

**MARKETING OF PRIMARY PRODUCTS
(AMENDMENT) ACT.**

Act No. 11, 1956.

**Elizabeth II,
No. 11, 1956.**

An Act to make further provision for regulating the marketing of certain primary products; to confer additional powers on marketing boards; for these and other purposes to amend the Marketing of Primary Products Act, 1927, and certain other Acts in certain respects; to authorise the Egg Marketing Board for the State of New South Wales to make additional deductions from

from the proceeds of the sale of eggs delivered to it and to make certain payments from such deductions; and for purposes connected therewith. [Assented to, 30th August, 1956.]

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. (1) This Act may be cited as the "Marketing of Primary Products (Amendment) Act, 1956." Short title and citation.

(2) The Marketing of Primary Products Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Marketing of Primary Products Act, 1927-1956.

2. (1) The Marketing of Primary Products Act, 1927-1940, is amended— Amendment of Act No. 34, 1927.

(a) by inserting next after section 9A the following new section:— New sec. 9B.

9B. (1) Where in accordance with this Act a product has been declared by the Governor to be a commodity under and for the purposes of this Act and a board has been appointed in respect thereof, the board may act as agent for any person for the purpose of selling—

(a) any of the commodity so declared which that person is entitled to sell, whether or not it was produced outside New South Wales or outside the area controlled by the board; or

(b) any product produced outside New South Wales or outside the area controlled by the board which that person is entitled to sell and which, if it were within

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within the area controlled by the board, would answer the description of the commodity so declared,

and may do all acts, matters and things necessary or expedient in that behalf accordingly.

(2) Costs, charges and expenses incurred by a board in pursuance of subsection one of this section shall be costs, charges and expenses of the administration by the board of this Act and any commission or other remuneration received by the board in pursuance of that subsection shall, unless the Minister directs that the whole or any part of the commission or other remuneration so received be applied towards some other purpose of the board, be applied towards the payment of such lastmentioned costs, charges and expenses.

(3) A board which, in pursuance of subsection one of this section, sells any commodity or product which is farm produce within the meaning of the Farm Produce Agents Act, 1926, as amended by subsequent Acts, shall be deemed not to be a farm produce agent within the meaning of that Act.

(4) (a) A reference to "commodity" in this Part of this Act, subsections one and three of this section excepted, shall not be construed as a reference to any part of the commodity in respect of which the board is exercising the powers conferred on it by subsection one of this section.

(b) The provisions of section twenty-two of this Act do not apply to any action, claim or demand against a board or any officer or person acting in the execution of subsection one of this section.

(b)

- (b) by omitting section thirty-four and by inserting in lieu thereof the following section:—

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Subst.
sec. 34.

34. (1) (a) The Governor may make regulations providing for all or any of the following matters:—

Regulations.

(i) Generally—

- (a) Making all necessary provision for and regulating the conduct by post or otherwise of the election from time to time of members of any board, and for the taking of any poll of producers under this Act; compilation and revision of rolls of producers entitled to vote at elections or polls; necessary qualifications of candidates for elections; method of determining the qualification of voters and of candidates for elections; settlement of disputed elections or questions arising out of or in connection with any election or poll; the tenure of office of members; the filling of casual vacancies therein arising from death, retirement, or resignation; the appointment of a deputy to act for any member in the event of illness, absence, or for other cause.
- (b) The fees, allowances, and travelling expenses which may be paid to members.
- (c) Prescribing the certificates and other forms which may be used under this Act.
- (d) Prescribing forms of returns and of statistics to be made and furnished in accordance with this Act and

Members,
elections,
&c.

Fees, &c.

Forms.

Returns, &c.

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and the contents thereof, and the persons (whether producers or not) by whom the same shall be made, and the time and mode of making and furnishing the same.

General.

- (e) All matters required or permitted by this Act to be prescribed.

(ii) With respect to any board—

Business.

- (a) The business, proceedings, and meetings of the board; the quorum at meetings; the signing of documents.

Conditions of sale.

- (b) Authorising the board in every sale or agreement for sale of the commodity by the board to any person to insert conditions and to fix a sum as and by way of liquidated damages for any breach of condition, which damages shall be recoverable accordingly.

Quality, standard, &c.

- (c) Ascertaining whether the commodity is of the required quality and prescribing a standard therefor, and for an increase or decrease in the price otherwise payable to any producer or other person for any of the commodity delivered by him or any other person to the board according to the quality or standard of the commodity; and regulating within the area controlled by the board—

- (i) the storage, package, treatment, marketing, branding, grading, carriage and exporting by the board or any other person; and

(ii)

(ii) the delivery by or to the board or by or to any other person, ^{No. 11, 1956.}

of any of the commodity whether such commodity was produced within the area controlled by the board or not and whether such commodity is or at any time was owned by the board or not.

