**DAIRY INDUSTRY ACT AMENDMENT BILL 1957**

**House of Assembly, 16 October 1957, page 1114**

Second reading

**The Hon. G. G. PEARSON (Minister of Agriculture)—**I move—

*That this Bill be now read a second time.*

It has been introduced as a result of a general review of the Dairy Industry Act made by the officers of the Department of Agriculture. The principal Act was passed in 1928, and its object was to improve the quality of South Australian dairy produce. It provided for the licensing of dairy farms, dairy produce factories, milk depots and creameries, and contained provisions to ensure that dairy produce was produced or manufactured under hygienic conditions, and complied with properstandards. There was provision for examining and certifying testers and graders of milk and cream and for ensuring that producers who supplied milk and cream to factories should be paid for these products on an equitable basis.

In the period of nearly 30 years since the Act was passed there has been a considerable change in the dairy industry in this State and the departmental committee reported that some amendments and additions to the Act are required to meet the conditions of today, and to improve administrative practices. After consideration of this report, the Government decided that there was a good case for some alterations of the Act and has accordingly brought down this Bill. I will briefly explain to honourable members the effect of the amendments.

Clauses 3 and 4 deal with the territorial application of the Act. Under the existing legislation the Government has power to exempt any part of the State from the whole Act or from any part of the Act, but this power is subject to the restriction that a dairy farm cannot be partly exempt from the Act, but must be either wholly exempt or not exempt at all. For some years dairy farms in proclaimed areas have been treated as being exempt from those parts of the Act which require licence fees to be paid, but such an exemption is not authorized. For this reason, the Bill makes amendments to provide that in proclaimed areas dairy farms can be exempted either from the whole Act or from any specified provisions. Subject to these exemptions, it is provided that the Act will in future be of general application. The amendments made by clauses 3 and 4 are for this purpose.

Clause 5 makes several amendments to the definitions in the principal Act. One of them provides that farms on which goats are kept for the production of milk will be treated as dairy farms. There is a growing demand for goats’ milk for use in the diet of persons unable to drink cows’ milk because of allergies. There is an increased interest in the keeping of goats to meet this demand. An inquiry has also been made on the availability of goats’ milk for manufacture of types of cheese in demand by migrants. Where goats’ milk is destined for sale for human consumption it is reasonable to expect that places where goats are kept, and conditions under which goats’ milk is produced, shall comply with the standards required for dairy farms.

Another amendment in clause 5 is for the purpose of bringing dairy produce stores under the Act. A store is defined as premises (other than a factory dairy farm milk depot or creamery) in which one ton or more of dairy produce is stored. In the interests of proper administration of the dairy produce legislation it has been found desirable that some control should be exercised over these stores. In investigating complaints about the quality of dairy produce the Department of Agriculture has from time to time found that the deterioration of produce is due to faulty conditions in dairy produce stores or faulty methods of storage. To overcome this trouble it is desirable that the stores should be licensed. It is not proposed, however that stores which are already registered under the Commonwealth Export Dairy Produce Regulations shall have to be licensed under this Bill. It is considered that where a store is subject to Commonwealth control there is a sufficient guarantee that the conditions will be satisfactory. Such stores are accordingly excluded from the definition.

The other amendments made by clause 5 are to the definition of “creamery” and “milk depot.” The object of these amendments is to make it clear that premises forming part of a factory where cream is collected or milk is collected, pasteurized and chilled, will not be regarded as creameries or milk depots within the meaning of. the Act so as to require separate licences, unless the milk or cream is to be taken elsewhere for manufacture or other purposes.

Clause 6 requires that a person who is about to establish a factory, creamery, store or milk depot either by building new buildings or converting existing buildings, must deposit plans and specifications of the buildings with the Minister and obtain his approval to them. It is laid down that the Minister must approve of any plans and specifications submitted to him, unless they are not in compliance with the regulations. After plans and specifications have been approved the premises must be built in accordance with them. There is, however, power for the Minister to exempt minor alterations of premises from the operation of this section. Clause 7 makes a consequential alteration of headings in the Act.

