



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 116 of 1974

An Act to amend the Potato Marketing Act, 1948-1973.

[Assented to 5th December, 1974]

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 "Potato Marketing Act Amendment Act, 1974". Short titles.
- (2) The Potato Marketing Act, 1948-1973, is hereinafter referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Potato Marketing Act, 1948-1974".
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. Section 3 of the principal Act is amended by inserting after the definition of "Minister" the following definition:— Amendment of principal Act, s. 3— Interpretation.

"potato packer" means a person who for gain or reward packs or undertakes the packing of potatoes held or offered for sale by any person:.
4. The following heading and section are enacted and inserted in the principal Act immediately after section 19a thereof:— Enactment of s. 19b of principal Act—

Licensing of Potato Packers

- 19b. (1) On or after the expiration of the twenty-eighth day next following the commencement of the Potato Marketing Act Amendment Act, 1974, and subject to subsection (2) of this section a person shall not pack any potatoes held or offered for sale or carry on business as a potato packer unless he is duly licensed by the board as a potato packer. Licensing of potato packers.

(2) Subsection (1) of this section does not apply—

(a) to the packing by a grower of the whole or any part of his crop of potatoes;

or

(b) to the packing by a retail seller of any potatoes held or offered by him for sale by retail.

(3) Subject to this section, a person who—

(a) applies in the prescribed form to be licensed as a potato packer and furnishes the board with the information indicated in that form;

(b) pays the prescribed fee (if any);

and

(c) satisfies the board that he has suitable premises, facilities and equipment and that he is competent to carry on business as a potato packer,

shall be entitled to be licensed as a potato packer, but the board may refuse the application if the board is satisfied that in the public interest it is undesirable that the applicant should be licensed as a potato packer.

(4) A licence shall, unless surrendered or otherwise terminated, remain in operation from the date of issue thereof until the thirty-first day of December next ensuing.

(5) A licence is not transferable.

(6) The board may, by giving a licensee two weeks notice in writing, cancel or suspend for such period as it thinks fit any licence granted under this section if the board is satisfied that the licensee has contravened or failed to comply with any provision of this Act or of an order made under this Act.

(7) A person whose application to be licensed as a potato packer has been refused under this section may, within one month after receiving notice of the refusal, appeal to the Supreme Court against the refusal and the Court may refuse the appeal or, if it is of the opinion that the application was refused capriciously or without good and sufficient cause, allow the appeal and order the board to grant him the licence.

Amendment of
principal Act,
s. 20—
Orders of the
board.

5. Section 20 of the principal Act is amended—

(a) by inserting in paragraph (f) of subsection (1) after the passage “under those conditions or” the passage “otherwise than”;

(b) by inserting in subsection (1) immediately after paragraph (f) the following paragraph:—

(fa) prescribe the conditions upon which, and the nature and type of premises in which, potatoes shall be packed and prohibit the packing of potatoes otherwise than under those conditions or otherwise than in any such premises;;

- (c) by inserting in paragraph (g) of subsection (1) after the word "washing", twice occurring, in each case the passage "or packing";
 - (d) by striking out from paragraph (i) of subsection (1) the passage "or a licensed potato washer" and inserting in lieu thereof the passage ", a licensed potato washer or a licensed potato packer";
- and
- (e) by striking out from paragraph (i) of subsection (1) the passage "or the potato washer" and inserting in lieu thereof the passage ", the potato washer or the potato packer".

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

M. L. OLIPHANT, Governor