
EGG INDUSTRY ACT 1988

No. 30 of 1988

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EGG INDUSTRY ACT 1988

No. 30 of 1988

AN ACT to facilitate the orderly production, supply, and marketing of eggs and egg products.

[Royal Assent 29 September 1988]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1—This Act may be cited as the *Egg Industry Act 1988*. Short title.

2—(1) This section and section 1 shall commence on the day on which this Act receives the Royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

3—In this Act, unless the contrary intention appears— Interpretation.

“adjusted hen quota” means the adjusted hen quota for a licence for the time being fixed under section 37;

- “authorized agent” means an authorized agent of the Board;
- “base quota” means the base quota fixed for a licence under Division 3 of Part III;
- “Board” means The Egg Marketing Board continued in existence under section 4 (1);
- “chairman” means the person for the time being holding, or acting in, the office of chairman of the Board;
- “commercial producer” means a licensed producer who holds a base quota in excess of 1 000;
- “commodity” means eggs or egg products;
- “egg products” means the products obtained by subjecting eggs to a process of manufacture or treatment;
- “eggs” means hen eggs in their natural state;
- “election” means an election held as mentioned in section 6 (1);
- “employee” means the general manager, a person employed or appointed pursuant to section 10 (2), a person who serves the Board pursuant to section 10 (4), or an inspector;
- “fowl” means a domesticated fowl of the genus *Gallus*;
- “general manager” means the person for the time being holding, or acting in, the office of general manager of the Board;
- “hen” means a female fowl that is more than 6 months old;
- “inspector” means a person appointed as an inspector pursuant to section 11 (1) or (2);
- “licence” means a licence granted and in force under Division 2 of Part III to keep more than 20 hens, and includes a licence granted and in force under section 28 (3), but does not include a temporary licence;
- “licensed producer” means a person who holds a licence;
- “member” means a member of the Board;
- “producer” means a person by whom or on whose behalf a commodity is grown, produced, obtained, or prepared for sale, and, where the commodity is so grown, produced, obtained, or prepared pursuant to a share-farming or partnership agreement, includes every party to the agreement, but does not include an employee;

“temporary licence” means a temporary licence granted and in force under section 30;

“the regulations” means regulations made and in force under this Act;

“sell” means—

(a) sell, barter, or exchange;

(b) agree or offer to sell, barter, or exchange;

(c) expose, store, or deliver for or on sale, barter, or exchange; or

(d) authorize, direct, cause, suffer, or permit any act referred to in paragraph (a), (b), or (c);

“State Hen Quota” means the State Hen Quota determined under section 37.

PART II

THE EGG MARKETING BOARD

Division 1—Continuation of the Board and matters relating to the Board

4—(1) The Board with the name of “The Egg Marketing Board” that was continued as a body corporate with that name under the *Egg Marketing Act 1957* shall continue as a body corporate with that corporate name.

Continuation of
The Egg
Marketing Board.

(2) The Board—

(a) has perpetual succession;

(b) shall have a common seal;

(c) may take proceedings, and be proceeded against, in its corporate name;

(d) may do and be subject to all other things that a body corporate may by law do and be subject to and that are necessary for, or incidental to, the objects and the purposes for which it is established; and

(e) has the functions imposed, and the powers conferred, on it by, or under, this or any other Act.

(3) The common seal of the Board shall not be affixed to a document except in pursuance of a resolution of the Board and every sealing shall be authenticated by the signature of at least one member of the Board and the general manager.

(4) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and, unless the contrary is established, shall presume that it was duly affixed.

Membership and
chairmanship of
Board.

5—(1) The Board shall consist of 5 members—

- (a) one of whom shall, subject to subsection (2), be appointed by the Governor as the chairman of the Board;
- (b) one of whom shall, subject to that subsection, be appointed by the Governor to represent consumers of eggs; and
- (c) 3 of whom shall be commercial producers elected at an election held as mentioned in section 6 (1).

(2) The chairman and the member referred to in subsection (1) (b) shall be persons nominated by the Minister who are not engaged, or financially interested, in the business of producing or selling eggs.

(3) Schedule 1 has effect with respect to the membership of the Board.

(4) Schedule 2 has effect with respect to the meetings of the Board.

Elections of
elected members.

6—(1) An election shall be held triennially for the purpose of electing members referred to in section 5 (1) (c).

(2) An election shall be—

- (a) held on such day as the Minister may appoint for the purpose; and
- (b) conducted in the manner prescribed by the regulations by a returning officer appointed by the Minister.

(3) A returning officer appointed pursuant to subsection (2) (b) shall be paid such remuneration, expenses, and allowances as the Minister determines.

(4) A person is entitled to be—

- (a) nominated as a candidate for an election; or
- (b) elected at an election,

only if that person has, for a period of at least 2 years before the day appointed for holding the election—

- (c) been a commercial producer; or
- (d) been—

- (i) a director, secretary, or executive officer, within the meaning of the *Companies (Tasmania) Code*, of a commercial producer which is a body corporate; or

- (ii) a person employed by any other commercial producer in a position certified, in writing, by that producer to be a senior position.

(5) A person is entitled to—

- (a) nominate another person as a candidate for an election; or
- (b) vote at an election,

only if that first-mentioned person is a licensed producer.

7—(1) The Board may sell, or arrange for the sale of, a commodity delivered or to be delivered to it and may do and execute all such acts, matters, and things as it deems necessary or expedient for the purpose of such a sale or arrangement. General powers of the Board.

