
Dairy Produce Acts, Etc., Amendment Act. 25 GEO. V. No. 11,

CRIMINAL LAW.

AMENDMENT OF SECTION 442H OF "THE CRIMINAL CODE."

See DAIRY PRODUCE.PLEAS BY ABORIGINALS. *See* ABORIGINALS.**CROWN DUES RELIEF.***See* LANDS, CROWN (2).**DAIRY CATTLE IMPROVEMENT.***See* DAIRY PRODUCE.**DAIRY PRODUCE.**25 Geo. V.
No. 11.THE DAIRY
PRODUCE
ACTS AND
OTHER ACTS
AMENDMENT
ACT OF 1934.

An Act to Amend "The Dairy Produce Acts, 1920 to 1932," in certain particulars; and for other purposes.

[ASSENTED TO 25TH OCTOBER, 1934.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as "*The Dairy Produce Acts and Other Acts Amendment Act of 1934*," and shall, so far as amendments to *"*The Dairy Produce Acts, 1920 to 1932*," are concerned, be read as one with such lastmentioned Acts, herein collectively referred to as the Principal Act.

The Principal Act and this Act may collectively be cited as "*The Dairy Produce Acts, 1920 to 1934*."

*Amendments of the Principal Act.*Amendment
of s. 3.

2. Section three of the Principal Act is amended, as follows:—

(a) After the definition "Approved" the following definition is inserted, namely:—

Association.

" "Association"—Any body of persons corporate or unincorporate other than a company."

* 10 Geo. V. No. 15 and amending Acts, *supra*, pages 9079 *et seq.*

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(b) After the definition of "Cold store" the following definition is inserted, namely:—

" "Company" means and includes every body Company.
 corporate howsoever incorporated, and
 whether under the laws of Queensland or
 elsewhere, and wherever the head or
 principal office or principal place of business
 may be: without limiting the generality of
 this definition, the term also means and
 includes any company registered or deemed
 to be registered under * "*The Companies Act*
of 1931" (or any Act amending the same) or
 any primary producers' co-operative
 association registered under † "*The Primary*
Producers' Co-operative Associations Acts,
1923 to 1926" (or any Act amending the
 same)."

(c) After the definition of "Factory" the following definition is inserted, namely:—

" "Firm"—Any firm registered under ‡ "*The Firm.*
Registration of Firms Acts, 1902 to 1912" (or
 any Act amending the same)."

(d) The definition of the word "Owner" is amended Owner.
 by inserting therein, after the word "company," the
 words "association, or firm."

3. The following new section (27A) is inserted after New s. 27A.
 section twenty-seven of the Principal Act, as follows:—

" [27A.] From and after the passing of § "*The Dairy* Restriction
Produce Acts and Other Acts Amendment Act of 1934" no on erection,
 company, association, firm, or person shall erect or cause &c., of
 to be erected, or utilise or cause to be utilised any premises for
 building, premises, plant, machinery, or equipment for or pasteurisa-
 in respect of the pasteurisation of cream or the tion of cream
 manufacture of butter unless the consent of the Governor or manufac-
 in Council shall be first had and obtained: ture of
butter.

Provided that the Minister may, subject to such conditions as he thinks fit and/or as may be prescribed, approve of the utilisation on any dairy of any dairy house together with the plant, machinery, or

* 22 Geo. V. No. 53, *supra*, page 13433.

† 14 Geo. V. No. 45 and amending Acts, *supra*, pages 10776 *et seq.*

‡ 2 Edw. VII. No. 12 and amending Acts, *supra*, page 5795.

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equipment therein for the manufacture of butter, where such butter is solely the produce of milk produced on such dairy.

Any contravention of this section shall be an offence.

Any offence committed against this section shall render the offender liable, in the case of a company, association, or firm, to a penalty not exceeding five hundred pounds, and liable in other cases to a penalty not exceeding one hundred pounds or imprisonment for six months; and in addition liable, in the case of a company, association, or firm, to a daily penalty not exceeding one hundred pounds, and liable in other cases to a daily penalty not exceeding ten pounds for each and every day during which such offence is continued after a conviction therefor."

