

# STATUTORY RULES.

1939. No. . 145

## REGULATIONS RELATING TO THE ACQUISITION OF CERTAIN BUTTER AND CHEESE.\*

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *National Security Act 1939*, and all other powers me therunto enabling, hereby make the following Regulations.

Dated this *eight*  
day of *November*, 1939.

(Sd) GOVERNOR.

Governor-General.

By His Excellency's Command,

*George W. Heath*  
for Minister of State for Defence.

### BUTTER AND CHEESE ACQUISITION REGULATIONS.

1. These Regulations may be cited as the Butter and Cheese Short title.  
Acquisition Regulations.

2. In these Regulations, unless the contrary intention appears— Definitions.

“appointed place” means a place appointed under regulation 16 of the Exports (Dairy Produce) Regulations to be a place where dairy produce intended for export may be inspected and examined;

“butter” means the fatty substance obtained by the mechanical agitation of milk or cream;

“cheese” means the substance obtained by coagulating milk with rennet or any suitable enzyme or acid and submitting it to subsequent treatment appropriate to the type of product desired;

“the Committee” means the Dairy Produce Control Committee constituted by these Regulations; and

“the Minister” means the Minister of State for Commerce.

3.—(1.) For the purposes of these Regulations, there shall be a Dairy Produce Control Committee. Dairy Produce Management Committee.

(2.) The Committee shall consist of eight members who shall be appointed by the Minister by notice published in the *Gazette* and who shall hold office during the pleasure of the Minister.

(3.) The Minister may appoint one of the members to be the Chairman of the Committee.

(4.) In the absence of the Chairman of the Committee the members present at any meeting may elect one of their number to be the Chairman of that meeting.

4. The Committee shall be a body corporate, with perpetual succession and a common seal. Incorporation of Committee.

\* Notified in the Commonwealth Gazette on  
5445.—25/31.10.1939.—PRICE 5D.

, 1939.

5.—(1.) The Minister may, in respect of each member of the Committee, appoint any person to be a deputy of that member. Deputies of members.

(2.) Any person so appointed shall, in the event of the illness or absence of the member of whom he is a deputy, have all the powers of that member during his illness or absence.

(3.) No such appointment of a deputy and no acts done by him as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

6.—(1.) Meetings of the Committee shall be held at such times and places as the Committee from time to time determines. Meetings of the Committee.

(2.) The Chairman of the Committee, or any four members thereof, may at any time call a special meeting of the Committee.

(3.) At all meetings of the Committee five members shall form a quorum.

(4.) At all meetings of the Committee the Chairman shall have a deliberative vote, and in the case of equality of votes shall also have a casting vote.

(5.) All questions before the Committee shall be decided by a majority of votes.

(6.) The Committee shall keep a record of its proceedings.

7. A member of the Committee shall not be personally liable for any act of the Committee or of the member acting as such. Indemnity.

8. There shall be payable to any member of the Committee such salaries, fees and expenses as the Governor-General may direct. Fees and expenses.

9.—(1.) The Committee may appoint such officers as are necessary to assist the Committee in carrying out its functions under these Regulations. Appointment of officers.

(2.) Officers appointed in pursuance of these Regulations shall not be subject to the *Commonwealth Public Service Act 1922-1937* and shall hold office during the pleasure of the Committee.

(3.) Where an officer appointed in pursuance of this regulation was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Committee shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act 1922-1933* shall apply as if this regulation had been specified in the Schedule to that Act.

(4.) The salaries of officers appointed in pursuance of this regulation shall be as directed by the Governor-General.

10.—(1.) For securing the public safety and the defence of the Commonwealth and the Territories of the Commonwealth, for the efficient prosecution of the war and for maintaining supplies and services essential to the life of the community the following butter and cheese is hereby acquired by the Commonwealth and shall become the absolute property of the Commonwealth, freed from all mortgages, charges, liens, pledges, interests and trusts affecting that butter or Expropriation of butter and cheese.

cheese, and the rights and interests of every person in that butter or cheese shall be converted into a claim for compensation, viz. :—

- (a) all butter and cheese which on the day fixed by the Minister in pursuance of paragraph (b) of this regulation is held at an appointed place for export to the United Kingdom;
- (b) all butter and cheese which, on or after a day to be fixed by the Minister by notice published in the *Gazette*, is delivered at an appointed place for export to the United Kingdom and which is not rejected for non-compliance with the provisions of the Exports (Dairy Produce) Regulations; and
- (c) such other butter and cheese as the Minister, from time to time, by order published in the *Gazette*, specifies.

(2.) Upon the publication of any order in the *Gazette* in pursuance of paragraph (c) of sub-regulation (1.) of this regulation any person authorized by the Committee may either take possession of the butter or cheese therein described or referred to or arrange with the previous owner or the person having the disposal or control thereof for its delivery to the Commonwealth at an appointed place.

