Western Australia

Marketing of Eggs Act 1945

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Marketing of Eggs Act 1945

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Western Australia

Marketing of Eggs Act 1945

An Act to consolidate and amend the law relating, to the production, marketing, sale, and disposal of eggs; to repeal the *Marketing Eggs Act 1938*, and the Act amending the same; and for other relative purposes.

[Long title amended by No. 114 of 1970 s. 2.]

1. Short title and commencement

This Act may be cited as the *Marketing of Eggs Act 1945* and shall come into operation on a date to be fixed by proclamation [1].

*[**2.** Repealed by No. 10 of 1998 s. 76.]*

[Part I (s. 3-6) expired 2 Jul 2005 [7].]

[Part II (s. 7-18) expired 2 Jul 2005 [7].]

[Part III: (s. 19) expired 2 Jul 2005 [7]
(s. 20) repealed by No. 122 of 1987 s. 8.]

[Part IV (s. 21-32) expired 2 Jul 2005 [7].]

[Part IVA (s. 32A-32N) expired 2 Jul 2005 [7].]

[Part V: (s. 33-35, 37-38, 39-42) expired 2 Jul 2005 [7]
(s. 36) repealed by No. 98 of 1985 s. 3.]
(38A) repealed by No. 20 of 2004 s. 4.]

43. Regulations as to matters consequent on the expiry

(1) In this section —

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"Board" means the Board constituted under this Act before the expiry;

"expiry" means the expiry of this Act (other than sections 1 and 43) under section 41(1);

"liability" means any liability, duty or obligation whether actual, contingent or prospective, liquidated or unliquidated, or whether owed alone or jointly or jointly and severally with any other person;

"right" means any right, power, privilege or immunity whether actual, contingent or prospective;

"specified" means specified in the regulations under this section;

"State tax" includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.

(2) The Governor, with the approval of the Treasurer, may make regulations prescribing all matters that are required, necessary or convenient to be prescribed in relation to anything to be done, or that occurs, because of the expiry.

(3) Without limiting subsection (2), regulations may be made in relation to all or any of the following matters —

(a) the disposition of, or dealing with, the property of the Board on the expiry;

(b) the transfer or discharge of the Board's rights and liabilities on the expiry;

(c) the continuation of proceedings or remedies by or against the Board that were pending immediately before the expiry;

(d) the commencement of proceedings or remedies that could have been taken by or against the Board but for the dissolution of the Board;

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(e) the continuation of the effect of any agreement, instrument or policy of insurance to which the Board was a party immediately before the expiry;

(f) the interpretation, after the expiry, of references to the Board in a written law or a document referred to in paragraph (e);

(g) any act, matter or thing done or omitted to be done by the Board in relation to its rights and liabilities before the expiry;

(h) the taking possession of books, documents or other records, however compiled or stored, relating to the operations of the Board, on the expiry;

(i) the making and submission of any outstanding annual report and a final report relating to the operations of the Board before the expiry, and the documents and reports to accompany those reports;

(j) for the purposes of the regulations under this section to provide, despite the expiry, for the continuation of the Board, constituted by a specified person on specified terms, with the powers necessary or convenient for the purposes of doing anything under the regulations including making and submitting the reports mentioned in paragraph (i);

(k) for the purposes of regulations under paragraph (i) to provide, despite the expiry, for the continued application of section 34 until the reports and accompanying documents and reports are tabled in Parliament;

(l) the exemption from State tax of —

(i) anything of a specified kind that occurs because of the expiry; or

(ii) anything of a specified kind (including a transaction entered into or an instrument or document made, executed, lodged or given) done

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under the regulations, or for a purpose connected with or arising out of the expiry.

(4) For the purposes of regulations under subsection (3)(l) a certificate in writing by the Treasurer or a person authorised by the Treasurer certifying that —

(a) something mentioned in the certificate occurred because of the expiry; or

(b) something mentioned in the certificate was done under the regulations, or for a purpose connected with or arising out of the expiry,

is conclusive evidence of that fact.

[Section 43 inserted by No. 20 of 2004 s. 5.]

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Notes

[1] This is a compilation of the *Marketing of Eggs Act 1945* and includes the amendments made by the other written laws referred to in the following table [1a, 2, 5]. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
Marketing of Eggs Act 1945	58 of 1945	5 Feb 1946	22 Mar 1946 (see s. 1 and *Gazette* 22 Mar 1946 p. 286)
Marketing of Eggs Act Amendment Act 1949	19 of 1949	24 Sep 1949	24 Sep 1949
Marketing of Eggs Act Amendment Act (No. 2) 1949	50 of 1949	26 Oct 1949	26 Oct 1949
Marketing of Eggs Act Amendment (Continuance) Act 1950	18 of 1950	29 Nov 1950	29 Nov 1950
Marketing of Eggs Act Amendment Act 1951	5 of 1951	20 Nov 1951	20 Nov 1951
Marketing of Eggs Act Amendment Act 1954	42 of 1954	8 Dec 1954	8 Dec 1954
Marketing of Eggs Act Amendment Act 1955	50 of 1955	9 Dec 1955	9 Dec 1955
Marketing of Eggs Act Amendment (Continuance) Act 1958	33 of 1958	11 Dec 1958	11 Dec 1958
Reprint of the *Marketing of Eggs Act 1945* approved 12 Jul 1960 in Volume 17 of Reprinted Acts (includes amendments listed above)			
Marketing of Eggs Act Amendment Act 1960	14 of 1960	6 Oct 1960	6 Oct 1960
Marketing of Eggs Act Amendment Act 1965	23 of 1965	1 Oct 1965	1 Oct 1965
Marketing of Eggs Act Amendment Act 1969	110 of 1969	25 Nov 1969	25 Nov 1969
Marketing of Eggs Act Amendment Act 1970 [3]	114 of 1970	10 Dec 1970	10 Dec 1970

