

DAIRY INDUSTRY BILL

EXPLANATORY NOTE

THIS Bill is a compilation of the Dairy Industry Act 1908 and its amendments now in force. It assembles the existing legislation into one Act, but makes no change in the law.

In *clauses 2 and 3* and elsewhere slight changes in formal phrasing have been made to accord with current drafting style. In *clause 2* the definition of "margarine" has been omitted, as the word is not elsewhere used.

The disposition in the Bill of existing provisions to be repealed and replaced, and the reasons for omission of existing provisions to be repealed without replacement, are shown in the subjoined Comparative Table.

The sources of the clauses of the Bill are shown in the marginal notes.

COMPARATIVE TABLE

DISPOSITION IN BILL, OR REASON FOR OMISSION OF ENACTMENTS REPEALED BY THE BILL

1908, No. 37—THE DAIRY INDUSTRY ACT 1908

Section of Act.	Clause of Bill or Reason for Omission.
1	Short Title.
2	2
3	3
4	4
5	5
6	6
7	7
8	9
9	11
10	12
11	28
12	13
13	14
14	15
15	16
16	17
17	18
18	19
19	20
20	26
21	27
22	31
23	32 (1) (a) to (f), (i) to (n), (p), (q), (v), (y), (z), (bb), (cc)-
24	34
25 to 47	.. Treated as spent.
48 to 55	.. Repealed by 1949, No. 22, s. 29.

1913, No. 76—THE APPROPRIATION ACT 1913

Section of Act.	Reason for Omission.
22 ..	.. Treated as spent.
23 ..	.. Treated as spent.

1915, No. 48—THE DAIRY INDUSTRY AMENDMENT ACT 1915

Section of Act.	Clause of Bill or Reason for Omission.
1 ..	.. Short Title, &c.
2 (1) ..	.. 31 (1) (d).
2 (2) ..	.. 10
3 ..	.. 32 (1) (b).

1922, No. 41—THE DAIRY INDUSTRY AMENDMENT ACT 1922

Section of Act.	Clause of Bill or Reason for Omission.
1 ..	.. Short Title, &c.
2 ..	.. 2
3 ..	.. 21
4 ..	.. 22
5 ..	.. 23
6 ..	.. 24
7 ..	.. 25
8 ..	.. 32 (1) (h), (r), (s), (cc).
9 ..	.. 31 (1) (e).
10 ..	.. Repealed by 1949, No. 22, s. 29.

1924, No. 42—THE DAIRY INDUSTRY AMENDMENT ACT 1924

Section of Act.	Reason for Omission.
1 ..	.. Short Title, &c.
2 ..	.. Treated as spent.

1926, No. 35—THE DAIRY INDUSTRY AMENDMENT ACT 1926

Section of Act.	Clause of Bill or Reason for Omission.
1 ..	.. Short Title, &c.
2 ..	.. 6 (b).
3 ..	.. 8
4 ..	.. 13
5 ..	.. 17
6 (1) ..	.. 31 (1) (d).
6 (2) ..	.. 10
7 ..	.. 32 (1) (u)
8 ..	.. Repealed by 1949, No. 22, s. 29.

1933, No. 51—THE DAIRY INDUSTRY AMENDMENT ACT 1933

Section of Act.	Clause of Bill or Reason for Omission.
1 ..	.. Short Title, &c.
2 ..	.. 32 (1) (t), 33 (1).
3 ..	.. 29
4 ..	.. 33 (3).
5 ..	.. 32 (2), (3), 33 (4), (5).

1938, No. 10—THE DAIRY INDUSTRY AMENDMENT ACT 1938

Section of Act.	Clause of Bill or Reason for Omission.
1	Short Title, &c.
2	32 (1) (w), (x).

1940, No. 18—THE STATUTES AMENDMENT ACT 1940

Section of Act.	Clause of Bill.
7	33 (1).

1948, No. 77—THE STATUTES AMENDMENT ACT 1948

Section of Act.	Clause of Bill.
10	32 (1) (o), (aa).

1951, No. 79—THE FEES AND TRAVELLING ALLOWANCES ACT 1951

Section of Act.	Clause of Bill.
10 (1) and Second Schedule ..	33 (2), (6).

