to give to any person carrying on business as a dairyman or as a milk vendor or treating milk at the commencement of this Act, a right to the issue to him of a license under this Act, or to give to any person holding a license under this Act a right to a renewal of such license upon the expiry thereof.

Avoiding necessity to register premises with local authority.

Formerly s. 23 of 49 of 1932, as amended by No. 27 of 1935, s. 13.

**34.** Notwithstanding the provisions of any other Act, regulation, or by-law, any person who is the holder of a license under this Act in respect of any particular premises shall not be required to obtain a license for or obtain registration of the same premises from any local health authority or local board of health, in order to enable him to occupy or carry on any premises as a dairy or sell dairy produce on the premises in question.

Limitation of powers of Board in taking proceedings. See s. 29 of 49 of 1932.

**35.** Notwithstanding anything hereinbefore contained, the Board in the exercise of its powers shall be subject to the control of the Minister, and if any action or proceeding, or intended action or proceeding by the Board is not approved by the Minister, he may, by notice in writing addressed to and served on the chairman, prohibit such action or proceeding, either absolutely or subject to such condition as he may think fit, and effect shall be given by the Board to such notice.

Powers and functions of the Board. See s. 30 of 49 of 1932.

**36.** Subject to this Act, the Board is hereby charged with the following matters:—

- (1) the regulation and organisation of—
  - (a) the production of milk in dairy areas;
  - (b) the supply and sale of milk by dairymen to milk vendors;
  - (c) the supply, sale, and distribution of milk to consumers in the metropolitan area;
  - (d) the treatment of milk before sale and distribution to consumers in the metropolitan area;
  - (e) the prohibition of the use for human consumption in any form of milk which appears to be deleterious to health or unwholesome;

- (f) the transport, carriage and conveyance of milk produced in dairy areas;
- (g) plant, machinery, appliances, containers, and other things used or reputed to be used in connection with the production, supply, sale, distribution, treatment, transport, carriage and conveyance of milk;
- (2) the inspection of—
  - (a) dairies, milk stores, milk, and places for the treatment of milk;
  - (b) plant, machinery, appliances, containers and other things used or reputed to be used in connection with the production, supply, sale, distribution, treatment, transport, carriage, and conveyance of milk;
- (3) the issue and revocation of licenses;
- (4) measures and means which in the opinion of the Board are requisite and necessary to provide a regular supply of fresh, clean, and wholesome milk to consumers in the metropolitan area;
- (5) subject to paragraph (7) hereof, the making, settlement and approval of contracts for the supply of milk by dairymen to milk vendors;
- (6) fixing the proportionate quantities of accommodation milk which dairymen shall be entitled to supply to milk vendors;
- (7) fixing the minimum price per gallon to dairymen for milk supplied;

Provided that as regards—

- (a) milk, other than surplus milk; such price shall be fixed in accordance with—
  - (i) butter fat content and value; and
  - (ii) bacterial test; and
  - (iii) added value for services involving production of milk; and
  - (iv) if necessary, a premium during periods of scarcity;
- (b) surplus milk, such price shall be fixed in accordance with its butter fat content and at ruling butter fat rates, less a charge approved by the Board for separation or other treatment carried out by the milk vendor;

Amended by  
27 of 1935,  
s. 18.

Amended by  
No. 27 of  
1935, s. 14.

- (8) fixing the maximum price or prices at which milk may be sold by retail;
- (9) fixing maximum rates for road transport of milk from dairy areas.
- (10) fixing the value of services and premium for the purposes of paragraph (7) hereof;
- (11) defining the functions, authorities and duties of inspectors;
- (12) any other matter which, in the opinion of the Minister, is incidental to any of the matters aforesaid.

Application of  
Health Act,  
1911-1932.  
See s. 31 of  
49 of 1932.

**37.** Nothing in this Act shall be deemed in any way to affect or prejudice the rights, powers, and duties of inspectors appointed under the Health Act, 1911-1932.\*

Regulations.  
Formerly s.  
32 of 49 of  
1932, as  
amended by  
No. 27 of  
1935, s. 15.

