

MARKETING OF EGGS.

No. 37 of 1975.

AN ACT to amend the Marketing of Eggs Act, 1945-1970.

[Assented to 16th May, 1975.]

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 Eggs Act Amendment Act, 1975*.

Short title and citation.

(2) In this Act the Marketing of Eggs Act, 1945-1970, is referred to as the principal Act.

Vol. 17 of the Reprinted Acts. Approved for reprint 12th July, 1960 and further amended by Acts Nos. 14 of 1960, 23 of 1965, 110 of 1969 and 114 of 1970.

(3) The principal Act as amended by this Act may be cited as the Marketing of Eggs Act, 1945-1975.

Commence-
ment.

2. This Act, or any provision of this Act, shall come into operation on such date as is or such dates as are, respectively, fixed by proclamation.

Section 5
amended.

3. Section 5 of the principal Act is amended by deleting the interpretation of the word "Minister".

Section 12
amended.

4. Subsection (2) of section 12 of the principal Act is repealed.

Section 18
amended.

5. Section 18 of the principal Act is amended—

(a) by inserting after the word "buy", in line four, the passage ", lease"; and

(b) by deleting the word "agents", being the last word of subsection (1), and substituting the following—

agents;

(1) establish, maintain and contribute to a scheme to make financial provision in respect of the retirement, invalidity or death of such officers and employees of the Board as become members of that scheme, or contribute to any such scheme controlled otherwise than by the Board;

(m) make loans or advances to officers and employees of the Board for the purpose of facilitating the purchase by such persons of motor vehicles to be utilised on the business of the Board. .

Section 32
amended.

6. Section 32 of the principal Act is amended, as to subsection (1), by deleting the words "periods of time as may be prescribed", in lines seven and eight of that subsection and substituting the words "period as the Board may determine".

7. Section 32A of the principal Act is amended— Section 32A amended.
- (a) by deleting the interpretation of the term “first licensing year”; and
 - (b) by deleting the interpretation of the term “licensing year”.

8. Section 32B of the principal Act is repealed and re-enacted with amendments as follows— Section 32B repealed and re-enacted.

32B. A license under this Part of this Act shall take effect on the first day of January and, unless sooner surrendered or cancelled, shall remain in force for the calendar year. Duration and conditions of licenses.

9. Section 32C of the principal Act is amended— Section 32C amended
- (a) by deleting subsection (1) and substituting a new subsection as follows—

(1) Not later than the thirty-first day of October in each year the Board shall cause to be published on at least two occasions in a newspaper circulating throughout the State a notice setting out the manner and form in which, and the date before which, applications are to be made to the Board for a license under this Part of this Act in respect of the licensing year then next ensuing. ; and

- (b) as to subsection (3), by deleting the passage “paragraph (b) of”, in lines six and seven of that subsection.

10. Section 32E of the principal Act is amended— Section 32E amended.
- (a) as to subsection (2)—

- (i) by inserting immediately after the word “subject”, in line twelve of that subsection, the words “to section thirty-two G and”; and

- (ii) by deleting the passage “or, if the license is transferred to another person in accordance with this Part, that other person, as the case requires,” in lines fourteen to sixteen of that subsection;
- (b) by deleting subsection (3);
- (c) by inserting a new subsection, to stand as subsection (3a), as follows—
- (3a) On the recommendation of the Board, regulations may be made under this Act prescribing the maximum number of fowls which any person or association of persons may be licensed to keep, and such regulations may prescribe the principles upon which the Board shall determine whether or not any persons shall be regarded for the purposes of this subsection as constituting an association of persons. ; and
- (d) as to subsection (4), by deleting the passage “”, other than the first licensing year,” in lines three and four of that subsection.

Section 32F
amended.

11. Section 32F of the principal Act is amended, as to subsection (2), by inserting after the word “and”, in line eight of that subsection, the passage “, subject to section thirty-two G and to section thirty-two J of this Act,”.

Section 32FA
inserted.

12. The principal Act is amended by inserting after section 32F a new section, to stand as section 32FA, as follows—

Reduction in
authorised
flocks,
during
licensing
year.

32FA. Where the Board is of the opinion that the number of eggs likely to be produced during any part of a licensing year will be in excess of the requirements of the Board, the Board may, with the approval of the Minister,

by notice published in the *Government Gazette*, rateably reduce the number of fowls authorised to be kept during the licensing year by persons who are the holders of a license or supplementary license under this Part of this Act, and thereupon each such license or supplementary license shall be deemed to have been so varied. .

13. Section 32G of the principal Act is amended— Section 32G
amended.

(a) as to subsection (1), by adding after the word “another”, being the last word in the subsection, the words “either in its entirety or as to any part thereof”;

(b) by deleting subsection (2); and

(c) by adding a new subsection as follows—

(3) Where an application is made for the approval of the Board to the transfer of a license or a supplementary license otherwise than in its entirety the holder shall return that license to the Board on demand and the number of fowls which he is authorised to keep and is endorsed thereon shall be amended accordingly upon that transfer taking effect. .

14. Section 32K of the principal Act is amended by deleting the whole of the passage following the passage “Penalty:”, in lines seventeen to twenty, and substituting a new passage as follows— Section 32K
amended.

For a first offence, a fine not exceeding three hundred dollars; for a second offence, a fine not exceeding five hundred dollars; and for a third or subsequent offence, a fine not exceeding one thousand dollars. .

Section 32L
amended.

15. Section 32L of the principal Act is amended—

(a) by deleting subsection (1) and substituting a new subsection as follows—

(1) In this section—

“breeding fowl” means a fowl which is kept for the purpose of producing hatching eggs;

“pullet” means a female domesticated fowl that has begun to lay but is less than six months of age. ; and

(b) by adding at the end thereof two new subsections as follows—

(7) Any person who, for the purpose of selling the chickens or pullets to producers, hatches eggs or rears chickens or pullets shall—

(a) if so required by the Board by notice in writing keep a record of such sales and deliver to the Board in each month a return on the form provided by the Board for that purpose showing whether any or what number of chickens and pullets were sold during the previous month and the name and address of each purchaser; and

(b) truthfully answer any question relating to any returns submitted to the Board or relating to the sale of chickens or pullets to licensed producers.

(8) A producer who purchases or otherwise acquires any chickens, pullets, or fowls from any person shall—

- (a) within fourteen days thereafter notify the Board in writing of the name and address of that person, the date of the purchase or acquisition, and the number and age of the chickens, pullets, or fowls involved; and
- (b) furnish to the Board such other information relevant to, or concerning, the transaction as the Board requires. .

16. Section 37 of the principal Act is amended by deleting subsection (2) and substituting a new subsection as follows—

Section 37
amended.

(2) Any person guilty of an offence against this Act for which no other penalty is expressly provided shall be liable to a fine not exceeding three hundred dollars. .

17. Section 39 of the principal Act is amended, as to subsection (3), by deleting the words "twenty pounds", in line two of that subsection, and substituting the words "one hundred dollars".

Section 39
amended.
