

MARKETING OF PRIMARY PRODUCTS (AMENDMENT) BILL, 1955.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to empower any marketing board to act as an agent for the sale of any commodity for which it is appointed;
- (b) to make further provision for the regulation, within the area controlled by a marketing board, of the marketing by the board or by any other person of any commodity for which the board has been appointed;
- (c) to authorise the Egg Marketing Board for the State of New South Wales to make additional deductions from the proceeds of sale of eggs delivered to it and to apply those deductions in making certain payments for the purpose of more equitably distributing the cost of certain buildings erected by the Board;
- (d) to make other provisions of an ancillary and machinery character.

PROOF

No. , 1955.

A BILL

To make further provision for regulating the marketing of certain primary products; to confer additional powers on marketing boards; for these and other purposes to amend the Marketing of Primary Products Act, 1927, and certain other Acts in certain respects; to authorise the Egg Marketing Board for the State of New South Wales to make additional deductions from the proceeds of the sale of eggs delivered to it and to make certain payments from such deductions; and for purposes connected therewith.

[Mr. GRAHAM;—17 November, 1955.]

Marketing of Primary Products (Amendment).

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

1. (1) This Act may be cited as the "Marketing of
Primary Products (Amendment) Act, 1955." Short title
and
citation.

(2) The Marketing of Primary Products Act, 1927,
as amended by subsequent Acts and by this Act, may be
10 cited as the Marketing of Primary Products Act, 1927-
1955.

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

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

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

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

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

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

5 and may do all acts, matters and things neces-
sary or expedient in that behalf accordingly.

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

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

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

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

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(b) by omitting section thirty-four and by inserting ^{Subst. sec. 34.} in lieu thereof the following section:—

34. (1) (a) The Governor may make regula- ^{Regulations.} tions providing for all or any of the following matters:—

(i) Generally—

(a) Making all necessary provision for ^{Members, elections, &c.} and regulating the conduct by post or otherwise of the election from time to time of members of any board, and for the taking of any poll of producers under this Act; compilation and revision of rolls of producers entitled to vote at elections or polls; necessary qualifications of candidates for elections; method of determining the qualification of voters and of candidates for elections; settlement of disputed elections or questions arising out of or in connection with any election or poll; the tenure of office of members; the filling of casual vacancies therein arising from death, retirement, or resignation; the appointment of a deputy to act for any member in the event of illness, absence, or for other cause.

(b) The fees, allowances, and travelling ^{Fees, &c.} expenses which may be paid to members.

(c) Prescribing the certificates and ^{Forms.} other forms which may be used under this Act.

(d) Prescribing forms of returns and ^{Returns, &c.} of statistics to be made and furnished in accordance with this Act and

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

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

(ii) With respect to any board—

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

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

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

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

35

(ii)

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- (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 and whether such commodity is or at any time was owned by the board or not.
- 5
- 10 (d) Prescribing periods of time in respect of which the computation of or accounting for the net proceeds of the commodity may be made. Computation of net proceeds.
- 15 (e) The control and management and expenditure of the funds of the board. Control of funds.
- 20 (f) Requiring the producers of a commodity produced within the area controlled by a board to register and re-register with the board at the prescribed times their names and such other particulars as may be prescribed, and requiring a producer on ceasing to produce as aforesaid, to notify the board thereof. Registration of producers.
- 25
- 30 (g) Regulating within the area controlled by the board the marketing, sale, display for sale, branding, or stamping, storing and cold storing by any person of any of the commodity for the time being within the area controlled by the board whether such commodity was produced within the area controlled by the board or not and whether such commodity is or at any time was owned by the board or not. Marketing, sale, storage, &c.
- 35
- (h)

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- 5 (h) The duties of care or precaution to be taken and methods to be used by the board or any other person in the display, within the area controlled by the board, of any of the commodity for sale or in storage, treatment or custody of any of the commodity held or offered for sale within the area controlled by the board, whether in any of such cases the commodity was produced within the area controlled by the board or not, and whether in any of such cases the commodity is or at any time was owned by the board or not:
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20 Provided that if the Minister is of opinion that a proposed regulation relates to any of the matters in respect of which this subparagraph (ii) authorises the making of regulations, the regulation shall only be made on the recommendation of the board.

