



ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1983

No. 36 of 1983

An Act to amend the Barley Marketing Act, 1947-1980.

[Assented to 16 June 1983]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Barley Marketing Act Amendment Act, 1983". Short titles.

(2) The Barley Marketing Act, 1947-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Barley Marketing Act, 1947-1983".

2. Section 2 of the principal Act is repealed.

Repeal of s. 2.

3. Section 3 of the principal Act is amended by inserting after the definition of "board" the following definitions:

Amendment of s. 3—
Interpretation.

"futures contract" means a grains futures contract (whether the grain is grown overseas or not), a currency futures contract or a financial futures contract:

"futures market" means a market, exchange or other place at which futures contracts are frequently made or traded:

"inspector" means a Barley Board inspector appointed under section 10:

4. Section 4 of the principal Act is amended—

(a) by inserting after subsection (2) the following subsection:

Amendment of s. 4—
Constitution of Australian Barley Board.

(2a) The Governor may appoint, from the members of the board appointed pursuant to subsection (2) (b), a deputy chairman of the board, and the member so appointed may, in the absence of the chairman, act in the place of the chairman

and, while so acting, shall have all the powers, functions and duties of the chairman.;

and

(b) by striking out subsection (4) and substituting the following subsections:

(4) A member of the board shall, subject to this Act, any relevant provisions of the law of Victoria and the arrangement, hold office for a term of three years calculated from the first day of September in the year in which he was elected or appointed but this provision is subject to the following qualifications:

(a) a member elected or appointed to a casual vacancy on the board shall hold office only for the balance of the term of his predecessor;

(b) a member whose term has expired before his successor is elected or appointed shall, subject to this Act, remain in office until his successor is elected or appointed;

(c) the term of office of the chairman first appointed after the commencement of the Barley Marketing Act Amendment Act, 1983, shall, subject to paragraph (b), expire on 1st September, 1985;

(d) of the representatives of growers of barley in South Australia first elected after the commencement of the Barley Marketing Act Amendment Act, 1983, the term of office of one shall, subject to paragraph (b), expire on 1st September, 1985, and the term of office of another shall, subject to paragraph (b), expire on 1st September, 1986;

(e) the term of office of one of the representatives of growers of barley in Victoria first elected after the commencement of the Barley Marketing Act Amendment Act, 1983, shall, subject to paragraph (b), expire on 1st September, 1986;

and

(f) the term of office of the member first appointed under subsection (2) (e) after the commencement of the Barley Marketing Act Amendment Act, 1983, shall, subject to paragraph (b), expire on 1st September, 1986.

(4a) The order of retirement as between representatives of growers of barley in South Australia first elected after the commencement of the Barley Marketing Act Amendment Act, 1983, shall be determined by lot and the order of retirement as between representatives of growers of barley in Victoria first elected after the commencement of the Barley Marketing Act Amendment Act, 1983, shall be determined in accordance with the law of Victoria.

(3). 5. Section 8 of the principal Act is amended by striking out subsection

6. Section 9 of the principal Act is amended by inserting after paragraph (a) of subsection (1) the following paragraph: Amendment of s. 9—
Powers of board.

(ab) enter into and deal with futures contracts for hedging purposes at a futures market in accordance with written guidelines jointly determined by the Minister and the Minister of Agriculture of Victoria;

7. The following section is inserted after section 10 of the principal Act. Insertion of new s. 10a.

10a. (1) For the purposes of this Act, the board may, by notice in writing, served personally or by post, require the person to whom the notice is addressed to furnish in writing to the board, within a specified period, specified information relating to barley or oats. Board may require written information.

(2) A person shall not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section;

or

(b) furnish to the board information that is false or misleading in a material particular.

8. Section 18a of the principal Act is amended by striking out subsection (2). Amendment of s. 18a—
Duty of board to market oats.

9. Section 20 of the principal Act is repealed and the following section is substituted: Repeal of s. 20 and substitution of new section.

20. (1) Any contravention of, or failure to comply with, a provision of this Act, shall constitute an offence. Offences and penalties.

(2) Proceedings for an offence against this Act shall be disposed of summarily.

(3) A natural person convicted of an offence against this Act shall, except where some other penalty is provided, be liable to a penalty not exceeding one thousand dollars.

(4) A body corporate convicted of an offence against this Act shall, except where some other penalty is provided, be liable to a penalty not exceeding two thousand dollars.

(5) Proceedings for offences against this Act shall be commenced within twelve months after the date on which the offence is alleged to have been committed.

10. Section 22 of the principal Act is amended—

(a) by striking out from subsection (1) the figures “1982-1983” and substituting the figures “1987-1988”; Amendment of s. 22—
Application of Act.

and

(b) by striking out subsection (2) and substituting the following subsection:

(2) This Act shall apply to oats grown in every season up to and including the season 1987-1988.

Repeal of
schedule of
principal Act.

11. The schedule to the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor