

DAIRY INDUSTRY.

No. 56 of 1983.

AN ACT to amend the Dairy Industry Act 1973-1982.

[Assented to 13 December 1983.]

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:—

1. (1) This Act may be cited as the *Dairy Industry Amendment Act 1983*. Short title and citation.

(2) In this Act the Dairy Industry Act 1973-1982 is referred to as the principal Act. Act No. 92 of 1973 as amended by Acts Nos. 7 of 1979, 45 of 1980, 63 of 1981 and 76 of 1982.

(3) The principal Act as amended by this Act may be cited as the Dairy Industry Act 1973-1983.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

Section 5
amended.

3. Section 5 of the principal Act is amended—

(a) by inserting, in the correct alphabetical order, the definition following—

“ “Authority inspector” means an inspector appointed under paragraph (a) of subsection (1) of section 85; ”;

(b) in the definition “cold store”, by deleting “in the prescribed manner”;

(c) by deleting the definition “dairyman” and substituting the definition following—

“ “dairyman” means a person who carries on business as a producer of milk pursuant to a licence at a dairy or dairyfarm; ”;

(d) in the definition “dairy produce”, by adding after “Act” the following—

“ , and “product” shall be construed accordingly ”;

(e) in the definition “dairy produce premises”—

(i) by inserting after “means” the following—

“ any dairy or ”; and

(ii) by deleting “dairy,”;

(f) by inserting, in the correct alphabetical order, the definition following—

“ “Department inspector” means an inspector appointed under paragraph (b) of subsection (1) of section 85; ”;

- (g) in the definition of "inspector", by adding after "Act" the following—

“ and a reference to an inspector includes, unless the context otherwise requires, a reference to an Authority inspector and a reference to a Department inspector ”;

- (h) by inserting, in the correct alphabetical order, the definition following—

“ “milk distributor” means a person who by himself or his employees supplies milk, or distributes milk supplied, otherwise than as a carrier of the milk, to any other person for the purpose of re-sale or commercial use by that other person; ”;

and

- (j) by deleting the definition “vendor” and substituting the definition following—

“ “vendor” in relation to milk or dairy produce means a person who by himself or his employees supplies milk or dairy produce, whether at a wholesale or a retail price, to any person for consumption by that person or other persons, not being milk or dairy produce intended for re-sale or commercial use; ”.

4. Section 9 of the principal Act is amended by deleting paragraph (b) and substituting the following—

Section 9
amended.

“ (b) Part III of this Act shall be administered—

- (i) as to the supervision, except in so far as the Minister may otherwise direct, of the vending and distribution of milk and of dairy produce, by the Authority; but
- (ii) otherwise, by the Department. ”.

Section 11
amended.

5. Section 11 of the principal Act is amended—

(a) in subsection (1)—

- (i) by deleting “The” and substituting the following—

“ On and after the appointed day, the ”; and

- (ii) by deleting “nine” and substituting the following—

“ seven ”;

(b) in subsection (2)—

- (i) by deleting “nine members so appointed shall be” and substituting the following—

“ membership of the Authority shall, subject to subsection (6) of this section, comprise ”;

- (ii) by deleting paragraph (b) and substituting the paragraph following—

“ (b) two persons who shall be nominated in writing by the Minister from a panel or panels of names submitted to him, in writing, by the body known as the Primary Industry Association of W.A.; ”;

- (iii) in paragraph (c), by deleting “two persons who shall, subject to subsection (4) of this section,” and substituting the following—

“ a person who shall ”;

- (iv) in paragraph (d), by deleting "one person who shall, subject to subsection (6) of this section," and substituting the following—

“ a person who shall ”;

- (v) by deleting paragraph (e) and substituting the paragraph following—

“ (e) a person nominated in writing by the Minister from amongst the persons employed in the Department, and that member shall represent the Department; and ”; and

- (vi) by adding the paragraph following—

“ (f) a person nominated in writing by the Minister pursuant to subsection (5a) of this section, being a person who has special qualifications determined by the Minister as requisite to the operations of the Authority for the time being. ”;

- (c) in subsection (3)—

- (i) by deleting “each of the bodies known as The Butter and Cheese Manufacturers Association, of Western Australia, The Milk Treatment Plants Association of Western Australia, The Western Australian Chamber of Manufactures (Incorporated) and” and substituting the following—

