

# New South Wales.



ANNO UNDEVICESIMO

# GEORGI V REGIS.

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## Act No. 19, 1928.

An Act to amend the Marketing of Primary Products Act, 1927, and certain other Acts; and for purposes connected therewith. [Assented to, 16th June, 1928.]

**B**E it enacted by the King'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 Short title. Primary Products (Amendment) Act, 1928."

*Marketing of Primary Products (Amendment).*

Commence-  
ment.

(2) This Act shall come into operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
34, 1927,  
s. 4.

**2.** The Marketing of Primary Products Act, 1927, is amended—

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(a) (i) by omitting from section four the definition of “consumer”;

(ii) (a) by omitting from the definition of “producer” in the same section the word “eighteen” and by inserting in lieu thereof the word “twenty-one”;

(b) by omitting from the same definition the word “father’s” and by inserting in lieu thereof the word “parent’s”.

(c) by adding at the end of the same definition the following words:—

Where any product is the production of manufacture or treatment of an article grown or produced by a farmer, orchardist, vegetable grower, grazier, poultry farmer, apiarist, or dairyman, the grower or producer of the article shall for the purpose of any petition or poll under this Act be deemed to be the producer of the product.

(iii) (a) by omitting from the definition of “product” in the same section the word “wool”;

(b) by omitting from the same definition the words “fresh milk” and by inserting in lieu thereof the word “bacon”;

(c) by omitting from the same definition the words “or dried lexias” and by inserting in lieu thereof the words “dried lexias, wool or fresh milk”;

(iv) by omitting from the same section the words “Nothing in this Act shall apply to wool”;

(b)

*Marketing of Primary Products (Amendment).*

- (b) (i) by omitting from subsection one of section <sup>Sec. 5.</sup> five the word "commodity" where firstly (Polls of Producers.) occurring and by inserting in lieu thereof the word "product";
- (ii) by omitting from the same subsection the words "and for such time as is specified in the proclamation";
- (iii) (a) by omitting from subsection three of the same section the word "three";
- (b) by omitting from the same subsection the word "fifty" and by inserting in lieu thereof the word "thirty".
- (iv) by adding after subsection four of section five the following new subsections:—
- (4A) The number of representatives to be elected shall be stated in the proclamation and shall be either two three or five.
- (4B) The Governor may by the same or another proclamation appoint electoral districts and fix the number of representatives which each district shall be entitled to elect.
- (4C) The election shall be conducted upon a system of preferential voting, and shall be carried out in the manner prescribed.
- (v) (a) by omitting from subsection five of the same section the word "section" and by inserting in lieu thereof the word "Act".
- (b) by omitting from the same subsection the words "if a board is constituted under this Act as a result of any such poll".
- (vi) by omitting subsection six of the same section and by inserting in lieu thereof the following:—
- (6) No person shall vote on any poll taken under the provisions of this Act unless his name is included in the list of producers which the Minister shall cause to be compiled in the prescribed manner;
- (vii)

*Marketing of Primary Products (Amendment).*

- (vii) by adding after subsection seven of the same section the following new subsection:—

(7A) Any person whose name has been omitted from the roll may in the manner prescribed make application to a court consisting of a stipendiary or police magistrate for an order that his name may be added to the roll.

The court may hear and determine any application under this subsection and may make such order as it thinks fit as to the costs of the application which may be recovered in the same manner as the costs of any other proceeding before the magistrate sitting in petty sessions.

- (viii) by omitting from subsection eight of the same section all words from the commencement of the subsection up to and inclusive of the words "availed of" and by inserting in lieu thereof the following words:—  
"Where a product has been declared a commodity and a board has been appointed in respect thereof."

- (ix) by omitting from paragraph (e) of subsection eleven of the same section the words "may be amended" and by inserting in lieu thereof the following words "be amended or revoked."

- (x) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection:—

(12) Upon the petition of a representative number (not less than one hundred or one half the number engaged in producing a product where that number does not exceed one hundred and fifty) of the producers of any particular product within the area for which it has been declared a commodity, the Governor may direct that

*Marketing of Primary Products (Amendment).*

a poll of the producers within that area be taken as to whether the board constituted for that product should be dissolved, but no such poll shall be directed within three years after the constitution of the board nor within three years after any similar poll upon which the question of the dissolution of the board has been decided in the negative.

If at any such poll a majority of the votes polled is in favour of a dissolution, and the votes polled are given by at least two-thirds of the producers entitled to vote, the board shall be dissolved by proclamation.

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 less than two pounds.

- (c) by omitting the last subparagraph of paragraph (c) of the proviso to section six. Sec. 6.  
(Several commodities.)
- (d) (i) by omitting subsection one of section seven and by inserting in lieu thereof the following new subsection :— Sec. 7.  
(Appointment of members.)

(1) The Governor shall, as soon as practicable after the application of this Act to a commodity, appoint in respect thereof a Marketing Board.

The board shall consist of the persons elected by the producers of the commodity in accordance with the provisions of section five of this Act, and, if two such persons have been elected, one other member, or, if three or five such persons have been elected, two other members.

The appointment of the board shall be notified by the Governor by proclamation in the Gazette.

On the publication of the notification the board shall be deemed to be duly constituted.

(ii)

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*Marketing of Primary Products (Amendment).*

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(Chairman.)

(ii) By omitting subsection two of the same section, and by inserting in lieu thereof the following subsection:—

(2) The members of the board shall, at the first meeting of the board at which all the members are present, elect one of the members to be chairman of the board: If a chairman is not so elected the Governor shall appoint a member to be chairman.

(iii) by adding at the end of subsection three of the same section the following words:—

A board shall not be so constituted as to consist of other than the numbers of elected and appointed members respectively stated in subsection one of this section.

(iv) (a) by inserting in subsection six of the same section after the word "board" where firstly occurring, the words "other than officers of the Public Service";

(b) by inserting in the same subsection after the word "Governor" the words "Every member shall be paid from the said funds his expenses at the rates prescribed".

(v) by omitting from subsection seven of the same section the words "elected or appointed";

Sec. 10.  
(Powers of  
board.)

(e) (1) (a) by inserting in paragraph (ii) of section ten after the words "other institution" the words "or person";

(b) by inserting in the same paragraph after the words "any part thereof" the words "or any other assets of the board";

(c) by omitting from the same paragraph the words "or institution" and by inserting in lieu thereof the words "institution or person";

(2)

*Marketing of Primary Products (Amendment).*

- (2) by omitting paragraph five of the same section, and also the word "and" immediately preceding that paragraph;
- (f) by omitting from subsection two of section eleven all words after the words "so delivered," and by inserting in lieu thereof the following words "and accepted by the board shall be deemed to be absolutely vested in and be the property of the board freed from all mortgages, charges, liens, pledges, interests, and trusts affecting the same, and the rights and interests of every person in the commodity shall thereupon be taken to be converted into a claim for payment therefor in accordance with the provisions of this Act"; Sec. 11.  
(Commodity delivered to Marketing Board.)
- (g) by omitting subsection four of section fourteen.
- (h) by omitting from subsection one of section eighteen the words "no action for damages" and by inserting in lieu thereof the words "no proceedings at law or in equity"; Sec. 18.  
Remedy against board.
- (i) by inserting after the words "such certificate" in subsection one of section twenty-one the words "or with any person who has made a claim in accordance with the provisions of subsection two of section eighteen of this Act." Sec. 21.  
Protection of board.
- (j) by omitting from subsection two of section twenty-four the words "and thereupon the board shall take such poll" and by inserting in lieu thereof the following words: "and thereupon the Minister shall cause a poll to be taken."
- (k) (i) by inserting in subsection one of section thirty-four after sub-paragraph (a) of paragraph (i) the following new sub-paragraph:—  
 (a1) The fees, allowances, and travelling expenses which may be paid to members.
- (ii) by omitting from the same subsection sub-paragraph (b) of paragraph (ii).

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*Marketing of Primary Products (Amendment).*

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Further  
amendment  
of Act No. 34,  
1927, s. 25.  
(Statistics.)

**3.** The Marketing of Primary Products Act, 1927, is further amended—

(a) (i) by omitting from subsection one of section twenty-five the words “which shall be under the charge of the Director of Marketing”;

(ii) by omitting subsection three of section twenty-five and by inserting in lieu thereof the following:—

(3) Subject to the approval of the Minister the functions of the bureau shall be to take steps—

(a) to determine and record the costs of producing products in New South Wales;

(b) to keep continuous records of products produced in or imported into New South Wales;

(c) to keep continuous records of wholesale and retail or other prices of local and imported products and of the returns to producers in respect of produce produced in New South Wales;

(d) to keep records of the production and marketing of products in other States of the Commonwealth and in other countries in so far as they have a bearing upon the marketing of the products of New South Wales;

(e) and to collect such other information as the Minister may from time to time determine;

(iii) by inserting at the end of section twenty-five the following new subsections:—

(4) Notwithstanding anything in the Census Act, 1901, the Statistician may supply such information as may be in his possession



Marketing of Primary Products (Amendment).

possession which may assist in the compilation of lists of producers for the purpose of this Act.