1951, No. 81—THE STATUTES AMENDMENT ACT 1951

Section of Act.	Clause of Bill.
7	30



Hon. Mr. Holyoake

DAIRY INDUSTRY

ANALYSIS

- | | |
|--|--|
| <p>Title.</p> <ol style="list-style-type: none">1. Short Title and commencement.2. Interpretation.3. Certain provisions of other Acts not affected. <p style="text-align: center;"><i>Officers</i></p> <ol style="list-style-type: none">4. Appointment of Inspectors, Analysts, &c. <p style="text-align: center;"><i>Inspection and Sanitation</i></p> <ol style="list-style-type: none">5. Special powers of Inspectors.6. Inspector may order defects to be remedied.7. What matters may be included in order.8. Apportionment of certain expenditure between landlord and tenant.9. Unfit dairy produce may be condemned.10. Disposal of impure butter.11. Duties of owner where stock diseased, or person affected with disease.12. Inspector may require certain information.13. Certain nuisances not allowed near dairy. <p style="text-align: center;"><i>Sale and Exportation of Dairy Produce</i></p> <ol style="list-style-type: none">14. Certain dairy produce not to be sold or exported.15. Dairy produce not to be adulterated.16. Milk not to be sold if tainted or impure.17. Milk to be cooled or aerated before sale. | <ol style="list-style-type: none">18. Dairy produce not to be stored in room used for domestic purposes, &c.19. Purchaser may take sample of milk for analysis.20. Procedure when sample taken. <p style="text-align: center;"><i>Milk and Cream for Manufacture</i></p> <ol style="list-style-type: none">21. Testing of milk or cream purchased for manufacture.22. Certified statement of overrun to be furnished to suppliers.23. Supplier may ask for independent investigation.24. Powers of Audit officer in conduct of investigation.25. Cost of investigation. <p style="text-align: center;"><i>Export of Dairy Produce</i></p> <ol style="list-style-type: none">26. Appointment of ports and stores for export of dairy produce.27. Conditions under which dairy produce may be exported. <p style="text-align: center;"><i>General</i></p> <ol style="list-style-type: none">28. Statistics.29. Dairy companies may make charge in respect of assignments or orders on milk cheques, &c. <p style="text-align: center;"><i>Miscellaneous</i></p> <ol style="list-style-type: none">30. Bulk milk collection by dairy companies.31. General penalty for breaches of Act.32. Regulations.33. Regulations as to dairy factory managers.34. Application of fees and fines.35. Repeals and savings. Schedule. |
|--|--|

A BILL INTITULED

Title.	AN ACT to consolidate certain enactments relating to the inspection of dairies, and the manufacture, sale, and export of dairy produce.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title and commencement.	1. This Act may be cited as the Dairy Industry Act 1952, and shall come into force on the <i>first</i> day of <i>January</i> , nineteen hundred and <i>fifty-three</i> .	10
Interpretation. 1908, No. 37, s. 2 1922, No. 41, s. 2	2. In this Act, unless the context otherwise requires,— “ Butterfat ” means the pure fat of milk: “ Conveyance ” includes every description of cart, wagon, truck, or other vehicle: “ Cream ” includes whey cream: “ Dairy ” means— (a) A milk house, milk shop, dairy factory, and any other place where dairy produce is collected, deposited, treated, separated, prepared, or manufactured, or is sold or offered or exposed for sale; and includes (b) A farm, stockyard, milking yard, paddock, shed, stable, stall, and any other place where cows from which the milk supply of a dairy is obtained are depastured or kept: “ Dairy company ” means a company limited by shares, registered under the Companies Act 1933, and formed for the purpose of establishing and carrying on a dairy factory and disposing of dairy produce: “ Dairy factory ” means a cheese factory, butter factory, condensed-milk factory, milk-powder factory, or other factory engaged in the manufacture of dairy produce, and includes a skimming station, a buying or receiving station, or any other premises ancillary to a dairy factory: “ Dairy produce ” means milk, cream, butter, or cheese, and includes any other product of milk or cream:	15 20 25 30 35 40
1933, No. 29		

“ Disease ”, in the case of other than human beings, means any disease within the meaning of the Stock Act 1908:

“ Infected ” means infected with disease:

5 “ Milk ” means the milk of cows, goats, and sheep:

“ Minister ” means the Minister of Agriculture:

10 “ Owner ” means the owner, whether jointly or severally, and includes the owner’s agent or manager; it includes also, in the case of a company, the manager, secretary, or other principal officer thereof:

15 “ Package ” includes cask, keg, crate, can, box, case, wrapper, tin, and every other receptacle or covering used for the packing of dairy produce:

“ Prescribed ” means prescribed by this Act or by regulations under this Act:

20 “ Pure milk ” means the whole of the milk (including what is commonly known as the strippings) drawn at the time of milking; but does not include milk containing less than three per cent of butterfat, or mixed with any preservative or chemical or colouring matter of any kind:

25 “ Ship ” includes a vessel of any description propelled by any means whatever:

“ Stock ” means stock as defined by the Stock Act 1908.

30 **3.** Except in so far as the Governor-General by Order in Council otherwise directs, nothing in this Act shall affect the operation of any of the following enactments in so far as they relate to dairy produce or dairies, that is to say:—

(a) The Health Act 1920;

35 (b) The Food and Drugs Act 1947; or

(c) So much of the Municipal Corporations Act 1933 as empowers a Council to make by-laws in respect of the public health and convenience:

40 Provided that no person shall be punished twice in respect of the same offence:

See Reprint
of Statutes,
Vol. I, p. 311

Certain
provisions of
other Acts
not affected.
1908, No. 37,
s. 3

See Reprint
of Statutes,
Vol. VI,
p. 1061
1947, No. 7
1933, No. 30

Provided also that compliance with any specified provision of this Act shall be deemed to be a sufficient compliance with the corresponding provision of any of the said enactments or of any by-law thereunder.

Officers

5

Appointment
of Inspectors,
Analysts, &c.
1908, No. 37,
s. 4

See Reprint
of Statutes,
Vol. I, p. 311

1947, No. 7

4. (1) The Governor-General may from time to time appoint such Inspectors, Analysts, experts, and other officers as he deems necessary for the purposes of this Act, and may also prescribe their powers and functions.