New s. 27B.

4. The following new section (27B) is inserted after section 27A of the Principal Act previously inserted, as follows:—

Restriction
on erection,
&c., of
premises for
purpose of
manufacture
of cheese.

"[27B.] From and after the passing of **"The Dairy Produce Acts and Other Acts Amendment Act of 1934"* no company, association, firm, or person shall erect or cause to be erected, or utilise or cause to be utilised any building, premises, plant, machinery, or equipment for or in respect of the manufacture of cheese unless the consent of the Governor in Council shall be first had and obtained:

Provided that the Minister may, subject to such conditions as he thinks fit and/or as may be prescribed, approve of the utilisation on any dairy of any dairy house together with the plant, machinery, or equipment therein for the manufacture of cheese, where such cheese is solely the produce of milk produced on such dairy.

Any contravention of this section shall be an offence.

Any offence committed against this section shall render the offender liable, in the case of a company, association, or firm, to a penalty not exceeding five hundred pounds, and liable in other cases to a penalty not exceeding one hundred pounds or imprisonment for six months; and in addition liable, in the case of a

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company, association, or firm, to a daily penalty not exceeding one hundred pounds, and liable in other cases to a daily penalty not exceeding ten pounds for each and every day during which such offence is continued after a conviction therefor.” New s. 27c.

5. The following new section (27C) is inserted after section 27B previously inserted, as follows :—

“ [27C.] Nothing in sections 27A and 27B shall apply to or affect any building, premises, plant, machinery, or equipment which was built and/or in use as or by a registered butter or cheese factory prior to the passing of * “ *The Dairy Produce Acts and Other Acts Amendment Act of 1934* ” : Saving provisions in respect of ss. 27A or 27B.

Provided that the exemption contained in this section shall not apply to any such building, premises, plant, machinery, or equipment which, after the passing of such lastmentioned Act, shall be removed from the place where it was situated at the passing of such Act.”

6. The following new section (27D) is inserted after section 27C previously inserted, as follows :— New s. 27d.

“ [27D.] An application for consent of the Governor in Council in respect of sections 27A and 27B shall be in the prescribed form. Discretion of Governor in Council.

It shall be in the absolute discretion of the Governor in Council to grant or refuse any such application, or to grant any such application subject to such terms, conditions, provisions, and stipulations as he shall deem fit either generally or in any particular case.”

7. The following section (27E) is inserted after section 27D previously inserted, as follows :— New s. 27E.

“ [27E.] (1.) A director or manager of any company, association, or firm, as the case may be, which controls or conducts a factory, and any other person in the employ of any such company, association, or firm shall not accept or agree to accept any agency, or act or agree to act as agent, or receive or agree to receive for his own use any fee, reward, gratuity, remuneration, benefit, or commission of any kind whatsoever for or in respect of or in connection with— Restriction on agency.

(a) The building or erection of any dairy produce premises ; or

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- (b) The supplying or erecting of any plant, machinery, or equipment for any dairy produce premises; or
- (c) The insuring of any building, premises, plant, machinery, or equipment of any dairy produce premises; or
- (d) The sale or purchase of any product, goods, machinery, or articles required or used by any dairy produce premises; or
- (e) The insuring of the produce of any dairy produce premises,

except with the approval of such company, association, or firm, as the case may be. And for the purposes of this section the term "dairy produce premises" shall mean and include the dairy produce premises of such company, association, or firm, and also any other dairy produce premises whatsoever.

Any director, manager, or other person as aforesaid who contravenes this subsection shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred pounds.

(2.) Such approval as referred to in subsection one of this section shall, in the case of a company or other body corporate governed by a board of directors, be signified by resolution duly passed at a meeting of directors and duly recorded, together with the conditions applicable to such appointment as agent, or as the case may be, in the minutes of such meeting.

