**EGG INDUSTRY STABILIZATION ACT AMENDMENT BILL 1974**

**Legislative Council, 7 August 1974, page 304**

Second reading

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Egg Industry Stabilization Act, 1973. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

Honorable members will recall that the principal Act, Egg Industry Stabilization Act, was passed by this Council last year. Pursuant to section 49 of that Act a poll was held and 65 per cent of those voting expressed themselves as being in favour of the measure. Following this vote, the Act was substantially brought into operation. However, when the licensing committee set about its task of determining base quotas for poultry farmers it formed the opinion that the application of the Act, in its present form, could give rise to some inequities which could be avoided by its amendment. Since these inequities cover somewhat disparate fields, it would seem convenient if they could be dealt with in the consideration of the clauses of the measure.

Clause 1 is formal. Clause 2 makes an amendment to section 4 of the principal Act, this being the interpretation section, and since this amendment is entirely consequential on the amendment proposed by clause 6 of this Bill, it can be better dealt with in the explanation of that clause. Its relationship with that clause is, it is suggested, self-evident. Clause 3 proposes that the time for making an election under section 13 of the principal Act will be extended until one month after a day that will be fixed by proclamation if and when this Bill is passed. It appears the time originally provided in the principal Act for the making of an election by farmers was, in all the circumstances, rather too short.

Clause 4, by amendment to section 16 of the principal Act, proposes to remedy one apparent inequity. Honourable members who are familiar with the scheme of production control encompassed by the principal Act will be aware that it is based on the number of leviable hens kept by poultry fanners over various periods antecedent to the enactment of that Act. A leviable hen is a hen in respect of which hen levy is payable under the relevant legislation of the Commonwealth. However, in any flock comprising leviable hens, the levy is not paid on the first 20 hens. Accordingly, in the calculation of base quotas under the principal Act, no regard could be paid to the first 20 hens in any such flock. While in a flock of, say, 2 000 birds, this factor would be relatively insignificant, in a flock of, say, 50 to 100 birds this factor would result, in the licensing committee’s view, in an unfair reduction of a base quota.

Accordingly, it is intended by this clause that every poultry farmer will be entitled to keep, in any licensing season, his hen quota plus 20 birds. This will place each farmer in a marginally better position than that in which he would have been if the 20 birds had been included in the figure from which his base quota was derived. The licensing committee is satisfied that in practical terms the apparent increase of about 34 000 birds that will result from this amendment can be kept in this State within the limits of the State hen quota.

Clause 5 proposes, in relation to section 20 of the principal Act, an amendment similar in both form and effect to that proposed by clause 3. Clause 6, on the face of it, by inserting a new section 20a in the principal Act, seems to confer an extraordinarily wide power on the licensing committee. However, it is proposed only after careful consideration by the committee.

The committee discovered that the strict application of the Act would bear heavily on eight or nine cases out of a total of 1 678 cases. Although it would be easy to ignore these cases, which for one reason or another do not fit exactly the terms of the Act, the committee considers that this would be fundamentally unjust. In ordinary circum­stances, specific provision would be made to cover them by an amendment to the legislation, but such an amendment was found, in practice, to distort the legislation unduly or to open the door to other applicants who were, in the philosophy of the Act, without merit. Accordingly, after deep consideration it is thought better to invest the licensing committee with this discretion in the confident expectation that it will be wisely used. Clause 7 amends section 28 of the principal Act by making the application of that section quite clear.

The Hon. J. C. BURDETT secured the adjournment of the debate.