

FAIR RENTS.

No. 94 of 1957.

AN ACT to amend the *Fair Rents Act 1956*.
[23 December 1957.]

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:—

1—(1) This Act may be cited as the *Fair Rents Act 1957*. Short title and citation.

(2) The *Fair Rents Act 1956* is in this Act referred to as the Principal Act.

2 Section seventeen of the Principal Act is amended by omitting therefrom the numerals “1957” and substituting therefor the numerals “1958”. Expiry of Act.

EGG MARKETING.

No. 95 of 1957.

AN ACT to make provision with respect to the marketing of eggs and matters incidental thereto.
[23 December 1957.]

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:—

1—(1) This Act may be cited as the *Egg Marketing Act 1957*. Short title and commencement.

(2) This Act shall commence on a day to be fixed by proclamation.

Interpreta-
tion.

- 2**—(1) In this Act, unless the contrary intention appears—
- “appointed day” means the day on which this Act commences;
 - “Board” means the Egg Marketing Board, being the Board that is continued by this Act;
 - “commodity” means hen eggs, whether in their natural state or after having been subjected to a process of manufacture or treatment;
 - “electoral district” means an electoral district within the meaning of section four;
 - “hen” means a female domesticated fowl that is more than six months old;
 - “prescribed producer” means a person who is the owner of more than fifty hens;
 - “registered producer” means a prescribed producer whose name is registered with the Board under section six of the *Marketing of Primary Products Act 1945*, as applied to the Board and to prescribed producers by virtue of the provisions of this Act,

and all other expressions used in this Act have the meanings respectively assigned to them by the *Marketing of Primary Products Act 1945*.

(2) Nothing in this Act affects the operation of any proclamation declaring eggs to be a commodity for the purposes of the *Marketing of Primary Products Act 1945*, and any proclamation under that Act vesting that commodity in the board continues to have full force and effect.

Constitution
and incorpora-
tion of Board.

3—(1) There shall be a board, to be known as the Egg Marketing Board.

(2) The Board shall consist of four members elected or appointed in accordance with the provisions of this Act.

(3) One of the members of the Board shall be a person appointed by the Governor to represent the consumers of eggs.

(4) The Minister may, if he thinks fit, appoint a person to represent him at all meetings of the Board.

(5) The person appointed pursuant to subsection (4) of this section is entitled, at all meetings of the Board at which he is present, to obtain on behalf of the Minister information on all matters relating to the operations or proposals of the Board.

(6) Subject to this Act—

- (a) the board established in respect of eggs under the *Marketing of Primary Products Act 1945* is continued and is the Board for the purposes of this Act, and continues to be a body corporate, by the name of “The Egg Marketing Board”, with perpetual succession and a common seal and with power to sue and be sued in its corporate name;

- (b) the common seal used by the board established under that Act shall be deemed to be, and may be used by the Board as, the common seal of the Board for the purposes of this Act;
- (c) the Board continues to be entitled to the enjoyment of all the property and assets, and continues to be subject to all the obligations and liabilities, of the board established under that Act as if this Act had not been enacted; and
- (d) the members of the board established under that Act who were elected thereto pursuant to that Act are entitled to continue in office as members of the Board under this Act until the expiration of their respective terms of office under that Act.

4—(1) For the purposes of elections of members of the Board, the State shall be divided into three electoral districts, to be designated respectively the Southern District, the Northern District, and the North-western District, and those electoral districts shall comprise the several cities and municipalities respectively specified in the first schedule to this Act opposite the names of those districts.

Elections of members of the Board.

(2) Of the members of the Board—

- (a) one shall be a registered producer who resides in the Southern district elected by registered producers who reside in that district;
- (b) one shall be a registered producer who resides in the Northern district elected by registered producers who reside in that district; and
- (c) one shall be a registered producer who resides in the North-western district elected by registered producers who reside in that district.

(3) For the purposes of section six of the *Marketing of Primary Products Act 1945* (as applied to the Board by virtue of the provisions of this Act), the registrar shall divide into three parts the roll kept by him pursuant to that section, separating into each part the names of registered producers according to the places at which they reside, and shall keep that roll so divided.

(4) Where a registered producer changes his place of residence he shall notify the registrar in writing accordingly within thirty days after changing his place of residence, and thereupon the registrar shall, if the producer has, by reason of the change, ceased to reside in the electoral district for which he is enrolled, forthwith remove the producer's name from that part of the roll in which it is entered and enter it in the part of the roll kept in respect of the electoral district in which the producer's new place of residence is situated.

(5) The first election of members of the Board under the provisions of this Act shall be held on the day on which, but for the passing of this Act, the biennial election of members of the board established in respect of eggs under the *Marketing of Primary Products Act 1945* would have been held in the year 1958.

(6) After the first election held pursuant to subsection (5) of this section, the members elected thereat shall determine, by lot, which of those members shall retire from office in the first, second, and third years respectively after that election.

(7) Elections after the first election shall be held in each year in one of the electoral districts, so that an election is held in the three electoral districts in rotation, and the members elected thereat shall hold office for a term of three years from the dates on which they are respectively elected.

(8) All elections under this Act shall be conducted by a returning officer appointed by the Minister.

Qualifications
of electors,
members, &c.

5—(1) Only such persons as are registered producers of the commodity are entitled to vote at elections of members of the Board or to nominate candidates for election as members of the Board.

(2) At an election of a member of the Board, only a person who has been a registered producer for at least two years before the date appointed for holding the election is entitled—

- (a) to be nominated as a candidate; or
- (b) to be elected as a member of the Board.

(3) A person is not eligible to be elected or appointed, or to continue to hold office as a member of the Board, or to be appointed to represent the Minister at meetings of the Board, if that person is or becomes a member of the Parliament of this State or of the Parliament of the Commonwealth.

Application
of the
Marketing
of Primary
Products Act
1945.

6—(1) Except as otherwise provided in this section, all the provisions of the *Marketing of Primary Products Act 1945*, so far as they are applicable, apply (subject to the modifications prescribed by this section) to and in relation to—

- (a) the Board;
- (b) the commodity; and
- (c) prescribed producers, registered producers, and other persons,

respectively, as if those provisions (as so modified) were enacted in this Act.

(2) The following provisions of the *Marketing of Primary Products Act 1945* do not apply to or in relation to the Board, the commodity, prescribed producers, or registered producers, that is to say:—

- (a) Sections three, four, and five;
- (b) Sections nine and ten;
- (c) Subsection (3) of section eleven;
- (d) Subsections (1) and (2) of section twelve; and
- (e) Section twenty-seven.

(3) For the purposes of this section, in their application to the Board, the commodity, prescribed producers, registered

producers, and other persons, the provisions referred to in subsection (1) of this section have effect subject to the modifications set forth in the second schedule to this Act.

7—(1) Every prescribed producer shall furnish to the Board, at such times as may be prescribed, returns in the prescribed form showing the number of hens owned by him. Returns by producers.

(2) If the Board so requires, a statutory declaration shall be furnished by a producer in verification of the information given in a return under this section.

(3) If the Board is of the opinion that a person is or may be a prescribed producer, it may require that person to make a statutory declaration stating the number of hens owned by him, and that person shall furnish that statutory declaration to the Board within the prescribed period.

(4) A member or an officer of the Board who is authorized by the Board either generally or in any particular case so to do may enter the premises of a person who, in the opinion of the Board, is or may be a prescribed producer in order to verify the correctness of any return made under this section or, if no return has been received by the Board, the number of hens owned by that person.

(5) For the purposes of this Act, the occupier of any land or premises shall be deemed to be the owner of all hens kept or found on that land or premises.

8—(1) In the execution of this Act, a person who is authorized by the Board in that behalf, either generally or in a particular case, may, at any time— Power to inspect and take samples.

- (a) enter any premises where eggs are believed to be produced, stored, sold, or offered for sale;
- (b) inspect and take samples of any eggs;
- (c) inspect and take copies of, or extracts from, any records relating to any eggs; and
- (d) make such inquiries as he thinks necessary relating to any eggs.

(2) No person shall—

- (a) obstruct or hinder a person authorized under this section in the execution of his powers under this section;
- (b) fail or refuse to produce a record or to answer an inquiry under this section as to any matters within his knowledge; or
- (c) make a false answer to an inquiry under this section.

9 A person who contravenes or fails to comply with a provision of this Act that is applicable to him is guilty of an offence. Offences and penalty.

Penalty: One hundred pounds.

THE FIRST SCHEDULE.

(Section 4.)

ELECTORAL DISTRICTS.

Southern district	The city of Hobart. The municipalities of Bothwell, Brighton, Bruny, Clarence, Esperance, Glamorgan, Glenorchy, Green Ponds, Hamilton, Huon, Kingborough, New Norfolk, Oatlands, Port Cygnet, Richmond, Sorell, Spring Bay, and Tasman.
Northern district	The city of Launceston. The municipalities of Beaconsfield, Campbell Town, Deloraine, Evandale, Flinders, Fingal, George Town, Lilydale, Longford, Portland, Ringarooma, Ross, St. Leonards, Scottsdale, and Westbury.
North-western district ..	The municipalities of Burnie, Circular Head, Devonport, Gormanston, Kentish, King Island, Latrobe, Penguin, Queenstown, Strahan, Ulverstone, Waratah, Wynyard, and Zeehan.

THE SECOND SCHEDULE.

(Section 6.)

MODIFICATIONS OF THE PROVISIONS OF THE MARKETING OF PRIMARY PRODUCTS ACT 1945.