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Short title	Number and year	Assent	Commencement
Marketing of Eggs Act Amendment Act 1975	37 of 1975	16 May 1975	20 Jun 1975 (see s. 2 and *Gazette* 20 Jun 1975 p. 1958)
Reprint of the *Marketing of Eggs Act 1945* approved 13 Aug 1975 (includes amendments listed above)			
Marketing of Eggs Act Amendment Act 1977	69 of 1977	28 Nov 1977	28 Nov 1977
Acts Amendment (Financial Administration and Audit) Act 1985 s. 3	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and *Gazette* 30 Jun 1986 p. 2255)
Marketing of Eggs Amendment Act 1987 [4]	122 of 1987	31 Dec 1987	30 Dec 1988 (see s. 2 and *Gazette* 30 Dec 1988 p. 5083)
Agriculture Legislation (Penalties) Amendment Act 1989 s. 3	20 of 1989	1 Dec 1989	15 Dec 1989 (see s. 2 and *Gazette* 15 Dec 1989 p. 4513)
Marketing of Eggs Amendment Act 1995	40 of 1995	24 Oct 1995	2 Mar 1996 (see s. 2 and *Gazette* 1 Mar 1996 p. 795)
Statutory Corporations (Liability of Directors) Act 1996 s. 3	41 of 1996	10 Oct 1996	1 Dec 1996 (see s. 2 and *Gazette* 12 Nov 1996 p. 6301)
Statutes (Repeals and Minor Amendments) Act (No. 2) 1998 s. 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
Reprint of the *Marketing of Eggs Act 1945* as at 22 Feb 2002 (includes amendments listed above)			
Marketing of Eggs Amendment Act 2004 s. 4 and 5	20 of 2004	26 Aug 2004	13 Oct 2004 (see s. 2(1) and *Gazette* 12 Oct 2004 p. 4753)
State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 78 [6]	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and *Gazette* 31 Dec 2004 p. 7130)

[1a] On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

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Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
Criminal Law and Evidence Amendment Act 2008 s. 77(13) [8]	2 of 2008	12 Mar 2008	To be proclaimed (see s. 2)

[2] Marginal notes in the *Marketing of Eggs Act 1945* referring to legislation of other jurisdictions have been omitted from this reprint.

[3] Effective date of original provisions was 1 July 1971; see *Government Gazette* 19 March 1971 p. 846.

[4] The *Marketing of Eggs Amendment Act 1987* s. 6(2) reads as follows:

"

(2) The use of the name "Golden Egg Farms" by the Board generally or in any transaction carried out or purporting to have been carried out under the principal Act before the coming into operation of this Act is hereby declared to be and to always have been valid.

".

[5] The amendment in the *Courts Legislation Amendment and Repeal Act 2004* s. 142 to amend s. 32 had not been proclaimed and will not be because the amendment it proposes cannot operate due to the expiry of that section (see the *Marketing of Eggs Amendment Act 2004* s. 5 and the *Marketing of Eggs (Expiry Day) Order 2005* published in *Gazette* 28 Jun 2005 p. 2895).

[6] The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administration Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

[7] Various sections expired on 2 Jul 2005, see the *Marketing of Eggs Act 1945* s. 41(1)(b) and the *Marketing of Eggs (Expiry Day) Order 2005* published in *Gazette* 28 Jun 2005 p. 2895. Section 41 reads as follows:

"

41. Expiry of Act and regulations

(1) This Act (other than sections 1 and 43) and *the Marketing of Eggs Regulations 1945* expire on —

(a) 31 December 2005; or

(b) an earlier day fixed by the Governor by order published in the *Gazette*.

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(2) The Board is dissolved on the day on which this Act (other than sections 1 and 43) expires.

[Section 41 inserted by No. 20 of 2004 s. 5.]

”.

[8] On the date as at which this compilation was prepared, the *Criminal Law and Evidence Amendment Act 2008* s. 77(13) had not come into operation. It reads as follows:

“

77. *Courts Legislation Amendment and Repeal Act 2004* amended

(1) The amendments in this section are to the *Courts Legislation Amendment and Repeal Act 2004*.

(13) Schedule 2 clauses 1 to 42 and 44 to 51 are repealed.

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