

MARKETING OF LAMB.

No. 78 of 1981.

AN ACT to amend the Marketing of Lamb Act
1971-1977.

[Assented to 9 November 1981.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Marketing of Lamb Amendment Act 1981*.

Short title.
and citation.

(2) In this Act the Marketing of Lamb Act 1971-1977 is referred to as the principal Act.

Act No. 61 of
1971 as
amended by
Act No. 55
of 1977.

(3) The principal Act as amended by this Act may be cited as the Marketing of Lamb Act 1971-1981.

Section 16
amended.

2. Section 16 of the principal Act is amended—

- (a) by inserting after subsection (3) the following subsections—

“ (3a) Whenever the Minister, after receiving the advice of the Board, is of the opinion that the obligation of the Board to accept delivery of lambs should be suspended for the time being by reason of the temporary inability of the Board to slaughter or arrange for the slaughter of such lambs, either generally throughout the State or in any particular area or areas only, he may by notice to the Board given or confirmed in writing suspend the obligation of the Board to accept delivery of lambs, either generally or in the particular area or areas, on and after a time specified in the notice, and the Board is not obliged to accept delivery of any lambs within the area to which the notice relates until the Minister by subsequent notice to the Board given or confirmed in writing revokes the suspension.

(3b) As soon as is reasonably practicable after the Board is given notice under subsection (3a) of this section suspending its obligation to accept delivery of lambs, the Board—

- (a) shall cause notification of the suspension of its obligation to accept delivery of lambs to be published by radio broadcast or such other means as it considers appropriate in the area to which the notice relates; and
- (b) where, for the purposes of subsection (4) of this section, the Board has granted approval to any person for the delivery to

the Board of lambs but pursuant to subsection (3a) of this section delivery of the lambs will not be accepted by the Board in accordance with that approval, shall make all reasonable endeavours to advise such person, as soon as is reasonably practicable, that delivery will not be so accepted. ” ; and

(b) in subsection (5), by inserting before “(4)” the following—

“ (3a), ” .

3. After section 21 of the principal Act, the following section is inserted—

Section 21A
inserted.

“ 21A. (1) Where the Board is temporarily unable to slaughter or arrange for the slaughter of any lambs of which it becomes the owner, it may—

Slaughter-
ing
stoppages.

(a) hold or arrange for the holding of such lambs until they can be slaughtered; or

(b) with the approval of the Minister, sell such lambs live and, until their sale, hold or arrange for the holding of such lambs,

and may for that purpose exercise any of the powers and functions conferred on it by section 15 of this Act.

(2) The Minister shall not give his approval for the purposes of subsection (1) (b) of this section to the sale of lambs live except in respect of lambs delivered to the Board—

(a) before the circumstances by reason of which the Board is temporarily unable to slaughter or arrange for the slaughter of the lambs arose; or

- (b) within such time after the circumstances referred to in paragraph (a) of this subsection arose as may be prescribed.

(3) Where under subsection (1) of this section the Board holds lambs delivered to it, the Board shall cause the weight and the quality or grade of the lamb products that would have been obtained from the lambs if they had been slaughtered upon delivery to be assessed, and for the purposes of ascertaining the amount of any payment to be made by the Board under section 22 (1) of this Act lamb products as assessed shall be deemed to have been obtained from the lambs.

(4) Where regulations make provision as to the making of an assessment under subsection (3) of this section, the making of an assessment to which the regulations apply shall be in accordance with the regulations.

(5) The Board shall take all reasonable steps to notify the person by or for whom lambs to which an assessment under subsection (3) of this section relates were delivered of the assessment and, if the person elects to take redelivery of the lambs, the Board shall, unless it is no longer reasonably practicable to do so, permit the person to take redelivery of the lambs at the place at which they were delivered to the Board or at another place agreed between the person and the Board, and upon such redelivery the lambs are, for the purposes of this Act, deemed not to have been delivered to the Board. " .

Section 22
amended.

4. Section 22 of the principal Act is amended—

- (a) in subsection (1), by deleting "lamb products disposed of by it under this Act and which were obtained from lambs delivered to it under section 16 of this Act," and substituting the following—

“ lambs and lamb products obtained from lambs delivered to it under section 16 of this Act and disposed of by it under this Act, ” ;

(b) in subsection (3)—

(i) by inserting after “sale of” the following—

“ lambs and ” ; and

(ii) by deleting “lamb products, including the” in paragraph (a), and substituting the following—

“ lambs and lamb products, including the holding, ” ;

(c) in subsection (5), by deleting “For the purposes of ascertaining” and substituting the following—

“ Subject to section 21A (3) of this Act, for the purposes of ascertaining ” ;

(d) in subsection (6), by deleting “Where” and substituting the following—

“ Except in the case of lambs dealt with pursuant to section 21A of this Act, where ” ; and

(e) in subsection (8), by deleting “, (2)”.

5. Section 25 of the principal Act is amended in subsection (1)—

Section 25
amended.

(a) by inserting after “(2)” in paragraph (b) the following—

“ , (3a), (3b) ” ; and

(b) by deleting “and 21” in paragraph (c) and substituting the following—

“ , 21 and 21A ” .