

MARKETING OF PRIMARY PRODUCTS (AMENDMENT) ACT.

Act No. 19, 1928.

George V. An Act to amend the Marketing of Primary Pro-
No. 19, 1928. ducts Act, 1927, and certain other Acts;
and for purposes connected therewith.
[Assented to, 16th June, 1928.]

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

Short title. **1.** (1) This Act may be cited as the “Marketing of
Primary Products (Amendment) Act, 1928.”

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

2.

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

- No. 19, 1928.
Amendment
of Act No.
31, 1927
s. 4.
(Definitions.)
- (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) (i) by omitting from subsection one of section five the word “commodity” where firstly 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)

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- (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) 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.

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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.

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- (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 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

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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.

Sec. 6.
(Several commodities.)

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

Sec. 7.
(Appointment of members.)

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

(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) 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)

- (iii) by adding at the end of subsection three ^{No. 19, 1928.} 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” ;
- (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” ;
 (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) 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

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Sec. 18.
Remedy
against
board.

Sec. 21.
Protection of
board.

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).

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)

- (b) to keep continuous records of products^{No. 19, 1922.} 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 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
heading "Official Marketing Information"; Marketing.)
- F (c)

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Secs. 26, 28.

Sec. 27.

(c) by omitting sections twenty-six and twenty-eight;

(d) by omitting from section twenty-seven all 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:—"

Sec. 29 (1).
Returns.)

(e) (i) by omitting from subsection one of section twenty-nine the words "Director of 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) 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)

- (f) (i) by omitting from section thirty the words ^{No. 19, 1928} “Director of Marketing” where firstly ^{Sec. 30.} occurring and by inserting in lieu thereof ^(Broad-casting.) 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 ^{Sec. 33.} thirty-three the words “the Director of ^(Ev. dence.) 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) (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-tions.) 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.”
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