

DAIRY PRODUCE MARKETING BILL,Notes on Previous Legislation.Dairy Produce (Price Stabilisation) Acts, 1935
to 1956 - Section 45, 49 and 57 of Bill.

The existing machinery for the stabilisation of the price of creamery butter on the home market, the regulation of imports and exports of butter and other dairy products, the imposition of levies on creamery butter, and the financing of the Butter Marketing Committee and of the cold storage of butter for winter use through the medium of the dairy produce (price stabilisation) fund, is operated under the Dairy Produce (Price Stabilisation) Acts, 1935 to 1956. When the proposed Board is fully in operation, there will no longer be any need for the retention of the greater part of those Acts. The various provisions of the Acts can, however, only be dispensed with gradually during the transition period in which the new Board is being set up. Accordingly, provision is made under Section 1 of this Bill enabling it to be brought into operation gradually by Orders to be made by the Minister and Section 57 makes corresponding provision in regard to the suspension, by Orders of the Minister, of the various provisions of the Dairy Produce (Price Stabilisation) Acts.

Sections 1 to 3 of the Dairy Produce (Price Stabilisation) (Amendment) Act, 1938 (No. 30 of 1938) define the "suspendable provisions" of the Dairy Produce (Price Stabilisation) Act, 1935 (No. 21 of 1935) and empower the Minister to suspend those provisions and, if necessary, to revive them. The powers of suspension and revival are however limited to those parts of that Act which relate to the registration of sellers of non-creamery butter and levies on such butter.

Sub-section 2 of Section 57 of this Bill provides that, with the exception of Sections 1 to 3 of the 1938 Act which enable the necessary orders to be made, every provision of the Dairy Produce (Price Stabilisation) Acts may be suspended. Under Sub-section 3, sections of the Acts may be suspended by Order and may later be revived either in whole or in part.

Sub-section 4 contains textual amendments necessitated by Sub-sections 2 and 3.

Section 45 of the Bill provides that when Section 41 of the Dairy Produce (Price Stabilisation) Act, 1935, under which the dairy produce (price stabilisation) fund was established, has been suspended, the balance, if any, in the fund shall be paid over to the new Board.

Dairy Produce (Amendment) Act, 1941 - Section 58
of Bill.

Many of the controls, operated under the Dairy Produce Act, 1924, on the quality of butter manufactured by creameries related to butter exported or consigned for export by creameries. When the Butter Marketing Committee became the sole exporter of creamery butter, these controls became legally inoperative, since butter was sold to the Committee by the manufacturing creameries as a home market transaction. It was, therefore, necessary to include in the Dairy Produce (Amendment) Act, 1941 a provision to the effect that for the purposes of the appropriate provisions of the 1924 Act, butter consigned to the Committee was regarded as butter consigned for export. In this way the quality controls on creamery butter were made applicable to creamery butter sold by creameries to the Butter Marketing Committee whether or not the butter was subsequently exported by the Committee. As the functions of the Committee in regard to creamery butter are being transferred to the Board, the amendment provided under Section 58 of the Bill is

The existing machinery for the stabilisation of the price of creamery butter on the home market, the regulation of imports and exports of butter and other dairy products, the imposition of levies on creamery butter, and the financing of the Butter Marketing Committee and of the cold storage of butter for winter use through the medium of the Dairy Produce (Price Stabilisation) Act, 1935, is operated under the Dairy Produce (Price Stabilisation) Act, 1935 to 1935. When the proposed Board is fully in operation, there will no longer be any need for the retention of the greater part of those levies. The various provisions of the Act can, however, only be dispensed with gradually during the transitional period in which the new Board is being set up. Accordingly, provision is made under Section 1 of this Bill, enabling it to be brought into operation gradually by Order to be made by the Minister and Section 2 makes corresponding provision in regard to the operation of the various provisions of the various provisions of the Dairy Produce (Price Stabilisation) Act, 1935 to 1935.

Section 1 of the Dairy Produce (Price Stabilisation) Act, 1935 (No. 21 of 1935) defines the "stabilisation provisions" of the Dairy Produce (Price Stabilisation) Act, 1935 (No. 21 of 1935) and empowers the Minister to suspend those provisions and, if necessary, to revive them. The powers of suspension and revival are however limited to those parts of that Act which relate to the registration of sellers of non-creamery butter and levies on such butter.

