MARKETING OF EGGS ACT AMENDMENT BILL 1966

House of Assembly, 27 October 1966, page 2626

Second reading

**The Hon. G. A. BYWATERS (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Marketing of Eggs Act, 1941-1965.

The Hon. G. A. BYWATERS: I move:

*That this Bill be now read a second time.*

It makes certain miscellaneous amendments to the Marketing of Eggs Act, 1941-1965. There are two principal amendments proposed in this Bill. They are as follows:

1. An amendment of the definition of “producer” in section 2 of the principal Act to overcome certain difficulties that have arisen in the administration of the Act; and
2. (2) An amendment to stagger the terms of office of producer-members of the board by providing that one of the three producer-members of the board retire each year instead of all three producer-members retiring at the end of a period of three years from the time of their appointment.

The need for the first of these two amendments has been brought about by the following set of circumstances. In 1965 the Commonwealth passed legislation dealing with the poultry industry. Subsequently our legislation was amended by the substitution of a new definition of “producer” to bring it into line with the Commonwealth legislation. The new definition defined a producer as a person who keeps 20 or more hens (a hen being defined as a fowl that is not less than six months old). As a result, the board lost control over eggs sold which had been produced by birds under the age of six months. It has therefore become necessary for “producer” to have two interpretations, one in line with the Commonwealth legislation, when the term is used in relation to qualifications to be a member of the Egg Board or to vote at the elections therefor, and the other to enable the board to control the orderly marketing of eggs produced by birds whether over or under the age of six months.

The second principal amendment has been thought desirable because of the advantage of having experienced producer-members on the board. Under the existing provisions the three producer-members now in office are due to retire on March 31, 1967, but under the new provisions there will always be at least two experienced producer-members on the board and one producer-member would be elected each year in one of the three electoral districts.

I shall now explain the clauses of the Bill. Clause 3 (a) inserts a definition of “levy day” in section 2 of the principal Act. This will replace the term “relevant day” in section 4a of the principal Act. Levy days will occur once a fortnight in accordance with the Commonwealth Acts imposing hen levies. Clause 3 (b) amends the definition of “producer” to provide for the two meanings in which this word is now used in egg marketing legislation which have been explained earlier. Clause 3 (c) which is a drafting amendment inserts the definition of “the Commonwealth Acts” in section 2 instead of section 4a of the principal Act. Clause 4 (a) inserts the definition of “year” for the purposes of. section 4a of the principal Act. Clauses 4 (b), (c), (d) and (e) amend subsections (5), (6), (6a) and (7) (b) of the same section which specify the requirements necessary before a producer may have his name included in the roll of electors for an electoral district. The amendment ensures that only a bona fide producer, that is, one who has met his obligations under the Commonwealth Poultry Industry Levy Act, 1965, and who, on at least 24 levy days in the year last preceding the date fixed for an election, was keeping at least 250 hens in his district, is entitled to have his name included in the roll of electors for that district. Subsections (5) and (6) (when the definition of “year” is read in conjunction with them) allow for a 12 months’ qualifying period as near as practicable to the date fixed for an election and sufficient time for the preparation of rolls, for the rolls to be available for the perusal of interested producers, for ballot papers to be posted out to the various districts, and for the voting to be held and the poll declared before April 1 in the year of the election. The amendments in paragraphs (c), (d) and (e) are merely consequential amendments. Paragraph (f) corrects an error in the reference to the Returning Officer.

Paragraphs (a) and (b) of clause 5 make amendments to section 7 (2) of the principal Act which are consequential upon the operative amendment to section 7 (2) which is set out in paragraph (c) of clause 5. This amendment alters the provisions relating to the term of office of the producer-members of the board. At present all three producer-members are due to retire on March 31, 1967, and in order to stagger the terms of office of the producer-members of the board to ensure a continuity of experienced producer-members being maintained, it extends the term of office of two of the producer-members, one by one year, and one by two years, the order of their retirement being determined by lot at the direction of the Governor. Clause 6 inserts a new paragraph in section 8 of the principal Act which sets out the conditions under which a casual vacancy occurs in the office of a member of the board. The amendment provides that a producer-member may be removed from office by the Governor if he fails to pay his hen levy as required by the Commonwealth legislation or if he fails to keep 250 hens on at least 24 of the 26 levy days in any period of 12 months falling within his term of office. The purpose of this amendment is to ensure that only a person who continues to be a bona fide producer can be a producer-member of the board. Clause 7 is a simple amendment relating to decimal currency. Clause 8 increases the penalty for a breach of the regulations from a maximum of $40 to a maximum of $100. As values have changed since the Act was introduced in 1941 a penalty of $100 is now a more realistic deterrent. Clause 9 extends the period of operation of the Act by five years from September 30, 1968, to September 30, 1973. This extension is advisable in that it would give greater stability to the industry and obviate the necessity of seeking a further amendment at a later date.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.