



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 22 of 1964

An Act to revive and amend the Honey Marketing Act, 1949-1959, and for other purposes.

[Assented to 8th October, 1964.]

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 "Honey Marketing Act Revival and Amendment Act, 1964".

Short titles
and revival of
Honey
Marketing Act.

(2) The Honey Marketing Act, 1949, as amended by the Honey Marketing Act Amendment Act, 1953, and the Honey Marketing Act Amendment Act, 1959, shall, notwithstanding section 37 thereof, but subject to subsection (3) of this section, be deemed to have continued in force and to be in force, and may be cited as the "Honey Marketing Act, 1949-1959".

(3) A person shall not be subjected to any punishment, penalty, or forfeiture for or in respect of anything done or omitted to be done by him, contrary to any provision of such Act, between the date on which, but for this section, such Act expired and the date of commencement of this Act.

(4) The Honey Marketing Act, 1949-1959, as amended by this Act, may be cited as the "Honey Marketing Act, 1949-1964".

(5) The Honey Marketing Act, 1949-1959, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Incorporation.

Repeal and
re-enactment
of principal
Act, s. 4—

3. Section 4 of the principal Act is repealed and re-enacted as follows :—

Constitution
of board.

4. (1) For the purposes of this Act there shall be a board to be known as The South Australian Honey Board.

(2) The board shall consist of seven members to be appointed by the Governor.

(3) Subject to this section, four members of the board shall be producers elected in accordance with section 4a of this Act and three members shall be selected by the Minister from nominees of The South Australian Honey Packers' Association.

(4) A person who is a registered agent or an employee of a registered agent shall not be eligible to be elected as a member of the board.

(5) Whenever it is necessary to appoint any members from nominees of the said Association, the Minister shall—

(a) request the said Association to nominate twice as many persons as the number of members to be selected and to submit to him a panel containing the names of the persons so nominated ; and

(b) select the required number of members from the persons whose names are included in the panel.

(6) If the said Association fails to submit a panel of names of nominees to the Minister within one month after being requested to do so, the Minister may nominate the member or members to be appointed.

(7) One of the elected members of the board shall be appointed by the Governor as chairman.

Enactment of
s. 4a of
principal Act—

4. The following section is inserted in the principal Act after section 4 thereof :—

Election of
producer
members.

4a. (1) For the purposes of elections to be held under this section, the State shall be divided into four electoral districts to be defined by proclamation.

(2) A proclamation under subsection (1) of this section may be varied or revoked by a subsequent proclamation.

(3) Each producer whose name appears in the roll of electors for an electoral district is entitled to vote at an election held under this section in respect of that district and shall have one vote at that election.

(4) At an election in respect of an electoral district, one producer, who must be a person whose name appears in the roll of electors for any electoral district, shall be elected for that first-mentioned district by the producers entitled to vote in that district.

(5) The Minister shall, for the purposes of each election in respect of each electoral district, prepare a roll of producers whose hives are registered pursuant to the Apiaries Act, 1931, as amended, and who reside in that district and who are fifteen years of age or over.

(6) Each election held under this section shall, subject to this Act, be held and conducted by the Assistant Returning Officer in such manner as he deems proper.

(7) The expenses incurred in relation to any election under this section shall be paid out of the funds of the board.

(8) The first election after the commencement of the Honey Marketing Act Revival and Amendment Act, 1964, shall be held as soon as practicable after the holding of the poll under section 36a of this Act pursuant to the petition presented to the Minister on the fourth day of June, One thousand nine hundred and sixty-four, if the decision of the poll is that this Act shall continue in operation.

5. Section 7 of the principal Act is amended by inserting therein after subsection (3) thereof the following subsections :—

Amendment of
principal Act,
s. 7—

Term of
office.

(3a) Notwithstanding the preceding provisions of this Act but subject to the other provisions of this Act, the four persons who immediately before the commencement of the Honey Marketing Act Revival and Amendment Act, 1964, were the four members of the board nominated by The South Australian Apiarists' Association pursuant to section 4 of this Act as then in force shall continue to hold office as members of the board until a day to be fixed by the Governor by notice in the *Gazette*, and on that day shall retire from office.

(3b) The four members first elected by producers in accordance with section 4a of this Act after the commencement of the Honey Marketing Act Revival and Amendment Act, 1964, shall hold office as from the day referred to in subsection (3a) of this section until—

(a) in the case of two of those members, the thirtieth day of June, One thousand nine hundred and sixty-seven; and

(b) in the case of the remaining two members, the thirtieth day of June, One thousand nine hundred and sixty-nine.

(3c) For the purposes of subsection (3b) of this section, the two members who shall first retire shall be selected by agreement between the four members referred to in that subsection or, in default of agreement on or before a day to be fixed by the Minister, they shall be selected by drawing lots.