“ the body known as The Dairy Produce Manufacturers’ Association of Western Australia and, if invited by the Minister so to do, ”; and

- (ii) by deleting "as prescribed" and substituting the following—

" in writing ";

- (d) by deleting subsection (4);

- (e) in subsection (5), by deleting "as prescribed" and substituting the following—

" in writing ";

- (f) by inserting after subsection (5) the new subsections following—

" (5a) For the purposes of paragraph (f) of subsection (2) of this section, each of the bodies which by virtue of subsection (2), (3) or (5) of this section is entitled or invited to submit to the Minister a panel of names of persons who are willing to act as a member of the Authority may submit to the Minister in writing a panel of names of persons who possess the special qualifications determined for the time being by the Minister as requisite to the operations of the Authority and are willing to act as a member of the Authority, if appointed under that paragraph, and the Minister shall have regard to any such submission but is not required to give effect to any such submission.

(5b) For the purposes of subsection (5a) of this section, the Minister shall, at the time of inviting the submission of a panel of names pursuant to the regulations, make known the nature of the special qualifications which he has for the time being determined as requisite to the operations of the Authority. ";

(g) in subsection (6)—

(i) by deleting “under subsection (5) of this section” and substituting the following—

“ by a body entitled or invited to do so under subsection (2), (3), (5) or (5a) of this section ”;

and

(ii) by deleting “under paragraph (d) of subsection (2) of this section” and substituting the following—

“ in respect of which the vacancy occurs”;

and

(h) by adding after subsection (6) the new subsections following—

“ (7) Regulations made under this Act may make provision as to the time at which submissions for the purposes of this section shall be invited and as to the manner in which a submission may be made.

(8) Where—

(a) a person is appointed, pursuant to section 11 of the Interpretation Act 1918 and with effect on and from the appointed day, to take office as a member of the Authority—

(i) in an office specified in the instrument of appointment; or

(ii) in the place of a person so specified who holds office as a member of the Authority;

or

- (b) on and after the appointed day any office as a member of the Authority ceases to exist,

and a person was, immediately prior to the appointed day, the holder of that office, the person who immediately prior to the appointed day was the holder of the office shall on the appointed day be deemed to have vacated the office.

(9) For the purposes of subsection (8) of this section "the appointed day" means the day fixed by proclamation for the coming into operation of section 5 of the Dairy Industry Amendment Act 1983. "

Section 12
amended.

6. Section 12 of the principal Act is amended—

- (a) in subsection (1), in paragraph (e), by deleting "three years." and substituting the following—

" three years; and

- (f) paragraph (f) of that subsection shall hold office for a period of two years,

but, notwithstanding paragraph (b) of this subsection, for the purpose of securing that members appointed under that paragraph shall retire from office in rotation the Governor may, on the first occasion on which an appointment is made under paragraph (b) of subsection (2) of section 11 as amended by the Dairy Industry Amendment Act 1983, appoint a person to the office of member for a period of less than three years. ";

and

- (b) by deleting subsection (3), subsection (4) and subsection (5).

7. Section 15 of the principal Act is amended— Section 15
amended.

- (a) in subsection (2), by deleting “shall convene the first meeting of the Authority as soon as practicable after the commencing date, and” and substituting the following—

“ may convene a meeting of the Authority—

(a) at his discretion; or

(b) pursuant to a determination of the Authority,

and shall convene a meeting of the Authority—

(c) on the requisition of four members entitled to vote, signed by those members; or

(d) if the Minister so directs,

and in default any such meeting may be convened by the member of the Authority appointed under paragraph (e) of subsection (2) of section 11, but the Chairman ”; and

- (b) in subsection (4), in paragraph (a), by deleting “five” and substituting the following—

“ four ”.

8. Section 22 of the principal Act is amended— Section 22
amended.

- (a) in subsection (1)—

(i) in subparagraph (ii) of paragraph (b), by deleting “produce.” and substituting the following—

“ produce; and ”; and

(ii) by adding the paragraph following—

“ (c) direct responsibility for the supervision and regulation of milk vending operations

and milk distribution at and from the time when the milk is received by the vendor or distributor. ”; and

- (b) in subsection (2), by inserting the new paragraph (d) following—

“ (d) may inquire into and regulate the operations of persons engaged in any aspect of the dairy industry, and administer the scheme of licensing and quotas provided for in this Act; ”.

