

AUSTRALIAN CAPITAL TERRITORY

MILK AUTHORITY (AMENDMENT) ORDINANCE 1984

No. 71 of 1984

EXPLANATORY STATEMENT

The Milk Authority (Amendment) Ordinance 1984 (the amending Ordinance) amends the Milk Authority Ordinance 1971 (the principal Ordinance) to bring the offences and penalties contained in that Ordinance into line with current criminal law policy.

Details of the amending Ordinance are as follows:

Sections 1 and 2 deal with interpretation.

Section 3 amends section 28(1)(h) of the principal Ordinance, which provides that the Milk Authority may revoke a licence or permit on the grounds that the holder of the licence or permit is in breach of an order made under section 30(1) so that this sanction may not be used if the holder of the licence or permit is prosecuted for breaching that order.

Section 4 amends section 30 of the principal Ordinance, which deals with the power of the Milk Authority to make an order restraining the holder of a licence or permit from engaging in certain operations during the course of an inquiry by the Authority, by adding sub-section 30(4) which provides that it is an offence for the holder of a licence or permit whose name is specified in an order under section 30 to fail to comply with that order.

Section 5 and 6 repeal sections 49A and 50 of the principal Ordinance which are general penalty provisions and contrary to current criminal law policy.

Section 7 provides that the penalties under the Ordinance are revised in accordance with the Schedule to the amending Ordinance. Details of the proposed penalties are:

| <u>Section and Subject</u> | <u>Previous Penalty</u> | <u>New Penalty</u> |
|---|-------------------------|--|
| 5(3), Obstructing, Threatening of Inspectors | \$200 | \$1,000 or 6 months imprisonment or both. |

| <u>Section and Subject</u> | <u>Previous Penalty</u> | <u>New Penalty</u> |
|---|---|---|
| 5(s), Failure to comply with Inspectors request | \$200 | \$1,000 |
| 17A, Selling Milk not in pursuance of the Ordinance | \$100, and \$200 for each day on which offence continues, and for a body corporate \$2000 and \$200 for each day offence continues. | \$2,000 for a natural person, and \$10,000 for a body corporate (no continuing penalty) |
| 21(1), Failure to attend produce books at an Inquiry | \$100 | \$1,000 |
| 21(3), Failure to be sworn as a witness, or answer, at an Inquiry | \$100 | \$1,000 |
| 21(5), Publication of certain evidence from Inquiry | \$100 | \$1,000 |
| 22(1), Selling and delivering milk without vendor's permit | \$200 | \$1,000 |
| 22(2), Selling and delivering milk without vendor's licence | \$200 | \$1,000 |
| 22(4), Reselling milk obtained from the holder of a permit licence | \$100 | \$500 |
| 22(5), Selling milk from vehicle other than that specified in licence | \$100 | \$500 |
| 36, Vendors not to employ certain persons | \$200 | \$1,000 |

| <u>Section and Subject</u> | <u>Previous Penalty</u> | <u>New Penalty</u> |
|---|-------------------------|--------------------|
| 37, Improper use of licence or permit, obtaining licence or permit by misrepresentation | \$200 | \$1,000 |
| 38, failure to produce licence or permit within 24 hours | \$20 | \$200 |
| 42, carrying on business elsewhere than in the area specified in the Licence or Permit | \$200 | \$1,000 |
| 49B, Selling ,milk at prices greater than maximum price. | \$1,000 | \$1,000 |
| 54(1)(a), Penalties in Regulations | \$100 | \$100 |

Ord. 57/84