



ANNO TRICESIMO PRIMO

**ELIZABETHAE II REGINAE**

A.D. 1982

\*\*\*\*\*

**No. 59 of 1982**

**An Act to amend the Dairy Industry Act, 1928-1974; and to repeal the Dairy Cattle Improvement Act, 1921-1972, and the Dairy Produce Act, 1934-1974.**

[Assented to 1 July 1982]

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

Short titles.

1. (1) This Act may be cited as the "Dairy Industry Act Amendment Act, 1982".

(2) The Dairy Industry Act, 1928-1974, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Dairy Industry Act, 1928-1982".

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of  
s. 3—  
Application of  
this Act to  
dairy farms.

3. Section 3 of the principal Act is amended by striking out from subsection (4) the passage ", Woodville and the Garden Suburb" and substituting the passage "and Woodville".

Amendment of  
s. 4—  
Interpretation.

4. Section 4 of the principal Act is amended—

(a) by striking out the definition of "animal";

(b) by striking out the definition of "dairy farm" and substituting the following definition:

"dairy farm" means any land or premises where animals are milked or kept for the purpose of producing milk for sale or for preparing dairy produce for sale;;

(c) by striking out the definition of "margarine";

and

(d) by striking out the definition of "milk" and substituting the following definition:

"milk" includes the milk of any animal:.

5. Section 7 of the principal Act is amended by striking out subsection (4). Amendment of s. 7—  
Licensing.

6. The heading immediately preceding section 9 of the principal Act is amended by striking out the word “Cows” and substituting the word “Animals”. Amendment of heading.

7. Section 9 of the principal Act is amended by striking out from subsections (1), (2) and (4) the word “cow” wherever it occurs and substituting, in each case, the word “animal”. Amendment of s. 9—  
Prohibition of sale of milk from diseased animals, etc.

8. Section 10 of the principal Act is amended by striking out from subsection (1) the word “cow” and substituting the word “animal”. Amendment of s. 10—  
Power to ascertain whether animal diseased, etc.

9. Section 16 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “cows for the purpose of selling dairy produce derived from those cows” and substituting the passage “animals of a specified class with a view to selling dairy produce derived from those animals”; Amendment of s. 16—  
Power to prohibit keeping of animals with a view to commercial production of dairy produce.

and

(b) by striking out subsection (2) and substituting the following subsection:

(2) A person who keeps, grazes or milks animals in contravention of a proclamation in force under this section shall be guilty of an offence against this Act.

10. Section 18 of the principal Act is amended—

(a) by striking out from paragraph (b) the passage “a cow” and substituting the passage “an animal”; Amendment of s. 18—  
Prohibition of the sale of certain dairy produce.

and

(b) by striking out from paragraphs (b) and (c) the passage “and Poultry”.

11. Section 19 of the principal Act is amended—

(a) by striking out paragraphs (a), (b) and (c) of subsection (1) and substituting the following paragraphs: Amendment of s. 19—  
Payment for milk and cream.

(a) test and grade the milk or cream in accordance with the regulations;

and

(b) keep records in the prescribed form in relation to—

(i) the weight or volume of the milk or cream and its grade;

and

(ii) the results of tests made under paragraph (a).;

(b) by striking out paragraph (b) of subsection (2) and substituting the following paragraph:

(b) the weight of the butterfat or any other prescribed constituent of the milk or cream determined or estimated in accordance with the regulations.;

(c) by striking out from subsection (3) the passage “(as estimated under subsection (2) of this section)”;

and

(d) by striking out from subsection (4) the passage “subsection (3) of”.

Repeal of  
s. 22.

12. Section 22 of the principal Act is repealed.

Amendment  
of s. 22a—  
Colourable  
imitation of  
milk.

13. Section 22a of the principal Act is amended by striking out from subsection (1) the passage “the cow or goat” and substituting the passage “an animal”.

Amendment  
of heading.

14. The heading immediately preceding section 24 of the principal Act is amended by inserting after the word “Grading” the passage “Milk and”.

Repeal of  
heading and  
s. 24a and  
substitution  
of new heading  
and section.

15. Section 24a of the principal Act and the heading immediately preceding that section are repealed and the following heading and section are substituted:

*Certificates and other Awards*

Issue of  
certificates  
and awards.

24a. The Minister may issue a certificate or award for which provision is made by the regulations to any person who complies with the conditions prescribed by the regulations for the issue of the relevant certificate or award.

Repeal of  
s. 27a and  
substitution  
of new section.

16. Section 27a of the principal Act is repealed and the following section is substituted:

The Dairy  
Industry  
Fund.

27a. (1) There shall be a fund at the Treasury entitled the “Dairy Industry Fund”.

(2) The fund shall consist of—

(a) all moneys that stood to the credit of the Dairy Cattle Fund immediately before the commencement of this Act;

(b) all fees and charges recovered under this Act;

and

(c) all moneys recovered by way of penalties for offences against this Act.

(3) The Minister may apply the moneys standing to the credit of the fund—

(a) towards the costs of administering this Act;

and

(b) otherwise for the benefit of the dairy industry.

Amendment of  
s. 28—  
Power to make  
regulations.

17. Section 28 of the principal Act is amended—

(a) by striking out from paragraph (1) of subsection (1) the passage “and the payment of fees therefor” and substituting the passage “and fixing, and providing for the payment of, fees for licences”;

- (b) by striking out from paragraph (5) of subsection (1) the word "cows" and substituting the word "animals";
  - (c) by striking out from paragraph (6) the passage "and Poultry";
  - (d) by striking out from paragraph (7) of subsection (1) the word "cows" and substituting the word "animals";
  - (e) by striking out from paragraph (12) of subsection (1) the word "cow" and substituting the word "animal";
  - (f) by striking out from paragraph (14) the passage "or by the holder of a buttermaker's or cheesemaker's certificate";
  - (g) by striking out paragraph (15) of subsection (1) and substituting the following paragraph:
    - (15) Providing for the testing, weighing, measuring and grading of milk and cream, or of components of milk or cream, and fixing ratios or differences between prices to be paid to suppliers of milk or cream for the various grades of milk or cream supplied to a factory, milk depot or creamery;
  - (h) by striking out paragraph (19) of subsection (1);  
and
  - (i) by striking out subsection (1a) and substituting the following subsection:
    - (1a) Where reference is made in a regulation to—
      - (a) a standard set by the Standards Association of Australia, or by the Minister;
      - or
      - (b) a Code of Practice determined or approved by the Minister,
- that reference shall, unless the contrary intention appears, be read as a reference to the standard or the Code as in force from time to time.

**18. The following Acts are repealed:**

- (a) the Dairy Cattle Improvement Act, 1921-1972;
- (b) the Dairy Produce Act, 1934-1974.

Repeal of  
the Dairy  
Cattle  
Improvement  
Act and the  
Dairy Produce  
Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor