

No. 23 of 1971

AN ORDINANCE

**For the Regulation and Control of the Supply, Sale and
Distribution of Milk in the Territory, and for the
Establishment of a Milk Authority.**

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1970*.

Dated this seventh day of October, 1971.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

MILK AUTHORITY ORDINANCE 1971

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Milk Authority Ordinance* Short title. 1971.*

2.—(1.) Subject to the next succeeding sub-section, this Ordinance shall come into operation on the first day of November, One thousand nine hundred and seventy-one. Commence-ment.

(2.) For the purposes of bringing this Ordinance into operation on the date specified in the last preceding sub-section—

(a) the Advisory Council may nominate an elected member of the Advisory Council to be a member of the Authority; and

(b) an application for a Vendor's Permit under sub-section (1.) of section 41 of this Ordinance may be made,

as if this Ordinance had come into operation on the date on which notification of the making of this Ordinance is published in the *Gazette*.

3. This Ordinance is divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Sections 1-5).

Part II.—The Milk Authority (Sections 6-21).

Part III.—Licences and Permits (Sections 22-41).

Part IV.—Zoning of Milk Vendors (Sections 42-48).

Part V.—Miscellaneous (Sections 49-54).

* Notified in the *Commonwealth Gazette* on 14 October 1971.

Definitions.

4. In this Ordinance, unless the contrary intention appears—
- “inquiry” means an inquiry by the Authority as provided by this Ordinance, and “inquire” has a corresponding meaning;
 - “inspector” means an inspector appointed under section 5 of this Ordinance;
 - “licence” means a licence granted under this Ordinance, and includes a licence that is to be deemed to have been granted under section 41 of this Ordinance, and “licensed” and “licensee” have corresponding meanings;
 - “member of the authority” includes the Chairman;
 - “milk” means cow’s milk, and includes cream derived from cow’s milk or a constituent part of cow’s milk (whether with or without the addition of any other substance) and a substance represented to be cow’s milk or to be derived from cow’s milk, but does not include condensed milk, evaporated milk, dried milk or tinned cream;
 - “person” includes a partnership or body of persons, whether corporate or unincorporated;
 - “process”, in relation to milk, means process milk to a standard fit for human consumption, and includes examine, pasteurize, test, grade, refrigerate, bottle, package or treat milk in accordance with the Dairy Regulations, and “processed” and “processing” have corresponding meanings;
 - “provisional area”, in relation to a Vendor’s Permit, means an area in the Territory determined by the Authority under Part IV. to be a provisional area for the time being in respect of the Vendor’s Permit;
 - “Retailer’s Licence” means a licence referred to in section 24 of this Ordinance;
 - “sell” means sell for human consumption by wholesale or retail, and includes barter, have in possession or deliver for sale, supply for profit and offer for sale for human consumption, and “sale”, “selling” and “sold” have corresponding meanings;
 - “the Advisory Council” means the Advisory Council constituted under the *Advisory Council Ordinance* 1936-1969;
 - “the Authority” means the Milk Authority of the Australian Capital Territory established under this Ordinance;
 - “the Chairman” means the Chairman of the Authority, and includes an acting Chairman;
 - “the Dairy Regulations” means the Public Health (Dairy) Regulations;
 - “the Director-General” means the person for the time being holding the office of or performing the duties of the Director-General of Health;
 - “the Secretary to the Authority” means the person for the time being appointed to be Secretary to the Authority under section 15 of this Ordinance;
 - “Vending Machine Licence” means a licence referred to in section 25 of this Ordinance;

- “Vendor’s Licence” means a Vendor’s Licence referred to in section 23 of this Ordinance;
- “Vendor’s Permit” means a permit referred to in section 23 of this Ordinance;
- “Wholesaler’s (Importing) Licence” means a licence referred to in sub-section (2.) of section 22 of this Ordinance;
- “Wholesaler’s (Processing) Licence” means a licence referred to in sub-section (1.) of section 22 of this Ordinance;
- “wholesaler’s licence” means a Wholesaler’s (Importing) Licence or Wholesaler’s (Processing) Licence;
- “zone”, in relation to a Vendor’s Licence, means an area, within the City Area, determined or re-determined by the Authority under Part IV. to be a zone for the time being in respect of the Vendor’s Licence.

5.—(1.) The Minister may appoint such inspectors and other officers as he considers necessary for the purposes of this Ordinance. Inspectors.

(2.) A person appointed under this section shall, subject to this section, perform such duties for the purposes of this Ordinance as the Authority directs.

(3.) A person shall not obstruct, threaten or intimidate an inspector in the exercise of a power or function or the discharge of a duty imposed on the inspector under this Ordinance.

Penalty: Two hundred dollars.

(4.) An inspector may, at any reasonable time, in pursuance of a direction by the Authority, inspect all books or other documents used in connexion with the supply, processing, storage, distribution or sale of milk in the Territory and may, for that purpose, require the holder of a licence or Vendor’s Permit or any other person in whose custody or control those books or other documents are to produce them and to hand them over to him.

(5.) The holder of a licence or Vendor’s Permit or other person shall not refuse or fail to comply with a requirement made under the last preceding sub-section.

Penalty: Two hundred dollars.

(6.) An inspector, in pursuance of a direction of the Authority, may enter and inspect milk processing plants and milk stores and examine and take notes, copies or extracts from any books or documents produced to him under this section.

PART II.—THE MILK AUTHORITY.

6.—(1.) For the purposes of this Ordinance, there shall be a body to be known as the Milk Authority of the Australian Capital Territory. Milk Authority.

(2.) The Authority—

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.

Appointment of
members of
Authority and
tenure.

7.—(1.) The Authority shall consist of three members one of whom shall be an elected member of the Advisory Council nominated, as the occasion requires, by the Advisory Council.

(2.) The members of the Authority shall be appointed by the Minister.

(3.) A person is not eligible for appointment, and shall not hold office, as a member of the Authority if—

- (a) he is the holder of a licence or Vendor's Permit or the holder of a licence under the Dairy Regulations;
- (b) he is a member of a firm, or is a director or officer of a company, society, association or corporation, directly or indirectly carrying on the business, whether within or outside the Territory, of the supply, processing, distribution or sale (whether by wholesale or retail) of milk; or
- (c) he receives, directly or indirectly, any remuneration, emoluments or fees or other benefit from such a firm, company, society, association or corporation otherwise than by way of payment for services of a professional nature rendered by that person.

(4.) A member of the Authority holds office, subject to this Ordinance, for a period of three years from the date of his appointment, but is eligible for re-appointment.

Chairman of
Authority.

8.—(1.) The Minister shall appoint a member of the Authority to be Chairman of the Authority.