Section 26
amended.

9. Section 26 of the principal Act is amended—

- (a) in subsection (1), by deleting “for the grant of a quota for the supply of any prescribed class of milk or butter fat in the manner and form prescribed” and substituting the following—

“ in the manner and form prescribed for the grant of a quota for the supply of any class of milk or butter fat ”;

and

- (b) in subsection (2)—

- (i) by deleting “Any person” and substituting the following—

“ A person, whether or not a dairyman, ”; and

- (ii) by adding after “quota” the following—

“ in respect of specified dairy produce premises or proposed dairy produce premises the location or proposed location of which is identified in the application ”.

10. The principal Act is amended by inserting after section 27 the section following—

Section 27A
inserted.

“ 27A. (1) The assessment of the amount of any quota (expressed as a quantity of milk or butter fat authorized to be delivered to the Authority in the quota year) shall be fixed by reference to the amount of milk or butterfat which will require to be accepted by the Authority in respect of that quota year, and the determination of the application for the grant of a quota in any year—

Allocation
of quotas.

(a) may be made having regard to—

- (i) the likelihood or otherwise of a continuity and certainty of production;
- (ii) the geographical distribution of quota-supplying dairy produce premises, with particular reference to the availability of suitable transportation services;
- (iii) the physical characteristics of the premises specified in the application, with particular reference to whether they are, or are likely to be, registered by the Department; and
- (iv) the nature of the interest held or proposed to be held by the applicant in the premises specified in the application; and

(b) shall take into account—

- (i) the objectives of this Act; and
- (ii) the directions furnished by the Minister,

whether or not the applicant was the holder of a quota at the time the application was made.

(2) The grant of a quota in respect of premises or proposed premises—

(a) shall not have or take effect unless—

(i) the holder is or becomes a dairyman; and

(ii) the premises are registered under this Act with the Department pursuant to section 53; but

(b) subject to paragraph (a) of this subsection, has effect—

(i) from the date specified therein; or

(ii) where the applicant was not a dairyman and no date is specified in the grant, in accordance with the terms of the grant. ”.

Section 28
amended.

11. Section 28 of the principal Act is amended—

(a) in subsection (1), by inserting after “Subject to” the following—

“ section 27 and to ”;

(b) in subsection (2)—

(i) by inserting, after “pursuant to subsection (1) of this section”, the following—

“ or approves the transfer of the quota to another person in accordance with this Act ”;

(ii) in paragraph (a), by deleting “it is granted” and substituting the following—

“ the quota is granted or transferred ”;

- (iii) by inserting after paragraph (a) the paragraph following—

“ (aa) a description sufficient to identify the location of the dairy produce premises from which the Authority requires that the milk or butter fat to which the quota relates be produced; ”;

- (iv) by inserting after “quota is transferred” the following—

“ or partly transferred ”;

- (v) by inserting, after “quota certificate” in the second place where it occurs, the following—

“ , or where a quota certificate is varied on the approval by the Authority to the transfer of part of a quota as set forth in the certificate as so varied, ”; and

- (vi) by adding after “quota is granted”, at the end of the subsection, the following—

“ being milk or butter fat produced, subject to subsection (2a) of this section, from the dairy produce premises specified in the certificate; ”;

and

- (c) by adding after subsection (2) the subsections following—

“ (2a) Notwithstanding that in a quota certificate the Authority may have required that milk or butter fat be produced from specified dairy produce premises, the Authority may in writing consent to the delivery to the Authority, under the authorization conferred by the quota to which the certificate relates, of milk and butter

fat produced from registered premises other than the premises in respect of which the certificate was issued and in any such case the quota granted shall have effect according to the tenor of that consent and the certificate shall be deemed to have been varied accordingly.

(2b) The Authority may grant a quota in respect of any specified dairy produce premises notwithstanding that another quota has been granted in respect of those premises, but not more than two quotas shall be granted in respect of any premises.

(2c) Where more than one quota is granted in respect of any premises each may be made subject to such terms, conditions or limitations as the Authority determines and sets forth in the certificate issued for that quota. ”.

