



POTATO INDUSTRY

No. 84 of 1978

ANALYSIS

- 1. Short title.
- 2. Principal Act.
- 3. Authority subject to control of the Minister.
- 4. Allocation of quotas at commencement of season.
- 5. Transitional.

AN ACT to amend the Potato Industry Act 1977.

[31 January 1979]

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—This Act may be cited as the *Potato Industry Act 1978*. Short title.

2—In this Act, the *Potato Industry Act 1977** is referred to as the Principal Act. Principal Act.

* No. 97 of 1977

3—The Principal Act is amended by inserting after section 9 the following section:—

Authority subject to control of the Minister.

9A—(1) Notwithstanding anything contained in this Act, the Authority in the exercise of its powers or the performance of its functions under this Act, is subject to the control of the Minister and if, after consultation with the Authority, any action or proceeding by the Authority is not approved by the Minister, he may by notice in writing addressed to, and served upon, the chairman of the Authority prohibit the action or proceeding either absolutely or subject to such conditions as he thinks fit, and effect shall be given by the Authority to the notice.

(2) In the exercise of his powers under this section the Minister shall have regard to the provisions of this Act.

(3) Nothing in this section has the effect of making the Authority the servant or agent of the Crown for the purposes of this Act or of any other enactment or of enabling the Authority to enjoy any status, privilege, or immunity of the Crown.

Allocation of quotas at commencement of season.

4—Section 16 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

(4) Reference in this section to potatoes grown by any person shall be construed as meaning potatoes which have been grown, either by that person or under his direct control, in pursuance of any share-farming or similar arrangement, approved by the Authority.

Transitional.

5—(1) Section 16 of the Principal Act as amended by section 4 of this Act does not apply to any quota allocated to any person by the Authority before the commencement of this Act.

(2) In allocating quotas after the commencement of this Act, the Authority shall not have regard, for the purposes of section 16 (3) of the Principal Act, to any potatoes grown by the applicant for the quota, in a manner that did not comply with section 16 of the Principal Act as amended by section 4 of this Act.