1. Section six has effect as if—
 - (a) subsection (1) were omitted therefrom and the following subsections were substituted therefor:—
 - “(1) Within forty-two days after the commencement of the *Egg Marketing Act* 1957, every prescribed producer whose name is not already registered with the board’s registrar shall register his name as a producer of eggs at the office of the registrar.
 - “(1A) A prescribed producer who fails to comply with the provisions of subsection (1) of this section is liable to a penalty of one hundred pounds.”;
 - (b) from subsection (2) thereof the words “returning officer” were omitted and the word “registrar” were substituted therefor; and
 - (c) subsection (3) were omitted therefrom.
2. Section eight has effect as if from subsection (5) thereof the word “appropriate” were omitted.
3. Section twelve has effect as if subsection (6) were omitted therefrom and the following subsection were substituted therefor:—
 - “(6) Any two members constitute a quorum of the board.”
4. Section sixteen has effect as if the following subsection were added at the end thereof:—
 - “(3) To assist the board to exercise any of the powers conferred on it by this section—
 - (a) the Treasurer may, out of any moneys at his disposal, advance to the board any sums of money not exceeding, in the aggregate, the sum of fifty thousand pounds upon such terms as to repayment, payment of interest, and otherwise as the Treasurer may determine, and the board may give to the Treasurer such security for any advance so made as the Governor may approve; and

(b) the board may, with the consent of the Governor, borrow by way of overdraft from any bank any sums of money not exceeding, in the aggregate, the sum of fifty thousand pounds, and the Governor may, on such terms and conditions as he considers necessary, guarantee the repayment of the whole or any part of the principal moneys so borrowed and the whole or any part of the interest payable by the board in respect thereof.”

5. Section twenty-one has effect as if—

(a) in paragraph (b) of subsection (1) the words “of this State or” were inserted after the word “Government” (first occurring);

(b) paragraph (c) of that subsection were omitted and the following paragraph were substituted therefor:—

“(c) so far as is practicable, provide the commodity for consumption in this State and for its supply during any period of shortage to those places within this State wherein a shortage is experienced, and, if necessary to meet such a shortage, purchase supplies of the commodity from places outside this State;” and

(c) the following subsection were added at the end of that section:—

“(6) The board may make contributions to such organizations as the board may consider expedient in the interests of producers of the commodity.”.

6. Section twenty-two has effect as if—

(a) from paragraph (a) the words “save as otherwise prescribed” were omitted and the words “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) of this section” were substituted therefor;

(b) from paragraph (b)—

(i) the words “, save as prescribed,” were omitted and the words “, 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) of this section,” were substituted therefor; and

(ii) the words “one hundred” were omitted and the words “two hundred and fifty” were substituted therefor;

(c) paragraph (c) were omitted and the following paragraph were substituted therefor:—

“(c) upon written application being made to the board in that behalf by a producer, the board may exempt that producer from the operation of this section, in respect of all or any sales and deliveries of the commodity, upon and subject to such terms and conditions as are agreed upon between the producer and the board and may grant to that producer a certificate of exemption accordingly;”

(d) the word “and”, at the end of paragraph (d) were omitted and the following paragraphs were added at the end of that section:—

“(f) where, pursuant to paragraph (c) of this section, a producer is exempted from the operation of this section, that producer is guilty of an offence against this Act if he fails to comply with and observe the terms and conditions on and subject to which the exemption is given;

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“(g) if a producer is convicted of an offence against this Act by reason of his failure to comply with or observe any of the terms and conditions upon and subject to which he is granted an exemption pursuant to paragraph (c) of this section, 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 and observed those terms and conditions; and

“(h) the board may deduct from any moneys 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) of this section.”.

7. Section twenty-eight has effect as if—

- (a) the proviso to subsection (1) thereof were omitted; and
- (b) paragraph (a) of subsection (2) thereof were omitted and the following paragraph were substituted therefor:—

“(a) make progress payments to each person by or for whom the commodity is delivered to the board in accordance with this Act, in respect of the commodity from time to time delivered by or for him and at or about the time of each delivery, calculated at such rate as the board may determine in respect of the commodity of the same quality, standard, grade, class, or description as that so delivered;”.

8. Section thirty-three has effect as if from subsection (1) thereof—

- (a) the word “which” (first occurring) were omitted and the words “shall, if it” were substituted therefor;
- (b) the words “in respect of which, or of the crop from which the commodity was harvested” were omitted and the words “if in respect of the commodity or of the hens from which it was obtained” were substituted therefor; and
- (c) the word “shall” were omitted.

9. Section forty has effect as if from subsection (1) thereof the word “fifty” were omitted and the words “one hundred” were substituted therefor.

10. Section forty-three has effect as if in paragraph (b) thereof, after the word “agent,” the words “or was the occupier of any specified land or premises,” were inserted.

11. Section forty-six has effect as if subsections (2), (3), and (6) thereof were omitted.

12. In any of the provisions of the *Marketing of Primary Products Act 1945* (as modified by this Act)—

- (a) any reference to a board (however expressed) shall be construed as a reference to the Board;
- (b) any reference to a commodity (however expressed) shall be construed as a reference to the commodity (as defined in this Act);
- (c) any reference to a producer or to a prescribed producer shall be construed as a reference to a producer or, as the case may be, to a prescribed producer of the commodity (as defined in this Act); and
- (d) any reference to a roll shall be construed as including a reference to each part into which the registrar is required by section four of this Act to divide the roll kept by him.