(2) All Inspectors under the Stock Act 1908 shall be deemed to be Inspectors under this Act. 10

(3) Every Inspector under this Act shall, for the purposes of this Act, have all the powers and functions of an Inspector under the Food and Drugs Act 1947 and the Stock Act 1908. 15

(4) Every Analyst under this Act shall, for the purposes of this Act, have all the powers and functions of an Analyst under the Food and Drugs Act 1947.

Inspection and Sanitation

Special
powers of
Inspectors.
1908, No. 37,
s. 5

5. In the exercise of his functions under this Act an Inspector may do the following things, that is to say:— 20

(a) He may at all reasonable times enter, inspect, and examine any dairy, and may also inspect and examine any stock, utensil, machinery, apparatus, or works in a dairy, or used in connection with a dairy or with dairy produce, and also any building, conveyance, or ship used for the storage or carriage of dairy produce: 25

(b) He may at any dairy or elsewhere inspect and examine any dairy produce, or the food or water supplied to any dairy or to the stock in or about any dairy, and also demand and without payment take samples thereof for inspection or analysis: 30

(c) He may at any time and in any place detain and open any package containing or supposed to contain dairy produce, for the purpose of inspecting or taking samples of the contents thereof, or of ascertaining whether the package bears or contains any false description or brand. 35 40

6. In any case where, as the result of his inspection and examination, the Inspector is satisfied of the existence of any of the following defects, that is to say:—

Inspector may order defects to be remedied.

(a) That any dairy is in an unclean or unwholesome condition; or

1908, No. 37, s. 6

(b) That any dairy produce produced in or stored on any dairy is likely to be contaminated by reason of any structure or other thing situated in the neighbourhood of the dairy, or of any operations carried on or of any conditions obtaining in the neighbourhood thereof; or

1926, No. 35, s. 2

(c) That any utensil, machinery, or apparatus in or about the dairy or used in connection with dairy produce is in an unclean or unwholesome condition, or is otherwise unfit for the purpose; or

(d) That any building, conveyance, or ship used for the storage or carriage of dairy produce is in an unclean or unwholesome condition, or is otherwise unfit for the purpose; or

(e) That any stock in or about a dairy, or used in connection therewith or with dairy produce, are diseased; or

(f) That any person employed in or about a dairy is affected with any contagious or infectious disease within the meaning of the Health Act 1920, or is a member of a household wherein any person is affected with any such disease; or

See Reprint of Statutes, Vol. VI, p. 1061

(g) That any food or water supplied to stock, or any water used in connection with a dairy, is impure or unwholesome,—

he may, by order in writing under his hand delivered to the owner, consignee, or person in charge, without further name or description, require the defects to be remedied to his satisfaction; and every such order shall be duly obeyed.

7. For the purposes of the *last preceding* section the Inspector may by any such order—

What matters may be included in order.

(a) Order any dairy, utensil, machinery, apparatus, or work, building, conveyance, or ship, as the case may be, to be forthwith cleansed, disinfected, and rendered wholesome to his satisfaction; or

1908, No. 37, s. 7

- (b) Forbid the same to be used in any way for the purposes of dairy produce, either absolutely or until all defects have been remedied to his satisfaction, or for such time as he thinks necessary; or 5
- (c) Order any stock condemned by an Inspector to be forthwith removed and dealt with as diseased stock; or
- (d) Forbid the removal from a dairy of any dairy produce for such time as he thinks necessary. 10

Apportionment
of certain
expenditure
between
landlord and
tenant.
1926, No. 35,
s. 3

8. (1) In the case of a farm where the relationship of landlord and tenant exists between the owner and the actual occupier thereof the following provisions as to the apportionment of the expenditure shall, in the absence of an express agreement to the contrary, apply 15 where expenditure on buildings or other permanent improvements of the farm is rendered necessary by reason of an order of an Inspector made pursuant to sections *six* and *seven* hereof:—

- (a) If the interest of the tenant at the time the 20 expenditure is incurred is for a term of not more than two years and six months the whole of the expenditure shall be borne by the landlord:
- (b) If the interest of the tenant at the time the 25 expenditure is incurred is for a term exceeding two years and six months the tenant shall pay a sum equal to five per cent of the total expenditure for each year of the unexpired term of his interest, and the landlord shall pay 30 the balance, if any. If the term includes a broken period, and that period exceeds six months, it shall count in the computation as one year, but otherwise shall not be counted:

Provided that, in either of the cases aforesaid, if the 35 business of dairying has not previously been carried on on the farm and the tenant commences that business without the consent in writing of his landlord the tenant shall bear the whole of the expenditure.

(2) If any landlord or tenant pays more than his proper proportion hereunder of such expenditure as aforesaid he may recover the excess from his tenant or landlord (as the case may be) as a debt due to him, and any tenant may set off any sum recoverable by him under this subsection against any rent payable to his landlord.