(5) Any officer of the State Marketing Bureau who uses any information supplied by the Statistician except for the purposes indicated in the last preceding subsection shall be liable to a penalty not exceeding twenty pounds.

(6) No officer of the State Marketing Bureau shall be subpoenaed to produce any document containing such information or to give evidence as to the contents thereof or as to any information so supplied in any court and if contrary to this provision he is subpoenaed he shall not produce the document or give the evidence.

- (b) by omitting the heading of Part IV and by (Part IV.) inserting in lieu thereof the following new (Director of Marketing.) heading "Official Marketing Information";
- (c) by omitting sections twenty-six and twenty-eight; Secs. 26, 28.
- (d) by omitting from section twenty-seven all Sec. 27 words from the commencement of the section up to and inclusive of the words "that is to say" and by inserting in lieu thereof the following:—

"Subject to the approval of the Minister the State Marketing Bureau shall undertake and discharge the following duties and functions in addition to those specified in section twenty-five, that is to say:—"

- (e) (i) by omitting from subsection one of section Sec. 29 (1). twenty-nine the words "Director of (Returns.) Marketing" and by inserting in lieu thereof the word "Minister";
- (ii) by inserting after the word "furnish" in the same subsection the words "to a person specified in the notice";

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*Marketing of Primary Products (Amendment).*

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(iii) by inserting at the end of section twenty-nine the following new subsections:—

(3) For the purpose of ascertaining whether any offence has been committed against the provisions of this section the Minister may by writing under his hand authorise any person to inspect and take copies of any books, vouchers, account sales, return sales, or other documents or writings owned by or in the possession of any person required to furnish a return in accordance with the provisions of subsection one of this section, or owned by or in the possession of his agent and for that purpose to enter any premises where he has reason to believe the books, vouchers, account sales, return sales, or other documents or writings are.

(4) Any person who obstructs any person so authorised or refuses upon request to produce any book, voucher, account sales, return sales or other document or writing shall be guilty of an offence against this Act.

Sec. 30.  
(Broad-casting.)

- (f) (i) by omitting from section thirty the words "Director of Marketing" where firstly occurring and by inserting in lieu thereof the word "Minister";
- (ii) by omitting from the same section the words "under his hand";
- (iii) by omitting from the same section the words "under the hand of the Director of Marketing" and by inserting in lieu thereof the words "by the direction of the Minister";

Sec. 33.  
(Evidence.)

- (g) (i) by omitting from paragraph one of section thirty-three the words "the Director of Marketing" and by inserting in lieu thereof the words "the Minister";
- (ii) by omitting from paragraph two of the same section the words "or the Director of Marketing";
- (h)

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*Marketing of Primary Products (Amendment).*

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- (h) (i) by omitting from subparagraph (c) of paragraph one of subsection one of section thirty-four the words "to the Director of Marketing or any board" and by inserting in lieu thereof the words "in accordance with this Act." Sec. 34 (1)  
(i) (c).  
(Regulations.)
- (ii) by omitting in subsection three of the same section the words "fifteen days" and by inserting in lieu thereof the words "fifteen sitting days."

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By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1928.

[Gd.]



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

S. G. BOYDELL,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 1 June, 1928, A.M.*

## New South Wales.



ANNO UNDEVICESIMO

# GEORGI V REGIS.

\*\*\*\*\*

## Act No. 19, 1928.

An Act to amend the Marketing of Primary Products Act, 1927, and certain other Acts; and for purposes connected therewith. [Assented to, 16th June, 1928.]

**B**E it enacted by the King'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, 1928."

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

R. B. WALKER,  
*Chairman of Committees of the Legislative Assembly.*

*Marketing of Primary Products (Amendment).*

Commence-  
ment.

(2) This Act shall come into operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
34, 1927,  
s. 4.  
Definitions.)

**2.** The Marketing of Primary Products Act, 1927, is amended—

(a) (i) by omitting from section four the definition of “consumer”;

(ii) (a) by omitting from the definition of “producer” in the same section the word “eighteen” and by inserting in lieu thereof the word “twenty-one”;

(b) by omitting from the same definition the word “father’s” and by inserting in lieu thereof the word “parent’s”.

(c) by adding at the end of the same definition the following words:—

Where any product is the production of manufacture or treatment of an article grown or produced by a farmer, orchardist, vegetable grower, grazier, poultry farmer, apiarist, or dairyman, the grower or producer of the article shall for the purpose of any petition or poll under this Act be deemed to be the producer of the product.

(iii) (a) by omitting from the definition of “product” in the same section the word “wool”;

(b) by omitting from the same definition the words “fresh milk” and by inserting in lieu thereof the word “bacon”;

(c) by omitting from the same definition the words “or dried lexias” and by inserting in lieu thereof the words “dried lexias, wool or fresh milk”;

(iv) by omitting from the same section the words “Nothing in this Act shall apply to wool”;

(b)

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*Marketing of Primary Products (Amendment).*

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- (b) (i) by omitting from subsection one of section Sec. 5. five the word "commodity" where firstly (Polls of producers.) occurring and by inserting in lieu thereof the word "product";
- (ii) by omitting from the same subsection the words "and for such time as is specified in the proclamation";
- (iii) (a) by omitting from subsection three of the same section the word "three";
- (b) by omitting from the same subsection the word "fifty" and by inserting in lieu thereof the word "thirty".
- (iv) by adding after subsection four of section five the following new subsections:—
- (4A) The number of representatives to be elected shall be stated in the proclamation and shall be either two three or five.
- (4B) The Governor may by the same or another proclamation appoint electoral districts and fix the number of representatives which each district shall be entitled to elect.
- (4C) The election shall be conducted upon a system of preferential voting, and shall be carried out in the manner prescribed.
- (v) (a) by omitting from subsection five of the same section the word "section" and by inserting in lieu thereof the word "Act".
- (b) by omitting from the same subsection the words "if a board is constituted under this Act as a result of any such poll".
- (vi) by omitting subsection six of the same section and by inserting in lieu thereof the following:—
- (6) No person shall vote on any poll taken under the provisions of this Act unless his name is included in the list of producers which the Minister shall cause to be compiled in the prescribed manner;
- (vii)

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*Marketing of Primary Products (Amendment).*

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- (vii) by adding after subsection seven of the same section the following new subsection:—

(7A) Any person whose name has been omitted from the roll may in the manner prescribed make application to a court consisting of a stipendiary or police magistrate for an order that his name may be added to the roll.

The court may hear and determine any application under this subsection and may make such order as it thinks fit as to the costs of the application which may be recovered in the same manner as the costs of any other proceeding before the magistrate sitting in petty sessions.

- (viii) by omitting from subsection eight of the same section all words from the commencement of the subsection up to and inclusive of the words "availed of" and by inserting in lieu thereof the following words:—  
"Where a product has been declared a commodity and a board has been appointed in respect thereof."

- (ix) by omitting from paragraph (e) of subsection eleven of the same section the words "may be amended" and by inserting in lieu thereof the following words "be amended or revoked."

- (x) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection:—

(12) Upon the petition of a representative number (not less than one hundred or one half the number engaged in producing a product where that number does not exceed one hundred and fifty) of the producers of any particular product within the area for which it has been declared a commodity, the Governor may direct that



*Marketing of Primary Products (Amendment).*

a poll of the producers within that area be taken as to whether the board constituted for that product should be dissolved, but no such poll shall be directed within three years after the constitution of the board nor within three years after any similar poll upon which the question of the dissolution of the board has been decided in the negative.

If at any such poll a majority of the votes polled is in favour of a dissolution, and the votes polled are given by at least two-thirds of the producers entitled to vote, the board shall be dissolved by proclamation.

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 less than two pounds.

- (c) by omitting the last subparagraph of paragraph (c) of the proviso to section six. Sec. 6.  
(Several commodities.)
- (d) (i) by omitting subsection one of section seven and by inserting in lieu thereof the following new subsection :— Sec. 7.  
(Appointment of members.)

(1) The Governor shall, as soon as practicable after the application of this Act to a commodity, appoint in respect thereof a Marketing Board.

The board shall consist of the persons elected by the producers of the commodity in accordance with the provisions of section five of this Act, and, if two such persons have been elected, one other member, or, if three or five such persons have been elected, two other members.

The appointment of the board shall be notified by the Governor by proclamation in the Gazette.

On the publication of the notification the board shall be deemed to be duly constituted.

(ii)

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*Marketing of Primary Products (Amendment).*

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(ii) By omitting subsection two of the same section, and by inserting in lieu thereof the following subsection:—

(Chairman.)

(2) The members of the board shall, at the first meeting of the board at which all the members are present, elect one of the members to be chairman of the board: If a chairman is not so elected the Governor shall appoint a member to be chairman.

(iii) by adding at the end of subsection three of the same section the following words:—

A board shall not be so constituted as to consist of other than the numbers of elected and appointed members respectively stated in subsection one of this section.

