DAIRY INDUSTRY ACT, 1928-1935.

BEING

DAIRY INDUSTRY ACT, 1928, No. 1878 OF 1928 [ASSENTED TO 7TH NOVEMBER, 1928.]

AS AMENDED BY

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935 [ASSENTED TO 19TH DECEMBER, 1935.]

AND

STATUTE LAW REVISION ACT, 1936, No. 2293 OF 1936 [ASSENTED TO 8TH OCTOBER, 1936.]

An Act to regulate the dairy industry, and for purposes incidental thereto or consequent thereon.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title and commencement. Cf. U.K., 5 & 6, Geo. 5, c. 66.

1. This Act may be cited as the "Dairy Industry Act, 1928-1936," and shall come into operation on a day to be fixed by proclamation.

Power to limit application of this Act.

2. The Governor may from time to time by proclamation declare that this Act or any part thereof shall not apply to any part of the State mentioned in the proclamation, and may from time to time revoke or vary any such proclamation. The application of this Act shall be restricted according to the tenor of any such proclamation for the time being in force.

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s. 1. This Act was proclaimed to commence on the 8th of August, 1929: *Gazette* 8th August, 1929, p. 329.

s. 2. The following proclamations were in force under section 2 on 22nd March, 1937:—

(1) Proclamation dated 7th August, 1929: *Gazette* 8th August, 1929, p. 329, declaring that the Act shall not apply to the following parts of this State:—

(*a*) All that part of the State situated to the west of a line commencing at the most southerly point of Cape Spencer on Yorke Peninsula, and running therefrom in a northerly direction along high water mark on the east coast of Spencer Gulf, to the most northerly point of Spencer Gulf, and from that point due north to the northern boundary of the State:
(*b*) any other part of the State not included in any hundred:
(*c*) the whole of the counties of Albert, Alfred, Buccleuch, Buckingham, Chandos, Cardwell, and Carnarvon:
(*d*) the municipalities of Port Augusta, Davenport, and Quorn:
(*e*) the district council districts of Coglin, Orroroo, Port Germein, Woolundunga, Hammond, Carrieton, Kanyaka, Hawker, and Morgan.

(2) Proclamation dated 19th July, 1934: *Gazette* 19th July, 1934, p. 74, declaring that the whole of the Act shall apply to the county of Flinders, the municipality of Quorn and the district council district of Orroroo, but that

Application of this Act as regards dairy farms.

3. (1) This Act shall not apply to any dairy farm within the Metropolitan Area.

(2) This Act shall apply to every dairy farm outside the Metropolitan Area and being within any part of the State to which this Act applies—

(*a*) from which milk is supplied in bulk to any factory, or to any milk vendor, whether for wholesale or retail sale; or

(*b*) the milk from which is used in manufacturing dairy produce,

but to no others.

Amended by S.L.R. Act, 1936.

(3) No dairy farm licensed under this Act shall be subject to any regulations made under section 115 of the Health Act, 1935, or to section 27 of the Food and Drugs Act, 1908.

(4) In this section Metropolitan Area means the Municipalities of Adelaide, Brighton, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, St. Peters, Thebarton, Port Adelaide, and Unley, and the District Council Districts of Burnside, Campbelltown, Marion, Mitcham, Payneham, Prospect, Walkerville, West Torrens, Woodville, and Yatala South, and any other area declared by the Governor by proclamation to be within the Metropolitan Area.

Interpretation. Cf. U.K., 5 & 6, Geo. 5, c. 66, s. 19.

4. In this Act, unless inconsistent with the context, or some other meaning is clearly intended—

"animal" means any animal of the kind to which any of the following belong, viz.:—Cow, dog, pig, horse, donkey, goat, or sheep:

"butterfat" means the pure fat of milk:

"creamery" means any premises (not being a dairy farm or factory) where milk is collected and separated, or where cream is collected:

"dairy farm" means any land or premises where cows are milked or kept for the purpose of producing milk

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s. 2. (*contd.*) insofar as the Act provides for the payment of licence fees in respect of dairy farms it shall not apply to dairy farms situated within any part of the county of Flinders, the municipality of Quorn, and the district council district of Orroroo, or to the hundreds of Morgan, Yongala, Mannanarie and Tarcowie.

(3) Proclamation dated 20th January, 1937: *Gazette* 21st January, 1937, p. 85, declaring that the Act insofar as it provides for the payment of licence fees in respect of dairy farms shall not apply in respect of the hundreds of Mundoora, Wandearah, and Pirie. This proclamation is in force up to and including 2nd October, 1937.

s. 3. Woodville, Prospect, and Burnside have been changed from districts to municipalities; see as to Woodville, *Gazette* 24th November, 1932, pp. 1001-3; as to Prospect, *Gazette* 22nd June, 1933, p. 1050; as to Burnside, *Gazette* 16th May, 1935, pp. 1308-9.

either for sale or for preparing any dairy produce for sale, and includes the animals thereon:

"dairy produce" means milk, cream, butter, cheese, concentrated or condensed milk or cream, or any article derived or prepared from milk or cream:

"factory" means any premises (not being a dairy farm) where butter, cheese, or concentrated or condensed milk or cream, or any article derived or prepared from milk or cream, or margarine is prepared, packed, canned, or manufactured for sale, or where milk is pasteurised or chilled:

"inspector" means inspector appointed under this Act:

"margarine" means any substance made, wholly or partially, from vegetable or animal fats, or a combination of both, with or without other constituents, and sold or used or intended to be sold or used or adapted for use as a substitute for butter:

"milk" includes any article represented by the seller thereof to be milk:

"officer" includes inspector:

"owner" includes occupier or person in charge or apparently in charge, owner's agent or manager, and in the case of a company, the manager, secretary, or other controlling officer thereof:

"package" includes box, case, can, crate, tank, basket, tin, cask, keg, barrel, tub, flask, bottle, jar, dish, drum, capsule, wrapper, or covering of any material or description whatsoever:

"to sell" includes to barter, 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:

"vehicle" includes every description of car, cart, carriage, conveyance, truck, van, wagon, ship, or boat, including railway, tramway, or motor carriages, cars, or trucks.

Administration.

Administration by Minister.

5. This Act shall be administered by the Minister of Agriculture.

Appointment of inspectors and officers. Cf. U.K., 5 & 6, Geo. 5, c. 66, s. 10.

6. (1) The Governor may appoint such inspectors and other officers and persons as are necessary for the administration of this Act.

(2) One of the inspectors shall be a qualified veterinary surgeon and an expert in veterinary sanitary science and veterinary medicine, and another of the inspectors shall be an expert in the science and practice of dairying and allied branches of agriculture.

(3) The office of inspector may be held in conjunction with any other office in the Public Service.

(4) All persons appointed under this section shall be appointed under and be subject to the provisions of the Public Service Act, 1936.

Licensing of Dairy Farms, Factories, and Creameries.

Licensing. Cf. U.K., 5 & 6, Geo. 5, c. 66, s. 1 (b).

7. (1) After the expiration of two months from the time when this Act comes into operation no person shall use or occupy any dairy farm, factory, or creamery unless the same is licensed pursuant to this Act.

(2) A licence for a dairy farm, factory, or creamery may be obtained on application made as prescribed to any inspector or to any member of the Police Force, or to any other person authorised by the Minister to receive applications, and upon payment of the fees hereinafter mentioned.

(3) Every licence shall remain in force until the thirtieth day of June next after the issue thereof: Provided that if the holder of a licence about to expire on any thirtieth day of June applies for a fresh licence before that date, and the application is not finally dealt with before that date, his old licence shall remain in force until his application has been dealt with.

(4) Subject to the other provisions of this section the fee for a licence under this section for a full year shall be computed as follows:—

(*a*) For a dairy farm—Sixpence per cow.

(*b*) For a factory—Two pounds.

(*c*) For a creamery—Five shillings.

(5) In computing the number of cows to be paid for, the fee shall be based on the average number of cows milked daily in seven consecutive days during the twelve months immediately preceding the application for the licence, and such seven days shall be the seven consecutive days during which the greatest number of cows were milked during the said twelve months. If the premises for which a licence as a dairy farm is applied for have not been used as a dairy farm for a period of twelve months, or if the area so used has

s. 6. (4) The expression "Public Service Act, 1936," has been substituted for "Public Service Act, 1916," pursuant to Acts Republication Act, 1934.

been altered during the period of twelve months aforesaid, or the number of cows for any other reason cannot be computed as aforesaid, the Minister shall fix the sum to be paid.