(2.) Where the Chairman is, or is about to be, absent or not available to perform the functions of his office or there is a vacancy in the office of Chairman, the Minister may appoint a member of the Authority to be the acting Chairman while the Chairman is absent or not available to perform those functions or until the filling of the vacancy, as the case may be.

Remuneration.

9. A member of the Authority shall be paid fees and allowances in accordance with the regulations.

Leave of
absence.

10. The Minister may grant leave of absence to a member of the Authority upon such terms and conditions as to remuneration or otherwise as the Minister determines.

Removal of
member from
office.

11.—(1.) The Minister may remove a member of the Authority from office for misbehaviour or physical or mental incapacity.

(2.) If a member of the Authority—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors or makes an assignment of his remuneration for their benefit;

- (b) becomes of unsound mind;
- (c) is convicted in Australia of an offence punishable by imprisonment for one year or longer;
- (d) is absent, except on leave granted by the Minister, from three consecutive meetings of the Authority; or
- (e) becomes ineligible to hold office by virtue of sub-section (3.) of section 7 of this Ordinance,

the Minister shall remove the member from office.

(3.) If the member of the Authority who is an elected member of the Advisory Council ceases to be a member of the Advisory Council, the Minister shall remove him from office.

12. A member of the Authority may resign his office by writing under his hand addressed to the Minister. Resignation of member.

13.—(1.) Where a member of the Authority who is an elected member of the Advisory Council is, or is about to be, absent from the Territory or not available to perform the functions of his office, or his office becomes vacant, the Minister may appoint an elected member of the Advisory Council nominated by the Advisory Council to act as a member while the member is so absent or not available or during the vacancy. Acting appointments.

(2.) Where another member of the Authority is, or is about to be, absent from the Territory or not available to perform the functions of his office, or his office becomes vacant, the Minister may appoint a person to act as a member of the Authority while the member is so absent or not available or during the vacancy.

(3.) A person appointed under this section shall while so acting be deemed to be a member of the Authority.

(4.) A person appointed under this section shall be paid fees and allowances in accordance with the regulations.

14.—(1.) The Authority shall meet as and when necessary and so that not more than three months elapse between any two meetings of the Authority. Meeting of Authority.

(2.) A meeting of the Authority shall be convened by the Chairman of his own motion or at the request in writing of a member of the Authority, or by the Secretary to the Authority on the direction of the Chairman, by notice in writing to other members of the Authority, and shall be held at the time and place specified in the notice.

(3.) The Chairman shall preside at all meetings of the Authority at which he is present.

(4.) At a meeting of the Authority, two members constitute a quorum.

(5.) A question arising at a meeting of the Authority shall be determined by a majority of votes and, if at a meeting at which only two members are present, the two members present are divided in opinion on a question, the question shall not be decided until a meeting at which three members are present is held.

(6.) The Secretary to the Authority shall keep a record of its proceedings.

(7.) An inquiry by the Authority shall not be regarded as a meeting of the Authority for the purposes of this section.

(8.) Subject to this Ordinance, the procedure at meetings of the Authority shall be as the Authority determines.

Secretary and
Assistant
Secretary to
Authority.

15.—(1.) The Minister may appoint an officer of the Department of the Interior to be Secretary to the Authority.

(2.) The Minister may appoint an officer of the Department of the Interior to be Assistant Secretary to the Authority.

(3.) The person appointed to be Assistant Secretary to the Authority has and may exercise and perform such of the powers and functions of the Secretary to the Authority as the Minister directs.

Functions of
Authority.

16. The functions of the Authority are, in accordance with but subject to this Ordinance, to regulate and control the supply, sale and distribution of milk in the Territory.

Powers of
Authority.

17.—(1.) Subject to this Ordinance, the Authority has power to do all things necessary or convenient to be done for or in connexion with or as incidental to the performance of its functions and, without limiting the generality of the foregoing, the Authority has power—

- (a) at such times as it thinks fit or as required by this Ordinance, to require the holders of licences or Vendor's Permits to make such returns or give such information as the Authority considers necessary for the purposes of this Ordinance;
- (b) on the direction of the Minister as required by this Ordinance, to inquire into and report to the Minister on questions whether a wholesaler's licence should be granted; and
- (c) on the direction of the Minister, to inquire into and report to the Minister on any matter connected with the supply, collection, processing, storage, distribution or sale of milk in the Territory.

(2.) The Authority may, by instrument under its seal, delegate to a member of the Authority any of its powers under this Ordinance, except this power of delegation, and a power so delegated may be exercised by the delegate in accordance with that instrument.

(3.) A delegation under the last preceding sub-section is revocable at will and does not prevent the exercise of a power by the Authority.

Inquiries by
Authority.

18.—(1.) Where an inquiry is to be held by the Authority, the Authority shall fix a time and place for the hearing of the inquiry.

(2.) Where, under this Ordinance, an inquiry is to be open to the public, the Authority shall cause notice of the matter to be inquired into and of the time and place fixed for the hearing of the inquiry to be published in a daily newspaper published and circulating in the Territory.

(3.) The Authority may adjourn the hearing of an inquiry from time to time.

(4.) Except as provided by this Ordinance, an inquiry shall not be open to the public.

(5.) Subject to the regulations, the procedure at an inquiry is within the discretion of the Authority.

(6.) At an inquiry, a person appearing before the Authority may be represented by a person on his behalf who may examine witnesses and address the Authority on behalf of the person on whose behalf he appears.

19.—(1.) The Chairman may, by writing under his hand, summon a person to attend an inquiry by the Authority at a specified time and place and then and there to give evidence and produce such books, documents or writings in his custody or control as he is required by the summons to produce.

Witnesses, &c.,
at inquiries.

(2.) A summons under the last preceding sub-section may be served—

- (a) personally;
- (b) by sending it by post to the person at his place of abode or business last-known to the Chairman; or
- (c) by leaving it at that place of abode or business with a person apparently living or employed at that place and apparently not less than sixteen years of age.

(3.) The Authority may retain books, documents or writings produced at an inquiry before it for such reasonable period as it thinks fit and may make copies of such portions of them as are relevant to a matter before the Authority.

(4.) At an inquiry, the Authority may take evidence on oath or affirmation and, for that purpose, a member of the Authority may administer an oath or affirmation.

(5.) A person who attends for the purpose of giving evidence before the Authority is entitled to receive such fees and travelling expenses in accordance with the scale in the Second Schedule to the Public Works Committee Regulations as in force from time to time under the *Public Works Committee Act 1969* as the Chairman determines.

20.—(1.) Subject to the next succeeding sub-section, a record of the evidence of a witness at an inquiry shall be made—

Record of
proceeding
at inquiry.

- (a) by means of sound-recording apparatus; or
- (b) by means of shorthand or any similar means.

