

**EGG INDUSTRY STABILISATION
(AMENDMENT) ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 45, 1977.

An Act to amend the Egg Industry Stabilisation Act, 1971, in relation to the imposition of quotas on the keeping of hens by licensed poultry farmers and in certain other respects. [Assented to, 27th April, 1977.]

BE

Egg Industry Stabilisation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Egg Industry Stabilisation Short title. (Amendment) Act, 1977".

2. (1) This section and section 1 shall commence on the Commencement date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:— Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE EGG INDUSTRY STABILISATION ACT, 1971.

SCHEDULE 2.—AMENDMENTS TO PART V OF THE EGG INDUSTRY STABILISATION ACT, 1971.

SCHEDULE 3.—REPEAL OF PART VI OF THE EGG INDUSTRY STABILISATION ACT, 1971.

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 4.—AMENDMENTS TO PART VII OF THE EGG INDUSTRY STABILISATION ACT, 1971.**SCHEDULE 5.—AMENDMENTS TO PART IX OF THE EGG INDUSTRY STABILISATION ACT, 1971.**

Amend-
ment of
Act No. 74,
1971.

4. The Egg Industry Stabilisation Act, 1971, is amended in the manner set forth in Schedules 1—5.

Sec. 4.**SCHEDULE 1.****AMENDMENTS TO PART I OF THE EGG INDUSTRY STABILISATION ACT, 1971.****(1) Long title—**

Omit “to provide for the constitution of a Review Committee to review base quotas;”.

(2) (a) Section 2—

From the matter relating to Part V, omit the matter relating to Divisions 1 and 3.

(b) Section 2—

Omit the matter relating to Part VI.

(c) Section 2—

From the matter relating to Part VII, omit “47”, insert instead “47A”.

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 1—continued.

**AMENDMENTS TO PART I OF THE EGG INDUSTRY
STABILISATION ACT, 1971—continued.**

(3) (a) Section 3 (1), definitions of “base quota”, “Commonwealth Levy Collection Act”, “first licensing season”, “licensing season”, “poultry farmer”, “pullet”, “relevant period”, “Review Committee” and “State Hen Quota”—

Omit the definitions.

(b) Section 3 (1), definition of “hen quota”—

Omit the definition, insert instead :—

“hen quota”, in relation to a licensee, means—

(a) where his license is a license that was in force immediately before the day appointed under section 2 (2) of the Egg Industry Stabilisation (Amendment) Act, 1977—the hen quota referred to in section 28; or

(b) where his license was issued pursuant to section 30 (4) or 45—the hen quota specified in the license;

(4) Section 4 (2) (b), (c)—

Omit section 4 (2) (b), insert instead :—

(b) a specified charity within the meaning of the Charitable Collections Act, 1934, or a specified class of charities within the meaning of that Act; or

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(c) where, in the opinion of the Licensing Committee, there are insufficient eggs being produced in an area of New South Wales for human consumption in that area, a specified person keeping hens in that area.

Sec. 4.

SCHEDULE 2.

AMENDMENTS TO PART V OF THE EGG INDUSTRY
STABILISATION ACT, 1971.

(1) Part V, Division 1—

Omit the Division.

(2) Section 16 (1), (2), (3)—

Omit “, during a licensing season,” wherever occurring.

(3) (a) Section 17 (1), (1A), (2)—

Omit section 17 (1) and (2), insert instead :—

(1) A license that was in force immediately before the day appointed under section 2 (2) of the Egg Industry Stabilisation (Amendment) Act, 1977, or that is issued under section 30 (4) or 45 on or after that day shall continue in force until cancelled under this Act.

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART V OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(1A) A license may be issued subject to such conditions and restrictions as are specified in the license by the Licensing Committee.

(2) A license may be issued in the name of a partnership or in the names of the members of a partnership.

(b) Section 17 (5), (6), (7)—

Omit the subsections.

(4) (a) Section 18 (1) (a)—

Omit the paragraph, insert instead :—

(a) a condition that the licensee will not keep at that place—

(i) hens that exceed in number the hen quota specified in the license of that licensee or, where the license is issued in the name of a partnership or in the names of the members of a partnership, hens that exceed in number the total of the hen quotas specified in the license of each member of the partnership so specified; or

(ii) broiler breeder hens,

except in accordance with a permit issued under Part VIII; and

SCHEDULE

*Egg Industry Stabilisation (Amendment).***SCHEDULE 2—continued.****AMENDMENTS TO PART V OF THE EGG INDUSTRY
STABILISATION ACT, 1971—continued.****(b) Section 18 (2), (3)—**

Omit section 18 (2), insert instead :—

(2) Where a license is issued in the name of a partnership or in the names of the members of a partnership, all the hens kept at the place to which the license relates shall, for the purposes of subsection (1) (a), be deemed to be kept by each of the members of the partnership.