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

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

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(3)

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

(4) The regulations may fix a penalty, not exceeding in any case fifty pounds, for any breach thereof.

(5) All such regulations shall—

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

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

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

30 (b) A person shall not, by reason of the operation of paragraph (d) of subsection one of this section and paragraph (a) of this subsection, be guilty of an offence against any regulation made under the Marketing of Primary Products Act, 1927, as amended

35 by subsequent Acts, in respect of any act or thing done or omitted to be done by him before the commencement of this Act if he would not have been so guilty had those paragraphs not been enacted.

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3. (1) (a) For the purpose of more equitably apportioning among the producers of eggs in the State of New South Wales such part of the cost of buildings erected by the Egg Marketing Board for the State of New South Wales (in this section referred to as "the board") as was paid out of moneys obtained from deductions made by the board from the proceeds of the sale of eggs delivered to it during the building period, the board may, in addition to any deductions which it is authorised to make by the Marketing of Primary Products Act, 1927, as amended by subsequent Acts, but subject to the limitation contained in paragraph (b) of this subsection, make deductions from the proceeds of the sale of eggs delivered to it during such pool periods as it may determine.

Egg
Marketing
Board
authorised
to make
deductions
for
building
purposes.

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

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

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

as the board, having regard to the purpose mentioned in **30** paragraph (a) of this subsection, may determine.

(2) (a) Subject to paragraph (b) of this subsection, the board shall, under and in accordance with subsection two of section fourteen of the Marketing of Primary Products Act, 1927, as amended by subsequent **35** Acts, apply, in respect of any pool period in the building period, such part of the deductions made under subsection

one

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one of this section as the board, having regard to the purpose mentioned in subsection one of this section, may determine in making payments to each producer of eggs delivered to it during that pool period and to each person 5 by or for whom eggs were delivered to it during that pool period as though those deductions were part of the proceeds of the sale of eggs delivered to the board during that pool period.

(b) The board may deduct from the deductions 10 made by it under subsection one of this section the costs and expenses of the administration by the board of this section.

(3) In this section:—

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

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

No. , 1955.

A BILL

To make further provision for regulating the marketing of certain primary products; to confer additional powers on marketing boards; for these and other purposes to amend the Marketing of Primary Products Act, 1927, and certain other Acts in certain respects; to authorise the Egg Marketing Board for the State of New South Wales to make additional deductions from the proceeds of the sale of eggs delivered to it and to make certain payments from such deductions; and for purposes connected therewith.

[Mr. GRAHAM;—17 November, 1955.]

Marketing of Primary Products (Amendment).

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

1. (1) This Act may be cited as the "Marketing of
Primary Products (Amendment) Act, 1955."

Short title
and
citation.

(2) The Marketing of Primary Products Act, 1927,
as amended by subsequent Acts and by this Act, may be
10 cited as the Marketing of Primary Products Act, 1927-
1955.

2. (1) The Marketing of Primary Products Act, 1927-
1940, is amended—

Amendment
of
Act No. 34,
1927.

(a) by inserting next after section 9A the following
15 new section:—

New sec. 9B.

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

Board may
act as
agent.

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

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

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

5 and may do all acts, matters and things neces-
sary or expedient in that behalf accordingly.

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

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

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

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

Marketing of Primary Products (Amendment).