(2.) Where the Authority so directs, the evidence of a witness at an inquiry shall not be recorded in accordance with the last preceding sub-section, but shall be taken down in writing, and, after being read over to the witness or given to him to read, shall be signed by the witness and the Chairman.

(3.) The Secretary to the Authority shall have the custody of any record of evidence made in accordance with sub-section (1.) of this section.

(4.) The Secretary to the Authority shall give such directions as he considers necessary for ensuring that, in any case where a transcript of the record of any evidence made in accordance with sub-section (1.) of this section is or may be required, a transcript is prepared.

(5.) Where a transcript of a record is prepared in accordance with the directions of the Secretary to the Authority given under the last preceding sub-section, the person who prepared the transcript, or under whose supervision the transcript was prepared, shall certify on the transcript, by writing under his hand, that the transcript is a true transcript of a record produced out of the custody of the Secretary to the Authority.

(6.) Where a record made by means of sound-recording apparatus, shorthand or similar means is produced out of the custody of the Secretary to the Authority and the record purports to be a record made in accordance with sub-section (1.) of this section of the evidence of a witness at an inquiry, the record is evidence that that person gave that evidence at that inquiry.

(7.) Where—

- (a) a sound-recording is produced out of the custody of the Secretary to the Authority; and
- (b) the sound-recording contains a record of comments that purport—
 - (i) to have been made at the same time as a sound-recording made in accordance with sub-section (1.) of this section of the evidence of a witness at an inquiry; and
 - (ii) to have been made for the purpose of identifying the proceedings, voices recorded on the last-mentioned sound-recording or any other matter or things so recorded,

the first-mentioned sound-recording is evidence of the identity of the proceedings, of the voices or of that other matter or thing, as the case may be.

(8.) Where—

- (a) a document purports to be a transcript, or a copy of a transcript, of a record made in accordance with sub-section (1.) of this section of evidence given by a witness at an inquiry; and
- (b) the document bears a certificate that purports to be a certificate given in accordance with sub-section (5.) of this section,

the document is evidence that the witness gave the evidence of which the document purports to be a transcript at that inquiry.

(9.) Where a document—

- (a) purports to be the evidence of a witness at an inquiry as taken down in writing and signed in accordance with sub-section (2.) of this section; or
- (b) purports to be a copy of the evidence of a witness at such an inquiry as so taken down in writing and signed and

bears a certificate that purports to be a certificate given in accordance with sub-section (5.) of this section, the document is evidence that the witness gave the evidence appearing in the document at that inquiry.

(10.) On an application made to the Secretary to the Authority by—

- (a) a person represented at an inquiry; or
- (b) a person who satisfies the Secretary to the Authority or the Authority that he has good reason for requiring a copy of a transcript or of any evidence recorded in accordance with this section,

the Secretary to the Authority shall, upon payment by the applicant of the prescribed fee, furnish to the applicant a copy of the transcript of evidence so recorded.

(11.) Where a person makes application to furnish to him under this section a copy of any transcript and a copy of the transcript is not available, the Secretary to the Authority may, before causing a copy of the transcript to be prepared, require the applicant to deposit with the Secretary to the Authority on account of the fee payable on the application such amount as the Secretary to the Authority determines, being an amount that does not, in his opinion, exceed the amount of the fee so payable.

21.—(1.) A person served with a summons to attend an inquiry before the Authority shall not refuse or fail, without reasonable excuse, to attend the inquiry or to produce the books, documents or writings in his custody or control that he is required by the summons to produce.

Offences in connexion with inquiry.

Penalty: One hundred dollars.

(2.) It is a defence to a prosecution for so refusing or failing, without reasonable excuse, to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the inquiry before the Authority.

(3.) A person appearing as a witness at an inquiry before the Authority shall not refuse to be sworn or to make an affirmation or to answer a question relevant to the proceedings put to him by a member of the Authority.

Penalty: One hundred dollars.

(4.) A statement or disclosure made before the Authority by a witness is not, except in proceedings for giving false testimony at an inquiry before the Authority, admissible in evidence against him in civil or criminal proceedings in a court.

PART III.—LICENCES AND PERMITS.

22.—(1.) A person shall not, in the Territory, carry on the business of processing milk for sale to other persons unless he is the holder of a Wholesaler's (Processing) Licence.

Wholesaler's licences.

Penalty: Five hundred dollars.

(2.) A person shall not carry on the business of importing milk into the Territory from a place outside the Territory and selling it in the Territory to other persons unless he is the holder of a Wholesaler's (Importing) Licence.

Penalty: Five hundred dollars.

(3.) A person to whom a wholesaler's licence is granted shall not carry on the business of processing milk or of importing milk for sale in the Territory to other persons—

(a) elsewhere than from or to premises in respect of which—

(i) there is in force a certificate of the Director-General stating that the premises conform to the standards provided by the Dairy Regulations on a specified date, being a date not earlier than one month before the date of commencement of the current term fixed under section 27 of this Ordinance in respect of the licence; and

(ii) the Secretary to the Department of the Interior or an officer authorized by him to give certificates under this sub-paragraph has given a certificate stating that, in the opinion of the Secretary or the authorized officer, the carrying on of the business on the land at those premises is not prohibited by the provisions of the lease of the land; and

(b) otherwise than with machinery or equipment in respect of which there is in force a certificate of the Director-General stating that, on a specified date, being a date not earlier than the date referred to in sub-paragraph (i) of the last-preceding paragraph, that machinery or equipment complied with the requirements of the Dairy Regulations.

Penalty: Five hundred dollars.

(4.) Where a person is convicted of an offence against sub-section (1.), (2.) or (3.) of this section or against this sub-section, he is guilty of a further offence if, after he is so convicted, he continues to act in contravention of whichever of sub-section (1.), (2.) or (3.) of this section for an offence against which he was first convicted and is liable, upon conviction, to a penalty not exceeding Fifty dollars for each day during which the contravention so continues.

(5.) The holder of a wholesaler's licence shall not sell to another person milk in a quantity upon any one occasion of less than two gallons unless he holds a Retailer's Licence.

Penalty: One hundred dollars.

(6.) A person, not being the holder of a licence, to whom milk is sold by the holder of a wholesaler's licence shall not resell the milk to another person.

Penalty: One hundred dollars.

(7.) The holder of a wholesaler's licence shall not refuse to sell milk processed, or imported into the Territory, by him to the holder of a licence.

Penalty: Four hundred dollars.

(8.) The holder of a wholesaler's licence shall not sell milk to a person at a price higher than the maximum wholesale price prescribed by the regulations.

Penalty: Four hundred dollars.

23.—(1.) Subject to this section, a person shall not carry on the business of the retail sale of milk or the delivery of milk intended for retail sale unless he is the holder of a Vendor's Licence or Vendor's Permit.

