



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 76 of 1971

An Act to amend the Barley Marketing Act, 1947-1969.

[Assented to 18th November, 1971]

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, 1971". Short titles.

(2) The Barley Marketing Act, 1947-1969, as amended by this Act, may be cited as the "Barley Marketing Act, 1947-1971".

(3) The Barley Marketing Act, 1947-1969, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 2 of the principal Act is amended—

(a) by striking out from subsection (3) the passage "Chief Electoral Officer for South Australia" and inserting in lieu thereof the passage "returning officer for the State";

and

(b) by striking out from subsection (5) the passage "Chief Electoral Officer" and inserting in lieu thereof the passage "returning officer for the State".

Amendment of principal Act, s. 2—
Commencement of Act.

Amendment of
principal Act,
s. 3—
Interpretation.

4. Section 3 of the principal Act is amended—

- (a) by inserting immediately before the definition of “board” the following definition:—

“barley” includes the grain known by that name, growing crops of that grain, gristed grain of that name and grain of that name treated in any other manner or by any process converted into the product of grain of that name;;

and

- (b) by striking out the proviso in the definition of “board”.

Amendment of
principal Act,
s. 4—
Constitution of
Australian
Barley Board.

5. Section 4 of the principal Act is amended—

- (a) by striking out from paragraph (c) of subsection (2) the passage “one representative” and inserting in lieu thereof the passage “two representatives”;

- (b) by striking out from paragraph (b) of subsection (3) the word “representative” and inserting in lieu thereof the word “representatives”;

- (c) by striking out from subsection (4) the word “Every” and inserting in lieu thereof the passage “Except as provided by section 4 of the *Barley Marketing Act* 1958, as amended, of Victoria, every”.

and

- (d) by striking out from subsection (8) the word “three” and inserting in lieu thereof the word “five”.

Amendment of
principal Act,
s. 12—
Accounts and
audit.

- 6. Section 12 of the principal Act is amended by inserting after the word “respectively” in subsection (4) the passage “and the accounts of the board relating to barley harvested and delivered to the board in the State of South Australia shall be kept separately from the accounts relating to barley harvested and delivered to the board in the State of Victoria”.**

Amendment of
principal Act,
s. 13—

Appeals against
a decision of
board.

7. Section 13 of the principal Act is amended—

- (a) by inserting after the passage “the Minister” the passage “of Agriculture of South Australia and the Minister of Agriculture of Victoria”;

- (b) by striking out from subsection (2) the word “Minister” and inserting in lieu thereof the word “Ministers”;

- (c) by striking out from paragraph (a) of subsection (2) the passage “to him” and inserting in lieu thereof the passage “to them”;

and

(d) by inserting immediately after subsection (3) the following subsection:—

(4) If upon being requested to review a decision, action or proposed decision or action pursuant to subsection (1) of this section the Ministers do not agree within three months after the request has been made they shall jointly appoint a person to review the decision, action or proposed decision or action and the decision and any action of that person, after giving the person making the request and the board the opportunity to submit to him any information or argument relevant to the matter of the request, upon that review shall for all purposes be deemed to be the decision or action of the Ministers upon the review so requested pursuant to subsection (1) of this section.

8. Section 14a of the principal Act is amended—

Amendment of
principal Act,
s. 14a—
Purchase, etc.,
of barley.

(a) by inserting immediately after subsection (1) the following subsections:—

(1a) A person shall not transport barley bought in contravention of subsection (1) of this section.

(1b) In proceedings for an offence that is a contravention of subsection (1a) of this section it shall lie upon the defendant to prove that the barley, in relation to which it is alleged that the offence was committed, was not bought in contravention of subsection (1) of this section.;

and

(b) by inserting in subsection (2) after the word "purchase" the passage "or transport".

9. Section 18 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 18—
Duty of board
to market
barley.

(2) In marketing or disposing of barley—

(a) harvested in the State of South Australia, the board shall have regard to the reasonable requirements of persons requiring barley for use or consumption in that State;

or

(b) harvested in the State of Victoria, the board shall have regard to the reasonable requirements of persons requiring barley for use or consumption in that State.

Amendment of
principal Act,
s. 19—
Price to be
paid for barley.

10. Section 19 of the principal Act is amended—

(a) by inserting in subsection (2) immediately after paragraph (b) the following paragraph:—

(ba) the expenditure incurred by the board in connection with the establishment of a reserve fund or any scheme for the amortization of the capital amounts and interest thereon expended for or in relation to facilities for the storage of barley;

and

(b) by inserting in paragraph (c) of subsection (2) immediately before the passage “the place” the passage “the State in which and”.

Amendment of
principal Act,
s. 20—
Offences and
penalties.

11. Section 20 of the principal Act is amended by striking out from subsection (2) the passage “one hundred pounds” and inserting in lieu thereof the passage “six hundred dollars”.

Enactment of
s. 20a of
principal Act—

12. The following section is enacted and inserted in the principal Act immediately after section 20 thereof:—

Averment that
grain, etc.,
is barley.

20a. In proceedings for an offence that is a contravention of or a failure to comply with a provision of this Act where it is alleged that any grain, growing crop, treated grain or product of grain is barley, the court before which those proceedings are brought shall, unless it is proved to the contrary, presume the grain growing crop, treated grain or product of grain, as the case may be, to be barley.

Amendment of
principal Act
s. 21—
Regulations.

13. Section 21 of the principal Act is amended by striking out from subsection (2) the passage “fifty pounds” and inserting in lieu thereof the passage “three hundred dollars”.

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

J. M. NAPIER, Lieutenant-Governor