(3) Where an order involving expenditure to which the provisions of this section will apply is served on a tenant, he shall forthwith forward a copy thereof to the landlord; and if the tenant incurs any expenditure without taking such action as aforesaid the landlord shall not be liable to make any contribution towards the expenditure in terms of this section.

(4) A copy of this section shall be printed on every such order as aforesaid.

9. The Inspector shall, by order under his hand delivered to the owner, consignee, or person in charge, condemn any dairy produce whenever he is satisfied that the produce is unfit for human consumption; and all dairy produce so condemned shall be disposed of in such manner as is prescribed.

Unfit dairy produce may be condemned.
1908, No. 37, s. 8

10. Where any butter containing more than sixteen per cent of water or less than eighty per cent of butter-fat is sent to a grading store to be graded, the owner of that butter shall cause the same to be treated and disposed of in such manner as an Inspector may direct, or the Inspector may, at the expense of the owner, cause the same to be treated and disposed of in such manner as he thinks fit.

Disposal of impure butter.
1915, No. 48, s. 2 (2)
1926, No. 35, s. 6 (2)

11. In every case where disease appears in any stock in or about a dairy, or where any person living or working in or about a dairy is found to be affected with any such contagious or infectious disease as is referred to in section *six* hereof, the following provisions shall apply:—

Duties of owner where stock diseased, or person affected with disease.
1908, No. 37, s. 9

(a) The owner or occupier of the dairy shall forthwith draft out and at all times keep separate all the diseased stock from the stock not suffering from disease:

(b) He shall also at all times prevent the milk or cream obtained from the diseased stock being mixed with other dairy produce, or being in any way sold or used for food:

Inspector
may require
certain
information.
1908, No. 37,
s. 10

Certain
nuisances
not allowed
near dairy.
1908, No. 37,
s. 12
1926, No. 35,
s. 4

Certain
dairy produce
not to be
sold or
exported.
1908, No. 37,
s. 13

(c) He shall also, as far as practicable, isolate and keep isolated every person so affected with any such contagious or infectious disease.

12. Whenever requested by an Inspector so to do, the owner or person in charge of a dairy shall— 5

(a) Furnish to the Inspector a list of the customers or other persons supplying milk or cream to that dairy, or supplied with dairy produce from that dairy; and also

(b) Furnish to the Inspector any personal assistance and information in his power to enable the Inspector to search for and discover any source of contamination, infection, or disease to which any stock or dairy produce may be exposed. 10 15

13. (1) A person shall not keep, house, or pen pigs, or permit them to be kept, housed, or penned, or to wander or be brought within fifty yards of any dairy within the meaning of paragraph (a) of the definition of "dairy" in section *two* hereof, or within that distance of the open water supply of any such dairy. 20

(2) A person shall not permit any fowlhouse, manure heap, cesspool, or closet to be within thirty feet of any such dairy as last aforesaid or of any enclosed yard or building where cows are kept. 25

(3) A person owning or having charge of stock or pigs shall not permit drainage therefrom to flow into or (unless in a properly enclosed drain) within fifty yards of any such dairy as last aforesaid, or the open water supply thereof, or any enclosed yard or building where cows are kept. 30

Sale and Exportation of Dairy Produce

14. A person shall not sell, or offer or expose for sale, or export or attempt to export, any dairy produce which— 35

(a) Is affected or infected with disease; or

(b) Has been near to or in contact with any person, stock, or thing affected or infected with disease; or

(c) For any other reason is likely to endanger the public health; or 40

- (d) Is marked with any other weight than the true net weight thereof; or
- (e) Is contained in any package marked with any weight other than the true net weight of the dairy produce contained therein; or
- 5 (f) Is contained in any package marked with any grade mark or brand not properly pertaining to the contents; or
- (g) Has been condemned by an Inspector.
- 10 **15.** (1) A person shall not—
- (a) Mix with or add to dairy produce, or use in the manufacture thereof, any extraneous ingredient of any description; or
- (b) Manufacture any dairy produce from other than milk or cream; or
- 15 (c) Knowingly sell any such produce.
- (2) Except in so far as is otherwise provided by regulations under this Act, nothing in this section shall be construed to prevent pure sugar, common salt, or any harmless coagulative, preservative, or colouring ingredient or constituent being used in the manufacture of dairy produce.
- 20 **16.** A person shall not sell or supply to a dairy for any purpose, or to any person for human consumption,—
- (a) Any milk or cream which is tainted; or
- (b) Any milk or the cream from any milk which has been drawn from a cow that is suspected or known to be diseased, or that has calved within four clear days before the day on which the milk was so drawn; or
- 30 (c) Any milk which is not pure milk, except in cases where that person gives to the person to whom the milk is sold or supplied a statement in writing that it is not pure milk.
- 35 **17.** A person shall not supply or sell to any dairy any milk unless that milk has been properly cooled, in manner prescribed, immediately after being drawn from the cow, and a person shall not supply or sell to any dairy any cream unless that cream has been properly
- 40 cooled, in manner prescribed, immediately after being separated.