Vendor's
Licence
and Vendor's
Permit.

Penalty: Two hundred dollars.

(2.) The last preceding sub-section does not apply to and in relation to a person who is the holder of a wholesaler's licence, a Retailer's Licence or a Vending Machine Licence.

(3.) A person to whom the holder of a Vendor's Licence or Vendor's Permit has sold or delivered milk shall not resell the milk to another person.

Penalty: One hundred dollars.

(4.) The holder of a Vendor's Licence or Vendor's Permit shall not sell or deliver milk except from a vehicle or vehicles specified in the licence.

Penalty: One hundred dollars.

(5.) The holder of a Vendor's Licence or Vendor's Permit shall not, in his business, refuse to sell by retail, or to deliver for retail sale, milk processed or imported into the Territory by a particular holder of a wholesaler's licence.

Penalty: Two hundred dollars.

(6.) A person to whom a Vendor's Licence or Vendor's Permit is granted shall not carry on the business of the retail sale of milk or the delivery of milk intended for retail sale otherwise than with a vehicle, machinery or equipment in respect of which there is in force a certificate of the Director-General stating that the vehicle, machinery or equipment complied with the requirements of the Dairy Regulations on a specified date, being a date not earlier than one month before the date of commencement of the current term fixed under section 27 of this Ordinance in respect of the licence or permit.

Penalty: Two hundred dollars.

(7.) A Vendor's Licence is subject to the conditions that the holder of the licence shall carry on the business of the retail sale of milk or the delivery of milk intended for retail sale—

- (a) in the zone to which the licence relates; and
- (b) on such days, in the zone or in such parts of the zone, as the Authority, by notice in writing served on the licensee, determines.

(8.) A Vendor's Permit is subject to the conditions that the holder of the permit shall carry on the business of the retail sale of milk or the delivery of milk intended for retail sale—

- (a) in the provisional area to which the permit relates; and
- (b) on such days, in the area or in such parts of the area, as the Authority, by notice in writing served on the holder of the permit, determines.

(9.) The holder of a Vendor's Permit or Vendor's Licence shall not sell milk to a person at a price higher than the maximum retail price prescribed by the regulations.

Penalty: Two hundred dollars.

(10.) A company is not eligible for the grant of a Vendor's Licence or Vendor's Permit.

Retailer's
Licence.

24.—(1.) Subject to this section, a person shall not carry on the business of the retail sale of milk from a shop or vehicle, or the storing of milk intended for retail sale in premises or in or on a vehicle, unless he is the holder of a Retailer's Licence.

(2.) The last preceding sub-section does not apply to and in relation to a person who is the holder of a Vending Machine Licence, Vendor's Licence or Vendor's Permit.

(3.) The holder of a Retailer's Licence shall not deliver milk to premises except as part of a sale of groceries.

(4.) The holder of a Retailer's Licence shall not sell or deliver milk except from premises or a vehicle or vehicles specified in his licence.

(5.) The holder of a Retailer's Licence shall not, in his business, refuse to sell by retail or store for retail sale, milk processed or imported into the Territory by a particular holder of a wholesaler's licence.

(6.) A person to whom a Retailer's Licence is granted shall not carry on the business of the retail sale of milk from a shop or vehicle or the storing of milk intended for retail sale in premises or in or on a vehicle unless there is in force a certificate by the Director-General stating that the shop, vehicle or premises complied with the requirements of the Dairy Regulations on a specified date, being a date not earlier than one month before the date of commencement of the current term fixed under section 27 of this Ordinance in respect of the licence.

(7.) The holder of a Retailer's Licence shall not sell milk to a person at a price higher than the maximum retail price prescribed by the regulations.

Penalty: Two hundred dollars.

Vending
Machine
Licence.

25.—(1.) A person shall not install a coin-operated machine or other appliance from which milk may be automatically sold by retail, or so sell milk by means of such a machine or appliance, unless he is the holder of a Vending Machine Licence.

(2.) The holder of a Vending Machine Licence shall not install a machine of a type referred to in the last preceding sub-section elsewhere than in such premises or such places as are specified in his licence.

(3.) The holder of a Vending Machine Licence shall not install a machine of a type referred to in sub-section (1.) of this section other than the machine described in his licence.

(4.) Except with the permission in writing of the Authority, the holder of a Vending Machine Licence shall not refuse to sell by means of the machine or appliance in respect of which he is licensed milk processed or imported into the Territory by a particular holder of a wholesaler's licence.

(5.) A person to whom a Vending Machine Licence is granted shall not install a coin-operated machine or other appliance from which milk may be automatically sold by retail or so sell milk by means of such a machine or appliance unless there is in force a certificate by the Director-General stating that the machine or appliance complied with the requirements of the Dairy Regulations on a specified date, being a date not earlier than one month before the date of commencement of the current term fixed under section 27 of this Ordinance in respect of the licence.

(6.) The holder of a Vending Machine Licence shall not sell milk by means of the machine or appliance in respect of which he is licensed at a price higher than the maximum retail price prescribed by the regulations.

Penalty: Two hundred dollars.

26.—(1.) An application for the grant of a licence or Vendor's Permit—

Applications
for licences
and permits.

- (a) shall be in writing and, except in the case of a company, signed by the applicant;
- (b) shall be lodged with the Secretary to the Authority;
- (c) shall be in accordance with such form as is approved by the Authority;
- (d) shall be accompanied by the prescribed fee for that licence or permit;
- (e) shall be accompanied by such certificates in relation to such a licence or permit as are required by this Ordinance to be given in relation to the grant of such a licence or permit; and
- (f) except in the case of a company, shall be accompanied by testimonials by two persons as to the fame and character of the applicant and any agent or nominee of the applicant in relation to conduct the business under the licence or permit applied for.

(2.) An application for a licence by a company—

- (a) shall be signed on behalf of the company by a director of the company;
- (b) shall be accompanied by a copy of the certificate of incorporation of the company certified to be a true copy by the Registrar of Companies under the *Companies Ordinance 1962-1971*; and
- (c) shall be accompanied by testimonials, in respect of each of the directors of the company, by two persons as to the fame and character of each of the directors.

(3.) A copy of the application shall be lodged with the Director-General and a copy with the Commissioner of Police.

(4.) The Secretary to the Authority shall give a copy of an application for a wholesaler's licence to the Minister.

(5.) An applicant shall, not less than fourteen days before making an application for a licence or permit, cause notice of his intention so to apply to be published in a daily newspaper published and circulating in the Territory.

(6.) The Secretary to the Authority may, by notice in writing served on the applicant, require him to furnish, within the period specified in the notice, further information in writing in connexion with his application, and an application shall not be considered unless that further information is supplied.

