

AN ORDINANCE

To amend the *Milk Authority Ordinance 1971*.

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 twenty-first day of April, 1972.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

MILK AUTHORITY ORDINANCE 1972

1.—(1.) This Ordinance may be cited as the *Milk Authority Ordinance 1972*.^{*} Short title and citation.

(2.) The *Milk Authority Ordinance 1971*† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Milk Authority Ordinance 1971-1972*.

2. Section 4 of the Principal Ordinance is amended by inserting before the definition of "inquiry" the following definition:— Definitions.

" "authorized officer" has the same meaning as in the Dairy Regulations;".

3. Section 17 of the Principal Ordinance is amended by omitting from paragraph (c) of sub-section (1.) the word "inquire" and inserting in its stead the words "hold an inquiry, open to the public,". Powers of Authority.

4. Section 18 of the Principal Ordinance is amended by inserting after sub-section (4.) the following sub-section:— Inquiries by Authority.

" (4A.) Where, at an inquiry that is open to the public—

(a) a person objects to the giving of any evidence before the Authority in public on the ground that the evidence is of a confidential nature; or

(b) the Authority is satisfied that the taking of any evidence in public would be prejudicial to the interests of any person,

* Notified in the *Commonwealth Gazette* on 27 April 1972.
† Ordinance No. 23, 1971.

the Authority may direct that the evidence be taken in private and no person who is not expressly authorized by the Authority to be present shall be present during the taking of that evidence.”.

Witnesses,
&c.,
at
inquiries.

5. Section 19 of the Principal Ordinance is amended by inserting after sub-section (3.) the following sub-section:—

“ (3A.) Where—

- (a) a person objects to the publication of any matter contained in a book, document or writing produced at an inquiry on the ground that the matter is of a confidential nature; or
 - (b) the Authority is satisfied that the publication of any matter contained in a book, document or writing produced at an inquiry would be prejudicial to the interests of any person,
- the Authority may, by order, prohibit or restrict the publication of that matter.”.

Record of
proceedings
at inquiry.

6. Section 20 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (10.) the word “ On ” and inserting in its stead the words “ Subject to the next succeeding sub-section, on ”;
- (b) by inserting after sub-section (10.) the following sub-section:—

“ (10A.) A transcript furnished to a person in pursuance of the last preceding sub-section shall not include any evidence given in private by a person other than the person to whom the transcript is furnished unless the person who gave that evidence consents, by instrument in writing signed by him, to the furnishing to the first-mentioned person of a transcript that includes that evidence.”.

Offences in
connexion
with the
inquiry.

7. Section 21 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

“ (5.) A person shall not—

- (a) publish any evidence that has been taken in private in pursuance of sub-section (4A.) of section 18 of this Ordinance; or
- (b) contravene, or fail to comply with, an order under sub-section (3A.) of section 19 of this Ordinance.

Penalty: One hundred dollars.”.

Wholesalers
licences.

8.—(1.) Section 22 of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-sections:—

“ (3.) A Wholesaler’s (Processing) Licence, whether granted before or after the commencement of this sub-section, is subject to the following conditions:—

- (a) the holder of the licence will not, in the Territory, carry out any processing of milk except in premises specified in the licence as premises in which he may process milk;

- (b) the holder of the licence will not, in the Territory, store milk except in the premises specified in the licence as premises in which he may store milk;
- (c) the holder of the licence will not, in the Territory, carry out any processing of milk or store milk in premises other than premises at which milk was processed or stored, as the case requires, in pursuance of such a licence in the period between the date of commencement of the *Milk Authority Ordinance 1971* and date of commencement of the *Milk Authority Ordinance 1972* unless he has, not less than fourteen days before he commences to process milk or store milk, as the case requires, in those first-mentioned premises, given to the Director-General notice in writing of his intention to process or store, as the case requires, milk in those first-mentioned premises;
- (d) the holder of the licence will not, in the Territory—
 - (i) process milk;
 - (ii) store milk;
 - (iii) use any machinery or equipment in the processing of milk; or
 - (iv) carry milk in a vehicle,
 unless the relevant requirements of the Dairy Regulations are complied with; and
- (e) the holder of the licence will not, in the Territory, carry milk in a vehicle other than a vehicle specified in the licence and, if a vehicle so specified was not used by him to carry milk in the period referred to in paragraph (c) of this sub-section, he will not, in the Territory, carry milk in that vehicle unless he has, not less than fourteen days before he uses the vehicle to carry milk, given to the Director-General notice in writing of his intention so to use the vehicle.

