

LEGISLATIVE COUNCIL

Read 1° 29 October 1985

(Brought in by the Honourable Evan Walker)

A BILL

to amend the *Marketing of Primary Products Act 1958* and the
Egg Industry Stabilization Act 1983 and for other purposes.

Marketing of Primary Products and Egg Industry Stabilization (Amendment) Act 1985

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purposes.

1. The purposes of this Act are—
 - 5 (a) to enable The Victorian Egg Marketing Board to contract with producers regarding the basis of making payments; and
 - (b) to overcome certain procedural deficiencies in the *Egg Industry Stabilization Act 1983*.

10 Commencement.

2. This Act comes into operation on the day on which it receives the Royal Assent.

**PART 2—AMENDMENT OF THE *MARKETING OF PRIMARY
PRODUCTS ACT 1958***

Principal Act.

No. 6304.
Reprinted to No.
8965.
Subsequently
amended by Nos.
9921 and 10024.

3. In this Part, the *Marketing of Primary Products Act 1958* is called the Principal Act.

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Power to contract as to basis of making deductions from payments.

4. After section 48 (1) of the Principal Act insert—

“(1A) The Board may enter into, carry out and give effect to a contract, arrangement or understanding with a producer whereby instead of deductions from payments being made by the Board in respect of a commodity in accordance with sub-section (1) (b) deductions are made by the Board on such basis as is specified in the contract, arrangement or understanding.

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(1B) If during the period that a contract, arrangement or understanding made under sub-section (1A) with a producer is in force any commodity to which the contract applies is delivered to the Board, the Board must make deductions from payments under this section in respect of that commodity on the basis set out in the contract, arrangement or understanding as existing at the time of the delivery.

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(1C) The provisions of any contract, arrangement or understanding made under sub-section (1A) do not apply with respect to eggs delivered to the Board or an authorized agent through a licensed collector.”

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**PART 3—AMENDMENT OF THE *EGG INDUSTRY STABILIZATION
ACT 1983***

Principal Act.

No. 10024.
Amended by No.
10191.

5. In this Part, the *Egg Industry Stabilization Act 1983* is called the Principal Act.

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Issue of licences to persons who are not *bona fide* poultry farmers.

6. (1) Section 20 of the Principal Act is amended as follows:

(a) In sub-section (1), for “Subject to section 19, the” substitute “The”;

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(b) After sub-section (2) insert—

“(2A) The Licensing Committee is not prevented by sub-section (1) from issuing a licence to a person who is not a *bona fide* poultry farmer if a licence was issued to that person under section 74 in respect of the licensing period that commenced on 1 July 1984.

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(2B) The Licensing Committee is not prevented by sub-section (1) from issuing a licence to a person applying—

(a) as the nominee of the Crown or a statutory body or an educational institution; or

(b) as nominee for a company or public company if a licence was issued to a nominee for that company under sub-section (4) (c), (12) (c) or (17) (a) (as the case requires) of section 74 in respect of the licensing period that commenced on 1 July 1984—

by reason only that the person is not a *bona fide* poultry farmer.

(2C) In sub-section (2B) “**company**” and “**public company**” have the same meanings respectively as they have in the *Companies (Victoria) Code*’.

(2) After section 43 (5) of the Principal Act, insert—

(5A) The Licensing Committee is not prevented by sub-section (4) (b) from issuing a licence to a person applying—

(a) as the nominee of the Crown or a statutory body or an educational institution; or

(b) as nominee for a company or public company if a licence was issued to a nominee for that company under sub-section (4) (c), (12) (c) or (17) (a) (as the case requires) of section 74 in respect of the licensing period that commenced on 1 July 1984—

by reason only that the person is not a *bona fide* poultry farmer.

(5B) In sub-section (5A) “**company**” and “**public company**” have the same meanings respectively as they have in the *Companies (Victoria) Code*’.