(iv) (a) by inserting in subsection six of the same section after the word "board" where firstly occurring, the words "other than officers of the Public Service";

(b) by inserting in the same subsection after the word "Governor" the words "Every member shall be paid from the said funds his expenses at the rates prescribed".

(v) by omitting from subsection seven of the same section the words "elected or appointed";

Sec. 10.  
(Powers of  
board.)

(e) (1) (a) by inserting in paragraph (ii) of section ten after the words "other institution" the words "or person";

(b) by inserting in the same paragraph after the words "any part thereof" the words "or any other assets of the board";

(c) by omitting from the same paragraph the words "or institution" and by inserting in lieu thereof the words "institution or person";

*Marketing of Primary Products (Amendment).*

- (2) by omitting paragraph five of the same section, and also the word "and" immediately preceding that paragraph;
- (f) by omitting from subsection two of section eleven all words after the words "so delivered," and by inserting in lieu thereof the following words "and accepted by the board shall be deemed to be absolutely vested in and be the property of the board freed from all mortgages, charges, liens, pledges, interests, and trusts affecting the same, and the rights and interests of every person in the commodity shall thereupon be taken to be converted into a claim for payment therefor in accordance with the provisions of this Act";
- (g) by omitting subsection four of section fourteen.
- (h) by omitting from subsection one of section eighteen the words "no action for damages" and by inserting in lieu thereof the words "no proceedings at law or in equity";
- (i) by inserting after the words "such certificate" in subsection one of section twenty-one the words "or with any person who has made a claim in accordance with the provisions of subsection two of section eighteen of this Act."
- (j) by omitting from subsection two of section twenty-four the words "and thereupon the board shall take such poll" and by inserting in lieu thereof the following words: "and thereupon the Minister shall cause a poll to be taken."
- (k) (i) by inserting in subsection one of section thirty-four after sub-paragraph (a) of paragraph (i) the following new sub-paragraph:—  
 (a1) The fees, allowances, and travelling expenses which may be paid to members.
- (ii) by omitting from the same subsection sub-paragraph (b) of paragraph (ii).

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*Marketing of Primary Products (Amendment).*

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Further  
amendment  
of Act No. 34,  
1927, s. 25.  
(Statistics.)

**3.** The Marketing of Primary Products Act, 1927, is further amended—

(a) (i) by omitting from subsection one of section twenty-five the words “which shall be under the charge of the Director of Marketing”;

(ii) by omitting subsection three of section twenty-five and by inserting in lieu thereof the following:—

(3) Subject to the approval of the Minister the functions of the bureau shall be to take steps—

(a) to determine and record the costs of producing products in New South Wales;

(b) to keep continuous records of products produced in or imported into New South Wales;

(c) to keep continuous records of wholesale and retail or other prices of local and imported products and of the returns to producers in respect of produce produced in New South Wales;

(d) to keep records of the production and marketing of products in other States of the Commonwealth and in other countries in so far as they have a bearing upon the marketing of the products of New South Wales;

(e) and to collect such other information as the Minister may from time to time determine;

(iii) by inserting at the end of section twenty-five the following new subsections:—

(4) Notwithstanding anything in the Census Act, 1901, the Statistician may supply such information as may be in his possession

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*Marketing of Primary Products (Amendment).*

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possession which may assist in the compilation of lists of producers for the purpose of this Act.

(5) Any officer of the State Marketing Bureau who uses any information supplied by the Statistician except for the purposes indicated in the last preceding subsection shall be liable to a penalty not exceeding twenty pounds.

(6) No officer of the State Marketing Bureau shall be subpoenaed to produce any document containing such information or to give evidence as to the contents thereof or as to any information so supplied in any court and if contrary to this provision he is subpoenaed he shall not produce the document or give the evidence.

- (b) by omitting the heading of Part IV and by <sup>(Part IV.)</sup> inserting in lieu thereof the following new <sup>(Director of Marketing.)</sup> heading "Official Marketing Information";
- (c) by omitting sections twenty-six and twenty-eight; <sup>Secs. 26, 28.</sup>
- (d) by omitting from section twenty-seven all <sup>Sec. 27.</sup> words from the commencement of the section up to and inclusive of the words "that is to say" and by inserting in lieu thereof the following:—
- "Subject to the approval of the Minister the State Marketing Bureau shall undertake and discharge the following duties and functions in addition to those specified in section twenty-five, that is to say:—"
- (e) (i) by omitting from subsection one of section <sup>Sec. 29 (1).</sup> twenty-nine the words "Director of <sup>(Returns.)</sup> Marketing" and by inserting in lieu thereof the word "Minister";
- (ii) by inserting after the word "furnish" in the same subsection the words "to a person specified in the notice";

(iii)

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*Marketing of Primary Products (Amendment).*

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(iii) by inserting at the end of section twenty-nine the following new subsections :—

(3) For the purpose of ascertaining whether any offence has been committed against the provisions of this section the Minister may by writing under his hand authorise any person to inspect and take copies of any books, vouchers, account sales, return sales, or other documents or writings owned by or in the possession of any person required to furnish a return in accordance with the provisions of subsection one of this section, or owned by or in the possession of his agent and for that purpose to enter any premises where he has reason to believe the books, vouchers, account sales, return sales, or other documents or writings are.

(4) Any person who obstructs any person so authorised or refuses upon request to produce any book, voucher, account sales, return sales or other document or writing shall be guilty of an offence against this Act.

Sec. 30.  
(Broad-casting.)

(f) (i) by omitting from section thirty the words "Director of Marketing" where firstly occurring and by inserting in lieu thereof the word "Minister";

(ii) by omitting from the same section the words "under his hand";

(iii) by omitting from the same section the words "under the hand of the Director of Marketing" and by inserting in lieu thereof the words "by the direction of the Minister";

Sec. 33.  
(Evidence.)

(g) (i) by omitting from paragraph one of section thirty-three the words "the Director of Marketing" and by inserting in lieu thereof the words "the Minister";

(ii) by omitting from paragraph two of the same section the words "or the Director of Marketing";

(h)

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*Marketing of Primary Products (Amendment).*

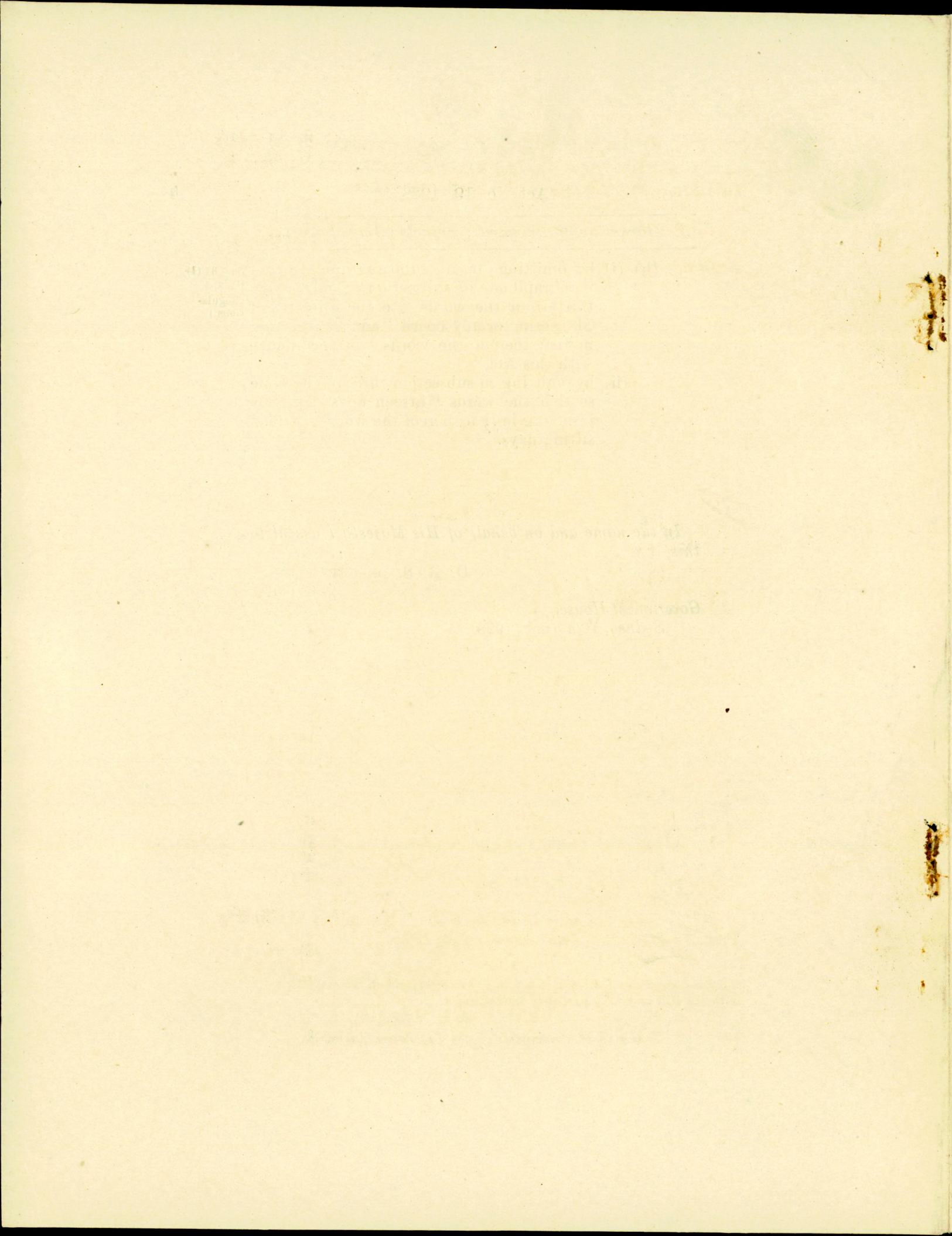
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- (h) (i) by omitting from subparagraph (c) of <sup>Sec. 34 (1)</sup> paragraph one of subsection one of section <sup>(i) (c).</sup> thirty-four the words "to the Director of <sup>(Regula-  
tions.)</sup> Marketing or any board" and by inserting in lieu thereof the words "in accordance with this Act."
- (ii) by omitting in subsection three of the same section the words "fifteen days" and by inserting in lieu thereof the words "fifteen sitting days."