(7.) An application for a wholesaler's licence shall be accompanied by a security of Five hundred dollars in respect of the costs of the inquiry into the application.

Annual fees.

27.—(1.) The Authority shall fix a date as the date of the end of a term in respect of licences included in each class of licences and in respect of Vendor's Permits.

(2.) The date so fixed in respect of a licence or permit shall be specified in the licence or permit.

(3.) The prescribed annual fee for a term in respect of a licence or permit becomes payable each year on the date so fixed.

Objections.

28.—(1.) The Commissioner of Police may, within twenty-one days after the date on which he receives a copy of an application for a licence or Vendor's Permit under section 26 of this Ordinance, object to the application, and any other person may, within fourteen days after the publication of the notice referred to in sub-section (5.) of that section, so object to the application, by notice in writing to the Secretary to the Authority, on the ground that the applicant is not of good fame and character or, in the case of a company, that a director of the company is not of good fame and character.

(2.) The Director-General may, within twenty-one days after the date on which he receives a copy of an application for a licence or Vendor's Permit under section 26 of this Ordinance, object to the application by notice in writing to the Secretary to the Authority, on the ground that the applicant is unfit by reason of his health to be the holder of such a licence or permit.

(3.) Where—

- (a) a director of a company that is the holder of a licence is appointed in addition to other directors, or in place of a director, of the company; or
- (b) a partnership that is the holder of a licence or Vendor's Permit is dissolved and a new partnership consisting of some but not all the previous members of the partnership is formed,

the holder of the licence or permit shall, within fourteen days after that fact, give notice in writing of the fact to the Secretary to the Authority, to the Commissioner of Police and to the Director-General.

(4.) The notice under the last preceding sub-section shall include the name and address of the new director or new partner, as the case may be, and be accompanied by testimonials by two persons as to the fame and character of the new director or new partner, as the case may be.

(5.) The Commissioner of Police may, within twenty-one days after a notice is given under sub-section (3.) of this section, object, by notice in writing given to the Secretary to the Authority, to the continuation in force of the licence or permit on the ground that the new director or new partner, as the case may be, is not of good fame and character.

(6.) The Director-General may, within twenty-one days after a notice is given under sub-section (3.) of this section, object, by notice in writing given to the Secretary to the Authority, to the continuation in force of the licence or permit on the ground that the new director or new partner, as the case may be, is unfit by reason of his health to be the holder of such a licence or permit.

(7.) The Secretary to the Authority shall cause a copy of a notice of objection to be served on the applicant and a copy to be given to the Authority.

29.—(1.) The Secretary to the Authority shall grant an application made under this Ordinance for a licence (other than a wholesaler's licence) or for a Vendor's Permit unless—

Grant or
refusal of
licences
or permits.

- (a) an objection is made under the last preceding section;
- (b) he is not satisfied that the applicant is of good fame and character;
- (c) a request for information under sub-section (6.) of section 26 of this Ordinance has not been complied with; or
- (d) the prescribed fee for the grant of the licence or permit has not been paid.

(2.) Where an objection is made under the last preceding section or he is not so satisfied, the Secretary to the Authority shall refuse the application.

(3.) Where he refuses an application, the Secretary to the Authority shall—

- (a) inform the applicant by notice in writing accordingly; and
- (b) furnish to the Authority a statement in writing of the refusal and of the grounds for the refusal.

(4.) A person whose application has been refused by the Secretary to the Authority may, within seven days after the date of the notice under paragraph (a) of the last preceding sub-section, appeal to the Authority against the refusal by instrument in writing served on the Authority.

(5.) If the applicant so requests, the Secretary to the Authority shall give the applicant a copy of the statement furnished under paragraph (b) of sub-section (3.) of this section.

(6.) Where an application is made for a wholesaler's licence, the Minister shall direct the Authority—

- (a) to hold an inquiry, open to the public, into the question whether the licence should be granted having regard, among other matters stated by the Minister in the direction, to—
 - (i) the likely effect of granting the licence on the existing supply and distribution of milk in the Territory;
 - (ii) the likely effect on the retail price of milk;
 - (iii) the proposed arrangements by the applicants for the marketing, processing, and packaging, and importing, as the case may be, of milk; and
 - (iv) the continuity of supply of milk by or to the applicant; and
- (b) to report to the Minister the results of the inquiry, setting out its views on those matters.

(7.) The Minister may, after receiving the report of the Authority, grant an application for a wholesaler's licence, and authorize the issue of the licence.

(8.) Where there are two or more applicants for a wholesaler's licence, so much of each security referred to in sub-section (7.) of section 26 of this Ordinance paid with each application as is in excess of an amount calculated by dividing the sum of Five hundred dollars by the number of the applicants shall be refunded to each applicant.

(9.) Where the Minister refuses to grant a wholesaler's licence, he shall cause the Secretary to the Authority to inform the applicant by notice in writing accordingly.

(10.) A person whose application for a wholesaler's licence has been refused by the Minister may appeal to the Supreme Court as provided by section 34 of this Ordinance.

Complaints
in respect of
conduct of
licensees
or permittees.

30.—(1.) Where a person is aggrieved that the holder of a licence or Vendor's Permit is not providing service regularly, is not exercising due skill, care and consideration in carrying out his business, or that his conduct in the course of his business is likely to affect adversely the operations of other holders of licences or permits or the rights or expectations of consumers of milk, that person may, by instrument in writing, lodge a complaint with the Secretary to the Authority.

(2.) The Secretary to the Authority shall, on receipt of a complaint, by notice in writing, call on the parties, within twenty-one days after the date of the notice, to make representations orally or in writing in connexion with the complaint.

(3.) The Secretary to the Authority shall consider any representations and, unless he considers it to be a serious complaint warranting an inquiry by the Authority or that the complaint alleges a ground for the revocation of a licence, shall attempt to settle the differences between the parties arising out of the complaint.

(4.) If—

- (a) the Secretary to the Authority considers that the complaint is a serious one warranting an inquiry by the Authority;
- (b) the complaint alleges a ground for the revocation of a licence; or
- (c) the parties do not agree to a settlement of the differences arising out of the complaint proposed by the Secretary to the Authority,

the Secretary to the Authority shall refer the complaint to the Authority.

31.—(1.) Without limiting the generality of its powers, the Authority may, of its own motion, revoke a licence or Vendor's Permit on any one or more of the following grounds:—

Revocation of
licences
or permits.