Amendment of
principal Act,
s. 15—
Audit.

6. Subsection (3) of section 15 of the principal Act is repealed and the following subsections are inserted in lieu thereof :—

(3) The board shall cause its accounts to be properly audited at least once a year by the Auditor-General or some other person approved by the Minister, and, for the purposes of any such audit by the Auditor-General, the Audit Act, 1921, as amended, shall apply and have effect as if the board were a department of the public service.

(4) The board shall as soon as possible after the close of each financial year prepare a report of its proceedings during that financial year, including a statement showing its receipts and expenditure during that year, and shall present the report and statement to the Minister.

The Minister shall as early as practicable lay the report before Parliament.

Amendment of
principal Act,
s. 26—
Certificate to
producer upon
delivery.

7. Subsection (1) of section 26 of the principal Act is amended by striking out the words “and its appraisalment value”.

Amendment of
principal Act,
s. 27—
Grading and
prices.

8. Subsection (2) of section 27 of the principal Act is amended by striking out the words “or appraisalment value”.

Amendment of
principal Act,
s. 29—
Settlements
with producers.

9. Section 29 of the principal Act is amended—

(a) by striking out the passage “section 27” in paragraph (c) of subsection (2) thereof and inserting in lieu thereof the passage “section 28”; and

(b) by inserting at the end thereof the following subsection :—

(5) In this section, “honey” means honey of a type specified by the board and produced during a period determined by the board.

Enactment of
principal Act,
ss. 29a, 29b
and 29c—
Decontrol of
honey.

10. The following sections are inserted in the principal Act after section 29 thereof :—

29a. (1) The provisions of this section shall not apply unless the Minister, upon the recommendation of the board, has by notice in the *Gazette* declared that they shall apply.

(2) Any such notice—

(a) shall specify the period during which this section shall have effect; and

(b) may be varied or revoked by a subsequent notice published in the *Gazette*.

(3) During any such period, notwithstanding the other provisions of this Act, a producer may sell honey to a registered agent who is acting on his own account, and a registered agent may buy honey accordingly.

(4) The operation of subsection (3) of this section shall be subject to such terms and conditions (which shall be specified in a notice published under this section) as the board thinks fit, including a condition requiring producers who sell honey to registered agents pursuant to this section to make contributions to the funds of the board.

(5) The provisions of this Act relating to the delivery of honey to an agent shall not have effect in relation to honey sold to an agent pursuant to this section.

29b. (1) The board's duty of making payments pursuant to sections 28 and 29 of this Act to producers or other persons holding certificates issued for honey may, on behalf of the board, be performed by a registered agent.

Agents may pay producers on behalf of board.

(2) For the purpose of enabling a registered agent to make any such payments, the board may advance to the agent such amounts as the board considers necessary.

(3) All amounts so advanced—

(a) shall be used only for the purpose of making payments in accordance with subsection (1) of this section; and

(b) until so used, shall be deemed to be money held in trust for the Crown,

but this subsection shall not prevent an agent from setting off against an amount that he is required to pay to any person pursuant to this section the price of any goods sold to that person by the agent.

29c. A member of the board shall not be personally liable for any act or default of the board done or omitted to be done in good faith in the administration or intended administration of this Act.

Exoneration of members of board for acts done in good faith.

Amendment of
principal Act,
s. 36a—
Polls on
continuation
of Act.

11. Section 36a of the principal Act is amended—

- (a) by inserting after the word “list” (second occurring) in subsection (5) thereof the words “and who at that time are fifteen years of age or over”; and
- (b) by inserting at the end thereof the following subsection :—

(11) Notwithstanding subsection (2) of this section, the poll required to be held pursuant to the petition presented under this section on the fourth day of June, One thousand nine hundred and sixty-four may be held within three months after the day on which the Honey Marketing Act Revival and Amendment Act, 1964, comes into operation.

Enactment of
s. 36b of
principal Act—

12. The following section is inserted in the principal Act after section 36a thereof :—

Winding up
of board.

36b. (1) Where the decision of a poll taken pursuant to section 36a of this Act is that this Act shall not continue in operation, the board shall get in and realize all its property and shall dispose of the proceeds thereof in accordance with any directions given by the Minister after consulting with the board and The South Australian Apiarists' Association.

(2) For the purpose of any such disposal, the board shall be deemed to continue in existence notwithstanding any proclamation under subsection (8) of section 36a of this Act and notwithstanding the expiration of the Honey Marketing Act, 1949-1959.

Amendment of
principal Act,
s. 37—
Duration of
Act.

13. Section 37 of the principal Act is amended by striking out the word “sixty-four” at the end thereof and inserting in lieu thereof the word “sixty-nine”.

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

EDRIC BASTYAN, Governor.