(3) In the case of a license that was in force immediately before the day appointed under section 2 (2) of the Egg Industry Stabilisation (Amendment) Act, 1977, the license shall be deemed to include the condition referred to in subsection (1) (a) and to exclude the condition referred to in subsection (1) (a), as in force immediately before that day.

(5) Section 19—

Omit the section, insert instead :—

Annual
license
fee.

19. A licensee shall, on or before 1st August in each year, pay to the Licensing Committee the prescribed annual fee for the license.

(6) Part V, Division 3—

Omit the Division.

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART V OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(7) Section 28—

Omit the section, insert instead :—

28. (1) The hen quota of a licensee whose license ^{Hen quotas of certain licensees.} was in force immediately before the day appointed under section 2 (2) of the Egg Industry Stabilisation (Amendment) Act, 1977, is—

- (a) except as provided in paragraphs (b) and (c), the hen quota notified to the licensee pursuant to subsection (3) of this section, as in force immediately before that day;
- (b) if the State Hen Quota notified under section 27 was varied by the Governor by a further order under that section before that day, the hen quota last notified to the licensee pursuant to section 30 (4), as so in force; or
- (c) if the license was issued pursuant to section 45, the hen quota of the licensee determined in accordance with section 47, as so in force.

(2) The hen quotas notified pursuant to subsection (3) of this section, as in force immediately before the day appointed under section 2 (2) of the Egg Industry Stabilisation (Amendment) Act, 1977, shall be deemed always to have been validly determined in accordance with this Act, as so in force.

(8) Section 29—

Omit the section.

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART V OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(9) (a) Section 30 (1)—

Omit “is varied”, insert instead “notified under section 27 is varied by the Governor by a further order under that section”.

(b) Section 30 (1) (a)—

After “Quota”, insert “notified by that further order”.

(c) Section 30 (1) (b)—

Omit “paragraphs (c) and (d) of this subsection”, insert instead “paragraph (c), (d), (e) or (f)”.

(d) Section 30 (1) (c)–(f)—

Omit section 30 (1) (c) and (d), insert instead :—

(c) the hen quota of a licensee who is not associated with another licensee as referred to in subsection (8) which is 5,000 or more is not reduced below 5,000;

(d) where the total of the hen quota of a licensee and the hen quota of each licensee who is associated with that licensee as referred to in subsection (8) is 5,000 or more, that total is not reduced below 5,000 but where that total is reduced to 5,000, the proportionate reduction is the same for each hen quota that comprises part of that total;

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART V OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

- (e) the hen quota of a licensee who is not associated with another licensee as referred to in subsection (8) which is less than 5,000 is not reduced; and
- (f) where the total of the hen quota of a licensee and the hen quota of each licensee who is associated with that licensee as referred to in subsection (8) is less than 5,000, that total is not reduced.

(e) Section 30 (2) (b)—

Omit “paragraphs (c) and (d) of subsection one of this section”, insert instead “subsection (1) (c), (d), (e) or (f)”.

(f) Section 30 (4)–(8)—

Omit section 30 (4) and (5), insert instead :—

(4) Where the Minister adopts a scheme submitted to him under this section, or adopts such a scheme with modifications, the Licensing Committee shall issue to each licensee a license which, subject to subsection (5)—

- (a) takes effect on a date specified in the license; and
- (b) specifies his hen quota under the scheme, or under the scheme as modified.

SCHEDULE

*Egg Industry Stabilisation (Amendment).***SCHEDULE 2—continued.****AMENDMENTS TO PART V OF THE EGG INDUSTRY
STABILISATION ACT, 1971—continued.**

(5) The Licensing Committee shall not, under subsection (4)—

- (a) issue licenses which take effect on different days; or
- (b) where hen quotas are reduced, issue licenses which take effect within 3 months of the date of their issue.

(6) The provisions of Division 2 apply to and in respect of licenses issued under this section.

(7) Upon the license of a person taking effect under this section, the previous license of that person is deemed to be cancelled.

(8) For the purposes of subsection (1) (c), (d), (e) and (f), a licensee is associated with another licensee if—

- (a) they are members of a partnership;
- (b) they are corporations which, by virtue of section 6 (5) of the Companies Act, 1961, are deemed to be related to each other or they are a corporation within the meaning of the Companies Act, 1961, and a director (within the meaning of that Act) of that corporation; or
- (c) the Licensing Committee believes on reasonable grounds that they are associated with each other in the keeping of hens under an agreement, arrangement or scheme effected under Part VII.