Dairy produce not to be adulterated. 1908, No. 37, s. 14

Milk not to be sold if tainted or impure. Ibid., s. 15

Milk to be cooled or aerated before sale. Ibid., s. 16 1926, No. 35, s. 5

Dairy produce not to be stored in room used for domestic purposes, &c. 1908, No. 37, s. 17

Purchaser may take sample of milk for analysis. Ibid., s. 18

Procedure when sample taken. Ibid., s. 19

Testing of milk or cream purchased for manufacture. 1922, No. 41, s. 3

18. Dairy produce intended for sale or supply for profit shall not be deposited or stored by any person in any room used for domestic purposes, or in any place calculated to render that produce unwholesome or injurious to health. 5

19. At the request of any person to whom any milk or cream is offered or supplied by way of sale (hereinafter called the purchaser) the person offering or supplying the same (hereinafter called the seller) shall allow the purchaser to take a sample thereof for analysis by an Analyst under this Act: 10

Provided that the purchaser when taking the sample states that it is taken for analysis.

20. Forthwith upon taking the sample, the purchaser, in the presence of the seller, shall, if the seller so requires,— 15

(a) Divide the sample into two equal or nearly equal portions, and enclose each portion in a clean bottle:

(b) Seal one bottle with his own seal, and permit the seller to seal the other with his own seal: 20

(c) Retain for analysis the bottle sealed by the seller, and permit the seller to retain the other sealed bottle.

Milk and Cream for Manufacture 25

21. (1) Where milk or cream purchased for the manufacture of dairy produce is to be paid for according to the percentage of butterfat contained therein, that percentage shall be determined by the Babcock, Gerber, or other prescribed test. 30

(2) The test shall be carried out by the owner of the dairy factory purchasing the milk or cream in such manner and at such times as are prescribed.

(3) For the purposes of this Act milk or cream shall be deemed to be purchased by the owner of a dairy factory if it is received and accepted for the manufacture of dairy produce at the factory. 35

22. (1) Not later than two months after the close of each financial year every owner of a butter factory or cheese factory shall forward to each person from whom he has purchased milk or cream during that year a statement, certified as correct by an accountant registered under the New Zealand Society of Accountants Act 1908, and not in the employ of the owner in any capacity other than that of auditor, showing for the year,—

Certified statement of overrun to be furnished to suppliers.

1922, No. 41, s. 4

See Reprint of Statutes, Vol. I, p. 4

10 (a) The weight of butter (correct to four places of decimals) made from each pound of butterfat used for the manufacture of butter:

(b) The percentage which the weight of unsalted butter manufactured bears to the total weight of butter manufactured:

15 (c) The weight of cheese (correct to two places of decimals) made from each pound of butterfat used for the manufacture of cheese.

(2) In calculating for the purposes of the above-mentioned statement the weight of cheese manufactured at a dairy factory the weight as ascertained at the factory shall be taken as the correct weight:

20 Provided that, in respect of that portion of the output of the factory which is exported, the factory weight shall be corrected by reference to check weights (if any) supplied to the owner of the factory by a Grader under this Act in respect of each lot of cheese forwarded for grading prior to export.

30 (3) The date of the close of the financial year of a dairy factory shall be determined in each year by the owner of the factory with reference to the close of the dairying season, but not later in any case than the thirty-first day of August in any year. The financial year shall be the period from the close of one financial year to the

35 close of the next financial year.

23. (1) Within six months after the receipt of the statement referred to in the *last preceding* section any person from whom milk or cream has been purchased by the factory may make application in the prescribed manner to the Minister of Agriculture for an independent investigation into the correctness of the statement.

Supplier may ask for independent investigation.

1922, No. 41, s. 5

40

(2) On receipt of any such application, and on approved security being lodged by the applicant to cover the cost of the investigation, the Minister may, by writing, request the Audit Office to make an examination of the books and accounts of the factory, and to report as to the correctness or otherwise of the particulars set out in the statement and as to the amount of error, if any, and the Audit Office shall so soon as practicable thereafter proceed to make the examination accordingly. 5

Powers of
Audit officer
in conduct of
investigation.
1922, No. 41,
s. 6

24. (1) On the request of the Audit officer appointed to conduct the investigation it shall be the duty of the owner of the butter factory or cheese factory, and of all servants and agents of the owner, to produce for his examination all books and documents in their custody or control. 10 15

(2) The Audit officer may examine on oath the owner of the factory, or any of his servants or agents, or any other persons, as to the business of the factory, and may administer an oath accordingly.

(3) Every person who refuses to comply with any lawful request made by the Audit officer or to answer any lawful question put by him in the course of the investigation is liable for each offence to a fine of fifty pounds. 20

Cost of
investigation.
Ibid., s. 7

25. The cost of any such investigation shall be borne by the applicant for the investigation: 25

Provided that if the investigation by the Audit Office discloses an error of more than one-half per cent in the particulars set out in the statement regarding the weight of butter or cheese made from each pound of butterfat the cost of the investigation shall be borne by the owner of the factory issuing the statement, and the fee of the Audit Office shall be recoverable from him as a debt due to the Crown. 30

Export of Dairy Produce

35

Appointment
of ports and
stores for
export of
dairy produce.
1908, No. 37,
s. 20

26. The Governor-General may from time to time, by Order in Council gazetted,—

(a) Appoint any specified ports to be the only ports at which dairy produce, or any specified class or description thereof, may lawfully be exported, either generally or to any specified country or colony: 40

(b) Appoint fit buildings to be stores for the storage, cooling, or freezing of dairy produce prior to export:

(c) Prescribe the mode in which and the conditions subject to which those stores shall be used.