(6) If a licence is required for part only of a financial year the fee therefor shall be calculated at the rate of one-twelfth of the annual fee fixed by this section for every month or part of a month for which the licence is required.

(7) The minimum fee payable under this section, whether for a licence for the whole or part of a year, shall be five shillings.

(8) If at the time when any licence for a dairy farm is issued less than six cows are kept at that farm, no fee shall be then payable for the licence, but if at any time during the currency of a licence for a dairy farm for which no fee has been paid as provided in this subsection more than six cows are kept at that dairy farm, the proper fee, calculated as from the time when more than six cows are first so kept, shall forthwith become due and payable, and until that fee is paid the said dairy farm shall be deemed to be unlicensed.

(9) In the event of any dispute as to the amount of any fees the decision of the Minister shall be final.

(10) A licence issued in respect of a dairy farm, factory, or creamery may be transferred to any person who becomes, by purchase or otherwise, the owner of such dairy farm, factory, or creamery.

(11) If an applicant for a licence has paid the fee therefor in advance and the licence is refused, the applicant shall have his fee refunded to him.

(12) Any person who has applied for a licence and paid the fee therefor shall, unless and until his fee is refunded to him, be deemed to hold a licence in respect of the premises for which the licence was applied for.

Cancellation of licences.

8. (1) If the Minister is satisfied on the report of any inspector that any dairy farm, factory, or creamery or proposed dairy farm, factory, or creamery is not suitable or in a fit sanitary condition for use as a dairy farm, factory, or creamery as the case may be, he may—

(*a*) direct that no licence be issued in respect of that dairy farm, factory, or creamery; or

(*b*) cancel or suspend any licence existing in respect of that dairy farm, factory, or creamery.

(2) Where a factory for which a licence is applied for is used or intended to be used for manufacturing margarine,

and any part thereof is within one hundred yards of any butter factory, the Minister may direct that no licence be issued to the first-mentioned factory. This subsection shall not be held to limit the powers of the Minister to direct on any other grounds that a licence shall not be issued to any factory.

(3) Any person aggrieved by a decision of the Minister under this section may appeal to a Board of Appeal constituted under this section in the same manner as the Board of Appeal under section 17 is constituted. All the provisions of that section relating to appeals shall apply, *mutatis mutandis,* to appeals under this section.

Prohibition of sale of milk from and branding of diseased cows.

Cf. U.K., 5 & 6, Geo. 5, c. 66, ss. 1, 3.

Supervision of Cows.

9. (1) If any inspector is of opinion that the milk of any cow or dairy produce manufactured from the milk of any cow would be deleterious to health or unwholesome, he may—

(*a*) by notice given to the owner or person in charge of the cow prohibit the sale of any milk taken from that cow during a period specified in the notice not exceeding two weeks, and the manufacture of any dairy produce from that milk:

(*b*) cause that cow to be branded with a temporary brand.

(2) When an inspector prohibits the sale of any milk under subsection (1) he shall forthwith notify the Minister of the prohibition. The Minister may confirm, cancel, or modify the prohibition and may reduce or extend the period thereof, or make the prohibition permanent, and shall give notice of his decision to the owner or person in charge of the cow. The Minister shall not make any prohibition permanent except upon the advice of a qualified veterinary surgeon. If the Minister makes the prohibition permanent he may also order and cause the cow to be branded in such a position as he thinks fit with a permanent brand, consisting of the mark ↑ R.

(3) If any person in any particular contravenes any prohibition made by an inspector or the Minister under this section he shall be guilty of an offence against this Act.

(4) If any person without permission of an inspector removes from any dairy farm any cow in respect of which a prohibition under this section is for the time being in force, he shall be guilty of an offence against this Act.

10. (1) Any inspector may use any means which are prescribed for the purpose of ascertaining whether any cow is in such a condition as to be likely to yield milk which is deleterious to health or unwholesome.

Power to ascertain if cows likely to yield unwholesome milk.

(2) An inspector who is not a qualified veterinary surgeon shall not use any method of diagnosis involving injection, aspiration, harpooning, or any similar process except by or under the direction of a qualified veterinary surgeon.

Supervision of Dairy Farms and Factories.

11. Subject to this Act, any inspector may at all reasonable times—

Powers of inspection.

(*a*) enter any premises, place, or vehicle for the purpose of making any inspection authorised by this Act:

(*b*) inspect any dairy farm, factory, creamery, or vehicle and any animals, dairy produce, and utensils used in connection with dairy produce, wherever situate:

(*c*) take samples of any dairy produce or margarine or of the water or fodder supplied to animals at any dairy farm or factory, or of any materials used in connection with the preparation of any dairy produce or margarine:

(*d*) open at any dairy farm, factory, creamery, or at any railway or tramway station or premises, or in any vehicle, any package which contains or which the inspector suspects to contain any dairy produce or margarine, and take samples of the same. For the samples reasonable remuneration shall be offered.

12. If any inspector is satisfied that any dairy farm, factory, creamery, or any vehicle used for conveying dairy produce, or any utensil, machinery, apparatus, or work at any dairy farm, factory, or creamery is in an unclean or unwholesome condition, he may order the same to be forthwith cleansed, disinfected, and rendered wholesome to his satisfaction, and may forbid the removal from such dairy farm, factory, or creamery of any dairy produce or utensils for such time as he thinks fit.

Power to require dairy farms and apparatus to be cleaned.

13. If any inspector, after analysis, is satisfied that any water used in connection with a dairy farm, factory, or creamery is unwholesome, he may order the supply of water to be discontinued and a supply of wholesome water to be provided.

Power of inspector as to water.

Power of inspector as to scales, measures, and apparatus.

14. If any inspector is satisfied that any chemical or any scales, measures, or apparatus used in testing cream or milk do not conform to the prescribed standard, or are incorrect, or are otherwise unfit for the purposes for which they are intended to be used, he may order that such chemical be made fit for the purpose for which it is to be used or that such scales, measures, or apparatus be replaced or corrected.

Seizure of dairy produce.

15. (1) If any inspector is satisfied that—

(*a*) any dairy produce inspected by him is unfit for human consumption; or

(*b*) is being or has been removed, sold, or delivered contrary to any order or prohibition under this Act, or to any provision of this Act,

he may seize the same, or order that the same be held in such place as he directs.

(2) Any dairy produce which has been seized under this section shall be forthwith placed in a cool chamber if one is available and kept therein at as low a temperature as practicable pending the decision of any legal or other proceedings relating to such dairy produce.

(3) Every inspector shall, as soon as practicable, make a report to the Minister of all seizures or orders made by him under this Act.

(4) Any person who sells or removes any dairy produce seized by an inspector under this section, or any dairy produce ordered to be held in any place directed by an inspector under this section, shall be guilty of an offence against this Act.

Power to prohibit cow-keeping in certain areas.

16. (1) The Governor may on the application of the council of any municipality or district by proclamation declare that any area within that municipality or district shall be an area within which no person shall keep, graze, or milk cows for the purpose of selling dairy produce derived from those cows. The Governor may also vary or revoke any such proclamation.

(2) Any person who keeps, grazes, or milks any cows for the said purpose within any area which, according to the tenor of any proclamation for the time being in force under this section is an area within which no person shall keep, graze, or milk cows, shall be guilty of an offence against this Act.

Appeals.

Appeals against orders of inspectors.

17. (1) Any person aggrieved by any order or notice given by an inspector under section 12, 13, or 14 of this Act may,

within fourteen days from the making of such order or giving of such notice, appeal therefrom to a Board of Appeal constituted or to be constituted under this section.

(2) Every such appeal shall be made in accordance with the regulations and notice thereof shall be served on such persons as are prescribed.

(3) For the purpose of hearing any appeal or group of appeals under this section the Governor may appoint a Board of Appeal consisting of five persons. Two of such persons shall be nominated by the appellant, and shall be persons actively engaged in the dairy industry, another shall be a member of the Central Board of Health, being a legally qualified medical practitioner, and the remaining two persons, one of whom shall be actively engaged in the branch of the dairying industry under appeal, shall be nominated by the Minister of Agriculture.

(4) A Board of Appeal shall hear the appeal as prescribed, and for that purpose shall have all such powers as are prescribed.

(5) A Board of Appeal may confirm, annul, or vary any order or notice appealed against, and its decision shall be final.

Provisions as to Sale and Manufacture of Dairy Produce.

Prohibition on sale or supply of seized or unsound dairy produce. Amended by S.L.R. Act, 1935.

18. Except as in this Act otherwise provided, no person shall sell—

(*a*) any dairy produce which is unfit for human consumption:

(*b*) any dairy produce which has been drawn or derived from a cow that is known to or suspected by such person to be suffering from a disease within the meaning of that term as defined by or under the Stock and Poultry Diseases Act, 1934, or any Act substituted for or amending that Act:

(*c*) any dairy produce from any dairy farm on which any animal required by the Stock and Poultry Diseases Act, 1934, or any Act substituted for or amending that Act, to be quarantined is not quarantined.

Mode of computing payment for milk and cream.

19. (1) Every person who manufactures butter or cheese from milk or cream sold or supplied to him shall pay the seller or supplier for that milk or cream according to the weight of butterfat contained therein as estimated by what is known as the Babcock test, or by any other test prescribed by regulations.

(2) Where the cream is manufactured into butter, if the weight of butter actually manufactured from any cream exceeds by more than twenty-two per cent. the weight of butterfat contained in that cream estimated by the test aforesaid, the seller or supplier shall be entitled to additional payment for the amount of butterfat corresponding to such excess butter at the same rate as for the remainder of the butterfat.

(3) Every person to whom any milk or cream is sold or supplied as aforesaid, shall, at the request of the seller or supplier, test, weigh, or test and weigh, in the presence of the seller or supplier, or in the presence of any person duly authorised in writing by such seller or supplier, any milk or cream sold or supplied by him.

Treatment of putrescent cream.

20. Where milk or cream which is supplied to a factory is manifestly affected by putrefactive decomposition the owner of the factory shall not manufacture dairy produce from that milk or cream, nor retain it on the premises. That milk or cream shall be treated in manner prescribed.

Grading cream and butter.

21. (1) Every owner of a factory shall grade, or cause to be graded, according to quality, and in accordance with the regulations, all cream supplied to the factory, and shall keep or cause to be kept a record in the prescribed form showing the grade of all cream so supplied.

(2) Every owner of a factory shall grade, or cause to be graded, all butter manufactured at the factory, according to quality, and in accordance with the regulations, and shall cause every package into which such butter is packed at the factory to be marked with some words, or words and figures, correctly signifying to which of the prescribed grades the butter belongs.

Restrictions on manufacturing butter in or near margarine factory.

22. (1) No person shall manufacture butter in premises in which margarine is manufactured, nor in premises any part of which is within one hundred yards from premises in which margarine is manufactured.

(2) Any person contravening this section in any respect shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds.

Duty of owners of factories.

23. (1) Every owner of a factory shall keep or cause to be kept such books of account and other records relating to the manufacture of dairy produce at the factory, and the purchases and sales of dairy produce in connection with such manufacture as are prescribed.

(2) Any inspector may at any reasonable time enter any factory and require the owner or any person in charge of any such books of account or records to produce them to him for inspection, and may examine the said books of account and records.

(3) Any person who, being the owner of a factory or the person in charge of any books of account or records thereat, neglects or refuses to produce them, or any of them, for inspection when required by an inspector, shall be guilty of an offence against this Act.

(4) The owner of every factory shall prepare and forward to the prescribed officer of the Department of Agriculture such periodical returns as are prescribed.

(5) An inspector shall not communicate any information acquired by him from any books and records inspected by him under this section, except in accordance with the instructions of the Minister, or for the purpose of proceedings in a court of law.

Qualifications of Persons Testing and Grading Cream.

Qualifications of persons testing and grading cream.

24. After the expiration of six months from the commencement of this Act no person shall test or grade milk or cream supplied to a factory, unless he has the qualifications and has passed the examination prescribed in that behalf, and holds a certificate to that effect: Provided that any person who is at the commencement of this Act, and has been continuously for a period of one year prior to the said commencement employed in this work, shall be exempt from such examination on passing a practical test as prescribed. The Minister may from time to time, upon reasonable grounds being shown, exempt any factory from the operation of this section for a period of not exceeding six months at any one time.

Offences, Regulations, and Financial Provisions.

Offences.