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 2—continued.

**AMENDMENTS TO PART V OF THE EGG INDUSTRY
STABILISATION ACT, 1971—continued.**

(9) Notwithstanding any other provision of this section, where the Minister, on the recommendation of the stipendiary magistrate appointed on 29th December, 1976, to inquire into and report to the Minister on certain matters arising under this Act, and after the publication of such report and recommendation, directs the Licensing Committee to issue to any person specified in the recommendation a license specifying the hen quota of that person, the Licensing Committee shall issue such a license.

(10) Where the State Hen Quota notified under section 27 is varied by the Governor by a further order under that section and the Minister informs the Licensing Committee that, in his opinion, the variation resulted from directions given by him under subsection (9), the provisions of subsections (1), (2), (3), (4) and (5) (a) do not, but the provisions of subsections (5) (b), (6) and (7) do, apply to and in respect of the variation.

SCHEDULE 3.

Sec. 4.

**REPEAL OF PART VI OF THE EGG INDUSTRY STABILISATION
ACT, 1971.**

Part VI—

Omit the Part.

*Egg Industry Stabilisation (Amendment).***Sec. 4.****SCHEDULE 4.****AMENDMENTS TO PART VII OF THE EGG INDUSTRY
STABILISATION ACT, 1971.****(1) (a) Section 45 (1)—**

Omit “section forty-six of this Act”, insert instead “sections 47 and 47A”.

(b) Section 45 (1A)—

Omit “section 46”, insert instead “sections 47 and 47A”.

(c) Section 45 (1B)—

After section 45 (1A), insert :—

(1B) The Licensing Committee shall not issue a license under subsection (1) (a) or (1) (c) (ii) to a person who is a licensee unless that licensee surrenders his license to the Licensing Committee and the Licensing Committee cancels the surrendered license.

(d) Section 45 (2)—

Omit “as if they were licenses duly applied for under section seventeen of this Act”.

(e) Section 45 (3)—(6)—

Omit section 45 (3) and (4), insert instead :—

(4) The Licensing Committee shall not approve an application under subsection (1) in so far as—

(a) such an approval would increase the hen quota of a person, or the total of the hen quotas of the members of a partnership, to a number that is more than 100,000; or

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART VII OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(b) such an approval would increase to a number that is more than 100,000 the total of the hen quotas of—

- (i) a corporation;
- (ii) the corporations which, by virtue of section 6 (5) of the Companies Act, 1961, are deemed to be related to the corporation referred to in subparagraph (i); and
- (iii) each person who is a director of any corporation referred to in subparagraph (i) or (ii).

(5) The Licensing Committee may refuse an application under subsection (1) where the Licensing Committee believes on reasonable grounds that the application is in furtherance of an agreement, arrangement or scheme under which the total of the hen quotas of any persons associated with each other with respect to the keeping of hens would be increased to a number that is more than 100,000.

(6) A reference in subsection (4) to a corporation or director is a reference to a corporation or director, as the case may be, within the meaning of the Companies Act, 1961.

(2) Section 46—

Omit the section.

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*Egg Industry Stabilisation (Amendment).*SCHEDELE 4—*continued.*AMENDMENTS TO PART VII OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(3) Section 47—

Omit the section, insert instead :—

Calculation
of certain
hen quotas.

47. (1) Where, pursuant to an application under section 45 (1) or (1A)—

- (a) a license is issued under section 45 (1) (a)—the hen quota of the licensee after the issue of the license is the total of the hen quota of the applicant immediately before the cancellation of his license and the hen quota, if any, of the licensee immediately before the issue of the license;
- (b) a license is issued under section 45 (1) (b)—the hen quota of the licensee remains unchanged;
- (c) a license is issued under section 45 (1) (c) (i)—the hen quota of the licensee after the issue of the license is the reduced hen quota approved pursuant to the application;
- (d) a license is issued pursuant to section 45 (1) (c) (ii)—the hen quota of the licensee after the issue of the license is the total of the hen quota equal to the reduction effected under paragraph (c) and the hen quota, if any, of the licensee immediately before the issue of the license; or
- (e) a license is issued pursuant to section 45 (1A)—the hen quota of the licensee after the issue of the license is the total of the hen quota of the person who was the holder of the license which was surrendered in

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Egg Industry Stabilisation (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART VII OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

connection with the application and the hen quota, if any, of the licensee immediately before the issue of the license.

(2) A license issued under section 45 shall, subject to section 47A, specify the hen quota of the licensee determined in accordance with subsection (1).