*In the name and on behalf of His Majesty I assent to  
this Act.*

D. R. S. DE CHAIR,  
*Governor.*

*Government House,  
Sydney, 16th June, 1928*





MARKETING OF PRIMARY PRODUCTS (AMENDMENT) BILL.

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*SCHEDULE of the Amendments referred to in Message of 31st May, 1928.*

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Page 2, clause 2. *Omit* lines 29 to 33 inclusive.

Page 4, clause 2. *Omit* "he is a natural-born or naturalized British subject, and  
"unless"

Page 11, clause 3. *Omit* (h) (ii) *insert* new (ii).

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REAR VIEW OF STATE PRODUCE (AMOUNT) BILL

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REAR VIEW OF STATE PRODUCE (AMOUNT) BILL

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REAR VIEW OF STATE PRODUCE (AMOUNT) BILL

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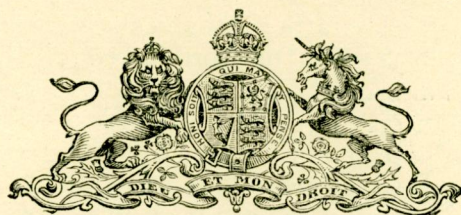
*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

S. G. BOYDELL,  
*Clerk of the Legislative Assembly.*  
Legislative Assembly Chamber,  
Sydney, 29 May, 1928.

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*  
Legislative Council Chamber,  
Sydney, 31st May, 1928.

## New South Wales.



ANNO UNDEVICESIMO

## GEORGI V REGIS.

\*\*\*\*\*

Act No. , 1928.

An Act to amend the Marketing of Primary Products Act, 1927, and certain other Acts; and for purposes connected therewith.

**B**E it enacted by the King'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 Short title Primary Products (Amendment) Act, 1928."

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17—A

(2)

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

*Marketing of Primary Products (Amendment).*

(2) This Act shall come into operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette. Commence-  
ment.

2. The Marketing of Primary Products Act, 1927, is 5 amended— Amendment  
of Act No.  
34, 1927,  
s. 4.

(a) (i) by omitting from section four the definition of "consumer"; (Definitions.)

10 (ii) (a) by omitting from the definition of "producer" in the same section the word "eighteen" and by inserting in lieu thereof the word "twenty-one";

(b) by omitting from the same definition the word "father's" and by inserting in lieu thereof the word "parent's".

15 (c) by adding at the end of the same definition the following words:—

Where any product is the production of manufacture or treatment of an article grown or produced by a farmer, orchardist, vegetable grower, grazier, poultry farmer, apiarist, or dairyman, the grower or producer of the article shall for the purpose of any petition or poll under this Act be deemed to be the producer of the product.

25 (iii) (a) by omitting from the definition of "product" in the same section the word "wool";

30 (b) by inserting in the same definition after the words "New South Wales" where secondly occurring the words "timber being the product of trees grown in New South Wales";

35 (e b) by omitting from the same definition the words "fresh milk" and by inserting in lieu thereof the word "bacon";

40 (d c) by omitting from the same definition the words "or dried lexias" and by inserting in lieu thereof the words "dried lexias, wool or fresh milk";

(iv)

*Marketing of Primary Products (Amendment).*

- (iv) by omitting from the same section the words "Nothing in this Act shall apply to wool";
- 5 (b) (i) by omitting from subsection one of section <sup>Sec. 5.</sup> five the word "commodity" where firstly (Polls of Producers.) occurring and by inserting in lieu thereof the word "product";
- 10 (ii) by omitting from the same subsection the words "and for such time as is specified in the proclamation";
- (iii) (a) by omitting from subsection three of the same section the word "three";
- 15 (b) by omitting from the same subsection the word "fifty" and by inserting in lieu thereof the word "thirty".
- (iv) by adding after subsection four of section five the following new subsections:—
- 20 (4A) The number of representatives to be elected shall be stated in the proclamation and shall be either two three or five.
- (4B) The Governor may by the same or another proclamation appoint electoral districts and fix the number of representatives which each district shall be entitled to elect.
- 25 (4C) The election shall be conducted upon a system of preferential voting, and shall be carried out in the manner prescribed.
- 30 (v) (a) by omitting from subsection five of the same section the word "section" and by inserting in lieu thereof the word "Act".
- (b) by omitting from the same subsection the words "if a board is constituted under this Act as a result of any such poll".
- 35 (vi) by omitting subsection six of the same section and by inserting in lieu thereof the following:—
- 40 (6) No person shall vote on any poll taken under the provisions of this Act unless

*Marketing of Primary Products (Amendment).*

unless ~~he is a natural born or naturalized~~  
~~British subject, and unless~~ his name on  
 included in the list of producers which the  
 Minister shall cause to be compiled in the  
 prescribed manner ;

5

- (vii) by adding after subsection seven of the  
 same section the following new sub-  
 section :—

10

(7A) Any person whose name has been  
 omitted from the roll may in the manner  
 prescribed make application to a court  
 consisting of a stipendiary or police magis-  
 trate for an order that his name may be  
 added to the roll.

15

The court may hear and determine any  
 application under this subsection and may  
 make such order as it thinks fit as to the  
 costs of the application which may be  
 recovered in the same manner as the costs  
 of any other proceeding before the magis-  
 trate sitting in petty sessions.

20

- (viii) by omitting from subsection eight of the  
 same section all words from the commence-  
 ment of the subsection up to and inclusive  
 of the words "availed of" and by inserting  
 in lieu thereof the following words :—  
 "Where a product has been declared a  
 commodity and a board has been appointed  
 in respect thereof."

25

30

- (ix) by omitting from paragraph (e) of subsec-  
 tion eleven of the same section the words  
 "may be amended" and by inserting in  
 lieu thereof the following words "be  
 amended or revoked."

35

- (x) by omitting subsection twelve of the same  
 section and by inserting in lieu thereof the  
 following subsection :—

40

(12) Upon the petition of a representa-  
 tive number (not less than one hundred or  
 one half the number engaged in producing  
 a product where that number does not  
 exceed

*Marketing of Primary Products (Amendment).*

5

exceed one hundred and fifty) of the producers of any particular product within the area for which it has been declared a commodity, the Governor may direct that a poll of the producers within that area be taken as to whether the board constituted for that product should be dissolved, but no such poll shall be directed within three years after the constitution of the board nor within three years after any similar poll upon which the question of the dissolution of the board has been decided in the negative.

10

15

If at any such poll a majority of the votes polled is in favour of a dissolution, and the votes polled are given by at least two-thirds of the producers entitled to vote, the board shall be dissolved by proclamation.

20

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 less than two pounds.

(c) by omitting the last subparagraph of paragraph (c) of the proviso to section six.

Sec. 6.  
(Several commodities.)

25

(d) (i) by omitting subsection one of section seven and by inserting in lieu thereof the following new subsection:—

Sec. 7.  
(Appointment of members.)

30

(1) The Governor shall, as soon as practicable after the application of this Act to a commodity, appoint in respect thereof a Marketing Board.

35

The board shall consist of the persons elected by the producers of the commodity in accordance with the provisions of section five of this Act, and, if two such persons have been elected, one other member, or, if three or five such persons have been elected, two other members.

40

The appointment of the board shall be notified by the Governor by proclamation in the Gazette.

On

*Marketing of Primary Products (Amendment).*

On the publication of the notification the board shall be deemed to be duly constituted.

5 (ii) By omitting subsection two of the same section, and by inserting in lieu thereof the following subsection:—

10 (2) The members of the board shall, at <sup>(Chairman.)</sup> the first meeting of the board at which all the members are present, elect one of the members to be chairman of the board: If a chairman is not so elected the Governor shall appoint a member to be chairman.

