A TASMANIAN MARKETING ACT.

During December, 1945, a Marketing of Primary Products Act was passed in Tasmania, which provides for the constitution of Boards for the marketing of certain classes of primary products and for matters incidental thereto. This Act differs in certain essentials from the N.S.W. Marketing of Primary Products Act, 1927-40, and it is of interest to trace the main divergences between the respective Acts so far as the formation, dissolution, powers, etc., of marketing boards are concerned.

The main differences and variations are as follows:—

Products.

New South Wales.

"Products" exclude wool, fresh milk and dried fruits to which the Dried Fruits Act applies.

Tasmania.

"Products" exclude wool, pigs, poultry, hops, meat (other than pork and bacon).

Formation of a Board.

New South Wales.

When requested by a petition signed by not less than 100 producers, or one-half total number of producers when such total is less than 150, the Governor shall declare such product a commodity under the Act, and declare a date for a poll to be taken not less than 50 days from date of declaration.

If more than one-half of votes polled are in favour of constituting a Board and more than three-fifths of those entitled have voted, the Governor shall declare Board to be constituted and appoint a day not less than 30 days from date of proclamation for a poll to be taken for election of representatives, of which the number shall be stated, viz., 2, 3 or 5. The proclamation may be of limited duration, may fix a date on which the Board shall cease to function, and may be amended or revoked by subsequent proclamation made subject to the Act.

Tasmania.

On receipt of a petition, signed by at least 50 producers, or such numbers as the Minister may determine, specifying the product, the number of members proposed (at least 3 and not more than 7), the Governor may declare a product a commodity under the Act, and by a subsequent proclamation establish a Board in respect of that commodity. However, notice of such intention shall be published in the Gazette and newspapers, accompanied by a statement of the particulars contained in the petition. If a request is received within 30 days for a poll to be taken, and is signed by at least one-third of the number signing the petition, the Governor shall fix a day at least 90 days after publication of a notice in the Gazette for taking the poll.
If no request is made for a poll to be taken, or if a poll is taken and three-fifths of the votes polled are in favour of the constitution of a Board, provided that at least 70 per cent. of those entitled have voted, the Governor shall by proclamation establish a Board, and shall specify the commodity, number of representatives to be elected (number to be the same as shown in the petition), date and place at which the first election of members shall be held, date and hour of closing of nominations for election, and name and address of returning officer. All producers of the commodity shall register with the returning officer within 42 days of publication of the notice—penalty for failure to register £10. The returning officer shall act as registrar of the Board until a registrar is appointed at the first meeting of the Board and shall compile a roll of registered producers, conduct the poll as required and make formal declaration of the result. The Board is then constituted on receipt by the Minister of names of those appointed to the Board. The petition and request for a poll must be accompanied by a statutory declaration from some person able to depose that signatories to the petition or request are prescribed producers.

**Dissolution of a Board.**

**New South Wales.**

A similar procedure and proportions as for election obtain on the question of the dissolution of a Board provided the petition be made to the Governor within 3 months of the expiration of 3 years from the time the Board was constituted, or within 3 months of expiration of succeeding periods of 3 years. If a poll favours dissolution, a proclamation ordering dissolution of the Board shall be made within 12 months.

**Tasmania.**

On receipt of a petition signed as before, the Governor shall direct that a poll be held on the question of dissolution of the Board, the same proportions being required in favour. However, no poll is to be taken for dissolution within 2 years of its constitution, or within 2 years of any poll for dissolution which was decided in the negative. No period is specified within which the proclamation ordering dissolution shall be issued. The petition and request for a poll must be accompanied by a statutory declaration from some person able to depose that signatories to the petition or request are prescribed producers.

**Regulations.**

**New South Wales.**

Regulations may prescribe the classes of persons who shall or shall not be deemed to be producers under the Act. Producer also includes a son or daughter working for keep and pocket money, but not for wages. Before a producer is entitled to vote, he must be enrolled as an elector under Parliamentary Electorates & Elections Act, 1912.

† 1333—B
Tasmania.

Regulations shall not provide that a person be a prescribed producer of a commodity unless production of that commodity usually constituted a substantial part of his livelihood.

Board Members, Meetings, etc.

New South Wales.

A board shall consist of persons elected by producers and other members as follows:—If 2 persons elected, 1 other member; if 3 or 5 persons elected, 2 other members. On the recommendation of the Board, the Governor may direct that an additional producers' representative be elected.

Members are to elect a chairman at the first meeting. Members are elected for 3 years, election to be held at expiration of term of office.

The Governor may make regulations concerning the business, proceedings and meetings of a Board and the signing of documents.

All powers may be exercised by a majority of members present at any meeting. The Chairman has a deliberative vote and also a casting vote where required.

The Governor may make regulations in respect of a quorum at meetings.