- (a) that the licence or permit was obtained by means of misrepresentation;
- (b) that a false or misleading statement was made in or in connexion with an application for the grant of the licence or permit;
- (c) that the holder of the licence or permit has been convicted after the grant of the licence or permit, either within or outside the Territory, of an offence punishable, in the case of a conviction of a person other than a company, by imprisonment for a period exceeding six months;
- (d) that the holder of the licence or permit has been convicted of an offence against this Ordinance, regulations made under this Ordinance or the Dairy Regulations;
- (e) that the holder of the licence or permit has not paid the prescribed annual fee within the period of three months after the date on which it became due and payable;
- (f) in the case of a Vendor's Licence or Vendor's Permit, that the Authority is not satisfied that the holder of the licence or permit has the sole use, management and control of the business in respect of which the licence or permit was granted;
- (g) the Authority is satisfied that the holder of the licence or permit has ceased to carry on the business for which his licence or permit was granted;
- (h) that the holder of the licence or permit has failed to comply with a condition of his licence or permit or a direction given under sub-section (4.) of the next succeeding section;
- (i) after inquiry by the Authority under this Ordinance into his conduct in the course of his business, that the holder of the licence or permit is not a person of good fame and character;
- (j) on an objection under section 28 of this Ordinance, that a new director of a company that is a licensee, or a new partner of a partnership that is a licensee or the holder of a Vendor's Permit, is not a person of good fame and character.

(2.) The Authority shall, before revoking a licence or permit on a ground referred to in the last preceding sub-section, direct the Secretary to the Authority to give notice in writing to the holder of the licence or permit calling upon him within twenty-one days after the date of the notice to show cause why the licence or permit should not be revoked on the grounds stated in the licence or permit, and the holder of the licence or permit may give notice of his intention so to show cause accordingly.

(3.) If the holder of the licence or permit does not give the Secretary to the Authority notice in writing that he intends to show cause why his licence or permit should not be revoked within the period prescribed by the last preceding sub-section, or within such further time as the Authority on application in writing allows, the Authority shall, unless it withdraws the notice, revoke the licence or permit.

(4.) The Authority may, in revoking a licence or permit on a ground referred to in sub-section (1.) of this section, specify a period that shall lapse before the person formerly the holder of the licence or permit may apply again for a licence or permit, and, in that event, that person is not eligible to apply again for a licence or permit until the expiration of that period.

(5.) If the Authority does not, in revoking a licence or permit, so specify a period for the purposes of the last preceding sub-section, the person formerly the holder of the licence or permit is not, without the written approval of the Authority, again eligible to apply for a licence or permit.

(6.) Where the whole of the provisional area in respect of a Vendor's Permit is incorporated in the area of a zone, the Authority shall revoke the Vendor's Permit.

(7.) A licence or permit that is revoked ceases to have effect from and including the day on which it is revoked, and the person to whom the licence or permit was granted ceased to be the holder of the licence or permit on and from that day.

Inquiries by
Authority into
refusals to
grant, or
revocation of
licences or
permits or into
complaints.

32.—(1.) Subject to this section, where an appeal is made to the Authority under section 29 of this Ordinance against a refusal to grant a licence or Vendor's Permit, or the holder of a licence or permit gives the notice referred to in the last preceding section that he intends to show cause why his licence or permit should not be revoked, or a complaint is referred to the Authority under section 30 of this Ordinance, the Authority shall hold an inquiry.

(2.) The Authority shall record the reasons for its decision after the inquiry and, if so requested by the appellant or the holder of the licence or permit or complainant, furnish to him a copy of those reasons.

(3.) Where notice has been given to a person calling on him to show cause why his licence or permit should not be revoked on the ground referred to in paragraph (c) of sub-section (1.) of the last preceding section, and the person has given the notice referred to in that section that he intends to show cause why his licence or permit

should not be so revoked, the Authority shall not proceed with the holding of the inquiry until the proceedings in respect of the offence referred to in the first-mentioned notice have been finally disposed of.

(4.) Where a complaint is referred to the Authority under section 30 of this Ordinance, the Authority may, if it upholds the complaint, issue to the holder of the licence or permit such directions as to the conduct of his business as it considers appropriate.

33.—(1.) Subject to this section, the Authority may approve the transfer of a licence or Vendor's Permit to a person who is eligible for the grant of such a licence or permit. Transfers of licences and permits.

(2.) An application for a transfer of a licence or permit shall be made in writing to the Secretary to the Authority jointly by the proposed transferor and transferee.

(3.) The Authority shall not approve the transfer of a licence—

(a) that has been revoked; or

(b) at any time after notice calling upon the licensee to show cause why the licence should not be revoked has been given under section 31 of this Ordinance and before the date on which the decision of the Authority whether so to revoke is given under that section.

(4.) The Authority shall not approve the transfer of a Vendor's Licence or Vendor's Permit unless—

(a) the holder of the licence or permit has died;

(b) on medical evidence, the Authority is satisfied that the physical or mental condition of the holder of the licence or permit is such that transfer of the licence or permit is desirable; or

(c) the Authority is satisfied that there are exceptional circumstances that warrant the transfer.

34.—(1.) Where the Minister refuses to grant, or the Authority revokes, a wholesaler's licence, the applicant, or person who was the licensee, as the case may be, may, within twenty-one days after the decision was given, appeal to the Supreme Court against the decision. Appeals to courts.

(2.) Jurisdiction to hear and determine appeals under the last preceding sub-section is vested in the Supreme Court.

(3.) Where the Authority refuses on appeal to grant, or revokes, a licence other than a wholesaler's licence, the applicant, or the person who was the licensee, as the case may be, may, within twenty-one days after the decision was given, appeal to the Court of Petty Sessions against the decision.

(4.) Where the Authority issues directions to the holder of a licence or Vendor's Permit under sub-section (4.) of section 32 of this Ordinance, the holder may appeal to the Court of Petty Sessions against the decision of the Authority on the complaint or against any such direction.

(5.) Where the Authority does not approve the transfer of a licence or Vendor's Permit, the proposed transferor or transferee may appeal to the Court of Petty Sessions against the decision.

(6.) Jurisdiction to hear and determine appeals under the last three preceding sub-sections is vested in the Court of Petty Sessions.

(7.) An appeal under this section shall be in the nature of a re-hearing.

(8.) The Authority shall be the respondent on the appeal.

(9.) The court hearing the appeal may—

- (a) affirm, set aside or vary the decision of the Authority;
- (b) give such judgment as to the court seems proper; and
- (c) make such other order as justice requires.

Vendors not
to employ
certain persons.

35. The holder of a Vendor's Licence or Vendor's Permit shall not, except with the consent in writing of the Authority, employ a person in any capacity in the business in respect of which his licence or permit was granted, knowing that the person—

- (a) is a person whose application for a licence or permit has been refused; or
- (b) is a person whose licence or permit has been revoked otherwise than by reason that he ceased to carry on the business in respect of which his licence or permit was granted or in pursuance of sub-section (6.) of section 31 of this Ordinance.

Penalty: Two hundred dollars.

Improper
obtaining or
use of licence
or permit.

36.—(1.) The holder of a licence or Vendor's Permit shall not permit another person to have possession of his licence or permit with the intent that that other person shall represent himself as the holder of the licence or permit.

(2.) A person shall not obtain a licence or Vendor's Permit through a false or misleading statement or by misrepresentation.

Penalty: Two hundred dollars.

Inspection
of licence
or permit.

37. The holder of a licence or Vendor's Permit shall, within twenty-four hours after being so requested by the Secretary to the Authority, an inspector under this Ordinance, a member of the Police Force or an inspector under the Dairy Regulations, produce his licence or permit for inspection by the Secretary to the Authority, member of the Police Force or inspector.

Penalty: Twenty dollars.

Acknowledgement
of
licence
or permit.

38. A person to whom a licence or Vendor's Permit is issued shall acknowledge in writing the receipt of the licence or permit.

Evidence of
licence or
permit.

39. A document purporting to be a certificate under the hand of the Secretary to the Authority and stating that a person named in the document was or was not on a date or dates or during a period mentioned in the document the holder of a licence included in a class of licence specified in the document or of a Vendor's Permit is, in all courts and before all persons and bodies, authorized to receive evidence, evidence of the matters so stated.

40.—(1.) A document required by this Ordinance to be given to, or served upon, the holder of a licence or Vendor's Permit may be given or served by leaving it at a place specified in his licence or permit as the place or the principal place at which he carries on business under the licence or permit.

Service on
holders and
applicants for
licences or
permits.

(2.) A document required by this Ordinance to be given to or served on an applicant for a licence or Vendor's Permit or another person may be given or served by sending it by post to the person at his last-known place of residence.

41.—(1.) A person who was, immediately before the date on which this Ordinance is notified in the *Gazette*— Transitional.

(a) the holder of a licence to carry on the business of milk vendor under the Dairy Regulations; and

(b) under a contract or agreement with a person who is eligible for a wholesaler's licence, engaged in the retail sale of milk or the delivery of milk intended for retail sale,

may apply for a Vendor's Permit under this Ordinance.

(2.) A permit granted to an applicant referred to in the last preceding sub-section shall, subject to this Ordinance, be in force until a determination is made under section 44 of this Ordinance.

(3.) A person who was immediately before the date of commencement of this Ordinance, carrying on business of processing milk for supply to other persons shall be deemed to have been granted a Wholesaler's (Processing) Licence on that date.

(4.) A person who was, immediately before the date of commencement of this Ordinance, carrying on the business of importing milk into the Territory from a place outside the Territory and supplying it in the Territory to other persons shall be deemed to have been granted a Wholesaler's (Importing) Licence on that date.

(5.) A person who was, immediately before the date of commencement of this Ordinance, carrying on the business of the retail sale of milk from a shop or vehicle or the storing of milk for retail sale in premises or in or on a vehicle shall be deemed to have been granted a Retailer's Licence on that date.

(6.) The Secretary to the Authority shall authorize the issue of the appropriate licence to the person to whom the licence is to be deemed to have been granted by virtue of this section.

(7.) Notwithstanding section 26 of this Ordinance, the prescribed fee for the grant of a licence of a kind that is to be deemed to have been granted by virtue of this section or for a Vendor's Permit is payable within the period of fourteen days after the date of commencement of this Ordinance.

PART IV.—ZONING OF MILK VENDORS.

42. The holder of a Vendor's Licence or Vendor's Permit shall not carry on the business of the retail sale of milk or the delivery of milk intended for retail sale elsewhere than within the zone or provisional

Vendors to sell,
&c., within
allotted zones,
&c.

area for the time being the subject of his licence or permit, as the case may be.

Penalty: Two hundred dollars.

Provisional
areas.

43.—(1.) Until a determination of zones under the next succeeding section, the provisional area in respect of a Vendor's Permit granted to a person is the area in which that person engaged in the retail sale of milk or the delivery of milk intended for retail sale immediately before the date on which this Ordinance is notified in the *Gazette*.

(2.) The Authority may, at any time, determine an area of the Territory that is not then included in a zone to be a provisional area in respect of a Vendor's Permit.

(3.) The Authority may, on determining or re-determining the area of a zone, incorporate in the zone the whole or part of a provisional area.

Interim
zoning.

44.—(1.) The Authority shall, as soon as practicable after the commencement of this Ordinance, by instrument in writing served on each holder of a Vendor's Permit, require him within such period as is specified in the instrument to make a return, in accordance with such form as the Authority approves, showing—

- (a) the places in the provisional area in respect of the Permit at which he carried on his business of the retail sale of milk or the delivery of milk intended for retail sale during the period of two months immediately preceding a date specified in the instrument;
- (b) the average daily amount of milk in gallons, if any, so sold or delivered during that period;
- (c) the number of persons engaged daily in that sale or delivery during that period;
- (d) the number of hours taken daily so to sell or deliver milk during that period (not including the time taken travelling between the processing plant or depot and the provisional area); and
- (e) such other information as the Authority requires by the instrument.

(2.) The Authority shall, after taking into account the returns made under the last preceding sub-section, determine a zone in respect of each Vendor's Licence to be granted.

(3.) In determining the area of a zone, the Authority shall, having regard to the distribution of population and possible future population and the physical features of the terrain, confine, as near as is practicable, the area to an area in which, from the returns, not less than seventy or more than one hundred gallons were sold or delivered on the average daily during the period to which the returns related.

Zoning.

45.—(1.) The Authority may, at any time after the determination of zones under the last preceding section but in any case at intervals of not more than twelve months, by instrument in writing served on each holder of a Vendor's Licence or Vendor's Permit require him

within such period as is specified in the instrument to make a return, in accordance with such form as the Authority approves, showing—

- (a) the places in the zone in respect of the licence or provisional area in respect of the permit at which he carried on his business of the retail sale of milk or the delivery of milk intended for retail sale during the period of two months immediately preceding a date specified in the instrument;
- (b) the average daily amount of milk in gallons so sold or delivered during that period;
- (c) the number of persons engaged daily in that sale or delivery during that period;
- (d) the types of packaging of milk so sold or delivered during that period;
- (e) the number of hours taken daily so to sell or deliver the milk (not including the time taken travelling between the processing plant or depot and the zone or provisional area); and
- (f) such other information as the Authority requires by the instrument.

(2.) The Authority shall, after taking into account the returns made under the last preceding sub-section, re-determine the zones in respect of Vendor's Licences.

(3.) For the purposes of such a re-determination, the Authority shall, from the returns made under sub-section (1.) of this section—

- (a) determine the number of gallons of milk that a person engaged in the business of the retail sale of milk or the delivery of milk intended for retail sale might alone be expected so to sell or deliver while actually selling or delivering milk during a continuous period of eight hours; and
- (b) determine the number of gallons of milk that such a person might alone be expected so to sell or deliver while actually selling or delivering milk during a continuous period of four hours.