5 **27.** (1) Dairy produce shall not be shipped or placed on board any ship for export from New Zealand unless—

(a) It is in all respects sound, in good condition, and free from disease; nor unless

10 (b) The requirements of this Act relating to that produce, and to the inspection, grading, and marking thereof, have been duly complied with; nor unless

15 (c) The ship is in all respects in a fit and proper condition to receive the dairy produce, and also is properly equipped with all appliances and requisites necessary for the safe carriage thereof in good order and condition through the whole of the intended voyage.

20 (2) Nothing in this section shall apply to dairy produce shipped for the sole use of the passengers and crew of the ship on the intended voyage.

Conditions under which dairy produce may be exported.
1908, No. 37, s. 21

General

25 **28.** The owner or person in charge of a dairy shall from time to time supply to the Minister such statistics and information relating to the dairy as are prescribed or as the Minister requests.

Statistics.
Ibid., s. 11

30 **29.** (1) Any dairy company may make an annual charge to cover the cost of accounting in respect of any assignments given or orders made by a supplier on moneys payable to him for milk, cream, or other dairy produce supplied by him to the company.

Dairy companies may make charge in respect of assignments or orders on milk cheques, &c.

35 (2) No such charge shall in the case of any supplier exceed, in respect of all assignments or orders affecting moneys payable for produce supplied by him during any financial year of the company, the sum of one pound, or two and one-half per cent of all moneys paid by the company, on account of the supplier, pursuant to any such assignments or orders, whichever amount is the less.

1933, No. 51, s. 3

(3) The amount of any such charge may, in the discretion of the company, be deducted from the amount payable in terms of the assignment or order, and all moneys so deducted may be recovered from the supplier by the person entitled under the assignment or order. 5

(4) A charge in accordance with this section may be made in respect of moneys paid after the passing of this Act in terms of any assignment or order given or made before the passing of this Act.

Miscellaneous 10

Bulk milk
collection by
dairy
companies.
1951, No. 81,
s. 7

30. Where any dairy company has, either before or after the commencement of this Act, with the consent of a supplier to the company, erected or placed any milk vat or any appliance that is accessory thereto on any land occupied by the supplier, then, after the commencement of this Act, so long as the company has not done or suffered anything which deprives it of its ownership of the vat or appliance,— 15

(a) The vat or appliance shall remain the property of the company and shall be deemed not to be in the possession, order, or disposition of the supplier or of any person other than the company who would otherwise be a bailee thereof: 20

(b) The vat or appliance shall not in any circumstances become a fixture to the land on which it is erected or placed as aforesaid; and the company may remove the vat or appliance without being liable to pay compensation to the owner of the land or any other person: 25 30

(c) The company may, at all reasonable times, by its servants and agents, enter on the land on which the vat or appliance is erected or placed as aforesaid for the purpose of inspecting, testing, repairing, altering, cleaning, or removing the vat or appliance: 35

(d) If the occupier for the time being of the land on which the vat or appliance has been erected or placed as aforesaid is not for the time being a supplier of the company, he may, on giving one month's notice in writing to the company, require the company to remove the vat or appliance from the land: 40

- (e) The ownership of any such vat or appliance shall be deemed to be an interest in land for the purposes of section *one hundred and forty-six* of the Land Transfer Act 1915, but for no other purpose.
- 5 **31.** (1) Every person shall be liable on summary conviction to a fine not exceeding fifty pounds who directly or indirectly, by himself, his agent or servant,—
- 10 (a) Resists or wilfully obstructs any officer under this Act in the performance of his duty; or
- 15 (b) Refuses to give information, or gives false information, in answer to any inquiry made by any such officer in the performance of his duty; or
- 20 (c) Exports or attempts to export, or is concerned in exporting, any dairy produce in breach of any of the provisions of this Act; or
- 25 (d) Sends to any grading store for the purpose of being graded any butter which contains more than sixteen per cent of water or less than eighty per cent of butterfat, or exports or attempts to export any such butter; or
- 30 (e) Sends to any grading store for the purpose of being graded any cheese of which the water-free substance consists of less than fifty per cent of fats wholly derived from milk, or exports or attempts to export any such cheese; or
- 35 (f) Knowingly makes any statement required by this Act which is false in any material particular; or
- 40 (g) Commits any breach of any of the provisions of this Act for which no penalty is provided by this Act elsewhere than in this section.
- (2) Where any duty or obligation imposed on any person by this Act is also imposed on him by any other Act, compliance with either Act shall be deemed to be compliance with both.
- (3) In any case where any offence under this Act is also an offence under any other Act, proceedings may be taken under either Act, but no person shall be punished twice for the same offence.

See Reprint
of Statutes,
Vol. VII,
p. 1211

General penalty
for breaches
of Act.