Section 30
amended.

12. Section 30 of the principal Act is amended—

- (a) in subsection (4), by deleting “and him” and substituting the following—

“ and the applicant,

and where the Authority so approves or consents shall return the relevant quota certificate to the Authority for variation or surrender ”;

- (b) in subsection (5), by deleting “Any person” and substituting the following—

“ A dairyman ”;

- (c) by deleting subsection (6); and

(d) in subsection (11)—

(i) by deleting “transfer” and substituting the following—

“ be capable of effecting a transfer of ”; and

(ii) by adding after “another” the following—

“ , and a person who purports so to do commits an offence ”.

13. The principal Act is amended by inserting after section 30 the section following—

New section 30A inserted.

“ 30A. (1) Subject to the provisions of section 30 and to this section, the Authority shall consider each application made to it in accordance with section 30 and approve or refuse the application and shall, in either case, advise the applicant in writing of its decision.

Consideration of applications under s. 30.

(2) Where an application for approval to the transfer of a quota or part of a quota relates to—

(a) a sale of the whole of the dairy produce premises in respect of which the quota was granted together with the whole interest of the applicant in—

(i) that quota; and

(ii) the land which, in the opinion of the Authority, is associated with those premises;

(b) subject to any directions given by the Minister to the Authority as to the maintenance of minimum and maximum quota levels, the transfer of a part of a quota between members

of the family of the applicant, the proposed transferee being a dairyman who is the parent, spouse or child of the applicant; or

- (c) a transfer of a share or interest in a partnership of which the applicant is a member, on the withdrawal from that partnership of any member,

and the Authority is satisfied that the objectives of this Act will not thereby be prejudiced and that any directions given by the Minister have been observed, the application shall be approved by the Authority.

(3) In determining any application made under section 30 the Authority shall have regard to the matters referred to in section 27A, and in relation to any applications for the grant of a quota or part of a quota surrendered to the Authority, the Authority may from time to time formulate and implement policies considered by the Authority to be in the interests of the industry and consistent with the objectives of this Act making different provision as between different parts of the State, classes of dairyman, premises, businesses, requirements or other circumstances as determined by the Authority. ”.

Section 32
amended.

14. Section 32 of the principal Act is amended, in paragraph (c) of subsection (3), by deleting “four”.

Section 39
amended.

15. Section 39 of the principal Act is amended, in paragraph (c) of subsection (1), by deleting “licensed”.

Section 40
amended.

16. Section 40 of the principal Act is amended, in subsection (2), by deleting “would have been obliged to issue” and substituting the following—

“ might have issued ”.

17. Section 41 of the principal Act is amended by deleting "organization." and substituting the following—

Section 41
amended.

" organization; or

- (c) enter into arrangements, either on its own account or jointly with any person or organization, for the promotion of the sale and use of milk and dairy produce, including arrangements for the registration and use of any trade mark, symbol or slogan and for the sharing of expenditure or income related thereto. "

18. Section 42 of the principal Act is amended—

Section 42
amended.

- (a) in subsection (3), by deleting "as prescribed", and substituting the following—

" determined ";

- (b) in subsection (5)—

- (i) by deleting "annually" and substituting the following—

" , subject to subsection (6) of this section, in any year "; and

- (ii) by deleting "Farmers' Union of Western Australia (Inc.)" and substituting the following—

" body known as the Primary Industry Association of W.A. ";

and

- (c) by adding the subsection following—

" (6) Where an amount is approved pursuant to subsection (5) of this section for the purposes of promotion, the Authority is empowered to provide in each year funds not exceeding that amount until such time as a different amount is approved by the Minister under and for the purposes of that subsection. "

Section 44
amended.

19. Section 44 of the principal Act is amended, in paragraph (a) of subsection (1), by inserting after "dairy produce vendor," the following—

" milk distributor, ".

Section 46
amended.

20. Section 46 of the principal Act is amended—

(a) in paragraph (b) of subsection (1)—

(i) by deleting "may be charged for milk, or any declared dairy produce sold to wholesalers, retailers or vendors, or at which milk, or any declared dairy produce may be sold by retail, but a different maximum price or prices may be fixed—" and substituting the following—

" shall be payable by, and may be charged by, a wholesaler, retailer, milk distributor or vendor for milk or declared dairy produce, differentiating between wholesale and retail supplies and sales, and any such price or prices may be fixed so as to differ— ";

and

(ii) by deleting, in subparagraph (iv), "conditions or methods" and substituting the following—

" conditions, method or frequency ";

and

(b) by adding the subsection following—

" (3) For the purpose of fixing the maximum price or prices which may be charged for milk by reference to the frequency of delivery of the milk, the Authority may require a milk distributor or vendor to notify the Authority in writing of the days on

which, and the places at which, delivery of milk is made in any area, and of such other particulars in relation to the milk delivery service maintained as the Authority may specify, and prompt compliance with such a requirement shall be taken to be a condition attaching to every licence granted for the purpose of carrying on a business referred to in paragraph (b) of subsection (1) of section 52. ”.

21. Section 48 of the principal Act is amended by deleting “the Marketing and Economics Branch of the Department to carry out surveys” and substituting the following—

Section 48
amended.

“ surveys to be carried out, by the Marketing and Economics Branch of the Department or in such other manner as the Minister may approve ”.

22. Section 49 of the principal Act is amended, in paragraph (a) of subsection (4), by inserting after “retailers” the following—

Section 49
amended.

“ , milk distributors ”.

23. Section 52 of the principal Act is amended—

Section 52
amended.

(a) in subsection (1), by deleting paragraph (a) and substituting the paragraphs following—

“ (a) carry on the business of a producer of milk in any district;

(aa) carry on the business of a milk wholesaler; ”;

(b) in paragraph (b) of subsection (1), by inserting after “vendor” the following—

“ or milk distributor ”;

(c) by deleting subsection (1a);

- (d) in subsection (3), by deleting “acting as a dairyman” and substituting the following—

“ carrying on the business of a producer of milk ”;

- (e) by deleting subsection (4) and substituting the subsection following—

“ (4) Without derogating from the generality of section 101 or of subsection (1) of this section, regulations made under this Act may provide for licences of any kind not specified in that subsection where it appears to the Governor on the recommendation of the Authority that such a licence should be prescribed for the purposes of section 22, and differing provisions may be prescribed in relation to any kind of licence under this section by reference to differing classes of milk, dairy produce, persons, or businesses or to particular areas, districts or circumstances. ”;

and

- (f) by adding the subsections following—

“ (5) In any proceedings for an offence under paragraph (b) of subsection (1) of this section—

- (a) a person may be taken to have carried on the business of a milk or dairy produce vendor or milk distributor—

- (i) notwithstanding that all or any of the operations in respect of that business were carried on by some other person, whether a lessee of the business or otherwise,

who was acting on his behalf or with his consent; or

- (ii) if he carried on operations in respect of that business, whether as lessee of the business or otherwise, on behalf of, or with the consent of, the holder of a licence relating to that business;

- (b) subject to paragraph (c) of this subsection, where a person to whom subparagraph (ii) of paragraph (a) of this subsection applies carries on any operation the business shall be deemed to have been carried on by the holder of the licence;

but

- (c) where the manner in which any business, or any operation in respect of the business, was carried on contravened, or failed to comply with any requirement of, this Act or any condition endorsed upon or attached to the licence relating to the business, the business shall be taken not to have been carried on under the authority of that licence.

(6) The holder of a licence issued for the purpose of carrying on a business referred to in paragraph (b) of subsection (1) of this section shall notify the Authority in writing of—

- (a) any other person who is to carry on, on his behalf or with his consent, any operation in

respect of the business and the period during which he is to do so; and

- (b) particulars of the authorization to be given by the holder of the licence to that other person to carry out operations in respect of the business. ”.

Section 53
amended.

24. Section 53 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting the subsection following—

“ (1) Unless—

- (a) in the case of a licence for the purpose of carrying on the business of a milk vendor or milk distributor, the Authority is satisfied upon receipt of the report of an Authority inspector that the facilities, including any vehicles, used or to be used for the purposes of the business comply with the requirements of this Act; and
- (b) in any case, the Authority receives from the Department written notification to the effect that any premises and facilities to which the licence will relate comply with the requirements prescribed relevant to a licence of that kind and that those premises are registered under this Act with the Department,

the Authority shall not issue a licence under this Act. ”; and

- (b) in subsections (2) and (3), by deleting “under this Act”.

