

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

Act No. 47, 1964.

Elizabeth II, An Act to make further provision for and with respect to the powers of marketing boards and for and with respect to the marketing of certain primary products; to extend the class of persons qualified to vote at any poll of producers; for these and other purposes to amend the Marketing of Primary Products Act, 1927-1956; to validate certain matters; and for purposes connected therewith. [Assented to, 3rd December, 1964.]
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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:—

Short title and citation. **1.** (1) This Act may be cited as the "Marketing of Primary Products (Amendment) Act, 1964."

(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, 1927-1964.

Amendment of Act No. 34, 1927. **2.** (1) The Marketing of Primary Products Act, 1927-1956, is amended—

Sec. 4.
(Interpretation.)

(a) by inserting in section four in the definition of "Producer" after the word "product" where secondly occurring the words "being tobacco leaf, is grown or produced pursuant to any share-farming agreement or partnership agreement whether such agreement is oral or written, or being any other product";

(b)

- (b) by inserting next after section four the following new section :—

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New sec. 4A.

4A. In addition to the powers, duties and functions conferred upon a board by this Act, it shall be the duty of a board to take such steps under this Act and the regulations as are necessary or convenient to ensure that the commodity in relation to which it was constituted whether the same is or has, at any time, been vested in the board or not, and whether produced in New South Wales or elsewhere, shall comply with prescribed standards of quality when sold by wholesale or retail in New South Wales.

Special
duty on
board.

- (c) (i) by omitting from subsection six of section five the words :—

Sec. 5.
(Poll of
producers.)

“Provided that no person shall be qualified to have his name included in any list of producers compiled for the purposes of this Act or the regulations or to vote at any poll taken under the provisions of this Act unless he is enrolled as an elector in pursuance of the provisions of Part IV of the Parliamentary Electorates and Elections Act, 1912, as amended.”;

- (ii) by inserting at the end of paragraph (e) of subsection eleven of the same section the following word and new paragraph :—

“or

(f) be extended either as to duration or with respect to districts, areas or localities by a subsequent proclamation.”

- (d) by omitting from subsection three of section eleven the words “to a person other than the board” and by inserting in lieu thereof the words “otherwise than to the board”;

Sec. 11.
(All the
commodity
to be
delivered to
Marketing
Board.)
(e)

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Sec. 14.

(Acceptance
by board,
etc.)

(e) by inserting at the end of section fourteen the following new subsection :—

(6) Where tobacco leaf is declared a commodity under this Act, then for the purposes of the application of this section to and in respect of that commodity, subsections two to five both inclusive of this section shall be deemed to have been omitted and the following subsections inserted in lieu thereof :—

(2) Where any part of the commodity is delivered to the board by the producer thereof or by or for any other person, the board shall pay to such producer or person the net proceeds of sale of the part so delivered.

(3) The board may deduct and retain out of the proceeds of sale of any part of the commodity so delivered to it, so much of all commissions, charges, disbursements, costs and expenses of or incidental to the operations of the board or the administration by the board of this Act or for or with respect to the receiving, transporting, storing, warehousing, grading, treating, marketing, selling, disposing, rehandling, destroying or returning of the commodity, as is appropriate with respect to such part.

(4) For the purpose of ascertaining the net proceeds of sale of the part of the commodity delivered to the board by any producer or person, and generally for the purposes of this Act, the board's decision as to quality standard or grade of the commodity delivered (whether quality standard or grade is prescribed or not), the method of determining the dockages and deductions to be made, and the amounts thereof respectively, cost of freight and other charges, and the amounts to be deducted under subsection three of this section, shall be final and conclusive.

(f)

- (f) (i) by inserting next after subsection one of section thirty-one the following new subsection : — No. 47, 1964
Sec. 31.
(Recovery of levies, fines, penalties, etc.)
cf. Act No. 41, 1919, s. 632.
- (1A) Where any matter or thing is by or under this Act directed or forbidden to be done, and such matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, then in every such case every person offending against such direction or prohibition shall be guilty of an offence against this Act.
- (ii) by inserting in subsection three of the same section after the word "person" where secondly occurring the words and symbols "(including a board)";
- (g) (i) by omitting from paragraph three of section thirty-three the words "or that any person is a producer of such a commodity, or is an authorised agent" and by inserting in lieu thereof the words "or that any person was or is a producer of such a commodity, or was or is an authorised agent"; Sec. 33.
(Evidence.)
- (ii) by inserting at the end of the same section the following new paragraph : —
- (5) A certificate purporting to be signed by the prescribed officer of a board and to certify that on a specified date or during the whole of a specified period any person was or was not registered with the board as a producer shall, without proof of the signature of the person purporting to sign such certificate or that he is such prescribed officer, be prima facie evidence of the matters certified in and by such certificate. Prima facie evidence of registration.
cf. Act No. 15, 1942, s. 36.
- (h) (i) by omitting from item (c) of subparagraph (ii) of paragraph (a) of subsection one of section thirty-four all words after the word "commodity" where thirdly occurring; Sec. 34.
(Regulations.)
- (ii)

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(ii) by inserting next after the same item the following new items :—

(c1) Ascertaining whether the commodity is of the required quality and prescribing a standard therefor so as to ensure that the commodity whether the same is or has, at any time, been vested in the board or not and whether produced in New South Wales or elsewhere shall comply with prescribed standards of quality when sold by wholesale or retail in New South Wales.

Storage,
package,
etc.

(c2) 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) the delivery by or to the board or by or to any other person,

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

(iii) by inserting in item (g) of the same subparagraph after the words “or not” where firstly occurring the words “whether produced in New South Wales or elsewhere”;

(iv) by inserting in item (h) of the same subparagraph after the words “or not” where firstly occurring the words “whether produced in New South Wales or elsewhere”.

(2)

Pharmacy Act. 571

(2) Any proclamation made on or after the ninth day of November, one thousand nine hundred and forty-nine, which would have been valid if paragraph (f) of subsection eleven of section five of the Marketing of Primary Products Act, 1927-1964 (as inserted by this Act) had been in force, is hereby validated. No. 47, 1964
Validation.