25. (1) Every person shall be guilty of an offence against this Act, punishable summarily, who—

(*a*) contravenes or fails to comply with or fails to observe any provision of this Act, which contravention or failure is not otherwise expressly created an offence; or

(*b*) furnishes any return or information which such person is empowered or required by this Act to furnish, and which is not to the best of his knowledge and belief true and correct in all particulars; or

(*c*) replies falsely to any inspector in reply to inquiries which such inspector deems it necessary to make in carrying out the provisions of this Act, or refuses to render reasonable assistance required of him under this Act; or

Cf. U.K., 5 & 6, Geo. 5, c. 66, s. 14.

(*d*) hinders or molests any inspector in the execution of his duties under this Act; or

(*e*) removes from a dairy farm any animal for the purpose of preventing examination of such animal by an inspector, or who fails to produce or submit for examination when required by any inspector any animal intended for the production of any dairy produce for sale; or

(*f*) fails in any particular to comply with or contravenes any notice, order, or prohibition made pursuant to this Act by the Minister or any inspector.

(2) Every person who is guilty of an offence against this Act shall, except where a different penalty is mentioned in any section or regulation, be liable to a penalty of not more than ten pounds for a first offence and not more than one hundred pounds for any subsequent offence.

Onus of proof.

26. (1) In every case where any person is charged with selling any dairy produce contrary to the provisions of this Act, any dairy produce shown to have been sold shall be deemed to have been sold for human consumption, unless the defendant satisfies the Court to the contrary.

(2) In any procedings for an offence against this Act, the allegation in the complaint—

(*a*) that any premises are a dairy farm, factory, or creamery within the meaning of this Act:

(*b*) that any dairy farm is situated outside the Metropolitan Area,

shall be *prima facie* evidence of the fact so alleged.

(3) If any proclamation is made declaring that this Act or any part thereof does not apply to any part of the State it shall lie on the defendant to prove that any premises in respect of which any offence against this Act is alleged to have been committed are within that part of the State.

Exemption of employer from penalty in certain cases.

Cf. U.K., 5 & 6, Geo. 5, c. 66, s. 18 (3).

27. (1) Where the owner of a dairy farm, factory, or creamery is charged with an offence against any of the provisions of this Act he shall be entitled upon complaint duly laid by him to have any other person whom he charges as the actual offender brought before the court at the hearing of the charge; and if after the commission of the offence

has been proved the owner proves to the satisfaction of the court—

(*a*) that he had used due diligence to enforce the execution of this Act; and

(*b*) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

the said other person shall be summarily convicted of such offence, and the said owner shall be exempt from any penalty. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2) Except as mentioned in subsection (1) of this section, lack of guilty knowledge shall not be a defence in proceedings for offences under this Act.

(3) Where it is made to appear to the satisfaction of the inspector or any member of the Police Force at the time of discovering an offence—

(*a*) that the owner has used all due diligence to enforce the execution of this Act; and

(*b*) by what person the offence has been committed; and

(*c*) that it has been committed without the knowledge, consent, or connivance of the said owner and in contravention of his orders,

the said inspector or member of the Police Force shall proceed against the person whom he believes to be the actual offender without first proceeding against the said owner.

Power to make regulations.

Cf. U.K., 5 & 6, Geo. 5, c. 66, s. 1.

28. (1) The Governor may make regulations for all or any of the following purposes:—

(1) Prescribing the particulars to be set out in the form of application for licences under this Act, and all matters incidental to applications for and the granting of licences and the payment of fees therefor:

(2) Prescribing the measures to be taken from time to time for keeping dairy farms, factories, creameries, and utensils, machinery appliances, and vehicles used at dairy farms, factories, or creameries, clean and sanitary, and for disinfecting dairy farms, factories, and creameries:

(3) Prohibiting the keeping of any prescribed animals within any prescribed distance from a milking shed:

(4) Prescribing requirements to be observed in constructing, altering, extending, or adding to buildings and premises used or intended to be used as a dairy farm, factory, or creamery:

(5) Prohibiting the housing, keeping, and milking of cows within the prescribed distance of any place where any prescribed trade, business, or occupation is carried on:

Amended by S.L.R. Act, 1935.