(2) Without prejudice to the generality of subsection (1), the Board may—

- (a) engage the services of such agents and other persons, not being employees, within the meaning of the *Tasmanian State Service Act 1984*, as the Board considers necessary;
- (b) arrange for financial accommodation with any bank or other financial institution and give such securities for advances as are required by that financial institution, so far as is practicable;
- (c) provide a commodity for consumption in Tasmania and for its supply during any period of shortage to those places within Tasmania in which a shortage is experienced;
- (d) make such arrangements as it deems necessary with regard to sales of a commodity for export or for consignment to other States or Territories of the Commonwealth or to other countries;
- (e) arrange with any person for the sale and delivery of any of a commodity to the Board on such terms and conditions as are agreed on between that person and the Board;
- (f) with respect to the marketing of a commodity, enter into arrangements with a body or an organization in a State or Territory of the Commonwealth which has the management or control of the marketing of the commodity in that State or Territory or with a body which deals in the commodity throughout the Commonwealth;

- (g) take such steps, whether by advertising or any other appropriate method, as are expedient for the encouragement of the consumption of a commodity;
- (h) deposit in a bank, whether at interest or otherwise, any money to the credit of the Board, or invest any such money in or on a security in which trustees are, pursuant to section 5 of the *Trustee Act 1898*, authorized to invest trust funds;
- (i) purchase, exchange, take on lease, dispose of by way of lease or sale, and otherwise deal with property both real and personal;
- (j) erect, or otherwise provide, any buildings that it may require, and repair, equip, furnish, and maintain those buildings;
- (k) arrange for the bulk purchase of packaging materials for a commodity for resale to producers;
- (l) make contributions to such bodies or organizations as the Board considers expedient in the interest of producers of a commodity;
- (m) do all such acts, matters, and things as may be necessary for, or incidental to, and enter into contracts for or with respect to, the marketing, treatment, manufacture, or processing of a commodity; and
- (n) enter into and carry out such other contracts, and do or be subject to all such other acts, matters, things, as may be necessary or convenient for the purposes of this Act.

(3) The Board may, for the purpose of making arrangements for the marketing of a commodity, with the consent of the Governor, subscribe for and take up shares in a body corporate (whether registered or incorporated in Tasmania or not) having among its objects the manufacture, marketing, distribution, sale, or disposal of that commodity and may pay for such shares, and may make loans or advances to any such body corporate, out of the proceeds of the sale of the commodity or other money in the hands of the Board.

Disclosure of interest.

8—(1) Subject to subsection (2), a member who has a direct or indirect interest in a contract made or proposed to be made by the Board or in any other matter in which the Board is concerned—

- (a) shall, as soon as practicable after the relevant facts have come to his knowledge, disclose the nature of his interest to the Board; and

(b) shall not take part in any deliberations or decisions of the Board with respect to that contract, proposed contract, or other matter.

(2) For the purposes of subsection (1), a member—

(a) shall be taken to be interested in a contract or proposed contract or any other matter if—

(i) he or any of his nominees is a member of a body corporate or other body with which the contract is made or proposed to be made or to which the other matter relates or which has a direct or indirect interest in that contract or other matter; or

(ii) he is a partner, or is in the employment, of a person with which the contract is made or proposed to be made or to whom the other matter relates or who has a direct or indirect interest in that contract or other matter; and

(b) shall be taken not to be interested in a contract or proposed contract or any other matter by reason only that he is a licensed producer and the contract or other matter affects or would affect his interests in common with the interests of licensed producers who are not members.

(3) A member who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 5 penalty units.

(4) A disclosure under this section shall be recorded in the minutes of the Board.

(5) Where, under this section, a member discloses his interest in a contract, proposed contract, or other matter, or his interest in a contract, proposed contract, or other matter is not such as needs be disclosed under this section—

(a) the contract, proposed contract, or other matter is not void, or liable to be avoided, on any ground arising from the member's interest in the contract or other matter; and

(b) the member is not liable to account to the Board for any profits derived from the contract, proposed contract, or other matter.

Requirement to
comply with
Employment
Instructions, &c.

9—The chairman shall comply with—

- (a) any Employment Instructions or Administrative Instructions, within the meaning of the *Tasmanian State Service Act 1984*, that relate to him or the Board; or
- (b) any directions given to him by the Commissioner for Public Employment under section 35 (3) or 36 (5) of that Act.

Appointment of
general manager
and other
employees, &c.

10—(1) Subject to and in accordance with the *Tasmanian State Service Act 1984*, a general manager of the Board may be appointed for the purposes of this Act.

(2) Subject to and in accordance with the *Tasmanian State Service Act 1984*, persons may be appointed or employed for the purposes of this Act.

(3) For the purposes of the *Workers' Compensation Act 1927*, the Board shall be deemed to be the employer of all persons appointed or employed pursuant to this section to enable the Board to exercise its powers and perform its functions under this Act.

(4) The Board may make arrangements with the Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, for employees employed in that Agency to be made available to the Board to enable it to exercise its powers and perform its functions under this Act, and such employees may, in conjunction with their positions in the State Service, serve the Board in any capacity.

Appointment of
inspectors.

11—(1) The chairman may appoint employees appointed or employed pursuant to section 10 (2) to be inspectors for the purposes of this Act.

(2) The chairman may, with the approval of the Head of another Agency, within the meaning of the *Tasmanian State Service Act 1984*, appoint employees employed in that other Agency to be inspectors for the purposes of this Act, and such employees may, in conjunction with their positions in the State Service, hold office as inspectors.

(3) The Board shall pay to the Public Account such sum as may be determined by the Treasurer for the service of an employee, within the meaning of the *Tasmanian State Service Act 1984*, appointed under subsection (2), and the Treasurer may reimburse that sum to the Agency in which the employee is employed.

12—All expenses incurred in the administration of this Act shall be paid out of— Funding of Board.

- (a) the profits made by the Board in trading in the commodities and packaging materials;
- (b) money borrowed by the Board;
- (c) voluntary payments to the Board by licensed producers;
- (d) money provided by Parliament for the purposes of this Act; and
- (e) all other money received by the Board from any other source.

13—(1) Within 3 months after the end of each financial year, the Board shall submit to the Minister a report of its operations during that financial year. Board to submit annual report to Minister.

(2) The Minister shall cause a copy of any report submitted to him under subsection (1) to be laid on the table of each House of Parliament within the first 14 sitting days after it is received by him.

(3) For the purpose of subsection (2), sitting days shall be counted whether or not they occur during the same session of Parliament.

(4) In this section, “financial year” means a period of 12 months ending on 30th June.

14—(1) Where a member or an employee does, or omits to do, any act or thing in good faith in the administration or execution, or purported administration or execution, of this Act or in the exercise or performance, or purported exercise or performance, of any of his powers or functions under this Act, that member or employee shall not be personally subjected to any action, liability, claim, or demand in respect of that act or omission. Protection for members of the Board, &c.

(2) Nothing in subsection (1) shall preclude the Board itself from being subject to any action, liability, claim, or demand.

15—(1) The Board shall cause to be kept proper accounts and records in relation to all of its operations and shall do all things necessary to ensure that all payments from its funds are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Board and over the incurring of liabilities of the Board. Accounts and records.