(b) by omitting section thirty-four and by inserting Subst. sec. 34.
in lieu thereof the following section:—

34. (1) (a) The Governor may make regula- Regulations.
tions providing for all or any of the following
5 matters:—

(i) Generally—

(a) Making all necessary provision for Members, elections, &c.
and regulating the conduct by post
10 or otherwise of the election from
time to time of members of any
board, and for the taking of any
poll of producers under this Act;
15 compilation and revision of rolls
of producers entitled to vote
at elections or polls; necessary
qualifications of candidates for
elections; method of determining
20 the qualification of voters and of
candidates for elections; settle-
ment of disputed elections or
questions arising out of or in con-
nection with any election or poll;
the tenure of office of members; the
25 filling of casual vacancies therein
arising from death, retirement, or
resignation; the appointment of a
deputy to act for any member in
the event of illness, absence, or for
other cause.

30 (b) The fees, allowances, and travelling Fees, &c.
expenses which may be paid to
members.

(c) Prescribing the certificates and Forms.
other forms which may be used
35 under this Act.

(d) Prescribing forms of returns and Returns, &c.
of statistics to be made and fur-
nished in accordance with this Act
and

Marketing of Primary Products (Amendment).

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

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

(ii) With respect to any board—

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

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

20

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

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

(ii)

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- (ii) the delivery by or to the board or by or to any other person.
- 5 of any of the commodity whether such commodity was produced within the area controlled by the board or not and whether such commodity is or at any time was owned by the board or not.
- 10 (d) Prescribing periods of time in respect of which the computation of or accounting for the net proceeds of the commodity may be made. Computation of net proceeds.
- 15 (e) The control and management and expenditure of the funds of the board. Control of funds.
- 20 (f) Requiring the producers of a commodity produced within the area controlled by a board to register and re-register with the board at the prescribed times their names and such other particulars as may be prescribed, and requiring a producer on ceasing to produce as aforesaid, to notify the board thereof. Registration of producers.
- 25
- 30 (g) Regulating within the area controlled by the board the marketing, sale, display for sale, branding, or stamping, storing and cold storing by any person of any of the commodity for the time being within the area controlled by the board whether such commodity was produced within the area controlled by the board or not and whether such commodity is or at any time was owned by the board or not. Marketing, sale, storage, &c.
- 35
- (h)

Marketing of Primary Products (Amendment).

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

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

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

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

(3)

Marketing of Primary Products (Amendment).

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

(4) The regulations may fix a penalty, not exceeding in any case fifty pounds, for any breach thereof.

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

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

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

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

Marketing of Primary Products (Amendment).

3. (1) (a) For the purpose of more equitably apportioning among the producers of eggs in the State of New South Wales such part of the cost of buildings erected by the Egg Marketing Board for the State of New South Wales (in this section referred to as "the board") as was paid out of moneys obtained from deductions made by the board from the proceeds of the sale of eggs delivered to it during the building period, the board may, in addition to any deductions which it is authorised to make by the Marketing of Primary Products Act, 1927, as amended by subsequent Acts, but subject to the limitation contained in paragraph (b) of this subsection, make deductions from the proceeds of the sale of eggs delivered to it during such pool periods as it may determine.

Egg Marketing Board authorised to make deductions for building purposes.

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

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

25 (i) from the proceeds of the sale of eggs delivered to it during the building period; and

(ii) for the purpose of providing moneys for or towards the cost of erecting buildings of the board,

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

(2) (a) Subject to paragraph (b) of this subsection, the board shall, under and in accordance with subsection two of section fourteen of the Marketing of Primary Products Act, 1927, as amended by subsequent Acts, apply, in respect of any pool period in the building period, such part of the deductions made under subsection

one

Marketing of Primary Products (Amendment).

one of this section as the board, having regard to the purpose mentioned in subsection one of this section, may determine in making payments to each producer of eggs delivered to it during that pool period and to each person
5 by or for whom eggs were delivered to it during that pool period as though those deductions were part of the proceeds of the sale of eggs delivered to the board during that pool period.

(b) The board may deduct from the deductions
10 made by it under subsection one of this section the costs and expenses of the administration by the board of this section.

(3) In this section:—

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

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