15 (iii) by adding at the end of subsection three of the same section the following words:—

20 A board shall not be so constituted as to consist of other than the numbers of elected and appointed members respectively stated in subsection one of this section.

25 (iv) (a) by inserting in subsection six of the same section after the word "board" where firstly occurring, the words "other than officers of the Public Service";

30 (b) by inserting in the same subsection after the word "Governor" the words "Every member shall be paid from the said funds his expenses at the rates prescribed".

(v) by omitting from subsection seven of the same section the words "elected or appointed";

35 (e) (1) (a) by inserting in paragraph (ii) of section <sup>Sec. 10.</sup> ten after the words "other institution" <sup>(Powers of board.)</sup> the words "or person";

40 (b) by inserting in the same paragraph after the words "any part thereof" the words "or any other assets of the board";

(c)



*Marketing of Primary Products (Amendment).*

- (c) by omitting from the same paragraph the words "or institution" and by inserting in lieu thereof the words "institution or person";
- 5 (2) by omitting paragraph five of the same section, and also the word "and" immediately preceding that paragraph;
- (f) by omitting from subsection two of section Sec. 11. eleven all words after the words "so (Commodity delivered to Marketing Board.) delivered," and by inserting in lieu thereof the following words "and accepted by the board shall be deemed to be absolutely vested in and be the property of the board freed from all mortgages, charges, liens, pledges, interests, and trusts affecting the same, and the rights and interests of every person in the commodity shall thereupon be taken to be converted into a claim for payment therefor in accordance with the provisions of this Act";
- 10 15 2 (g) by omitting subsection four of section fourteen.
- (h) by omitting from subsection one of section Sec. 18. eighteen the words "no action for damages" and by inserting in lieu thereof the words "no proceedings at law or in equity";
- 25 (i) by inserting after the words "such certificate" in subsection one of section twenty-one the words "or with any person who has made a claim in accordance with the provisions of subsection two of section eighteen of this Act." Sec. 21. Protection of board.
- 30 (j) by omitting from subsection two of section twenty-four the words "and thereupon the board shall take such poll" and by inserting in lieu thereof the following words: "and thereupon the Minister shall cause a poll to be taken."
- 35 (k) (i) by inserting in subsection one of section thirty-four after sub-paragraph (a) of paragraph (i) the following new sub-paragraph:—
- 40 (a1) The fees, allowances, and travelling expenses which may be paid to members. (ii)

*Marketing of Primary Products (Amendment).*

(ii) by omitting from the same subsection subparagraph (b) of paragraph (ii).

**3.** The Marketing of Primary Products Act, 1927, is further amended—

(a) (i) by omitting from subsection one of section twenty-five the words "which shall be under the charge of the Director of Marketing";

(ii) by omitting subsection three of section twenty-five and by inserting in lieu thereof the following:—

(3) Subject to the approval of the Minister the functions of the bureau shall be to take steps—

(a) to determine and record the costs of producing products in New South Wales;

(b) to keep continuous records of products produced in or imported into New South Wales;

(c) to keep continuous records of wholesale and retail or other prices of local and imported products and of the returns to producers in respect of produce produced in New South Wales;

(d) to keep records of the production and marketing of products in other States of the Commonwealth and in other countries in so far as they have a bearing upon the marketing of the products of New South Wales;

(e) and to collect such other information as the Minister may from time to time determine;

(iii) by inserting at the end of section twenty-five the following new subsections:—

(4) Notwithstanding anything in the Census Act, 1901, the Statistician may supply such information as may be in his possession

Further  
amendment  
of Act No. 34,  
1927, s. 25.  
(Statistics.)

Marketing of Primary Products (Amendment).

possession which may assist in the compilation of lists of producers for the purpose of this Act.

5 (5) Any officer of the State Marketing Bureau who uses any information supplied by the Statistician except for the purposes indicated in the last preceding subsection shall be liable to a penalty not exceeding twenty pounds.

10 (6) No officer of the State Marketing Bureau shall be subpoenaed to produce any document containing such information or to give evidence as to the contents thereof or as to any information so supplied in any court and if contrary to this provision he is subpoenaed he shall not produce the document or give the evidence.

20 (b) by omitting the heading of Part IV and by (Part IV.) inserting in lieu thereof the following new (Director of Marketing.) heading "Official Marketing Information";

(c) by omitting sections twenty-six and twenty-eight; Secs. 26, 28.

25 (d) by omitting from section twenty-seven all Sec. 27. words from the commencement of the section up to and inclusive of the words "that is to say" and by inserting in lieu thereof the following:—

30 "Subject to the approval of the Minister the State Marketing Bureau shall undertake and discharge the following duties and functions in addition to those specified in section twenty-five, that is to say:—"

35 (e) (i) by omitting from subsection one of section Sec. 29 (1). twenty-nine the words "Director of (Returns.) Marketing" and by inserting in lieu thereof the word "Minister";

(ii) by inserting after the word "furnish" in the same subsection the words "to a person specified in the notice";

*Marketing of Primary Products (Amendment).*

(iii) by inserting at the end of section twenty-nine the following new subsections:—

(3) For the purpose of ascertaining whether any offence has been committed against the provisions of this section the Minister may by writing under his hand authorise any person to inspect and take copies of any books, vouchers, account sales, return sales, or other documents or writings owned by or in the possession of any person required to furnish a return in accordance with the provisions of subsection one of this section, or owned by or in the possession of his agent and for that purpose to enter any premises where he has reason to believe the books, vouchers, account sales, return sales, or other documents or writings are.

(4) Any person who obstructs any person so authorised or refuses upon request to produce any book, voucher, account sales, return sales or other document or writing shall be guilty of an offence against this Act.

- (f) (i) by omitting from section thirty the words "Director of Marketing" where firstly occurring and by inserting in lieu thereof the word "Minister";
- (ii) by omitting from the same section the words "under his hand";
- (iii) by omitting from the same section the words "under the hand of the Director of Marketing" and by inserting in lieu thereof the words "by the direction of the Minister";
- (g) (i) by omitting from paragraph one of section thirty-three the words "the Director of Marketing" and by inserting in lieu thereof the words "the Minister";
- (ii) by omitting from paragraph two of the same section the words "or the Director of Marketing";
- (h)

*Marketing of Primary Products (Amendment).*

- 5
- (h) (i) by omitting from subparagraph (c) of paragraph one of subsection one of section thirty-four the words "to the Director of Marketing or any board" and by inserting in lieu thereof the words "in accordance with this Act." Sec. 34 (1) (i) (c). (Regulations.)
- 10
- (ii) by inserting in subparagraph (f) of paragraph two of the same subsection after the word "withheld" the words "or cancelled."
- (ii) by omitting in subsection three of the same section the words "fifteen days" and by inserting in lieu thereof the words "fifteen sitting days."

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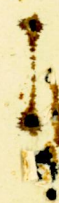
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1926.

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Legislative Council.

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## Marketing of Primary Products (Amendment) Bill.

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### EXPLANATORY MEMORANDUM.

THIS Bill is intended to make certain alterations in the Marketing of Primary Products Act, 1927, which have been found to be necessary since that Act was passed.

Consumers' representatives on the Marketing Boards are to be replaced by Government nominees.

Primary producers are to be represented on the Boards, and not manufacturers of primary products.

The constitution of the boards is to be varied in accordance with the needs of the commodities for which the boards operate.

Provision is made for electoral districts, preferential voting, appeals by persons omitted from the rolls, and postal voting in connection with the election of representatives to boards.

A special provision is to be inserted to ensure that producers of the highest class of butter will receive the higher price to which the higher quality of their produce entitles them.

The provision for a Director of Marketing and for his membership of every Marketing Board is to be repealed.

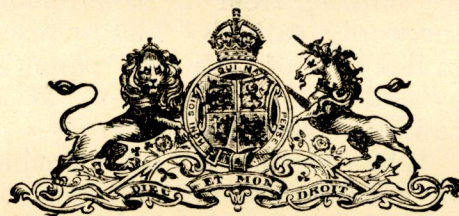




*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

S. G. BOYDELL,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 29 May, 1928.*

## New South Wales.



ANNO UNDEVICESIMO

## GEORGI V REGIS.

\*\*\*\*\*

Act No. , 1928.

An Act to amend the Marketing of Primary Products Act, 1927, and certain other Acts; and for purposes connected therewith.

**B**E it enacted by the King'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, 1928."

*Marketing of Primary Products (Amendment).*

(2) This Act shall come into operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette. Commence-  
ment.

**2.** The Marketing of Primary Products Act, 1927, is Amendment  
of Act No.  
34, 1927,  
s. 4.  
5 amended—

(a) (i) by omitting from section four the definition of "consumer"; (Definitions.)

10 (ii) (a) by omitting from the definition of "producer" in the same section the word "eighteen" and by inserting in lieu thereof the word "twenty-one";

(b) by omitting from the same definition the word "father's" and by inserting in lieu thereof the word "parent's".