(2) As soon as practicable after 30th June in each year, the Board shall prepare a statement of accounts, in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position of the Board as at that date and the transactions of the Board with respect to the period of 12 months ending on that date.

Audit.

16—The accounts and records of the Board are subject to the *Audit Act 1918*.

Power of Minister to require reports and information to be furnished to him.

17—(1) The Minister may, at any time, by a notice signed by him and addressed to the chairman or the general manager, require the chairman or general manager to furnish him, within the time specified in the notice, with a report or information in relation to—

- (a) the finances generally of the Board;
- (b) a particular matter or thing concerning the revenue or expenditure of the Board or any item of that revenue or expenditure; or
- (c) any matter or thing relating to the administration of the affairs of the Board.

(2) Where the chairman or general manager receives a notice under subsection (1), he shall, within the time specified in the notice, furnish the Minister with the full, true, and complete report, or with full and true information, as the case may be, in relation to the matter or thing specified in the notice.

Penalty: Fine not exceeding 5 penalty units.

Division 2—Dissolution of the Board

Proceedings for dissolution of Board.

18—(1) Where the Minister is satisfied, on representations made to him by licensed producers, that a substantial number of licensed producers desire that the Board be dissolved, the Minister may recommend to the Governor that a poll of licensed producers be taken as to whether the Board should be dissolved.

(2) When the Governor receives a recommendation under subsection (1), the Governor may, by order-in-council, direct that a poll of licensed producers be taken as to whether the Board should be dissolved.

(3) A poll under this section shall not be directed within 2 years after a poll at which the question of the dissolution of the Board has been decided in the negative.

(4) Where an order-in-council is made as provided by subsection (2), the Minister shall fix a day and place for the taking of the poll, and shall cause the order-in-council and a notice of the day and place for taking the poll to be published in the *Gazette*, and in such newspapers as the Minister may think fit.

(5) The day to be fixed by the Minister in accordance with subsection (4) shall not be less than 30 days after the publication in the *Gazette* of the notice referred to in that subsection.

(6) A licensed producer is entitled to vote at a poll taken under this section.

(7) If, at the taking of a poll under this section—

(a) the number of votes polled in favour of the dissolution of the Board exceeds three-fifths of the votes polled; and

(b) at least 70 per cent of the licensed producers have exercised their right to vote,

the Governor may, by proclamation, declare that the Board shall be wound-up.

(8) Subject to subsection (9), where a proclamation is issued under subsection (7), the Board shall proceed to wind-up its affairs, and may to the extent necessary for the purpose of that winding-up, but not otherwise, exercise all or any of its powers and authorities under this Act.

(9) The Governor may, by order-in-council, appoint a person to be liquidator for the purpose of winding-up the affairs of the Board, at such remuneration (including the payment of expenses and allowances) as the Governor fixes, and a person so appointed as liquidator may, for that purpose, in the name and on behalf, and as the act, and, where necessary, under the seal, of the Board, bring and defend all such proceedings, and do and execute all such acts, matters, and things, as may be necessary for the purpose of winding-up the affairs of the Board.

(10) Where the Governor is of opinion that the affairs of the Board are wholly wound-up, he may, by proclamation, dissolve the Board.

(11) Where a proclamation is issued under subsection (10), all money and other assets held by the Board shall, after the payment of any debts owing by the Board in relation to all its proceedings, vest in the Crown and, in the case of assets in the form of real property, be realized by the Crown and that money and the proceeds of that realization shall be applied by the Crown in—

- (a) programmes of research with respect to eggs and other commodities; and
- (b) the promotion of the industries connected with those commodities.

PART III

SCHEME FOR STABILIZATION

Division 1—Prohibition on keeping hens without licence

Prohibition on
keeping hens
without licence.

19—(1) Subject to this Division, a person shall not, after the commencement of this Act—

- (a) keep any hens for the production of eggs for sale, unless he is the holder of a licence authorizing him to keep those hens; or
- (b) cause or allow to be kept on any premises any hens for the production of eggs for sale, unless the person keeping those hens is the holder of a licence authorizing him to do so.

Penalty: Fine not exceeding 15 penalty units, together with a fine not exceeding 5 penalty units for each day during which an offence committed under this subsection continues.

(2) In subsection (1), “eggs for sale” does not include fertile eggs for sale for hatchery purposes.

(3) For the purposes of subsection (1), the occupier of premises on which hens are found by an inspector shall, in the absence of evidence to the contrary, be deemed to be the keeper of those hens.

(4) This section applies only to a person who keeps, or causes or allows to be kept, more than 20 hens.

Exemption for
certain
institutions, &c.

20—(1) The Minister may, by order, exempt an institution or organization carried on for any educational, charitable, or public purpose from the operation of section 19 for such period as is specified in the order.

(2) An order under this section may apply to an institution or organization specified in the order or to an institution or organization of a kind or class specified in, or determined in accordance with the provisions of, the order.

(3) Where, by an order under this section, an institution or organization is exempted from the operation of section 19—

- (a) that section does not, for such period as is specified in the order, apply to the keeping of hens by or on behalf of that institution or organization; and
- (b) that institution or organization shall not, during that period, sell or otherwise dispose of the eggs produced by the hens kept by it or on its behalf but shall use them solely for the purposes of that institution or organization.

Penalty: Fine not exceeding 5 penalty units.

Division 2—Granting of licences and other matters relating to licences: Temporary licences

21—(1) The Board may, in accordance with this Division, grant licences for the purposes of this Act. Power of Board to grant licences.

(2) A licence may be granted to a natural person, to 2 or more natural persons jointly, or to a body corporate.

(3) The Board shall not grant a licence to a person if that person already holds a licence.

22—An application for a licence shall be in writing in a form approved by the Board and shall be signed— Applications for licences.

- (a) where the application is made by a body corporate, by a person who is the manager or secretary of, or holds a similar office in, the body corporate; or
- (b) where the application is made by any other person or persons, by that person or those persons.

23—(1) On receipt of an application for a licence, the Board may, subject to subsection (3), grant or refuse to grant the licence. Granting of licences, &c.

(2) A licence authorizes its holder to keep hens to and including a number not exceeding the adjusted hen quota for the time being fixed for that licence.

(3) Where the Board grants or refuses to grant a licence, the general manager shall, by notice in writing served on the applicant, inform the applicant of the grant or refusal.