**38.** (1.) The Minister may, with the approval of the Governor, make regulations prescribing forms and fees and other matters and things which by this Act are contemplated, required or permitted to be prescribed, or which appear to him to be necessary or convenient to be prescribed, for the purpose of enabling the Board effectually to perform and carry out its powers, functions, and duties under this Act, and for the purpose of effectually carrying out any of the provisions of this Act, or for better effecting the objects or purposes of this Act.

(2.) The regulations may impose—

- (a) a maximum penalty of fifty pounds, with or without a minimum penalty of two pounds for a breach of any regulation;
- (b) a daily penalty not exceeding two pounds for every day in respect of any such breach which still continues after conviction.

Fees and pen-  
alties payable  
to Board.  
See s. 33 of  
49 of 1932.

**39.** All fees prescribed and all penalties imposed and recovered under this Act or the regulations shall be payable to the Board.

Application of  
the funds of  
the Board.  
See s. 34 of  
49 of 1932.

**40.** The funds of the Board as and when received shall be paid to the credit of an account in the name of the Board at a bank to be approved by the Minister, and shall be chargeable with the remuneration and expenses of the members of the Board, the salaries and

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\* See now Health Act, 1911-1933, as amended by Acts No. 38 of 1933 and 16 of 1935.



wages payable by the Board, and with all other expenditure for which the Board is liable under this Act or which is lawfully incurred by the Board in the performance and carrying out of its powers, functions and duties under this Act.

41. The Treasurer may make advances, out of moneys appropriated by Parliament to such purpose, to enable the Board to defray any expenditure for which the funds of the Board may for the time being be insufficient, and such advances with interest shall be a charge upon the funds of the Board:

Advances by Treasurer.  
Sec s. 35 of 49 of 1932.

42. The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein—

Accounts.  
Sec s. 36 of 49 of 1932.

(a) of all moneys received and paid by the Board, and of all moneys owing to and by the Board, and of the several purposes for which such moneys shall have been received and paid and owing; and

(b) of all the assets and liabilities of the Board.

43. All such books shall be open to the inspection of the Auditor General and any person authorised by him to inspect the same.

Books may be inspected.  
Sec s. 37 of 49 of 1932.

44. The Board shall cause its accounts to be balanced every year on the thirtieth day of June.

Accounts to be balanced.  
Sec s. 38 of 49 of 1932.

45. Every dairyman holding a dairyman's license under this Act may, whilst he continues to hold such license, register the dairy cattle kept by him in or in connection with his dairy for the purpose of his business carried on pursuant to such license, under and in accordance with the provisions of the Dairy Cattle Compensation Act, 1926, as if that Act applied to such dairy cattle and, notwithstanding anything to the contrary contained in that Act, the provisions of the said Act shall apply to such registered dairy cattle.

Dairy Cattle Compensation Act, 1926, to apply in certain cases.  
Sec s. 39 of 49 of 1932.

46. (1.) The Board shall cause a full and true balance sheet of the assets and liabilities, together with a revenue account or profit and loss account for each year

Accounts to be audited.  
Sec s. 40 of 49 of 1932.

and such other statements as may be necessary, to be compiled from the books and submitted to the Auditor General for audit.

(2.) The Auditor General shall, in respect to such accounts, have all the powers conferred on him by the Audit Act, 1904.

Copies of accounts as audited to be furnished.

Sec s. 41 of 49 of 1932.

47. The Board shall, once at least in every year, furnish to the Minister a true copy of the accounts so audited, and copies of such accounts, together with the Auditor General's report thereon, shall be laid before both Houses of Parliament.

Duration of Act.

Formerly s. 42 of 49 of 1932, as amended by No. 27 of 1935, s. 16.

48. This Act shall continue in force until the thirty-first day of December, one thousand nine hundred and thirty-six, and no longer.

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#### THE SCHEDULE.

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Inserted by No. 27 of 1935, s. 17. S. 6 (2) (b).

A line extending due east from the west coast to and passing through the Wanneroo twelve-mile road post; thence continuing directly to one and one-half miles east of the Midland Railway to the 116 degrees 3 minutes east meridian of longitude; thence due south crossing the Eastern Railway one-half mile west of Swan View railway station to the Canning river; thence due west one mile south of Kelmscott railway station continuing in a line due west to meet the coast one mile north of Woodman's Point.