The Crown is not deemed to be represented by a Marketing Board.

Tasmania.

The Minister may appoint a representative to attend all Board meetings and who shall have the right to obtain information for the Minister on operations and proposals of the Board. If the number of producers nominated is less than the number required, the Governor may appoint producers to make up the required number. Elections to the Board are to be held biennially, the Chairman to be elected annually.

A Board may determine its own procedure, subject to the Act.

Meetings of the Board must have a quorum as follows:—When 3 members elected, quorum 2; when 4 or 5 elected, quorum 3; when over 5 elected, quorum 4. Chairman has a deliberative vote only; if voting is equal, question is decided in the negative.

Office of a member becomes vacant if he ceases to be a producer, absents himself without leave from all meetings for 2 consecutive months or 3 months in any period of 12 months, the vacancy not to be filled if it occurs within 3 months of a periodical election.

Members of Parliament of State or Commonwealth are debarred from membership of a Board.
Commodities, etc.

New South Wales.

All contracts for commodities are declared void, whether before or after the extension of the Act to the commodity.

When any commodity is refused by the Board, it becomes re-vested in the producer.

Tasmania.

Contracts for commodities are declared void where the contract was made after the commencement of the Act, whether before or after the extension of the Act to the commodity.

When any commodity is refused by the Board, it becomes re-vested in the producer and a certificate of refusal is to be issued to the producer.

Payments, Accounts, etc.

New South Wales.

Accounts shall be audited by Auditor-General and cost of audit recouped to Consolidated Revenue Fund.

A board may deduct costs of marketing, administration and other costs from proceeds of sale and also any sums necessary to repay advances and interest. Deductions may also be made for any prescribed purpose and may be invested at the discretion of the Board until used.

The Minister may authorise any person to inspect books and records and enter premises for purposes of inspecting books and records to ascertain whether any offence has been committed against the Act.

The Minister may require returns from producers by notice published in the Gazette.

Tasmania.

Account books are subject to provisions of Audit Act, 1918.

A board may deduct costs of marketing, administration and other costs from proceeds of sale and also any sums necessary to repay advances and interest. Deductions may also be made for establishing and maintaining a fund for effecting insurances and other purposes.

However, such a fund can be established only with the approval of the Minister and if a poll of producers taken on the question of the establishment of the fund is in favour. Any poll is to be conducted on similar lines and proportions as previously outlined. Deductions may be made of any sums considered necessary for preventing undue fluctuations in price and to maintain prices at a reasonable level. A reserve account is to be established in the books and all balances transferred to this account after all payments have been made. Account may also be used when funds in hand are not sufficient for payments due.
The Governor may determine minimum prices to be paid to producers, maximum prices at which commodity may be sold to other than the Board, maximum and minimum prices for different grades and varieties for wholesale and retail sales, prices payable or chargeable for collection, treatment, delivery, storage, etc. Producers are to be paid at least the minimum price where such has been fixed and may be paid a final payment at a later date.

On the recommendation of the Board the Governor may make regulations for controlling, regulating or restricting the production of a commodity; regulating the issue of licences for producers, lands, businesses, etc., empowering the Board to refuse to accept products not grown under licence; requiring the furnishing of returns and prescribing conditions under which producers of the commodity may be required to produce books and records of production for inspection by the Board.

On dissolution of a Board, a return shall be forwarded to the Treasurer of all unclaimed moneys held by it, such moneys to come under provisions of "Unclaimed Money Act 1918."

With the consent of the Governor, a Board may borrow by way of overdraft, up to £10,000 and the Governor may guarantee repayment of such loan.

General.

New South Wales.

New South Wales legislation refers to prescribed areas, localities, districts, etc. Tasmanian legislation refers to the State as a whole, with no mention of separate areas.

No mention is made in Tasmanian legislation of contents of Part III—Statistics (Sec. 25) and Part IV—Official Marketing Information (Secs. 27 and 30) of the New South Wales Act.

Tasmania.

Regulations shall provide for the establishment of advisory committees in relation to any commodity, consisting of such representatives of Chambers of Commerce, producers' organisations and consumers, as may be appointed by the Governor.

A Board constituted in respect of potatoes shall not enter into an agreement with the Commonwealth or a State or other authority unless the agreement provides for payment at a reasonable price and that areas allocated for production of potatoes, after the first allocation, shall be determined by the needs of the consuming public.

The Act sets out qualifications required for classification as prescribed producer of barley, subterranean clover seed and berry fruits.

The Act provides for winding up of Boards constituted under and repeal of Fruit Board Act 1934, Stone and Berry Fruits Board Act 1939 and Plant Diseases Act 1930 so far as it relates to the Potato Marketing Board consequent upon constitution of a Board under this Act.

D. McGregor.