Clause 8 makes some alterations in the licensing system. Under the present law any application for a licence for any kind of premises under the Act may be made to a police officer. It is provided in the Bill that every application for a licence for premises other than a dairy farm must be sent to the Chief Dairy Adviser, that is, to the Adelaide office. Applications for licences for dairy farms, however, will be dealt with by police officers as in the past. With regard to factories, creameries, milk depots and stores, however, it is necessary that applications should be dealt with by officers of the head office because of the greater complexity of the premises and the importance of ensuring that they comply with the law before a licence is granted. In connection with licences, it is also proposed to increase some of the fees. The fee for a licence for a dairy farm, which is at the rate of 6d. per cow, will remain at the present rate, but the fees for factories, milk depots and creameries will be doubled. These fees were fixed in 1928 and are very light. The licence for a factory now costs £2 and for a creamery or milk depot, 5s. Under the Bill it is proposed to raise these amounts to £4 and 10s., respectively. As a consequence of the extension of the Act to the production of goats’ milk, it is also necessary to provide for the licensing of goat farms, and the fee for such a farm will be at the rate of 6d. per goat.

Clause 9 re-drafts with amendments the provision of the Act dealing with the obligations of proprietors of factories, milk depots and creameries as to the payment for milk and cream supplied by producers. There are two amendments of substance. The first deals with the period for which payments for what is called the over-run will be calculated. At present the Act does not lay down the intervals at which these payments must be made, but the practice is to compute them on a monthly basis. It is proposed in the new clause to lay it down that the period for which over-run payments are paid will be such as is prescribed by regulation. It is probable that annual payments will be prescribed. The second amendment makes it clear that overrun payments are to be pooled between all suppliers. In other words, no attempt need be made to calculate each producer’s payment on an individual basis on the assumption that one producer’s cream may produce more butter than that of another. This would be impossible, but the Crown Solicitor advises that under the present law each producer may have a right to have his over-run payment computed separately.

Clause 10 re-enacts section 20 of the principal Act with amendments. At present this section prohibits the manufacture of dairy produce from putrescent milk or cream and lays it down that such milk or cream must be removed and disposed of in accordance with the regulations. It is proposed to extend this provision so that it will also apply to milk or cream which, though not putrescent, is for any other reason unfit for human consumption, *e.g.,* because it is dirty or contains foreign bodies. Secondly, the scope of the section is extended so that it will apply not only to milk and cream supplied to a factory (as at present), but also to milk and cream supplied to creameries and milk depots.

Clause 11 provides that the owner of a cheese factory must cause all cheese manufactured at the factory to be marked in accordance with the regulations. The object of this is to ensure that identifying marks are placed on cheese so that it will be possible to ascertain who manufactured it . When the department is investigating complaints about the quality of cheese it is essential that the officers should in all cases be able to trace the manufacturer.

Clause 12 amends section 24 of the principal Act which deals with the requirement that testers and graders of milk or cream must hold certificates of qualification. The amendments repeal some obsolete provisions dealing with the time of the commencement of the section and also make it clear that separate certificates are to be issued for testers and graders respectively.

Clause 13 provides that the Minister may issue butter makers’ or cheese makers’ certifi­cates to persons who qualify for them under the regulations. There is no provision for these certificates at present. It is, however, not proposed at this stage to place any restrictions upon persons who may act as butter makers or cheese makers. The effect of the clause will be that those who comply with the prescribed requirements will receive certificates which will be evidence to prospective employers that the holders are properly qualified. Clause 14 increases the general penalties for breaches of the Act from £10 to £50. Clause 15 declares that a number of minor amendments set out in the schedule are to be made. These are mostly consequential amendments made necessary by the fact that dairy produce stores are being brought under the Act.

Mr. O’HALLORAN secured the adjournment of the debate.