11. Upon the delivery to, or the taking of possession by, the Commonwealth of any butter or cheese in accordance with regulation 10 of these Regulations, every person having any right or interest in the butter or cheese shall be entitled to be paid such amount of compensation as the Minister, on the recommendation of the Committee, determines. Compensation.

Provided that the whole or any part of such payment may be withheld until the butter or cheese in respect of which the claim for compensation arises has been sold or disposed of by the Commonwealth and payment received therefor.

12.—(1.) Every contract relating to the sale of any butter or cheese acquired by the Commonwealth entered into before the acquisition of that butter or cheese is hereby declared to be void and of no effect in so far as that contract has not been completed by delivery. Contracts for sale of butter or cheese.

(2.) Any transaction or contract with respect to any butter or cheese which is the subject matter of any contract or part of a contract which is hereby declared to be void shall also be void and of no effect, and any money paid in respect of any contract hereby made void or of any such transaction shall be repaid.

(3.) No action for the enforcement or for damages for breach of any contract of the kind specified in sub-regulation (1.) or (2.) of this regulation, whether the contract was entered into or is to be performed in Australia or elsewhere, shall, in so far as that contract has not been completed by delivery prior to the acquisition of the butter or cheese, be brought in any Federal or State Court or Court of a Territory under the authority of the Commonwealth.

13.—(1.) The Minister may, by order published in the *Gazette*, require any person or class of persons to furnish such returns relating to butter or cheese, or to contracts entered into in relation to any butter or cheese, as are specified in the order. Returns of butter and cheese.

(2.) Any person who fails to furnish any return required by the order to be furnished or who furnishes any such return which is false in any particular shall be guilty of an offence against the *National Security Act 1939*.

14. Any person of the Police Force of the Commonwealth or of any State or Territory authorized so to do by the Committee may, at any time of the day or night, enter and search any premises or vessel or part thereof where any butter or cheese acquired by the Commonwealth is, or is suspected to be, and, if necessary for that purpose, may break into and use force to enter such premises or vessel or part.

Power to enter and search for butter and cheese.

15. For the purposes of these Regulations, any person thereto authorized by the Committee may, at all reasonable times, enter any premises and inspect any stocks of butter or cheese and any accounts, books or documents relating to the butter or cheese.

Inspection of stocks, books, &c.

16. Any person having any butter or cheese the property of the Commonwealth in his possession or under his care shall exercise proper care and take all proper and reasonable precautions to do all things necessary to preserve and safeguard that butter or cheese and to keep it free from any damage or deterioration whatsoever.

Proper care to be taken of butter and cheese.

17. The Commonwealth may export, sell, or otherwise dispose of any butter or cheese acquired by it as it deems necessary for securing the public safety, and the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community.

Disposal of butter or cheese by Commonwealth.

18. On behalf of the Commonwealth and subject to any directions of the Minister, the Committee may—

Powers of Committee.

- (a) export, sell or dispose of any butter or cheese acquired by the Commonwealth;
- (b) manage and control all matters connected with the handling, storage, protection, treatment, transfer or shipment of any butter or cheese acquired by the Commonwealth or exported, sold or disposed of by the Commonwealth or by the Committee on behalf of the Commonwealth;
- (c) appoint in any State such person, or a sub-committee consisting of such persons, not necessarily members of the Committee, as the Committee, subject to the approval of the Minister, thinks fit and arrange with that person or sub-committee to exercise such powers and functions of the Committee, subject to any direction which the Committee may give, as the Committee thinks fit;
- (d) with the approval of the Minister, enter into any agreement with any person, company or Governmental authority in any place whether in Australia or outside Australia, providing for that person, company or authority to act as the agent of the Committee, in respect of such matters and for such remuneration as is provided in the agreement; and
- (e) do all matters which it is required by these Regulations to do or which are necessary or convenient for giving effect to these Regulations.

19.—(1.) The Committee shall open and maintain an account with the Commonwealth Bank of Australia into which it shall pay all moneys received in respect of export or sales of butter or cheese and any moneys appropriated by the Parliament or borrowed by the Minister for use by the Committee on behalf of the Commonwealth.

Finance.

(2.) Out of the moneys standing to the credit of the account the Committee shall defray all costs and expenses of administering these Regulations and make all payments in respect of compensation and any other payments authorized to be made by these Regulations.

(3.) The Accounts of the Committee shall be subject to audit by the Auditor-General.

20. The Minister may arrange with the Commonwealth Bank of Australia for the making by that Bank of advances to the Commonwealth for use on its behalf by the Committee for the purposes of these Regulations, and may guarantee to that Bank the repayment, out of moneys lawfully made available by the Parliament, of any advances made by the Bank in pursuance of the arrangement.

Arrangement  
with  
Commonwealth  
Bank for  
advances.

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