



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 61 of 1963

An Act to amend the Marketing of Eggs Act, 1941-1963

[Assented to 5th December, 1963.]

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 "Marketing of Eggs Act Amendment Act, (No. 2), 1963". Short titles.

(2) The Marketing of Eggs Act, 1941-1963, as amended by this Act, may be cited as the "Marketing of Eggs Act, 1941-1963".

(3) The Marketing of Eggs Act, 1941-1963, 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.

3. Section 4 of the principal Act is amended—

(a) by striking out the word "The" being the first word of subsection (3) and inserting in lieu thereof the passage "Subject to subsection (4) of this section, the"; and Amendment of principal Act. s. 4.

(b) by inserting after subsection (3) the following subsection:—

(4) On and after the day fixed by notice in the *Government Gazette* pursuant to subsection (9) of section 4a of this Act, the six members constituting the board shall be—

- (a) one producer from each of the three electoral districts specified in the schedule to this Act who shall be elected in accordance with section 4a of this Act ;
- (b) two persons who in the Governor's opinion have knowledge of and have had experience in trade in eggs, one of them being a person who, in the Governor's opinion is suitable to represent the interests of retailers of eggs ; and
- (c) one person not engaged in the business of producing or selling eggs who shall be appointed chairman of the board.

Enactment of
s. 4a of
principal Act—

4. The following section is enacted and 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 is divided into three electoral districts as defined in the schedule to this Act which shall be known as Electoral District No. 1, Electoral District No. 2 and Electoral District No. 3.

(2) Each person 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.

(3) At each 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 district by the persons entitled to vote in that district.

(4) The board shall, for the purposes of each election in respect of each electoral district prepare a roll of persons who are, in the board's opinion, entitled to have their names included in the roll of electors for that district.

(5) Where a producer has during the financial year last preceding an election delivered to the board or sold pursuant to an exemption granted by the board under subsection (1) of section 23 of this Act or sold for hatching not less, in the aggregate, than three thousand dozen eggs produced wholly within an electoral district, the producer shall be entitled to have his name included in the roll of electors for that district.

(6) Where a producer has during the financial year last preceding an election delivered to the board or sold pursuant to an exemption granted by the board under subsection (1) of section 23 of this Act or sold for hatching not less, in the aggregate, than three thousand dozen eggs produced partly in one electoral district and partly in another, the producer shall be entitled to have his name included in the roll of electors for such of those districts as the board determines.

(7) At any time before an election in respect of any electoral district is held, the board shall, if so directed by the Minister, add to the roll for that district the name of a producer in that district who furnishes to the Minister a statement—

- (a) specifying his full name and business address ; and
- (b) stating that during the financial year last preceding the election, he was a producer in that district and had delivered to the board or sold pursuant to an exemption granted by the board under subsection (1) of section 23 of this Act or sold for hatching, not less, in the aggregate, than three thousand dozen eggs ; and
- (c) verified by statutory declaration.

(8) As soon as may be convenient after the commencement of the Marketing of Eggs Act Amendment Act (No. 2), 1963, the Assistant Returning Officer for the State shall conduct the first elections for the election of one producer for each of the three electoral districts who shall be appointed by the Governor to be a member of the board.

(9) The Governor may, by notice in the *Government Gazette*, fix the day with effect from which the producers elected and appointed pursuant to subsection (8) of this section shall take office as members of the board.

(10) The elections referred to in subsection (8) of this section and each subsequent election of producers required for the purposes of this Act shall, subject to this Act, be held and conducted by the Assistant Returning Officer in such manner as he deems proper.

(11) The expenses incurred in relation to any election under this section shall for the purposes of subsection (3) of section 30 of this Act, be deemed to be included in the cost of the administration of this Act, and shall be paid out of the funds of the board.

Amendment of
principal Act,
s. 7.

5. Section 7 of the principal Act is amended by adding at the end thereof the following new subsections (the preceding part of the section being re-designated as subsection (1) thereof):—

(2) Notwithstanding anything contained in subsection (1) of this section—

(a) on the day fixed by notice in the *Government Gazette* pursuant to subsection (9) of section 4a of this Act—

(i) the three persons who, immediately before that day, were members of the board by virtue of paragraph (a) of subsection (3) of section 4 of this Act shall vacate their offices as such; and

(ii) the three producers elected and appointed pursuant to subsection (8) of section 4a of this Act shall take office as members of the board; and

(b) the term of office of the three producers referred to in subparagraph (ii) of paragraph (a) of this subsection shall expire on the thirty-first day of March, 1967.

(3) The operation of subsection (2) of this section shall not affect the tenure or term of office of any of the members of the board who, immediately before the day fixed by notice in the *Government Gazette* pursuant to subsection (9) of section 4a of this Act, were members by virtue of paragraphs (b) and (c) of subsection (3) of section 4 of this Act.

Repeal of
principal Act,
s. 23 (5).

6. Subsection (5) of section 23 of the principal Act is repealed.

Amendment of
principal Act,
s. 34.

7. Section 34 of the principal Act is amended by inserting at the end thereof the following paragraphs:—

(e) for prescribing the manner of conducting an election under section 4a of this Act and matters incidental thereto;

(f) with respect to the preparation of rolls of persons entitled to vote at elections under section 4a of this Act;

(g) with respect to the inspection of such rolls by producers and such other matters as are necessary or expedient for more effectually giving effect to the objects of section 4a of this Act.

8. Section 35 of the principal Act is amended by striking out the words "sixty-six" therein and inserting in lieu thereof the words "sixty-eight".

Amendment of principal Act, s. 35.

9. The principal Act is amended by adding after section 35 thereof the following schedule :—

Enactment of schedule to principal Act.

THE SCHEDULE.

Sections 4 (4) (a) and 4a.

Electoral Districts.

- Electoral District No. 1 The County of Adelaide.
- Electoral District No. 2 The Counties of Sturt, Hindmarsh, Carnarvon, Albert, Alfred, Eyre, Russell, Buccleuch, Chandos, Cardwell, Buckingham, MacDonnell, Robe and Grey.
- Electoral District No. 3 The remaining portion of the State.

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

EDRIC BASTYAN, Governor.