“(3A.) A Wholesaler’s (Importing) Licence, whether granted before or after the commencement of this sub-section, is subject to the following conditions:—

- (a) the holder of the licence will, as soon as practicable after milk that has not been processed is brought into the Territory, deliver the milk to premises specified in a Wholesaler’s (Processing) Licence as the premises in which milk may be processed;
- (b) the holder of the licence will not import milk into the Territory—
 - (i) if that milk is processed milk, unless the milk has been processed in premises specified in the licence as premises in which milk intended for importation into the Territory may be processed;
 - (ii) if that milk has been stored in premises outside the Territory other than premises specified in the licence as premises in which milk intended for importation into the Territory may be stored;

- (iii) if that milk has been processed or stored in premises outside the Territory other than premises in which milk intended for importation into the Territory was processed or stored, as the case requires, in pursuance of such a licence in the period between the date of commencement of the *Milk Authority Ordinance 1971* and date of commencement of the *Milk Authority Ordinance 1972*, unless he has, not less fourteen days before he commences to process milk or store milk, as the case requires, in those first-mentioned premises, given to the Director-General notice in writing of his intention to process milk or store milk, as the case requires, in those first-mentioned premises;
 - (iv) in a vehicle other than a vehicle specified in the licence;
 - (v) in a vehicle that is so specified but was not used by him to carry milk in the period referred to in subparagraph (iii) of this paragraph, unless he has, not less than fourteen days before he uses the vehicle to import milk into the Territory, given to the Director-General notice in writing of his intention so to use the vehicle;
 - (vi) unless, in the carrying of the milk, the relevant requirements of the Dairy Regulations that are applicable to the carrying of milk in the Territory are complied with; and
 - (vii) if that milk is processed milk, unless, in the processing of the milk, the relevant requirements of the Dairy Regulations that would, if the processing of the milk had been carried out in the Territory, have been applicable have been complied with;
- (c) the holder of the licence will not, in the Territory, store milk except in premises specified in the licence as premises in which he may store milk;
- (d) the holder of the licence will permit an authorized officer to exercise, in relation to premises situate outside the Territory, being premises specified in the licence, together with the equipment situate, and the processes carried on, in those premises, the powers that an authorized officer is empowered to exercise under those Regulations in relation to premises or equipment situate, or processes carried out, in the Territory; and
- (e) the holder of the licence will pay, in respect of each inspection of premises outside the Territory made in the exercise of the powers referred to in the last preceding paragraph by an authorized officer or, if in any period of twelve months more than four inspections of those premises

are so made, in respect of each of the first four of the inspections of those premises made in that period of twelve months, an amount equal to the amount of travelling allowances paid by the Commonwealth to the authorized officer carrying out the inspection.”

(2.) Section 22 of the Principal Ordinance is amended by omitting from sub-section (4.) the words “sub-section (1.), (2.) or (3.)” (wherever occurring) and inserting in their stead the words “sub-section (1.) or (2.)”.

9. Section 23 of the Principal Ordinance is amended by omitting sub-section (6.) and inserting in its stead the following sub-section:—

Vendor's
Licence and
Vendor's
Permit.

“(6.) A Vendor's Licence and a Vendor's Permit, whether granted before or after the commencement of this sub-section, are each subject to the following conditions:—

- (a) the holder of the licence or permit will not carry milk in the vehicle specified in the licence unless the relevant requirements of the Dairy Regulations are complied with;
- (b) the holder of the licence or permit will produce each vehicle specified in the licence or permit for inspection by an authorized officer at a time within the period of one month before each day on which the prescribed annual fee is payable by the holder of the licence or permit, and at a place specified by an authorized officer by notice in writing given to the holder of the licence or permit; and
- (c) the holder of the licence or permit will not, in the Territory, carry milk in a vehicle specified in the licence or permit until he has produced it for inspection by an authorized officer.”

10. Section 24 of the Principal Ordinance is amended by omitting sub-section (6.) and inserting in its stead the following sub-section:—

Retailer's
licence.

“(6.) A Retailer's Licence, whether granted before or after the commencement of this sub-section, is subject to the following conditions:—

- (a) the holder of the licence will comply with the relevant requirements of the Dairy Regulations relating to the handling and storage of milk; and
- (b) if the licence authorizes the holder of the licence to sell milk from a vehicle, he will not carry milk for sale unless the relevant requirements of the Dairy Regulations are complied with.”

11. Section 25 of the Principal Ordinance is amended by omitting sub-section (5.) and inserting in its stead the following sub-section:—

Vending
Machine
Licence.

“(5.) A Vending Machine Licence, whether granted before or after the commencement of this sub-section, is subject to the condition that the holder of the licence will not sell milk from the machine or appliance specified in the licence unless the relevant requirements of the Dairy Regulations are complied with.”

Applications
for licences
and permits.

12. Section 26 of the Principal Ordinance is amended—

- (a) by adding at the end of paragraph (d) of sub-section (1.) the word “and”; and
- (b) by omitting paragraph (e) of sub-section (1.).

Revocation of
licences or
permits.

13. Section 31 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (f) of sub-section (1.) the words “the Authority is not satisfied that the holder of the licence has” and inserting in their stead the words “the holder does not have”; and
 - (b) by omitting from paragraph (g) of sub-section (1.) the words “the Authority is satisfied”.
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