(6) Prescribing the mode in which the products and discharges of any animals infected with a disease within the meaning of that term as used in the Stock and Poultry Diseases Act, 1934, or any Act substituted for or amending that Act, shall be dealt with, and the conditions and restrictions under which any milk from such animals may be sold or used or disposed of:

(7) Prescribing the means that may be used for diagnosis and discovery of disease in animals, and the manner in which the temporary branding of cows, as provided for in this Act, shall be effected, and the methods by which identification of the ownership of dairy produce shall be established:

(8) Prescribing rules to be observed in order to ensure that only wholesome milk, cream, and other ingredients shall be used for manufacturing dairy produce:

(9) Prescribing as regards milk for use in the manufacture of dairy produce—

(*a*) composition,

(*b*) physical condition, including degree of freedom from foreign matter,

(*c*) acidity,

(*d*) specific gravity,

(*e*) bacterial content and mould growth,

and forbidding the use in the manufacture of dairy produce of any such milk not complying with the requirements prescribed:

(10) Prescribing the conditions under which milk which has been cooled, aerated, skimmed, heated, boiled, sterilized, centrifuged, pasteurized, frozen, condensed, concentrated, dessicated, dried, or otherwise treated may be used in the manufacture of

dairy produce, and the conditions under which beestings or any product prepared from beestings may be sold:

(11) Prescribing the means to be adopted for preventing alteration, infection, contamination, and deterioration or any of these changes of any dairy produce and for preventing growth of bacteria and other organisms in milk:

(12) Prohibiting the use in the manufacture of dairy produce of any milk from any cow which is habitually depastured on or has unrestricted access to any street within any prescribed area:

(13) Prescribing the maximum percentage of lactic acid and the maximum and minimum percentage of butterfat to be contained in any cream delivered for the manufacture of butter at a factory:

(14) Prescribing the qualifications to be possessed and any examinations to be passed by any person employed to test milk or cream or to grade cream, and providing for the issue, renewal, and cancellation of certificates to such persons:

(15) Prescribing the test for estimating the butterfat contents of any milk or cream, or the manner of estimating the amount of butter obtainable from any milk or cream, or the butter equivalent of any butterfat, and fixing the ratios or differences between the prices to be paid to suppliers of milk or cream used in the manufacture of dairy produce, for the various grades of milk and cream:

(16) Prescribing the standards and constituents of dairy produce and forbidding the sale or use in manufacture of any dairy produce not complying with the requirements so prescribed:

(17) Prescribing the standard size and measurements of all apparatus used for measuring and testing any specified dairy produce, and of the chemicals which may be used for testing any specified dairy produce:

(18) Prescribing the methods by which dairy produce that has been seized may be treated, destroyed, or disposed of:

(19) Prohibiting the sale of butter containing any preservative other than such preservatives as are prescribed, or any preservative in excess of the prescribed quantity, or prohibiting the sale of butter containing any preservative at all:

(20) Regulating the size of cream cans or milk cans:

(21) Providing for the registration, renewal of registration, and cancellation of registration of brands to be used on packages of butter:

(22) Prescribing the books of account and other records to be kept in respect of any factory, and requiring such books to be duly and properly kept:

(23) Prescribing penalties for breach of any regulations:

(24) Prescribing all 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 more effectually carrying out any of the provisions of this Act or for better effecting the objects of this Act.

(2) The Governor may under this section make different regulations to apply in different localities, and different regulations to apply at different periods of the year, and any regulations under this section may be otherwise limited or may discriminate in their operation according to time, place, and circumstance.

Notices and demands, how served.

29. The following provisions shall apply as to every notice required by this Act to be given to any person:—

(1) Such notice shall be addressed to such person:

(2) Such notice shall be deemed duly served if the same has been—

(*a*) given to such person personally;

(*b*) left at his usual or last known place of abode; or

(*c*) sent to that place by post by prepaid letter.

Financial provision.

30. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Regulations.

The following regulations were in force under this Act on 22nd March, 1937:—

GENERAL REGULATIONS—

Gazette—21st August, 1930, p. 365. (Regulations 42-58 of these regulations were disallowed by resolution of the Legislative Council, *Gazette* 6th November, 1930, p. 946).

AMENDING REGULATIONS—

Gazette—17th December, 1931, p. 1116.
5th May, 1932, p. 772.
27th April, 1933, p. 661.
2nd November, 1933, p. 934.

REGULATIONS AS TO PAYMENT FOR MILK AND CREAM—

Gazette—2nd November, 1933, p. 934.