In the case of any company, association, or firm the owner shall give notice of any such approval, together with the detailed conditions of such appointment as agent, or as the case may be (including the rate of any commission or other payment), to the Minister not later than fourteen days after such approval.

(3.) A record in writing shall be kept by the agent or person receiving or agreeing to receive any such payment as aforesaid of all business transactions in which he engages as agent, or for which he receives or agrees to receive any such payment as aforesaid.

Such records shall be produced forthwith whenever demanded in writing by the Minister or person authorised in that behalf by the Minister for examination or audit or for such purpose as may be prescribed.

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(4.) Notwithstanding any Act or law to the contrary, the Minister shall have power at any time in his absolute discretion to cancel any approval of which notice has been so given to him for any reason which he deems good and sufficient; and moreover the Minister shall not be required to assign any reason for such cancellation.

(5.) Any contravention of subsections two to four inclusive shall be an offence, and shall render the offender liable, in the case of a company, association, or firm, to a penalty not exceeding fifty pounds, and liable in other cases to a penalty not exceeding twenty pounds."

8. The following new sections are inserted after section thirty-four of the Principal Act, as follows:— New ss. 34A and 34B.

"[34A.] Where any offence against any of the provisions of this Act is committed by a company the chairman of directors or manager or other governing officer, by whatever name called, of such company shall be liable to punishment provided by this Act for such offence if it is proved that such offence was committed with his knowledge or connivance. Offence by company.

[34B.] A prosecution for any of the offences under this Act may be instituted within two years after the offence is committed or within one year after the discovery of the offence, whichever is the later period." Time of prosecutions.

9. Notwithstanding anything in the Principal Act or in any other Act to the contrary, the provisions of this Act shall extend and have force and operation throughout the State of Queensland. Operation of provisions of this Act.

AMENDMENTS OF OTHER ACTS.

(A) *Amendment of "The Dairy Cattle Improvement Act of 1932."*

10. A new section is inserted after section nineteen of **"The Dairy Cattle Improvement Act of 1932,"* as follows:— Amendment of "The Dairy Cattle Improvement Act of 1932." New s. 19A.

"[19A.] Any annual fee for a license for a bull imposed under this Act after its commencement, and Recovery of fees.

* 23 Geo. V. No. 32, *supra*, page 14393.

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which was not paid before the passing of **“The Dairy Produce Acts and Other Acts Amendment Act of 1934,”* shall, notwithstanding any Act or law to the contrary, be and be deemed to be payable to the Under Secretary, and shall be recoverable at any time within six months after the passing of such lastmentioned Act by complaint in a summary way under †*“The Justices Acts, 1886 to 1932”*; and, moreover, the provisions of this section shall be read and construed to the intent that any annual fee for a license for a bull remaining unpaid at the passing of **“The Dairy Produce Acts and Other Acts Amendment Act of 1934”* is and shall be recoverable in the manner aforesaid, notwithstanding the neglect or failure of the owner of such bull to apply for a license under this Act, or notwithstanding his neglect or failure to enclose such fee with his application for such license.”

(B) *Amendment of “The Criminal Code.”*

Amendment
of s. 442H
of *“The
Criminal
Code.”*

11. The following additional provision is added to section 442H of †*“The Criminal Code,”* as follows:—

Time for
prosecutions.

“Provided further, any proceedings as aforesaid may be begun within two years after the offence is committed or within one year after the discovery of the offence, whichever is the later period.”

The amendment made by this section shall be read and construed with †*“The Criminal Code.”*

* This Act.

† 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

‡ 63 Vic. No. 9, Schedule, *supra*, page 344.

DINGOES AND MARSUPIALS.

See LOCAL AUTHORITIES.

DIRECTOR-GENERAL OF HEALTH.

See HEALTH.

DISCHARGED SOLDIER SETTLEMENT.

See BANKS (1), (2).

See COMMONWEALTH AND STATES.

See LANDS, CROWN (1).