(4) Section 47A—

After section 47, insert :—

47A. (1) The Licensing Committee shall not issue a license under section 45 unless any license which has not taken effect and which was issued under section 30 (4) to a person making the application for, or who is issued with, the license under section 45 is surrendered to the Licensing Committee and the Licensing Committee cancels the surrendered license. Issue of licenses under section 45 before variation in State Hen Quota takes effect.

(2) The hen quota specified in a license issued under section 45 (1) (a), (1) (b) or (1A) upon the cancellation of a license under subsection (1) shall—

(a) in respect of the period before the day that the cancelled license would, but for subsection (1), have taken effect—be the hen quota determined in accordance with section 47; and

SCHEDULE

*Egg Industry Stabilisation (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO PART VII OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(b) in respect of the period on and after that day—be the total of the hen quota specified in the cancelled license of the person making the application for the license under section 45 and the hen quota, if any, of the licensee specified in his cancelled license.

(3) The hen quota specified in a license issued under section 45 (1) (c) (i) upon the cancellation of a license under subsection (1) shall—

(a) in respect of the period before the day that the cancelled license would, but for subsection (1), have taken effect—be the hen quota determined in accordance with section 47; and

(b) in respect of the period on and after that day—be the hen quota specified in the cancelled license of the licensee reduced by the same proportion that the hen quota of the licensee is reduced before that day pursuant to the application approved under section 45 (1) (c).

(4) The hen quota specified in a license issued under section 45 (1) (c) (ii) upon the cancellation of a license under subsection (1) shall—

(a) in respect of the period before the day that the cancelled license would, but for subsection (1), have taken effect—be the hen quota determined in accordance with section 47; and

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 4—*continued.*

**AMENDMENTS TO PART VII OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.***

(b) in respect of the period on and after that day—be the total of the hen quota equal to the reduction effected under subsection (3) (b) and the hen quota, if any, of the licensee specified in his cancelled license.

SCHEDULE 5.

Sec. 4.

**AMENDMENTS TO PART IX OF THE EGG INDUSTRY
STABILISATION ACT, 1971.**

(1) Section 49—

Omit “and the Review Committee”.

(2) Section 51—

Omit the section.

(3) (a) Section 52 (2) (b)—

Omit “forward”, insert instead “deliver”.

(b) Section 52 (4)—

Omit “forwarded under paragraph (b) of subsection two of this section”, insert instead “delivered under subsection (2) (b)”.

SCHEDULE

*Egg Industry Stabilisation (Amendment).*SCHEDEULE 5—*continued.*AMENDMENTS TO PART IX OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(4) (a) Section 53 (1), (3)—

Omit “or the Review Committee” wherever occurring.

(b) Section 53 (2)—

Omit “or the Review Committee, as the case may be.”.

(c) Section 53 (3)—

Omit “or reviewed his base quota, as the case may be.”.

(5) Section 54—

Omit “to the Licensing Committee or Review Committee”.

(6) (a) Section 56 (1)—

Omit “or the Review Committee shall not exercise his vote at a meeting of the committee of which he is a member”, insert instead “shall not exercise his vote at a meeting of the Licensing Committee”.

(b) Section 56 (2)—

Omit the subsection, insert instead :—

(2) A member of the Licensing Committee shall leave a meeting of the Licensing Committee during any discussion on a matter in respect of which he is, by subsection (1), disqualified from voting.

SCHEDEULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IX OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(7) (a) Section 57—

Omit “after the end of each licensing season or, where a date is prescribed for the purposes of this section, as soon as practicable after the day so prescribed”, insert instead “after 30th June in each year”.

(b) Section 57—

Omit “during that licensing season”.

(8) Section 61A—

After section 61, insert :—

61A. In any proceedings for an offence against this Evidentiary Act, a certificate purporting to be signed by the provisions Chairman of the Licensing Committee and certifying that—

- (a) a specified person is not, or at any time specified in the certificate was not, the holder of a license;
- (b) a license or permit under Part VIII is, or at any time specified in the certificate was, subject to specified conditions or restrictions;
- (c) a license or permit under Part VIII relates to a specified place; or
- (d) a specified person's hen quota is, or at any time specified in the certificate was, a specified number,

shall be admissible and be evidence of the matters specified in the certificate.

SCHEDULE

Egg Industry Stabilisation (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO PART IX OF THE EGG INDUSTRY
STABILISATION ACT, 1971—*continued.*

(9) Section 62 (1) (a)—

Omit “, the Licensing Committee or the Review Committee”, insert instead “or the Licensing Committee”.