- (d) Prescribing periods of time in respect of which the computation of or accounting for the net proceeds of the commodity may be made. ^{Computation of net proceeds.}
- (e) The control and management and expenditure of the funds of the board. ^{Control of funds.}
- (f) Requiring the producers of a commodity produced within the area controlled by a board to register and re-register with the board at the prescribed times their names and such other particulars as may be prescribed, and requiring a producer on ceasing to produce as aforesaid, to notify the board thereof. ^{Registration of producers.}
- (g) Regulating within the area controlled by the board the marketing, sale, display for sale, branding, or stamping, storing and cold storing by any person 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 and whether such commodity is or at any time was owned by the board or not. ^{Marketing, sale, storage, &c.}

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Duty of
care, &c.,
in display
of
commodity.

- (h) The duties of care or precaution to be taken and methods to be used by the board or any other person in the display, within the area controlled by the board, of any of the commodity for sale or in storage, treatment or custody of any of the commodity held or offered for sale within the area controlled by the board, whether in any of such cases the commodity was produced within the area controlled by the board or not, and whether in any of such cases the commodity is or at any time was owned by the board or not:

Provided that if the Minister is of opinion that a proposed regulation relates to any of the matters in respect of which this subparagraph (ii) authorises the making of regulations, the regulation shall only be made on the recommendation of the board.

(b) Nothing in any other provision of this Act, Part I excepted, shall limit the construction of this subsection.

(2) The Governor may from time to time make such regulations providing for all or any purposes as may be convenient for the administration of this Act, or as may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

(3) A regulation may be of general operation or specially limited application according to time, place, circumstances or cases, and may be general or restricted to any specified class of subject matter. (4)

(4) The regulations may fix a penalty, not exceeding in any case fifty pounds, for any breach thereof. No. 11, 1956.

- (5) All such regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date to be specified in the regulations;
 - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) (a) The amendment made by paragraph (b) of subsection one of this section shall be deemed to have commenced upon the first day of June, one thousand nine hundred and twenty-seven.

(b) A person shall not, by reason of the operation of paragraph (b) of subsection one of this section and paragraph (a) of this subsection, be guilty of an offence against any regulation made under the Marketing of Primary Products Act, 1927, as amended by subsequent Acts, in respect of any act or thing done or omitted to be done by him before the commencement of this Act if he would not have been so guilty had those paragraphs not been enacted.

3. (1) (a) For the purpose of more equitably apportioning among the producers of eggs in the State of New South Wales such part of the cost of buildings erected by the Egg Marketing Board for the State of New South Wales (in this section referred to as "the board") as was paid out of moneys obtained from deductions made by Egg Marketing Board authorised to make deductions for building purposes.

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The rate of the deductions authorised to be made by this subsection shall, in respect of any such pool period, be such rate as the board, having regard to the purpose mentioned in the foregoing provisions of this subsection, may determine in respect of that pool period.

(b) The deductions made under this subsection shall not exceed in the aggregate a sum equal to such part of the total deductions which were made by the board—

- (i) from the proceeds of the sale of eggs delivered to it during the building period; and
- (ii) for the purpose of providing moneys for or towards the cost of erecting buildings of the board,

as the board, having regard to the purpose mentioned in paragraph (a) of this subsection, may determine.

(2) (a) Subject to paragraph (b) of this subsection, the board shall, under and in accordance with subsection two of section fourteen of the Marketing of Primary Products Act, 1927, as amended by subsequent Acts, apply, in respect of any pool period in the building period, such part of the deductions made under subsection one of this section as the board, having regard to the purpose mentioned in subsection one of this section, may determine in making payments to each producer of eggs delivered to it during that pool period and to each person by or for whom eggs were delivered to it during that pool period as though those deductions were part of the proceeds of the sale of eggs delivered to the board during that pool period.

(b)

(b) The board may deduct from the deductions made by it under subsection one of this section the costs and expenses of the administration by the board of this section. No. 11, 1956.

(3) In this section:—

“building period” means the period commencing upon the first day of July, one thousand nine hundred and fifty-one, and ending on the thirtieth day of June, one thousand nine hundred and fifty-four.

“pool period” means a period of twelve months ending on the thirtieth day of June.

(4) This section shall be deemed to have commenced on the first day of July, one thousand nine hundred and fifty-five.
