

MARKETING OF LAMB.

No. 55 of 1977.

AN ACT to amend the Marketing of Lamb Act, 1971.

[Assented to 23rd November, 1977.]

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 Act Amendment Act, 1977*. Short title and citation.

(2) In this Act the Marketing of Lamb Act, 1971, is referred to as the principal Act. No. 61 of 1971.

(3) The principal Act as amended by this Act may be cited as the Marketing of Lamb Act, 1971-1977.

Commence-
ment.

2. This Act shall come into operation on a date to be proclaimed.

Section 4
amended.

3. Section 4 of the principal Act is amended—

- (a) by inserting before the word “In”, in line one, the subsection designation “(1)”;
- (b) by inserting after the word “raising”, in line two of the definition of the term “producer”, the words “or fattening”; and
- (c) by adding a further subsection as follows—

(2) Any question as to whether a person is or is not a producer shall for the purposes of this Act be determined by the Board. .

Section 16
amended.

4. Section 16 of the principal Act is amended—

- (a) as to subsection (1), by inserting after the word “may”, in line two, the passage “by arrangement with the Board,”;
- (b) by adding a further subsection as follows—

(9) The Board is empowered to give preference to lambs delivered by producers at all times, and shall do so when killing space is at a premium. .

Section 22
amended.

5. Section 22 of the principal Act is amended—

- (a) as to subsection (1), by deleting the passages commencing with the words “on the basis”, in line seven, and ending with the last word in the subsection and substituting the passage “in accordance with—

- (a) any contract between the person and the Board; or
- (b) the price schedule published by the Board pursuant to which the delivery was arranged, where no such contract applies,

and any such payments may take into account any incentives, seasonal trends, or other factors which in the opinion of the Board are in the interest of producers generally or are necessary to meet specific marketing requirements”;

- (b) by deleting subsection (2);
- (c) as to subsection (3),—
 - (i) by deleting the words “progress or final” and the passage “under subsection (2) of this section” in lines four and five of that subsection; and
 - (ii) by deleting the word “thereon”, being the last word in the subsection, and substituting the passage—

thereon; and
- (d) any sums payable by way of penalty for non-delivery imposed pursuant to subsection (7) of this section ;
- (d) as to subsection (4), by deleting the passage “determined by the Board under subsection (1) of this section”, in lines five and six of that subsection;
- (e) as to subsection (5),—
 - (i) by deleting the passage “or subsection (2)” in line three of that subsection; and
 - (ii) by inserting after the word “Board”, in line three of paragraph (a) of that subsection, the words “and the basis of payment applicable thereto”;
- (f) as to subsection (7),—
 - (i) by deleting the passage “, any expense incurred by the Board by reason of that failure or the delivery of the smaller number,” in lines six to eight

of that subsection, and substituting the passage "there shall be payable by that person to the Board by way of penalty such amount as the Board may determine in respect of each lamb not delivered up to the prescribed maximum amount or such lesser amount as the Board may specify in a notice served or published pursuant to subsection (1) of section 16 of this Act, and any such penalty may be deductible by the Board pursuant to subsection (3) of this section and to the extent not so recovered by deduction"; and

(ii) by adding after the last word in the subsection the passage "but the Board may, if satisfied as to the reasons for the failure or the delivery of the smaller number, agree not to impose any such penalty"; and

(g) by adding a new subsection as follows—

(9) Where the Board so determines, any surplus moneys in the hands of the Board derived from the operations of the Board during the immediately preceding financial year may be rateably distributed amongst persons who have delivered lambs to the Board, but in so determining the Board shall have regard to the need to meet prior deficits and to maintain proper reserves. .