25. Section 57 of the principal Act is amended, in subsection (3), by deleting, in the prescribed manner, notify” and substituting the following—

Section 57
amended.

“ give written notification to ”.

26. Section 58 of the principal Act is amended, in subsection (1), by deleting “prescribed” and substituting the following—

Section 58
amended.

“ determined by the Authority ”.

27. Section 60 of the principal Act is amended—

Section 60
amended.

(a) in subsection (1)—

(i) by inserting after “erected” the following—

“ any building ”; and

(ii) by deleting “building or”;

(b) in paragraph (a) of subsection (2)—

(i) by deleting “a building or”; and

(ii) by deleting “was” and substituting the following—

“ were ”;

(c) in paragraph (b) of subsection (2)—

(i) by deleting “a building or”; and

(ii) by deleting “wherein the building is or” and substituting the following—

“ where ”; and

(d) by adding the subsection following—

“ (5) A reference in this section to premises includes a reference to a building situate on the premises. ”.

Section 62
amended.

28. Section 62 of the principal Act is amended—

(a) in paragraph (a) of subsection (3) by deleting “dairy farm” and substituting the following—

“ dairy produce premises specified by the Authority ”; and

(b) in subsection (6), by deleting “dairyman” and substituting the following—

“ person ”.

Section 67
amended.

29. Section 67 of the principal Act is amended, in subsection (3), by deleting “in the form prescribed and containing the particulars prescribed” and substituting the following—

“ of all relevant particulars ”.

Section 68
amended.

30. Section 68 of the principal Act is amended, in subsection (1), by deleting “in the prescribed form” and substituting the following—

“ of all relevant particulars ”.

Section 73
amended.

31. Section 73 of the principal Act is amended, in paragraph (b) of subsection (2), by deleting “debentures or inscribed stock” and substituting the following—

“ security ”.

Section 85
amended.

32. Section 85 of the principal Act is amended—

(a) by deleting subsection (1) and substituting the subsection following—

“ (1) For the purposes of this Act there shall be—

(a) Authority inspectors,
appointed by the Authority to
supervise the vending and
distribution of milk and dairy
produce; and

(b) Department inspectors,
appointed by the Minister to
enable the Department

effectively to carry out its functions and duties under this Act,

and a person may be appointed as an inspector pursuant to either or both of the paragraphs of this subsection. ”;

- (b) in subsection (3), by deleting “An inspector appointed under this section” and substituting the following—

“ A Department inspector ”; and

- (c) by adding the subsections following—

“ (4) For the purposes of facilitating the carrying out of his duties an inspector may be accompanied by any interpreter, technical adviser, or workman who the inspector thinks competent and necessary to assist him in making any inspection or examination, and any reference to an inspector in this Act in the context of the right of entry or in relation to the powers or duties conferred or imposed by this Act shall be deemed to include a reference to a person of the kind referred to in this subsection when that person is accompanied by, and acting in the course of his duties on behalf of, an inspector.

(5) In the exercise of his powers under this Act an inspector shall conform so far as is practicable to any reasonable requirement of a person owning or using the land, premises, or thing inspected which is requested by that person in order to prevent the working of any business or the conduct of any operations being thereby obstructed; but subject to the compliance by the inspector with the requirements of this Act an inspector may for the purpose of the exercise of his powers and the discharge of his

duties require a person having the custody or control of any land, premises or thing in respect to which the inspector is authorized to exercise any power to furnish such reasonable access to apparatus, facilities and other assistance and relevant information as he is capable of furnishing to that inspector. ”.

Section 86
amended.

33. Section 86 of the principal Act is amended by deleting “Each inspector shall be furnished by the Department with a certificate of his appointment as an inspector, and” and substituting the following—

“ A certificate evidencing his appointment shall be furnished—

- (a) to an Authority inspector, by, and under the hand of the Chairman of, the Authority; and
 - (b) to a Department inspector, by, and under the hand of the Permanent Head of, the Department,
- and an inspector ”.

Section 88
amended.