(4.) In making a re-determination the Authority shall confine the area of a zone to an area in which, from the returns made under sub-section (1.) of this section, a number of gallons—

- (a) not exceeding the number of gallons determined by the Authority under paragraph (a) of the last preceding sub-section; and
- (b) not less than the number of gallons determined by the Authority under paragraph (b) of the last preceding sub-section,

was sold or delivered during the period to which the returns related.

46.—(1.) The holder of a Vendor's Licence or Vendor's Permit may, within fourteen days after the determination or re-determination of the zone or provisional area in respect of the licence or permit, by instrument in writing served on the Authority, surrender the licence or permit.

Surrender of
Vendor's
Licences and
Vendor's
Permits and
re-allocation.

(2.) In the instrument surrendering a licence or permit, the former holder of the licence or permit may state a preference for a licence or permit in respect of another specified zone or provisional area that has not been allotted in respect of a licence or permit in place of the zone or provisional area in respect of the surrendered licence or permit.

(3.) Where, on a determination or re-determination of zones or provisional areas under this Part, a licence or permit in respect of a zone or provisional area is surrendered, the Authority shall, subject to this Ordinance, grant the licence or permit to a person who, having surrendered a licence or permit, has stated a preference for a licence or permit in respect of that zone or provisional area.

(4.) If there are two or more persons who have so stated a preference for a licence or permit in respect of a zone or provisional area, the person to whom the licence or permit shall be granted shall be chosen by lot.

(5.) Where—

- (a) a Vendor's Licence or Vendor's Permit is surrendered and the licence or permit is not granted under either of the last two preceding sub-sections;
- (b) a Vendor's Licence or Vendor's Permit is revoked; or
- (c) in giving effect to a determination or re-determination of zones under this Part, the Authority does not allot a zone in respect of a Vendor's Licence,

the Secretary to the Authority shall, by notice published in a daily newspaper published and circulating in the Territory, invite holders of Vendor's Licences, holders of Vendor's Permits and other persons eligible for a Vendor's Licence or Vendor's Permit to apply, within such period as is specified in the notice, for the licence or permit to be granted to him.

(6.) Where two or more persons apply for the grant of a Vendor's Licence or Vendor's Permit under the last preceding sub-section, preference over other persons in choosing the person to whom the licence or permit is to be granted shall be given first to an applicant who is the holder of a Vendor's Licence or, if there is no such applicant, to an applicant who is the holder of a Vendor's Permit.

(7.) Where there are two or more applicants to whom the licence or permit may otherwise be granted in pursuance of the last preceding sub-section, the applicant to whom the licence or permit is to be granted shall be chosen by lot.

Notification of
zoning, &c.

47.—(1.) The Secretary to the Authority shall cause notice of details of a determination or re-determination of zones and provisional areas under this Part to be published in a daily newspaper published and circulating in the Territory.

(2.) A determination or re-determination of zones and provisional areas under this Part does not have effect until the expiration of a period of twenty-eight days after the publication of the notice of the determination or re-determination as provided by the last preceding

sub-section, until such later date as is specified in the notice or until after the hearing of any objection under the next succeeding section, whichever is the later.

48.—(1.) Within the period of fourteen days after the publication of the notice of the determination or re-determination of a zone or provisional area under any of the preceding provisions of this Part, any holder of a Vendor's Licence, or a person residing in the area constituted by the zone or provisional area as so determined or re-determined, may, by notice in writing lodged with the Secretary to the Authority, object to the determination or re-determination on the ground that the Authority has not given due consideration to the matters required to be taken into account under this Ordinance.

Objections to zoning, &c.

(2.) The Authority shall, within the period of fourteen days after the lodging of the objection, consider the objection and may either disallow it, or allow it with such alterations of its determination or re-determination as it thinks fit.

(3.) The decision of the Authority under the last preceding section shall be final.

(4.) The Secretary to the Authority shall cause details of a decision of the Authority under sub-section (2.) of this section by which a determination or re-determination of a zone or provisional area is altered, including details of the zone or provisional area as so altered, to be published in a daily newspaper published and circulating in the Territory.

PART V.—MISCELLANEOUS.

49. A person shall not give, agree to give or offer to the holder of a Vendor's Licence, Vendor's Permit or a Retailer's Licence a gift or other consideration with the object of inducing that licensee in his business to increase or reduce sales of, or to sell exclusively, milk processed or imported into the Territory by a particular holder of a wholesaler's licence.

Inducements to increase sales of particular brand of milk.

Penalty: Five hundred dollars.

50. A licensee shall not fail or refuse to make a return required of him by the Authority under this Ordinance.

Failure or refusal to make return.

Penalty: Two hundred dollars.

51.—(1.) An action or proceeding, civil or criminal, does not lie against a member of the Authority or the Secretary to the Authority for or in respect of an act or thing done in good faith by the member in his capacity as member.

Protection of members of the Authority and Secretary.

(2.) An act or thing shall be deemed to have been done in good faith if the member of the Authority or the Secretary to the Authority by whom the act or thing was done was not actuated by ill-will towards the person affected or by any other improper motive.

Authority
and Secretary
may be
represented
by counsel.

52. The Authority or the Secretary to the Authority may be represented by a barrister, solicitor or other person at an inquiry or appeal.

Protection of
barristers,
witnesses, &c.

53.—(1.) A barrister, solicitor or other person appearing before the Authority has the same protection and immunity as a barrister has in appearing for a party in proceedings in the Supreme Court.

(2.) A witness summoned to attend or appearing before the Authority has the same protection as a witness in proceedings in the Supreme Court.

Regulations.

54.—(1.) The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters that by this Ordinance are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular for—

- (a)** prescribing permitted types and sizes of packaging for milk and milk products;
- (b)** prescribing milk products that may be sold or delivered by the holders of licences or of licences included in a prescribed class of licences or by the holders of Vendor's Permits;
- (c)** prescribing the maximum wholesale price for which milk may be bought from holders of wholesaler's licences;
- (d)** prescribing the maximum price for which milk or milk containing a prescribed quantity of butter fat may be sold by retail sale;
- (e)** prescribing fees for applications for, for transfers of, for the issue of, for the variation of, licences and Vendor's Permits and for copies of documents from the Authority;
- (f)** prescribing annual fees for licences and Vendor's Permits; and
- (g)** prescribing penalties not exceeding a fine of One hundred dollars for offences against the regulations.

(2.) The Minister shall not make regulations prescribing a matter under paragraph **(a)**, **(c)** or **(d)** of the last preceding sub-section unless the Authority has, after a public inquiry held by it, reported its findings to the Minister.