Sub-section 2 of Section 2 of the Bill provides that with the exception of Section 1 to 5 of the 1935 Act which enable the necessary orders to be made, every provision of the Dairy Produce (Price Stabilisation) Act may be suspended by Order and may later be revived either in whole or in part.

Sub-section 4 contains textual amendments necessitated by Sub-sections 2 and 3.

Section 4 of the Bill provides that when Section 11 of the Dairy Produce (Price Stabilisation) Act, 1935, under which the dairy produce (price stabilisation) fund was established, has been suspended, the balance, if any, in the fund shall be paid over to the new Board.

Dairy Produce (Amendment) Act, 1935 - Section 25 of Bill.

Many of the controls operated under the Dairy Produce Act, 1935, on the quality of butter manufactured by creameries related to butter exported or contained for export by creameries. When the Butter Marketing Committee became largely an exporter of creamery butter, these controls became largely inoperative, since butter was sold to the Committee by the manufacturer as a bulk market transaction. It was therefore necessary to include in the Dairy Produce (Amendment) Act, 1935, a provision to the effect that for the purposes of the appropriate provisions of the 1935 Act, butter contained in the Committee was to be treated as butter intended for export. In this way the quality controls on creamery butter were made applicable to creamery butter sold by creameries to the Butter Marketing Committee whether or not the butter was subsequently exported by the Committee. As the function of the Committee in regard to creamery butter, and being transferred to the Board, the amendment provided under Section 25 of the Bill is

necessary to ensure that the quality controls on butter can continue to be operated in regard to butter consigned to the Board.

Local Government Act, 1941 - Section 12(2) of Bill.

The provisions of paragraphs (a) to (h) of section 43(1) of the Local Government Act, 1941, to which reference is made in section 12(2) of the Bill, are as follows:-

- "(a) the proceedings shall begin by a member or members being proposed and seconded and no person who is not then proposed and seconded shall be a candidate;
- (b) where there is only one candidate, such candidate shall be elected;
- (c) where there are more than two candidates, a poll shall be taken;
- (d) if at such poll a majority of the members present vote for any particular candidate, such candidate shall be elected;
- (e) if at such poll no candidate receives the votes of a majority of the members present, the candidate receiving the least number of votes shall be eliminated and, subject to the provisions of paragraph (g) of this sub-section, one or more further polls (according as may be necessary) shall be taken;
- (f) paragraphs (d) and (e) of this sub-section shall apply in relation to such further poll or polls;
- (g) where there are only two candidates or where, as a result of one or more polls taken under this sub-section, all the candidates except two have been eliminated, the question as to which of such candidates shall be elected shall be put to the members present and whichever of such candidates receives the greater number of votes on such question shall be elected;
- (h) if from an equality of votes given to two or more candidates any question arises under this sub-section as to which of such candidates is to be eliminated, or as to which of such candidates is to be elected, such question shall be decided by lot".

Department of Agriculture,

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- (a) the proceedings shall begin by a member or members being proposed and seconded and no person who is not then proposed and seconded shall be a candidate;
 - (b) where there is only one candidate, such candidate shall be elected;
 - (c) where there are more than two candidates, a poll shall be taken;
 - (d) if at such poll a majority of the members present vote for any particular candidate, such candidate shall be elected;
 - (e) if at such poll no candidate receives the votes of a majority of the members present, the candidate receiving the least number of votes shall be eliminated and, subject to the provisions of paragraph (a) of this sub-section, one or more further polls (according as may be necessary) shall be taken;
- (1) paragraphs (d) and (e) of this sub-section shall apply in relation to such further poll or polls;
- (2) where there are only two candidates or where, as a result of one or more polls taken under this sub-section, all the candidates except two have been eliminated, the question as to which of such candidates shall be elected shall be put to the members present and whichever of such candidates receives the greater number of votes on such question shall be elected;
 - (3) if from an equality of votes given to two or more candidates any question arises under this sub-section as to which of such candidates is to be eliminated, or as to which of such candidates is to be elected, such question shall be decided by lot.

Department of Agriculture,
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