34. Section 88 of the principal Act is amended—

- (a) in subsection (1), by deleting “an inspector” and substituting the following—

“ a Department inspector ”;

- (b) by inserting, after subsection (1), the subsection following—

“ (1a) The power conferred by subsection (1) of this section on a Department inspector in relation to matters referred to in paragraph (b) of that subsection is hereby also conferred on, and may be exercised by, an Authority inspector in relation to any conveyance or vehicle used for the carriage of milk or dairy produce. ”;

- (c) in subsection (2), by deleting “An inspector, by any such notice, may” and substituting the following—

“ A Department inspector, and in relation to a conveyance or vehicle an Authority inspector acting pursuant to subsection (1a) of this section, may, by notice under subsection (1) of this section, ”; and

- (d) in subsection (5)—

- (i) by deleting “an inspector” and substituting the following—

“ a Department inspector ”; and

- (ii) in paragraph (b), by deleting “prescribed” and substituting the following—

“ sufficient to identify it ”.

35. Section 89 of the principal Act is amended, in subsection (1), by deleting “an inspector” and substituting the following—

Section 89
amended.

“ a Department inspector ”.

36. Section 90 of the principal Act is amended in subsection (1) by inserting before “vendor” the following—

Section 90
amended.

“ milk distributor or ”.

37. Section 101 of the principal Act is amended, in paragraph (p) of subsection (2), by deleting “butter makers or as cheese makers” and substituting the following—

Section 101
amended.

“ product makers for such classes of product as are prescribed ”.

Amend-
ments to
penalties.

38. The provisions of the principal Act referred to in the first column of the First Schedule to this Act are amended in the manner respectively set out in relation thereto in the second column of that Schedule.

Other
amend-
ments.

39. The provisions of the principal Act referred to in the first column of the Second Schedule to this Act are amended in the manner respectively set out in relation thereto in the second column of that Schedule.

FIRST SCHEDULE. (Section 38)	
<i>Provision.</i>	<i>Amendment.</i>
s. 23 (2)	Delete "Two hundred dollars", substitute— " \$750 ".
s. 30 (11)	(a) Delete "two hundred and fifty dollars", substitute— " \$750 ";
	(b) Delete "five hundred dollars", sub- stitute— " \$1 500 ".
s. 44 (2)	Delete "Two hundred dollars", substitute— " \$750 ".
s. 52 (1)	(a) Delete "\$400", substitute— " \$1 000 ";
	(b) Delete "\$25", substitute— " \$100 ".
s. 90 (2)	Delete "Two hundred dollars", substitute— " \$750 ".
s. 91	Delete "One hundred dollars", substitute— " \$500 ".
s. 92 (2)	Delete "Two hundred dollars", substitute— " \$750 ".
s. 93	Delete "Two hundred dollars", substitute— " \$750 ".
s. 93A	(a) Delete "\$1 000", substitute— " \$1 500 ";
	(b) Delete "\$50", substitute— " \$100 ".
s. 94	Delete "Two hundred dollars", substitute— " \$750 ".
s. 95 (2)	Delete "Three hundred dollars", substitute— " \$750 ".
s. 101 (6)	(a) Delete "two hundred and fifty dollars", substitute— " \$1 000 ";
	(b) Delete "twenty dollars", substitute— " \$100 ".

SECOND SCHEDULE.

(Section 39)

<i>Provision.</i>	<i>Amendment.</i>
s. 4 (3)	Delete.
s. 17 (2) and (3)	Delete.
s. 18 (1)	Delete "becomes", substitute "became".
s. 18 (3) and (4)	Delete.
s. 19 (2)	Delete.
s. 23 (1) (a), (b), (c) and (d)	Delete "and prescribe".
s. 28 (3)	Delete.
s. 49 (3)	Delete "and prescribed".
s. 49 (4)	(a) In paragraph (a), delete "or the maximum price having effect under subsection (1) of section 51"; and (b) In paragraphs (b) and (c), delete "or having effect under subsection (1) of section 51".
s. 51	Repeal.
s. 56 (5), (6) and (7)	Delete.
s. 58A (4)	(a) Delete "under subsection (1a) of section 52" and (b) Delete "under that subsection".
s. 74	Repeal.
s. 87 (2)	Delete "in the prescribed form".
