

MARKETING OF PRIMARY PRODUCTS (AMENDMENT) ACT.

Act No. 11, 1931.

An Act to amend the Marketing of Primary
Products Act, 1927-1930, in certain respects;
and for purposes connected therewith.
[Assented to, 17th March, 1931.]

George V,
No. 11, 1931.

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

1. (1) This Act may be cited as the "Marketing of
Primary Products (Amendment) Act, 1931," and shall
be read and construed with the Marketing of Primary
Products Act, 1927-1930, in this Act referred to as the
Principal Act. Short title.

(2) The Principal Act, as amended by this Act,
may be cited as the Marketing of Primary Products
Act, 1927-1931.

2. The Principal Act is amended as follows:—

Amendment of
Act No. 34, 1927.

- (a) (i) by inserting in section four in the definition
of "Deliver to the board" after the words
"tendered to" the words "a marketing
board or to"; (Sec. 4.)
(Definitions.)
- (ii) (a) by inserting in the same section in
the definition of "Producer" after
the word "grown" where firstly and
secondly occurring the word "or";
- (b) by omitting from the same definition
the words "or prepared" wherever
occurring;

(b)

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Sec. 5.
(Poll of
producers.)

- (b) (i) by omitting from subsection one of section five the words "a representative number (not being less than one hundred or one-half the number of producers when that number does not exceed one hundred and fifty) of the producers of any particular product" and by inserting in lieu thereof the words "at least one hundred of the producers of a particular product or where the number of producers of that product does not exceed one hundred and fifty by at least one-half of the total number of producers of the product";
- (ii) (a) by omitting from subsection three of the same section the word "two-thirds" where firstly occurring and by inserting in lieu thereof the word "one-half";
- (b) by omitting from the same subsection the word "two-thirds" where secondly occurring and by inserting in lieu thereof the word "three-fifths";
- (iii) by inserting in subsection four of the same section after the word "producers" the words "whose names are included in the list of producers compiled in accordance with this section";
- (iv) (a) by inserting in subsection eight of the same section after the words "within a time specified" the words "therein or in any subsequent proclamation";
- (b) by inserting at the end of the same subsection the following new paragraph:—

A proclamation under this subsection may apply only to such portion of the commodity as is therein specified, and proclamations may be made from time to time relating to different portions of commodities.

(v)

(v) (a) by omitting from subsection (11A) of the same section the word "two-thirds" where firstly occurring and by inserting in lieu thereof the word "one-half";

(b) by omitting the word "two-thirds" where secondly occurring and by inserting in lieu thereof the word "three-fifths";

(c) by inserting at the end of the same subsection the following new paragraph:—

Any person entitled to vote on a poll held under the provisions of this section who fails to vote shall be liable to a penalty of not more than two pounds.

(vi) (a) by omitting from subsection twelve of the same section the words "a representative number (not less than one hundred or one-half the number of producers where that number does not exceed one hundred and fifty) of the producers producing the commodity within the area for which it has been declared a commodity" and by inserting in lieu thereof the words "at least one hundred of the producers producing a particular commodity within the area for which it has been declared a commodity or where the number of producers of the commodity in that area does not exceed one hundred and fifty of at least one-half of such producers";

(b) by omitting from the same subsection the word "two-thirds" and by inserting in lieu thereof the word "three-fifths"; also by inserting in the same subsection after the word "proclamation" where firstly occurring the words "made at any time within twelve months after the date of the poll";

(c)

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Sec. 7.
(Board.)

- (c) (i) by inserting in subsection one of section seven after the word "members" the following words:—

The tenure of office of a person so elected shall be three years unless he sooner resigns or becomes disqualified or is removed from office under this Act;

- (ii) by inserting in subsection three of the same section after the word "vacancy" the words "for the remainder of the term of the member whose office has become vacant";

New s. 9A.

Governor
may empower
board to
manufacture.

- (d) by inserting after section nine the following new section:—

9A. The Governor may by proclamation confer on a board the power to contract for the treatment of the product for which it is appointed or may empower the board itself to carry out such treatment where he is satisfied that such treatment would enable the product to be marketed in a more profitable manner.

Sec. 11.
(Delivery of
commodity)

- (e) (i) by inserting in subsection one of section eleven after the words "vesting it" the words "or any specified portion";
- (ii) by inserting in the same subsection after the word "commodity" where secondly occurring the words "or such specified portion";
- (iii) by inserting at the end of subsection two of the same section the words "delivery to the board or its authorised agents by the producers of a commodity in respect of which no proclamation has been issued vesting it in the board, shall be within such times, at such places, and in such manner as the board may by public notice in the prescribed form or in a particular case in writing direct";

Sec. 15.
(Certificates.)

- (f) by inserting in subsection two of section fifteen after the word "sharefarming" the words "or partnership";

(g)

- (g) (i) by inserting in subsection one of section twenty-nine after the word "return" the words "or periodical returns"; No. 11, 1931.
Sec. 29.
(Returns.)
- (ii) by inserting in the same subsection after the word "time" where thirdly occurring the words "or times";
- (iii) by inserting in the same subsection after the word "notice" the words "during the period specified";
- (h) (i) by inserting in paragraph (d) of subsection one of section thirty-four after the word "package" the word "treatment"; Sec. 34.
(Regulations.)
- (ii) by omitting subparagraph (j) of the same subsection and by inserting in lieu thereof the following new subparagraph:—
- (j) regulating within the area controlled by the board the marketing, sale, display for sale, branding, or stamping, storing and cold storing of any of the commodity for the time being within the area controlled by the board whether such commodity was produced within the area controlled by the board or not;
- (iii) by inserting in subparagraph (k) of the same subsection after the word "storage" the word "treatment."
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