1908, No. 37,
s. 22

1915, No. 48,
s. 2 (1)

1922, No. 41,
s. 9

1926, No. 35,
s. 6 (1)

Regulations.
 1908, No. 37,
 s. 23
 1915, No. 48,
 s. 3
 1922, No. 41,
 s. 8
 1926, No. 35,
 s. 7
 1933, No. 51,
 ss. 2 (f), 5
 1938, No. 10,
 s. 2
 1948, No. 77,
 s. 10

32. (1) The Governor-General may from time to time, by Order in Council gazetted, make regulations for all or any of the following purposes:—

Registration and Licensing

- (a) For the registration of dairies, or of any specified class or description of dairy: 5
- (b) For prescribing conditions subject to which applications for the registration of dairies may be granted, including a condition requiring the prior approval by the Minister of the site, buildings, and equipment of any dairy: 10
- (c) For the licensing or registration of persons carrying on the manufacture or sale of dairy produce, or of any specified class or description of dairy produce: 15
- (d) For the registration of marks, stamps, brands, and labels used for dairy produce, or for any specified class or description of dairy produce:

Inspection

- (e) For the inspection of cows kept for the purpose of supplying milk to dairies, and of other stock kept upon or about a dairy: 20
- (f) For the inspection of dairies, and of the machinery, utensils, appliances, packages, and conveyances used in or about dairies or in connection with the manufacture, deposit, or carriage of dairy produce: 25
- (g) For the inspection of dairy produce:
- (h) For prescribing the powers and duties of Inspectors: 30

Hygiene

- (i) For the sanitation of dairies, and of the machinery, utensils, appliances, packages, and conveyances used in or about dairies or in connection with the manufacture, deposit, or carriage of dairy produce: 35
- (j) For preventing the infection or contamination of dairy produce:
- (k) For the pasteurization or sterilization of dairy produce at dairy factories, or at any specified class of dairy: 40

- (l) For preventing the pollution of the water supply of dairies:
- 5 (m) For preventing the manufacture, sale, consumption, or export of infected dairy produce, or the manufacture of dairy produce from infected milk or cream:
- (n) For preventing or limiting the use of preservatives or other ingredients in the manufacture of dairy produce:
- 10 (o) For prescribing standards of quality, purity, and composition in respect of any dairy produce intended for export or of any ingredient or component part thereof:

The General Conduct of Dairy Factories

- 15 (p) For the grading, packing, marking, stamping, branding, and labelling of dairy produce:
- (q) For preventing the pollution of streams or rivers by any dairy or dairy factory:
- 20 (r) For regulating the sampling, testing, and weighing of milk or cream purchased by owners of dairy factories:
- (s) For prescribing records to be kept or returns to be furnished by owners of dairy factories:
- 25 (t) For regulating the supply of milk or cream to dairy factories, and, in particular,—
- (i) Prohibiting any person who in any season has supplied any dairy factory with milk or cream produced in his dairy from ceasing during that season (unless he ceases to be a producer) to supply milk or cream to that factory while it is prepared to receive the same; or
- 30 (ii) Prohibiting any such person as aforesaid from transferring any part of his supply from one dairy factory to any other factory during any season; or
- 35 (iii) Restricting, to such extent as may be deemed necessary or advisable in the interests of the dairy industry, the right of any supplier during any season to transfer his supply, or any part of his supply, from one
- 40 dairy factory to another; or

- (iv) Prohibiting the proprietor or manager of any dairy factory from receiving any milk or cream from any supplier in breach of any regulations made under the authority of the foregoing provisions of this paragraph: 5
- (u) Requiring owners of dairy factories to pay different prices for different grades of milk or cream supplied to dairy factories for manufacture, and fixing the minimum amounts by which the prices shall vary for the 10 different grades. Regulations in regard to the grading of cream may provide for a classification of cream according to the percentage of butterfat therein, and the power herein contained to require the payment of 15 different prices according to grade and to fix the minimum variation in the prices shall extend to include a power to require the payment of different prices according to the classification of the cream, and to fix the 20 minimum variation in such prices:

Relating to Two or More of the Matters Aforesaid

- (v) For the export of dairy produce, and the inspection and sanitation of ships used for the export of dairy produce: 25
- (w) For farm dairy instruction and inspection for the purpose of improving and maintaining the quality of milk and cream supplied for the manufacture of dairy produce; and imposing levies on persons carrying on the manufacture 30 of dairy produce, or on any class of those persons, for the purpose of defraying the cost of such instruction and inspection, or any part thereof:
- (x) For the exemption, either wholly or partially, 35 and either absolutely or conditionally, of any person or class of persons from any of the requirements of any regulations made for any of the purposes specified in the *last preceding* paragraph: 40