15 (c) by adding at the end of the same definition the following words:—

20 Where any product is the production of manufacture or treatment of an article grown or produced by a farmer, orchardist, vegetable grower, grazier, poultry farmer, apiarist, or dairyman, the grower or producer of the article shall for the purpose of any petition or poll under this Act be deemed to be the producer of the product.

25 (iii) (a) by omitting from the definition of "product" in the same section the word "wool";

30 (b) by inserting in the same definition after the words "New South Wales" where secondly occurring the words "timber being the product of trees grown in New South Wales".

35 (c) by omitting from the same definition the words "fresh milk" and by inserting in lieu thereof the word "bacon";

40 (d) by omitting from the same definition the words "or dried lexias" and by inserting in lieu thereof the words "dried lexias, wool or fresh milk";

(iv)

*Marketing of Primary Products (Amendment).*

- (iv) by omitting from the same section the words "Nothing in this Act shall apply to wool";
- 5 (b) (i) by omitting from subsection one of section <sup>Sec. 5.</sup> five the word "commodity" where firstly <sup>(Polls of</sup> occurring and by inserting in lieu thereof <sup>producers.)</sup> the word "product";
- (ii) by omitting from the same subsection the words "and for such time as is specified in the proclamation";
- 10 (iii) (a) by omitting from subsection three of the same section the word "three";
- (b) by omitting from the same subsection the word "fifty" and by inserting in lieu thereof the word "thirty".
- 15 (iv) by adding after subsection four of section five the following new subsections:—
- (4A) The number of representatives to be elected shall be stated in the proclamation and shall be either two three or five.
- 20 (4B) The Governor may by the same or another proclamation appoint electoral districts and fix the number of representatives which each district shall be entitled to elect.
- 25 (4c) The election shall be conducted upon a system of preferential voting, and shall be carried out in the manner prescribed.
- (v) (a) by omitting from subsection five of the same section the word "section" and by inserting in lieu thereof the word "Act".
- 30 (b) by omitting from the same subsection the words "if a board is constituted under this Act as a result of any such poll".
- 35 (vi) by omitting subsection six of the same section and by inserting in lieu thereof the following:—
- 40 (6) No person shall vote on any poll taken under the provisions of this Act unless

*Marketing of Primary Products (Amendment).*

unless he is a natural born or naturalized British subject, and unless his name is included in the list of producers which the Minister shall cause to be compiled in the prescribed manner;

5

(vii) by adding after subsection seven of the same section the following new subsection:—

10

(7A) Any person whose name has been omitted from the roll may in the manner prescribed make application to a court consisting of a stipendiary or police magistrate for an order that his name may be added to the roll.

15

The court may hear and determine any application under this subsection and may make such order as it thinks fit as to the costs of the application which may be recovered in the same manner as the costs of any other proceeding before the magistrate sitting in petty sessions.

20

viii) by omitting from subsection eight of the same section all words from the commencement of the subsection up to and inclusive of the words "availed of" and by inserting in lieu thereof the following words:—  
"Where a product has been declared a commodity and a board has been appointed in respect thereof."

25

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(ix) by omitting from paragraph (e) of subsection eleven of the same section the words "may be amended" and by inserting in lieu thereof the following words "be amended or revoked."

35

(x) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection:—

40

(12) Upon the petition of a representative number (not less than one hundred or one half the number engaged in producing a product where that number does not exceed

*Marketing of Primary Products (Amendment).*

5 exceed one hundred and fifty) of the  
 producers of any particular product within  
 the area for which it has been declared a  
 commodity, the Governor may direct that  
 a poll of the producers within that area be  
 taken as to whether the board constituted  
 for that product should be dissolved, but  
 no such poll shall be directed within three  
 10 years after the constitution of the board  
 nor within three years after any similar  
 poll upon which the question of the dis-  
 solution of the board has been decided in  
 the negative.

15 If at any such poll a majority of the  
 votes polled is in favour of a dissolution, and  
 the votes polled are given by at least two-  
 thirds of the producers entitled to vote, the  
 board shall be dissolved by proclamation.

20 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 less than two pounds.

(c) by omitting the last subparagraph of para-  
 graph (c) of the proviso to section six.

Sec. 6.  
 (Several  
 commodities.)

25 (d) (i) by omitting subsection one of section seven  
 and by inserting in lieu thereof the follow-  
 ing new subsection :—

Sec. 7.  
 (Appointment  
 of members.)

30 (1) The Governor shall, as soon as practic-  
 able after the application of this Act to a  
 commodity, appoint in respect thereof a  
 Marketing Board.

35 The board shall consist of the persons  
 elected by the producers of the commodity  
 in accordance with the provisions of section  
 five of this Act, and, if two such persons  
 have been elected, one other member, or,  
 if three or five such persons have been  
 elected, two other members.

40 The appointment of the board shall be  
 notified by the Governor by proclamation  
 in the Gazette.

On

*Marketing of Primary Products (Amendment).*

On the publication of the notification the board shall be deemed to be duly constituted.

- 5 (ii) By omitting subsection two of the same section, and by inserting in lieu thereof the following subsection :—
- (2) The members of the board shall, at <sup>(Chairman.)</sup> the first meeting of the board at which all the members are present, elect one of the members to be chairman of the board :  
10 If a chairman is not so elected the Governor shall appoint a member to be chairman.
- 15 (iii) by adding at the end of subsection three of the same section the following words :—  
A board shall not be so constituted as to consist of other than the numbers of elected and appointed members respectively stated in subsection one of this  
20 section.
- (iv) (a) by inserting in subsection six of the same section after the word " board " where firstly occurring, the words  
25 " other than officers of the Public Service " ;  
(b) by inserting in the same subsection after the word " Governor " the words " Every member shall be paid from the said funds his expenses at the  
30 rates prescribed " .
- (v) by omitting from subsection seven of the same section the words " elected or appointed " ;
- 35 (e) (1) (a) by inserting in paragraph (ii) of section <sup>Sec. 10</sup> ten after the words " other institution " <sup>(Powers of board.)</sup> the words " or person " ;  
(b) by inserting in the same paragraph after the words " any part thereof " the words " or any other assets of the  
40 board " ;

(c)

*Marketing of Primary Products (Amendment).*

- (e) by omitting from the same paragraph the words "or institution" and by inserting in lieu thereof the words "institution or person";
- 5 (2) by omitting paragraph five of the same section, and also the word "and" immediately preceding that paragraph;
- (f) by omitting from subsection two of section eleven all words after the words "so delivered," and by inserting in lieu thereof the following words "and accepted by the board shall be deemed to be absolutely vested in and be the property of the board freed from all mortgages, charges, liens, pledges, interests, and trusts affecting the same, and the rights and interests of every person in the commodity shall thereupon be taken to be converted into a claim for payment therefor in accordance with the provisions of this Act";
- 10 (g) by omitting subsection four of section fourteen.
- (h) by omitting from subsection one of section eighteen the words "no action for damages" and by inserting in lieu thereof the words "proceedings at law or in equity";
- 15 (i) by inserting after the words "such certificate" in subsection one of section twenty-one the words "or with any person who has made a claim in accordance with the provisions of subsection two of section eighteen of this Act."
- 20 (j) by omitting from subsection two of section twenty-four the words "and thereupon the board shall take such poll" and by inserting in lieu thereof the following words: "and thereupon the Minister shall cause a poll to be taken."
- 25 (k) (i) by inserting in subsection one of section thirty-four after sub-paragraph (a) of paragraph (i) the following new sub-paragraph:—
- 30 (a1) The fees, allowances, and travelling expenses which may be paid to members.
- 35 (ii)
- 40

Sec. 11.  
(Commodity  
delivered to  
Marketing  
Board.)

Sec 18.  
Remedy  
against  
board.

Sec. 21.  
Protection of  
board.

*Marketing of Primary Products (Amendment).*

(ii) by omitting from the same subsection subparagraph (b) of paragraph (ii).

**3.** The Marketing of Primary Products Act, 1927, is further amended—

Further amendment of Act No. 34, 1927, s. 25. (Statistics.)

(a) (i) by omitting from subsection one of section twenty-five the words "which shall be under the charge of the Director of Marketing";

(ii) by omitting subsection three of section twenty-five and by inserting in lieu thereof the following:—

(3) Subject to the approval of the Minister the functions of the bureau shall be to take steps—

(a) to determine and record the costs of producing products in New South Wales;

(b) to keep continuous records of products produced in or imported into New South Wales;

(c) to keep continuous records of wholesale and retail or other prices of local and imported products and of the returns to producers in respect of produce produced in New South Wales;

(d) to keep records of the production and marketing of products in other States of the Commonwealth and in other countries in so far as they have a bearing upon the marketing of the products of New South Wales;

(e) and to collect such other information as the Minister may from time to time determine;

(iii) by inserting at the end of section twenty-five the following new subsections:—

(4) Notwithstanding anything in the Census Act, 1901, the Statistician may supply such information as may be in his possession



*Marketing of Primary Products (Amendment).*

possession which may assist in the compilation of lists of producers for the purpose of this Act.