Provision relating to licences held by 2 or more natural persons and by bodies corporate.

24—Where a licence is granted or transferred—

(a) to 2 or more natural persons, those persons are severally liable as the holder of a licence; or

(b) to a body corporate—

(i) the body corporate may, with the consent of the Board, nominate a person approved by the Board to be responsible as the holder of the licence on behalf of the body corporate and a person so nominated and approved is liable under this Act as the holder of the licence; or

(ii) where the body corporate has not so nominated a person or where a person so nominated has resigned or been dismissed, the body corporate is liable under this Act as the holder of the licence until such time as a person or another person, as the case may be, is nominated and is approved by the Board.

Surrender of licences.

25—(1) A licensed producer may, by notice in writing given to the Board and accompanied by his licence, surrender the licence.

(2) The Board shall, on receipt of a licence surrendered pursuant to subsection (1), cancel the licence.

Transfer of licences, &c.

26—(1) Where the hens kept in pursuance of a licence held by a licensed producer are kept on any premises, the Board shall—

(a) on being satisfied that the licensed producer will cease to keep hens on those premises but some other person will continue to keep hens on those premises;

(b) on the application of the licensed producer; and

(c) if any money owing to the Board by the licensed producer has been paid,

transfer the licence to that other person.

(2) Subject to subsection (3), the Board may, by agreement with a licensed producer and any other person or persons, cancel the licence held by the licensed producer and grant in its place a licence or licences to that other person or those other persons.

(3) The Board may refuse to enter into an agreement under subsection (2) with a licensed producer and any other person or persons if the licensed producer owes any money to the Board.

27—(1) Where a licensed producer dies, his legal personal representative becomes the holder of the licence held by him. Death of licensed producer.

(2) When a licensed producer who holds his licence jointly with another person dies, his legal personal representative becomes the holder of the licence jointly with that other person.

28—(1) The Board may cancel a licence if— Cancellation of licences.

(a) the number of hens that are kept by the licensed producer who holds the licence exceeds the hen quota for the licence; or

(b) the licensed producer or one of the holders of the licence has been convicted of an offence against this Act.

(2) The Board shall not cancel a licence under this section unless, at least 30 days before so doing, it has served notice in writing on the licensed producer who holds the licence stating its intention to do so and specifying the grounds on which it is intended to cancel the licence.

(3) Where a licence has been cancelled under this section, the Minister may grant another licence to the person who held the first-mentioned licence.

(4) A licence granted under subsection (3) is subject to such terms and conditions as the Minister may determine and as may be specified in the licence.

(5) Where the holder of a licence granted under subsection (3) contravenes or fails to comply with a term or condition to which the licence is subject, the holder is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.

29—(1) Where a licence is cancelled under section 28, the person who was the licensed producer who held that licence may, within the prescribed time and in the prescribed manner, appeal to the Minister against the cancellation. Appeals against cancellation of licences.

(2) Where an appeal is made to the Minister under subsection (1), he may, after giving the appellant such opportunity as the Minister considers reasonable to make representations in relation to the matter, make a decision dismissing the appeal or quashing the cancellation of the licence.

(3) The decision of the Minister on an appeal under subsection (1) is final.

(4) The cancellation of a licence under section 28 is of no effect, if an appeal against the cancellation is brought under subsection (1), until the appeal is finally disposed of, or, if an appeal is not so brought, until the time limited for the bringing of such an appeal has expired.

Temporary licences.

30—(1) The Board may, on application in writing, grant to a person a temporary licence authorizing that person to keep not more than 200 hens for the production of eggs for sale to provide funds for educational, charitable, or public purposes or for the preservation of genetic material.

(2) A temporary licence—

(a) continues in force for such period as is specified in the licence;

(b) is subject to such terms and conditions as the Board may determine and as may be specified in the licence; and

(c) is not transferable.

(3) Where the holder of a temporary licence contravenes or fails to comply with a term or condition to which the licence is subject, the holder is guilty of an offence and is liable on summary conviction to a fine not exceeding 5 penalty units.

Division 3—Base quotas for licences

Fixing of base quotas.

31—There shall be a base quota fixed for each licence in accordance with this Division.

Base quotas for licences granted on transfer.

32—(1) The base quota for a licence granted under section 26 (2) shall be fixed by the Board at the number specified in the agreement referred to in that subsection.

(2) Notwithstanding anything in subsection (1), the aggregate of the base quotas for licences granted in consequence of the cancellation of a licence shall not exceed the base quota for that licence.

33—(1) The base quota for a licence, other than a licence to which section 32 applies, shall be fixed by the Board in accordance with such directions as may be given to it by the Minister, either generally or in a particular case. Base quotas for other licences.

(2) No base quota shall be fixed under this section that would have the effect of increasing the aggregate of all the base quotas to a number greater than the State Hen Quota for the time being.

34—(1) The Board may, on the application of a licensed producer, increase the base quota for his licence. Increase of base quotas.

(2) A base quota shall not be increased under this section so as to have the effect of increasing the aggregate of all the base quotas to a number greater than the State Hen Quota for the time being.

35—The Board may, by agreement with a licensed producer, reduce the base quota for his licence. Reduction of base quotas.

36—Where the Board fixes a base quota for a licence held by a licensed producer or increases or reduces the base quota for a licence, it shall cause to be served on the licensed producer notice of the base quota as so fixed or as so increased or reduced, as the case may be. Notification of base quotas.

Division 4—State Hen Quota and adjusted hen quotas

37—(1) The State Hen Quota is the total of the base quotas for all licences. State Hen Quota.

(2) The Board shall, from time to time, adjust the State Hen Quota where the Board considers that it is necessary to do so for the purpose of balancing the supply of eggs with the demand for eggs.

(3) The Board shall, as soon as practicable after adjusting the State Hen Quota pursuant to subsection (2), cause notice of the adjusted State Hen Quota to be served on each licensed producer.

(4) The State Hen Quota, when adjusted pursuant to subsection (2), is the total of the adjusted hen quotas for all licences.

(5) The adjusted hen quota for a licence shall bear the same proportion to the base quota for the licence as, subject to subsection (7) (a), the relevant adjusted State Hen Quota, as adjusted pursuant to subsection (2), bears to the State Hen Quota.

(6) Except as provided in subsection (7), the Board may, from time to time, amend the adjusted hen quota for a licence to allow for fluctuations in the supply of, and demand for, eggs.

(7) Notwithstanding subsection (6)—

(a) an adjusted hen quota for a licence that does not exceed 1 000 may not be amended under that subsection; and

(b) an adjusted hen quota for a licence may not be amended under that subsection so that the hen quota resulting from the amendment is less than 1 000.

(8) A licensed producer who, after the commencement of this Act, keeps any number of hens, being hens kept for the production of eggs for sale in excess of the adjusted hen quota for the time being fixed for the licence held by him, is guilty of an offence.

Penalty: Fine not exceeding 15 penalty units, together with a fine not exceeding 5 penalty units for each day during which the offence continues.

Division 4—Miscellaneous

Returns by persons to whom section 19 applies.

38—(1) A person to whom section 19 applies who keeps, or causes or allows to be kept, hens for the production of eggs for sale shall furnish the Board with a return specifying the number of hens, as at the 1st and 15th days of each month, that he keeps or causes or allows to be kept.

(2) A return referred to in subsection (1) shall be in a form approved by the Board and shall be furnished to the Board not later than 14 days after the days specified in that subsection.

(3) A person who fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding 5 penalty units.

PART IV

VESTING OF COMMODITIES

39—(1) The Governor may, on the recommendation of the Board—

Power to
proclaim vesting
of commodities
in Board.

- (a) by proclamation, declare that a commodity produced for sale shall forthwith on the date of publication of the proclamation, or on and from a later date specified in it, be divested from the producers of the commodity and become vested in and be the absolute property of the Board as its owner, and that, on such a commodity produced for sale coming into existence within a time specified in the same or a subsequent proclamation, it shall, by virtue of this Act, become vested in and be the absolute property of the Board as its owner; and
- (b) make regulations containing such provisions as will enable the Board to deal with the commodity in such manner as is necessary or expedient in order to give full effect to the objects and purposes for which the Board is established.

(2) On the date of publication of a proclamation under subsection (1) or on such later date as is specified in it, as the case may be—

- (a) the commodity to which the proclamation relates becomes the absolute property of the Board freed and discharged from all mortgages, charges, liens, pledges, interests, trusts, contracts, and encumbrances affecting the commodity; and
- (b) the rights and interests of every person in or to the commodity are thereupon converted into a claim for payment in accordance with this Act.

40—(1) Where a commodity produced for sale has been vested in the Board pursuant to a proclamation under section 39 (1)—

Commodity to
be delivered to
Board.
Prohibition of
sale, &c.

- (a) except in the case of a producer who has been exempted from the operation of this section and is the holder of a certificate of exemption under paragraph (c), all the commodity so vested shall be delivered by the producers of the commodity to the Board or one of its authorized agents within such times, at such places, and in such manner, as the Board by public notice, or in a particular case in writing, directs, or as are prescribed;

- (b) a producer who, not being a producer who has been exempted from the operation of this section and is the holder of a certificate of exemption under paragraph (c), sells or delivers any of the commodity so vested in the Board to a person other than the Board, and a person, other than the Board, who, except as prescribed, buys or receives any of that commodity from a producer is, except as provided in subsection (2), guilty of an offence and is liable on summary conviction to a fine not exceeding 5 penalty units;
- (c) on written application being made to the Board by a producer, the Board may—
- (i) exempt that producer from the operation of this section, in respect of all or any sales and deliveries of the commodity, subject to terms and conditions as are agreed on between the producer and the Board; and
 - (ii) grant to that producer a certificate of exemption accordingly;
- (d) the Board may at any time, by notification published in the *Gazette*, or by written notice to the exempted producer signed by the general manager or other person authorized by the Board, revoke an exemption granted in pursuance of paragraph (c);
- (e) such of the commodity which has become vested in the Board as—
- (i) the Board refuses to accept after tender of delivery to it in accordance with this Act; or
 - (ii) is subject to an exemption in accordance with this section,
- shall, on such a refusal or on its becoming so exempted, revert in the persons who would have held it had the commodity not been vested in the Board, but subject to all mortgages, charges, liens, pledges, interests, trusts, contracts, and encumbrances, which would have affected it had the commodity not been so vested;
- (f) where, pursuant to paragraph (c), a producer is exempted from the operation of this section, that producer is guilty of an offence against this Act and is liable on summary conviction to a fine not exceeding 5 penalty units if he contravenes or fails to comply with a term or condition subject to which the exemption is given;

- (g) if a producer is convicted of an offence against this Act by reason of his contravention or failure to comply with any of the terms and conditions subject to which he is granted an exemption pursuant to paragraph (c), the court before which he is convicted may, in addition to imposing a penalty in respect of the offence, order the producer to pay to the Board such sum of money as, in the opinion of the court, would have been payable by the producer to the Board if he had in all respects complied with those terms and conditions; and
- (h) the Board may deduct from any money due and payable by the Board to a producer in pursuance of this Act in respect of any of the commodity delivered to the Board by him any sum of money that is payable by him to the Board as a condition of an exemption granted to him pursuant to paragraph (c).

(2) Subsection (1) (b) does not apply to the sale, delivery, purchase, or receipt of any of a commodity vested in the Board as has been tendered to the Board in conformity with this Act and the acceptance of which has been refused by the Board on the ground that the commodity is below the prescribed quality, and in respect of which a certificate of refusal has been granted by the Board to the producer.

41—(1) Where the producer of a commodity vested in the Board by a proclamation under section 39 (1) fails to deliver to the Board or one of its authorized agents that commodity within such times, at such places, and in such manner as the Board directs, an inspector may, at any reasonable time, enter and remain in any premises at which, or at which he reasonably suspects, that product is being produced, stored, or sold, and may take possession of that product and the relevant packaging material.

Powers of inspectors in relation to vested commodities.

(2) Where a commodity vested in the Board as mentioned in subsection (1) consists of eggs, that subsection does not apply to eggs that are the product of not more than 20 hens.

(3) Where at any premises referred to in subsection (1), an inspector is about to exercise, or is in the course of exercising, a power conferred on him by that subsection and a person apparently in charge of those premises requests him to produce evidence that he is an inspector, it is not lawful for him to exercise or, as the case may be, continue to exercise, that power unless he produces that evidence to that person.

(4) A person who—

(a) prevents or attempts to prevent an inspector from exercising a power conferred on him by subsection (1); or

(b) obstructs or hinders an inspector in the exercise of any such power,

is guilty of an offence and is liable on summary conviction to a fine not exceeding 5 penalty units.

Tender to be evidence of intention to deliver.

42—The tendering of a commodity by a person (whether by himself, or by any other person authorized by him), to an authorized agent for acceptance of delivery by him, is *prima facie* evidence of an intention to deliver the tendered commodity to the Board, to be disposed of by the Board in accordance with this Act.

Issue of certificates.

43—As soon as practicable after the delivery of a commodity to the Board, the Board shall grant to the producer of the commodity, or other person by or for whom the commodity was delivered to the Board, a certificate in respect of that commodity in a form approved by the Board.

Acceptance by Board, &c.

44—(1) The Board shall not refuse to accept delivery from any person of any of a commodity vested in the Board which is of the prescribed quality if the commodity is delivered within such reasonable times as are fixed by the Board.

(2) When any commodity is refused by the Board on the ground that it is below the prescribed quality, the Board shall grant to the producer of the commodity a certificate of its refusal in a form approved by the Board.

Payment to producers.

45—(1) The Board shall make payments to the persons by or for whom a commodity was delivered to the Board under this Act on the basis of the net proceeds of the sale of all the commodity of the same quality, standard, variety, or grade, or of the value of the equivalent processed commodity or on such other basis as the Board may determine, but the Board may, in determining the amount of any such payment, take into account any other circumstances which it considers relevant.

(2) The Board may deduct from the proceeds of the sale of a commodity, or, as the case may be, from any progress or final payments made by the Board in relation to the sale of that commodity—

(a) the expenditure incurred, or estimated to be incurred in, or in connection with, the marketing, treatment, processing, or manufacture, where applicable, of the commodity; and

(b) the costs and expenses, or estimated costs and expenses, of the administration by the Board of this Act.

46—A person shall not sell any eggs that have been obtained from a person other than a licensed producer unless those eggs, before they are sold, have been graded in accordance with the regulations by the Board or a person authorized by the Board and have been found by the Board or that person not to be below the prescribed quality.

Eggs obtained from persons other than licensed producers to be graded before sale.

Penalty: Fine not exceeding 5 penalty units.

47—Where the Board, or a liquidator appointed by order-in-council under section 18 (9) to wind-up the affairs of the Board, has, in good faith and without negligence, made payment to, or to the order of—

Non-liability of Board or liquidator for payment in good faith.

(a) a producer or other person delivering or causing to be delivered to the Board, or to any person acting under the authority of the Board, any of a commodity vested in the Board by proclamation under section 39 (1); or

(b) a person entitled, or claiming to be entitled, to such a payment through the producer, or through any other person delivering such a commodity to the Board or causing it to be so delivered,

the Board or liquidator is not answerable to any other person in respect of the payment or of the commodity in respect of which the payment was made.

PART V

MISCELLANEOUS

48—(1) An inspector may, at any reasonable time, for the purposes of the administration of this Act—

Power to inspect and take samples, &c.

(a) enter and remain in any premises where a commodity is believed to be produced, stored, or sold, or where there is reasonable grounds for believing that fowls are kept;

(b) inspect and take samples of any commodity and related packaging materials;

(c) inspect and take copies of, or extracts from, any records relating to any commodity; and

(d) make such inquiries as he thinks necessary relating to any commodity or fowls.

(2) Where at any premises referred to in subsection (1), an inspector is about to exercise, or is in the course of exercising, a power conferred on him by that subsection and a person apparently in charge of those premises requests him to produce evidence that he is an inspector, it is not lawful for him to exercise or, as the case may be, continue to exercise, that power unless he produces that evidence to that person.

(3) A person who—

- (a) prevents or attempts to prevent an inspector from exercising a power conferred on him by subsection (1);
 - (b) obstructs or hinders an inspector in the exercise of his powers under that subsection;
 - (c) fails or refuses to produce a record or to answer an inquiry under that subsection as to any matters within his knowledge; or
 - (d) gives an answer to an inquiry under that subsection that is false or misleading in a material particular,
- is guilty of an offence and is liable to a fine not exceeding 5 penalty units.

Offences by
bodies corporate.

49—Where an offence under this Act has been committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director of, or other person concerned in the management of, the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of the offence and is liable to a penalty not exceeding that prescribed for the offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence.

Recovery of
money payable
to Board.

50—Any money payable to the Board under this Act may be recovered by the Board in a court of competent jurisdiction.

Prosecution for
offences under
Act.

51—A prosecution for an offence under this Act may be instituted by a person authorized in writing for that purpose by the Minister, either generally or in a particular case or class of cases.

Evidence.

52—A certificate purporting to be a certificate by the general manager certifying—

- (a) that a person is or was at the time mentioned in the certificate an inspector or an authorized agent;

- (b) that a person was or was not at the time mentioned in the certificate a licensed producer, commercial producer, or a producer of a commodity;
- (c) that a person was or was not at the time mentioned in the certificate the holder of a temporary licence;
- (d) that any provision set out in the certificate was or was not at the time mentioned in the certificate a term or condition of a temporary licence;
- (e) that anything was or was not at the time mentioned in the certificate a commodity or a commodity vested in the Board by a proclamation under section 39 (1);
or
- (f) that a number specified in the certificate was, on the date specified in the certificate, the base quota or the adjusted hen quota for a licence or the State Hen Quota or the adjusted State Hen Quota,

is admissible in any proceedings under this Act and shall, until the contrary is established, be evidence of the matters so certified.

53—(1) Where under this Act a document or a notice is required to be served on a person, the document or notice may be served—

Service of documents, &c.

- (a) in the case of a person who is neither a body corporate nor a firm—
 - (i) by delivering it to that person personally;
 - (ii) by leaving it at that person's place of residence last known to the person required to serve the document or notice with someone who apparently resides there, or at that person's place of business or employment last known to the person required to serve the document or notice with someone who is apparently employed there, being in either case a person who has or apparently has attained the age of 16 years; or
 - (iii) by sending it by post to that person's place of residence, business, or employment last known to the person required to serve the document or notice;
- (b) in the case of a body corporate—
 - (i) by delivering it to the secretary of the body corporate personally;

- (ii) by leaving it at the registered office of the body corporate or at the place or principal place of business of the body corporate in Tasmania with a person apparently employed there, being a person who has or apparently has attained the age of 16 years; or
 - (iii) by sending it by post to the registered office of the body corporate or to the place or principal place of business of the body corporate; or
- (c) in the case of a firm—
- (i) by delivering it to a member of the firm personally;
 - (ii) by leaving it at the place or principal place of business of the firm in Tasmania last known to the person required to serve the document or notice with a person apparently employed there, being a person who has or apparently has attained the age of 16 years; or
 - (iii) by sending it by post to the place or principal place of business of the firm in Tasmania last known to the person required to serve the document or notice.