Administration and General

- (y) For prescribing the matters in respect whereof fees are payable under this Act, and fixing the amounts of those fees:
- 5 (z) For prescribing the form of licences, certificates, notices, and other documents under this Act:
- (aa) For imposing levies on persons carrying on the manufacture of dairy produce or on any class of those persons, for the purpose of defraying the cost of grading any such dairy produce:
- 10 (bb) For imposing fines not exceeding fifty pounds for the breach of any such regulation:
- (cc) For prescribing such other matters as are contemplated or desirable for giving full effect to sections *twenty-one* to *twenty-five* hereof, and any other matters for which regulations are contemplated or required by this Act, or which the Governor-General deems necessary for the efficient administration thereof.
- 15 (2) Any person who is aggrieved by the operation of any regulations under the provisions of paragraph (t) of subsection *one* of this section in respect of the supply of milk or cream to any dairy factory shall have a right of
- 20 appeal to a Magistrate exercising jurisdiction in the locality in which the appellant's dairy is situated.
- (3) The determination of the Magistrate on any appeal under subsection *two* of this section shall be final.
- 25 **33.** (1) In addition to the matters specified in the *last preceding* section, and without in any way limiting the generality of the authority to make regulations conferred by that section, regulations may be made thereunder for all or any of the following purposes, namely:—
- 30 (a) For prescribing the qualifications of persons competent to be employed as managers of dairy factories, or as managers of dairy factories of any specified class or specified classes:
- 35 (b) For the registration of persons competent to be employed as managers of dairy factories, or as managers of dairy factories of any specified class or specified classes as aforesaid, and for the rectification of the register from time to time as occasion may require:
- 40

Regulations
as to
dairy factory
managers.
1933, No. 51,
ss. 2, 4, 5
1940, No. 18,
s. 7
1951, No. 79,
s. 10(1) and
2nd Sched.

- (c) For prescribing the grounds upon which the names of registered persons may be removed from the register:
- (d) For the appointment of a Registration Board, and defining the powers of the Board with respect to the registration of persons competent to be employed as dairy factory managers: 5
- (e) For authorizing the Board to conduct examinations of persons desirous of being so registered and to appoint examiners for that purpose: 10
- (f) For prohibiting or restricting the appointment or employment as the manager of any specified class of dairy factory of any person who is not registered in accordance with regulations under this section in respect of dairy factories of that class: 15
- (g) For prescribing the procedure to be adopted in respect of appeals made in accordance with subsection *four* of this section. 20

1951, No. 79

(2) There shall be paid to the members of the Registration Board appointed pursuant to paragraph (d) of subsection *one* of this section remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the Board were a statutory Board within the meaning of that Act. 25

1933, No. 51

(3) Every person who on the twenty-second day of December, nineteen hundred and thirty-three (being the date of the passing of the Dairy Industry Amendment Act 1933), was employed as a dairy factory manager shall be entitled, without further evidence of his qualifications, to be registered, in accordance with regulations under subsection *one* of this section, as a person competent to be employed as the manager of a dairy factory of the same class. 30 35

(4) Any person who is aggrieved by the operation of any regulations made under the provisions of subsection *one* of this section in respect of the registration of persons competent to be employed as dairy factory managers, or in respect of the employment of persons as dairy factory managers or as managers of any specified class of dairy factory, shall have a right of appeal to a 40 45

Board of Appeal, consisting of a Magistrate and two assessors, of whom one shall be appointed by the appellant and one shall be appointed by the Minister or by some person or authority nominated by him for the
5 purpose.

(5) The determination of the Appeal Board on any appeal under subsection *four* of this section shall be final.

(6) There shall be paid out of moneys appropriated
10 by Parliament for the purpose to any assessor appointed under subsection *four* of this section remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of
15 that Act shall apply accordingly as if any such assessor were a member of a statutory Board within the meaning of that Act.

34. All fees and fines received or recovered under this Act shall be paid into the Consolidated Fund, and
20 all expenses incurred in the administration of this Act shall be paid out of moneys to be appropriated by Parliament.

35. (1) The enactments specified in the Schedule hereto are hereby repealed.

(2) Without limiting the provisions of the Acts
25 Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former
30 provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if
35 that provision had been in force when the document was made or the thing was done.

Application of fees and fines.

1951, No. 79
1908, No. 37,
s. 24

Repeals and savings.

See Reprint of Statutes, Vol. VIII, p. 568

Schedule.

SCHEDULE

Section 35 (1)

ENACTMENTS REPEALED

- 1908, No. 37—
The Dairy Industry Act 1908. (Reprint of Statutes, Vol. I, p. 69.)
- 1913, No. 76—
The Appropriation Act 1913: Sections 22 and 23.
- 1915, No. 48—
The Dairy Industry Amendment Act 1915. (Reprint of Statutes, Vol. I, p. 93.)
- 1922, No. 41—
The Dairy Industry Amendment Act 1922. (Reprint of Statutes, Vol. I, p. 94.)
- 1924, No. 42—
The Dairy Industry Amendment Act 1924. (Reprint of Statutes, Vol. I, p. 96.)
- 1926, No. 35—
The Dairy Industry Amendment Act 1926. (Reprint of Statutes, Vol. I, p. 98.)
- 1933, No. 51—
The Dairy Industry Amendment Act 1933.
- 1938, No. 10—
The Dairy Industry Amendment Act 1938.
- 1940, No. 18—
The Statutes Amendment Act 1940: Section 7.
- 1948, No. 77—
The Statutes Amendment Act 1948: Section 10.
- 1951, No. 79—
The Fees and Travelling Allowances Act 1951: The Second Schedule, so far as it relates to the Dairy Industry Amendment Act 1933.
- 1951, No. 81—
The Statutes Amendment Act 1951: Section 7.