5 (5) Any officer of the State Marketing Bureau who uses any information supplied by the Statistician except for the purposes indicated in the last preceding subsection shall be liable to a penalty not exceeding twenty pounds.

10 (6) No officer of the State Marketing Bureau shall be subpoenaed to produce any document containing such information or to give evidence as to the contents thereof or as to any information so supplied in any court and if contrary to this provision he is subpoenaed he shall not produce the document or give the evidence.

20 (b) by omitting the heading of Part IV and by <sup>(Part IV.)</sup> inserting in lieu thereof the following new <sup>(Director of Marketing.)</sup> heading "Official Marketing Information";

(c) by omitting sections twenty-six and twenty-eight; <sup>Secs. 26, 28.</sup>

25 (d) by omitting from section twenty-seven all <sup>Sec. 27.</sup> words from the commencement of the section up to and inclusive of the words "that is to say" and by inserting in lieu thereof the following:—

30 "Subject to the approval of the Minister the State Marketing Bureau shall undertake and discharge the following duties and functions in addition to those specified in section twenty-five, that is to say:—"

35 (e) (i) by omitting from subsection one of section <sup>Sec. 29 (1).</sup> twenty-nine the words "Director of <sup>(Returns.)</sup> Marketing" and by inserting in lieu thereof the word "Minister";

(ii) by inserting after the word "furnish" in the same subsection the words "to a person specified in the notice";

Marketing of Primary Products (Amendment).

(iii) by inserting at the end of section twenty-nine the following new subsections:—

5 (3) For the purpose of ascertaining whether any offence has been committed against the provisions of this section the Minister may by writing under his hand authorise any person to inspect and take  
10 copies of any books, vouchers, account sales, return sales, or other documents or writings owned by or in the possession of any person required to furnish a return in accordance with the provisions of subsection one of this section, or owned by or in  
15 the possession of his agent and for that purpose to enter any premises where he has reason to believe the books, vouchers, account sales, return sales, or other documents or writings are.

20 (4) Any person who obstructs any person so authorised or refuses upon request to produce any book, voucher, account sales, return sales or other document or writing shall be guilty of an offence against this Act.

25 (f) (i) by omitting from section thirty the words "Director of Marketing" where firstly occurring and by inserting in lieu thereof the word "Minister"; Sec. 30. (Broad-casting.)

30 (ii) by omitting from the same section the words "under his hand";

(iii) by omitting from the same section the words "under the hand of the Director of Marketing" and by inserting in lieu thereof the words "by the direction of the Minister";

35 (g) (i) by omitting from paragraph one of section thirty-three the words "the Director of Marketing" and by inserting in lieu thereof the words "the Minister"; Sec. 33. Evidence.

40 (ii) by omitting from paragraph two of the same section the words "or the Director of Marketing"; (h)

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*Marketing of Primary Products (Amendment).*

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- 5 (h) (i) by omitting from subparagraph (c) of Sec. 34 (1  
paragraph one of subsection one of section (i) (c).  
thirty-four the words "to the Director of (Regula-  
Marketing or any board" and by inserting tions.)  
in lieu thereof the words "in accordance  
with this Act."  
10 (ii) by inserting in subparagraph (f) of para-  
graph two of the same subsection after  
the word "withheld" the words "or  
cancelled".

Statement of ...

- (i) by ...
- (ii) by ...

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Legislative Council.

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## Marketing of Primary Products (Amendment) Bill.

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### EXPLANATORY MEMORANDUM.

This Bill is intended to make certain alterations in the Marketing of Primary Products Act, 1927, which have been found to be necessary since that Act was passed.

Consumers' representatives on the Marketing Boards are to be replaced by Government nominees.

Primary producers are to be represented on the Boards, and not manufacturers of primary products.

The constitution of the boards is to be varied in accordance with the needs of the commodities for which the boards operate.

Provision is made for electoral districts, preferential voting, appeals by persons omitted from the rolls, and postal voting in connection with the election of representatives to boards.

A special provision is to be inserted to ensure that producers of the highest class of butter will receive the higher price to which the higher quality of their produce entitles them.

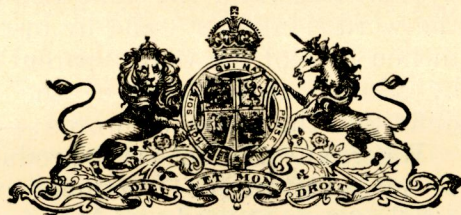
The provision for a Director of Marketing and for his membership of every Marketing Board is to be repealed.



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,  
and, having this day passed, is now ready for presentation to the  
LEGISLATIVE COUNCIL for its concurrence.*

S. G. BOYDELL,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,  
Sydney, 29 May, 1928.*

## New South Wales.



ANNO UNDEVICESIMO

GEORGII V REGIS.

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Act No. , 1928.

An Act to amend the Marketing of Primary Products Act, 1927, and certain other Acts; and for purposes connected therewith.

**B**E it enacted by the King'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 Short title. Primary Products (Amendment) Act, 1928."

*Marketing of Primary Products (Amendment).*

(2) This Act shall come into operation on a day to be appointed by the Governor and notified by proclamation published in the Gazette. Commence-  
ment.

**2.** The Marketing of Primary Products Act, 1927, is Amendment  
of Act No.  
34, 1927,  
s. 4.  
5 amended—

(a) (i) by omitting from section four the definition of "consumer"; (Definitions.)

10 (ii) (a) by omitting from the definition of "producer" in the same section the word "eighteen" and by inserting in lieu thereof the word "twenty-one";

(b) by omitting from the same definition the word "father's" and by inserting in lieu thereof the word "parent's".

15 (c) by adding at the end of the same definition the following words:—

20 Where any product is the production of manufacture or treatment of an article grown or produced by a farmer, orchardist, vegetable grower, grazier, poultry farmer, apiarist, or dairyman, the grower or producer of the article shall for the purpose of any petition or poll under this Act be deemed to be  
25 the producer of the product.

(iii) (a) by omitting from the definition of "product" in the same section the word "wool";

30 (b) by inserting in the same definition after the words "New South Wales" where secondly occurring the words "timber being the product of trees grown in New South Wales".

35 (c) by omitting from the same definition the words "fresh milk" and by inserting in lieu thereof the word "bacon";

40 (d) by omitting from the same definition the words "or dried lexias" and by inserting in lieu thereof the words "dried lexias, wool or fresh milk";

(iv)



*Marketing of Primary Products (Amendment).*

- (iv) by omitting from the same section the words "Nothing in this Act shall apply to wool";
- 5 (b) (i) by omitting from subsection one of section <sup>Sec. 5.</sup> five the word "commodity" where firstly <sup>(Polls of Producers.)</sup> occurring and by inserting in lieu thereof the word "product";
- (ii) by omitting from the same subsection the words "and for such time as is specified in the proclamation";
- 10 (iii) (a) by omitting from subsection three of the same section the word "three";
- (b) by omitting from the same subsection the word "fifty" and by inserting in lieu thereof the word "thirty".
- 15 (iv) by adding after subsection four of section five the following new subsections:—
- (4A) The number of representatives to be elected shall be stated in the proclamation and shall be either two three or five.
- 20 (4B) The Governor may by the same or another proclamation appoint electoral districts and fix the number of representatives which each district shall be entitled to elect.
- 25 (4C) The election shall be conducted upon a system of preferential voting, and shall be carried out in the manner prescribed.
- (v) (a) by omitting from subsection five of the same section the word "section" and by inserting in lieu thereof the word "Act".
- 30 (b) by omitting from the same subsection the words "if a board is constituted under this Act as a result of any such poll".
- 35 (vi) by omitting subsection six of the same section and by inserting in lieu thereof the following:—
- 40 (6) No person shall vote on any poll taken under the provisions of this Act unless

*Marketing of Primary Products (Amendment).*

unless he is a natural born or naturalized British subject, and unless his name is included in the list of producers which the Minister shall cause to be compiled in the prescribed manner ;

5

(vii) by adding after subsection seven of the same section the following new subsection :—

10

(7A) Any person whose name has been omitted from the roll may in the manner prescribed make application to a court consisting of a stipendiary or police magistrate for an order that his name may be added to the roll.

15

The court may hear and determine any application under this subsection and may make such order as it thinks fit as to the costs of the application which may be recovered in the same manner as the costs of any other proceeding before the magistrate sitting in petty sessions.

20

viii) by omitting from subsection eight of the same section all words from the commencement of the subsection up to and inclusive of the words "availed of" and by inserting in lieu thereof the following words :—  
"Where a product has been declared a commodity and a board has been appointed in respect thereof."

25

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(ix) by omitting from paragraph (e) of subsection eleven of the same section the words "may be amended" and by inserting in lieu thereof the following words "be amended or revoked."