(2) A reference in subsection (1) to the registered office of a body corporate includes a reference to a registered office that is outside Tasmania.

(3) The provisions of this section are in addition to the provisions of section 528 of the *Companies (Tasmania) Code*.

Regulations.

54—(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the Governor may make regulations for or in respect of the following matters:—

- (a) the method of nomination of candidates for elections;
- (b) the conduct of elections;
- (c) the conduct of a poll referred to in section 18 (1), including the appointment of a returning officer for the poll and provision for the remuneration, expenses, and allowances payable to him;

- (d) the manner in which an application for a licence is made under this Act;
- (e) the records that are required to be kept with respect to the keeping of fowls;
- (f) the returns or notifications that are required to be made with respect to the keeping of fowls;
- (g) the method of ascertaining whether or not a commodity is of the prescribed quality, a standard of quality for a commodity, and an increase or decrease in the amount otherwise payable to a producer or any other person for any of a commodity delivered by him to the Board, according to its quality, whether at the time of that delivery or subsequently.

(3) Regulations made under this section may be made subject to such conditions, or be made so as to apply differently according to such factors as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstances or otherwise, as may be so specified.

(4) Regulations under this section may provide that it is an offence, punishable on summary conviction, for a person to contravene or fail to comply with any of the regulations and may provide in respect of any such offence for the imposition of a fine not exceeding 5 penalty units.

55—The transitional and savings provisions set out in Schedule 3 have effect. Transitional and savings provisions.

56—The Acts specified in Schedule 4 are repealed. Repeals.

SCHEDULE 1

Section 5 (3)

PROVISIONS WITH RESPECT TO MEMBERS OF THE BOARD

Interpretation.

1—In this Schedule—

“appointed member” means a member who is appointed by the Governor;

“elected member” means a member who is elected at an election.

Term of office of members.

2—(1) An appointed member shall hold office for such term, not exceeding 3 years, as is specified in the instrument of his appointment and shall be eligible for re-appointment from time to time for such term, not exceeding 3 years, as is specified in the instrument of the re-appointment.

(2) An elected member shall hold office for the term of 3 years on and from the date of his election and shall, if qualified, be eligible for re-election for such a term.

Tasmanian State Service Act 1984 not to apply.

3—The provisions of the *Tasmanian State Service Act 1984* do not apply to or in respect of the appointment or election of a member, or to or in respect of a member in his capacity as such, during his term of office.

Remuneration, &c., payable to members.

4—A member is entitled to be paid out of the funds of the Board such remuneration, expenses, and allowances as the Minister may from time to time determine in respect of him.

Appointment of substitute to act during absence of member.

5—(1) Subject to subclause (2), the Minister may appoint a person to act in the office of a member while that member is absent from his office through illness or any other cause.

(2) A person appointed under subclause (1) to act in the office of a member shall, if appointed to act in the office of—

(a) an appointed member, be a person of a kind referred to in section 5 (2); or

(b) an elected member, be a commercial producer.

(3) A member shall, for the purposes of subclause (1), be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 7.

(4) A person shall not be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a member, and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that member.

Vacation of office.

6—(1) The office of a member becomes vacant—

(a) when the term for which he was appointed or elected to hold office expires;

(b) when he dies;

(c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;

(d) if, unless on leave granted by the Board, he is absent from all meetings of the Board held during 2 consecutive months or during any 3 months in a period of 12 months;

- (e) if he becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;
- (f) if he is convicted of a crime or an offence in Tasmania which is punishable by imprisonment for a term of 6 months or more, or has been convicted elsewhere than in Tasmania of a crime or an offence which, if committed in Tasmania, would be a crime or an offence so punishable;
- (g) in the case of an elected member, if he ceases to be a commercial producer;
- (h) if he becomes in any way, except as a member, concerned or interested in a contract made by or on behalf of the Board or if he claims to be entitled to participate in the profits of such a contract;
- (i) if he accepts or holds an office of profit under the Board;
- (j) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or
- (k) if he is removed from office by the Governor under subclause (2).

(2) The Governor may remove a member from office—

- (a) for misbehaviour or incompetence; or
- (b) if the Governor is satisfied that the member is unable to perform adequately the duties of his office.

(3) Without prejudice to the generality of the expression “misbehaviour” in subclause (2), a member is guilty of misbehaviour if he fails, without reasonable excuse, to comply with his obligations under section 8.

(4) Notwithstanding anything in the foregoing provisions of this clause, the office of a member does not become vacant by reason only of the exercise or enforcement by or in respect of him of any powers, duties, liabilities, or obligations arising under this Act in relation to a commodity of which he is the producer.

(5) Where the Governor is satisfied that the chairman has wilfully and without good cause failed to comply with any Employment Instructions or Administrative Instructions, within the meaning of the *Tasmanian State Service Act 1984*, that relate to him or the Board or any directions given to him by the Commissioner for Public Employment under section 35 (3) or 36 (5) of that Act, the Governor may remove the chairman from office.

7—(1) On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to the vacant office for the residue of his predecessor's term of office. Filling of vacancies.

(2) On the occurrence of a vacancy in the office of an elected member, otherwise than by the expiration of the term for which he was elected, the vacancy shall, subject to subclause (3), be filled by the election of a commercial producer, and the commercial producer so elected shall hold office for the residue of his predecessor's term of office.

(3) Where a vacancy referred to in subclause (2) occurs within 3 months before an election is due to be held, the vacancy shall not be filled until that election is held.

Validity of
proceedings.

8—All acts and proceedings of the Board or of any person acting pursuant to any direction of the Board are, notwithstanding the subsequent discovery of any defect in the appointment or election of any member or that any person was disqualified from acting as, or incapable of being, a member, as valid as if the member had been duly appointed or elected and was qualified to act as, or capable of being, a member, and as if the Board had been fully constituted.

Presumptions.

9—In any proceedings by or against the Board, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Board;
 - (b) any resolution of the Board;
 - (c) the appointment or election of any member; or
 - (d) the presence of a quorum at any meeting of the Board.
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SCHEDULE 2

Section 5 (4)

PROVISIONS WITH RESPECT TO MEETINGS OF THE BOARD

1—(1) Meetings of the Board may be convened by a member or the general manager. Convening of meetings of the Board.

(2) Subject to subclause (3), the general manager shall give to the members and to the Minister at least 7 days' notice of a meeting of the Board convened pursuant to subclause (1).

(3) Notwithstanding subclause (2), where all the members agree that a special meeting of the Board should be convened, that meeting may be convened with less than 7 days' notice being given to the members and to the Minister.

2—(1) The Minister may appoint a person to represent him at a duly convened meeting of the Board. Power of Minister to appoint person to represent him at meetings of the Board.

(2) The person appointed pursuant to subclause (1) is entitled, at a duly convened meeting of the Board at which he is present, to obtain, on behalf of the Minister, information on all matters relating to the operations or proposed operations of the Board.

(3) Except as provided in subclause (2), the person appointed pursuant to subclause (1) shall not take part in a duly convened meeting of the Board at which he is present.

3—(1) Three members shall form a quorum at a duly convened meeting of the Board. Proceedings at meetings.

(2) A duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

(3) A question arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.

4—(1) The chairman shall preside at all meetings of the Board at which he is present. Chairman.

(2) If the chairman is not present at a meeting of the Board, such other member as the members present elect shall preside at that meeting.

(3) The chairman or other member presiding at a meeting of the Board has a deliberative vote only and, in the event of an equality of votes on a question before the Board, the question shall be deemed not to have been put.

5—The Board shall cause full and accurate minutes to be kept of its meetings. Minutes.

6—The procedure for the calling of, and for the conduct of business at, meetings of the Board shall, subject to any procedure that is specified in this Schedule, be as determined by the Board. General procedure.

SCHEDULE 3

Section 55

TRANSITIONAL AND SAVINGS PROVISIONS

Interpretation.

1—In this Schedule—

“Board” means the board by the name of “The Egg Marketing Board” that was continued as a body corporate by the *Egg Marketing Act 1957*;

“the proclaimed day” means the day fixed by proclamation under section 2 (2).

Members of the Board.

2—(1) A person holding office as a member of the Board immediately before the proclaimed day shall, unless—

(a) that office sooner becomes vacant under clause 6 (1) of Schedule 1; or

(b) the Minister otherwise determines, pursuant to subclause (2), in relation to a person who has been elected to that office,

continue to hold that office for the remainder of the term for which he was appointed or elected.

(2) The Minister may determine that a person referred to in subclause (1) (b) shall, on the proclaimed day or such later day as is determined by the Minister, cease to hold office as a member of the Board, being, in the case of a later day, a day before that on which, apart from this subclause, that person would cease to hold office.

Licences.

3—A licence under the *Egg Industry Stabilization Act 1973* that is in force immediately before the proclaimed day continues in force, on and after that day, as a licence under this Act.

Various quotas.

4—(1) Subject to this Act, the base quota that, immediately before the proclaimed day, is the base quota for a licence referred to in clause 3 continues, on and after that day, to be the base quota for that licence for the purposes of this Act.

(2) Subject to this Act, the hen quota that, immediately before the proclaimed day, is the hen quota for a licence referred to in clause 3 continues, on and after that day, to be the adjusted hen quota for the purposes of this Act.

(3) Subject to this Act, the State Hen Quota and the adjusted State Hen Quota, as determined by a notice under section 24 (1) of the *Egg Industry Stabilization Act 1973*, that are in force immediately before the proclaimed day, continue, on and after that day, to be the State Hen Quota and the adjusted State Hen Quota respectively for the purposes of this Act.

Orders.

5—An order under section 6 of the *Egg Industry Stabilization Act 1973* that is in force immediately before the proclaimed day continues in force, on and after that day, as an order under section 20 of this Act.

Proclamation vesting eggs in Board.

6—A proclamation under section 19 (1) of the *Marketing of Primary Products Act 1945* vesting eggs in the Board that is in force immediately before the proclaimed day continues in force, on and after that day, as a proclamation under section 39 (1) of this Act.

General manager and other employees.

7—(1) The person who, immediately before the proclaimed day, holds office as the general manager of the Board shall, on and after that day, continue to hold that office as if he had been appointed to that office pursuant to section 10 (1) of this Act.

(2) A person, other than the person referred to in subclause (1), who, immediately before the proclaimed day, holds office as a person appointed or employed pursuant to section 21A (1) of the *Marketing of Primary Products Act 1945* to enable the Board to perform its functions shall, on and after that day, continue to hold that office as if he had been appointed or employed pursuant to section 10 (2) of this Act.

(3) A person who, immediately before the proclaimed day, is, pursuant to an arrangement under section 21A (3) of the *Marketing of Primary Products Act 1945*, serving the Board in conjunction with his position in the State Service shall, on and after that day, continue to so serve the Board as if the arrangement had been made under section 10 (4) of this Act.

8—A person who, immediately before the proclaimed day is an agent ^{Agents.} of the Board engaged, pursuant to section 21 (1) (a) of the *Marketing of Primary Products Act 1945* shall, on and after that day, continue to be an agent of the Board as if he had been so engaged under section 7 (2) (a) of this Act.

9—A person who, immediately before the proclaimed day, is an inspector ^{Inspectors.} for the purposes of the *Egg Industry Stabilization Act 1973* appointed under section 27 (1) or (1A) of that Act shall, on and after that day, continue to be an inspector for the purposes of this Act as if he had been appointed under section 11 (1) or (2) of this Act, as the case requires.

SCHEDULE 4

Section 56

REPEALS

Year and number of Act	Short title of Act
9 & 10 Geo. VI No. 41	<i>Marketing of Primary Products Act 1945</i>
No. 95 of 1957	<i>Egg Marketing Act 1957</i>
No. 91 of 1973	<i>Egg Industry Stabilization Act 1973</i>
No. 58 of 1984	<i>Egg Industry Stabilization Amendment Act 1984</i>
No. 38 of 1987	<i>Egg Industry Stabilization Amendment Act 1987</i>