35

(x) by omitting subsection twelve of the same section and by inserting in lieu thereof the following subsection :—

40

(12) Upon the petition of a representative number (not less than one hundred or one half the number engaged in producing a product where that number does not exceed

*Marketing of Primary Products (Amendment).*

5 exceed one hundred and fifty) of the  
 producers of any particular product within  
 the area for which it has been declared a  
 commodity, the Governor may direct that  
 a poll of the producers within that area be  
 taken as to whether the board constituted  
 for that product should be dissolved, but  
 no such poll shall be directed within three  
 10 years after the constitution of the board  
 nor within three years after any similar  
 poll upon which the question of the dis-  
 solution of the board has been decided in  
 the negative.

15 If at any such poll a majority of the  
 votes polled is in favour of a dissolution, and  
 the votes polled are given by at least two-  
 thirds of the producers entitled to vote, the  
 board shall be dissolved by proclamation.

20 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 less than two pounds.

(c) by omitting the last subparagraph of para-  
 graph (c) of the proviso to section six.

Sec. 6.  
 (Several  
 commodities.)

25 (d) (i) by omitting subsection one of section seven  
 and by inserting in lieu thereof the follow-  
 ing new subsection :—

Sec. 7.  
 (Appointment  
 of members.)

30 (1) The Governor shall, as soon as practic-  
 able after the application of this Act to a  
 commodity, appoint in respect thereof a  
 Marketing Board.

35 The board shall consist of the persons  
 elected by the producers of the commodity  
 in accordance with the provisions of section  
 five of this Act, and, if two such persons  
 have been elected, one other member, or,  
 if three or five such persons have been  
 elected, two other members.

40 The appointment of the board shall be  
 notified by the Governor by proclamation  
 in the Gazette.

On

Marketing of Primary Products (Amendment).

On the publication of the notification the board shall be deemed to be duly constituted.

- 5 (ii) By omitting subsection two of the same section, and by inserting in lieu thereof the following subsection :—
- 10 (2) The members of the board shall, at (Chairman.) the first meeting of the board at which all the members are present, elect one of the members to be chairman of the board : If a chairman is not so elected the Governor shall appoint a member to be chairman.
- 15 (iii) by adding at the end of subsection three of the same section the following words :—  
A board shall not be so constituted as to consist of other than the numbers of elected and appointed members respectively stated in subsection one of this section.
- 20 (iv) (a) by inserting in subsection six of the same section after the word "board" where firstly occurring, the words "other than officers of the Public Service";
- 25 (b) by inserting in the same subsection after the word "Governor" the words "Every member shall be paid from the said funds his expenses at the rates prescribed".
- 30 (v) by omitting from subsection seven of the same section the words "elected or appointed";
- 35 (e) (1) (a) by inserting in paragraph (ii) of section Sec. 10 ten after the words "other institution" (Powers of board.) the words "or person";
- 40 (b) by inserting in the same paragraph after the words "any part thereof" the words "or any other assets of the board";

(c)

*Marketing of Primary Products (Amendment).*

- (c) by omitting from the same paragraph the words "or institution" and by inserting in lieu thereof the words "institution or person";
- 5 (2) by omitting paragraph five of the same section, and also the word "and" immediately preceding that paragraph;
- (f) by omitting from subsection two of section eleven all words after the words "so delivered," and by inserting in lieu thereof the following words "and accepted by the board shall be deemed to be absolutely vested in and be the property of the board freed from all mortgages, charges, liens, pledges, interests, and trusts affecting the same, and the rights and interests of every person in the commodity shall thereupon be taken to be converted into a claim for payment therefor in accordance with the provisions of this Act";
- 10 (g) by omitting subsection four of section fourteen.
- (h) by omitting from subsection one of section eighteen the words "no action for damages" and by inserting in lieu thereof the words "no proceedings at law or in equity";
- 15 (i) by inserting after the words "such certificate" in subsection one of section twenty-one the words "or with any person who has made a claim in accordance with the provisions of subsection two of section eighteen of this Act."
- 20 (j) by omitting from subsection two of section twenty-four the words "and thereupon the board shall take such poll" and by inserting in lieu thereof the following words: "and thereupon the Minister shall cause a poll to be taken."
- 25 (k) (i) by inserting in subsection one of section thirty-four after sub-paragraph (a) of paragraph (i) the following new sub-paragraph:—
- 30 (a1) The fees, allowances, and travelling expenses which may be paid to members.
- 35 (ii)
- 40

Sec. 11.  
(Commodity delivered to Marketing Board.)

Sec 18.  
Remedy against board.

Sec. 21.  
Protection of board.

*Marketing of Primary Products (Amendment).*

(ii) by omitting from the same subsection subparagraph (b) of paragraph (ii).

5 **3.** The Marketing of Primary Products Act, 1927, is further amended—

Further amendment of Act No. 34, 1927, s. 25. (Statistics.)

(a) (i) by omitting from subsection one of section twenty-five the words "which shall be under the charge of the Director of Marketing";

10 (ii) by omitting subsection three of section twenty-five and by inserting in lieu thereof the following:—

(3) Subject to the approval of the Minister the functions of the bureau shall be to take steps—

15 (a) to determine and record the costs of producing products in New South Wales;

20 (b) to keep continuous records of products produced in or imported into New South Wales;

25 (c) to keep continuous records of wholesale and retail or other prices of local and imported products and of the returns to producers in respect of produce produced in New South Wales;

30 (d) to keep records of the production and marketing of products in other States of the Commonwealth and in other countries in so far as they have a bearing upon the marketing of the products of New South Wales;

(e) and to collect such other information as the Minister may from time to time determine;

35 (iii) by inserting at the end of section twenty-five the following new subsections:—

(4) Notwithstanding anything in the Census Act, 1901, the Statistician may supply such information as may be in his possession

*Marketing of Primary Products (Amendment).*

possession which may assist in the compilation of lists of producers for the purpose of this Act.

5 (5) Any officer of the State Marketing Bureau who uses any information supplied by the Statistician except for the purposes indicated in the last preceding subsection shall be liable to a penalty not exceeding twenty pounds.

10 (6) No officer of the State Marketing Bureau shall be subpoenaed to produce any document containing such information or to give evidence as to the contents thereof or as to any information so supplied in any court and if contrary to this provision he is subpoenaed he shall not produce the document or give the evidence.

20 (b) by omitting the heading of Part IV and by <sup>(Part IV.)</sup> inserting in lieu thereof the following new <sup>(Director of Marketing.)</sup> heading "Official Marketing Information";

(c) by omitting sections twenty-six and twenty-eight; <sup>Secs. 26, 28.</sup>

25 (d) by omitting from section twenty-seven all <sup>Sec. 27.</sup> words from the commencement of the section up to and inclusive of the words "that is to say" and by inserting in lieu thereof the following:—

30 "Subject to the approval of the Minister the State Marketing Bureau shall undertake and discharge the following duties and functions in addition to those specified in section twenty-five, that is to say:—"

35 (e) (i) by omitting from subsection one of section <sup>Sec. 29 (1).</sup> twenty-nine the words "Director of <sup>(Returns.)</sup> Marketing" and by inserting in lieu thereof the word "Minister";

(ii) by inserting after the word "furnish" in the same subsection the words "to a person specified in the notice";

*Marketing of Primary Products (Amendment).*

(iii) by inserting at the end of section twenty-nine the following new subsections:—

5 (3) For the purpose of ascertaining whether any offence has been committed against the provisions of this section the Minister may by writing under his hand authorise any person to inspect and take copies of any books, vouchers, account sales, return sales, or other documents or  
10 writings owned by or in the possession of any person required to furnish a return in accordance with the provisions of subsection one of this section, or owned by or in the possession of his agent and for that  
15 purpose to enter any premises where he has reason to believe the books, vouchers, account sales, return sales, or other documents or writings are.

20 (4) Any person who obstructs any person so authorised or refuses upon request to produce any book, voucher, account sales, return sales or other document or writing shall be guilty of an offence against this Act.

25 (f) (i) by omitting from section thirty the words Sec. 30. "Director of Marketing" where firstly (Broad-casting.) occurring and by inserting in lieu thereof the word "Minister";

30 (ii) by omitting from the same section the words "under his hand";

(iii) by omitting from the same section the words "under the hand of the Director of Marketing" and by inserting in lieu thereof the words "by the direction of the  
35 Minister";

(g) (i) by omitting from paragraph one of section Sec. 33. thirty-three the words "the Director of Evidence. Marketing" and by inserting in lieu thereof the words "the Minister";

40 (ii) by omitting from paragraph two of the same section the words "or the Director of Marketing"; (h)



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*Marketing of Primary Products (Amendment).*

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- 5 (h) (i) by omitting from subparagraph (c) of paragraph one of subsection one of section thirty-four the words "to the Director of Marketing or any board" and by inserting in lieu thereof the words "in accordance with this Act."
- 10 (ii) by inserting in subparagraph (f) of paragraph two of the same subsection after the word "withheld" the words "or cancelled".

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