



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 3 of 1964

An Act to amend the Potato Marketing Act, 1948.

[Assented to 5th March, 1964.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Potato Marketing Act Amendment Act, 1964".

(2) The Potato Marketing Act, 1948, as amended by this Act, may be cited as the "Potato Marketing Act, 1948-1964".

(3) The Potato Marketing Act, 1948, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 3.

3. Section 3 of the principal Act is amended—

(a) by inserting after the definition of "member" in subsection (1) the following definition :—

"merchant" means a person who is licensed by the board as a potato merchant under section 19 of this Act ;

(b) by inserting after the definition of "Minister" in subsection (1) the following definition :—

"potato washer" means a person who for gain or reward washes or undertakes the washing of potatoes held or offered for sale by any person:

(c) by inserting after the definition of "public notice" in subsection (1) the following definition :—

“retail seller” means a person who, by himself or in association with another or others, carries on the business of selling potatoes by retail :

- (d) by inserting after the definition of “sell” in subsection (1) the following definition :—

“wash” means clean in any manner whatsoever, whether by washing, or brushing, or otherwise : and

- (e) by striking out subsection (2).

4. Subsection (3) of section 15 of the principal Act is amended by striking out the passage “an auditor holding an auditor’s licence under the Companies Act, 1934-1939”, and inserting in lieu thereof the passage “a registered company auditor as defined in section 5 of the Companies Act, 1962”.

Amendment of
principal Act,
s. 15.

5. Section 16 of the principal Act is repealed and re-enacted as follows :—

Repeal and
re-enactment
of principal
Act, s. 16—

16. The board may—

General
powers of
board.

- (a) buy or take a lease of any premises ;
- (b) buy or hire any personal property ;
- (c) sell or lease any of its property ;
- (d) buy and sell potatoes either by its servants or by any agent or agents appointed in writing under the seal of the board ;
- (e) by its agents authorized in writing under the seal of the board, or by its servants, enter any vehicle or premises for the purpose of searching for potatoes therein and inspect any potatoes found in that vehicle or those premises ;
- (f) delegate any of its functions and revoke any such delegation ; and
- (g) do any acts or things and enter into and carry out any transactions, which it is necessary or convenient to do, enter into, or carry out for giving effect to this Act, or which are incidental to the exercise of any power or function of the board.

6. Section 19 of the principal Act is amended—

Amendment of
principal Act,
s. 19.

- (a) by striking out the whole of the proviso to subsection (2) and inserting in lieu thereof—“but the board may refuse the application if the board is satisfied that in the public interest it is undesirable that the applicant should be licensed as a potato merchant ;

- (b) by striking out the passage "for the term mentioned therein" in subsection (3) and inserting in lieu thereof the passage "from the date of issue thereof until the thirty-first day of December next ensuing";
- (c) by inserting after subsection (3) the following subsections :—

(3a) The board may, by giving a licensee two weeks' notice in writing, cancel or suspend for such period as it thinks fit any licence granted under this section if the board is satisfied that the licensee has contravened or failed to comply with any provision of this Act or of an order made under this Act.

(3b) A person whose application to be licensed as a potato merchant has been refused under this section may, within one month after receiving notice of the refusal, appeal to the Supreme Court against the refusal and the Court may refuse the appeal or, if it is of the opinion that the application was refused capriciously or without good and sufficient cause, allow the appeal and order the board to grant him the licence.

Enactment of
s. 19a of
principal Act—

7. The following heading and section are enacted and inserted in the principal Act immediately after section 19 thereof :—

Licensing of Potato Washers.

Licensing of
potato
washers.

19a. (1) Subject to subsection (2) of this section, a person shall not wash any potatoes held or offered for sale or carry on business as a potato washer unless he is duly licensed by the board as a potato washer.

(2) Subsection (1) of this section does not apply—

- (a) to the washing by a grower of the whole or any part of his crop of potatoes ; or
- (b) to the washing by a retail seller of any potatoes held or offered by him for sale by retail.

(3) Subject to this section, a person who—

- (a) applies in the prescribed form to be licensed as a potato washer and furnishes the board with the information indicated in that form ;
- (b) pays the prescribed fee (if any) ; and

- (c) satisfies the board that he has suitable premises, facilities and equipment and that he is competent to carry on business as a potato washer,

shall be entitled to be licensed as a potato washer, but the board may refuse the application if the board is satisfied that in the public interest it is undesirable that the applicant should be licensed as a potato washer.

(4) A licence shall, unless surrendered or otherwise terminated, remain in operation from the date of issue thereof until the thirty-first day of December next ensuing.

(5) A licence is not transferable, and shall cease to be in force upon the death of the holder.

(6) The board may, by giving a licensee two weeks' notice in writing, cancel or suspend for such period as it thinks fit any licence granted under this section if the board is satisfied that the licensee has contravened or failed to comply with any provision of this Act or of an order made under this Act.

(7) A person whose application to be licensed as a potato washer has been refused under this section may, within one month after receiving notice of the refusal, appeal to the Supreme Court against the refusal and the Court may refuse the appeal or, if it is of the opinion that the application was refused capriciously or without good and sufficient cause, allow the appeal and order the board to grant him the licence.

8. Subsection (1) of section 20 of the principal Act is repealed and re-enacted as follows :—

Amendment of
principal Act,
s. 20 (1).

(1) The board may, by order, do all or any of the following things :—

- (a) fix the quantity of potatoes or the proportion of his crop of potatoes which a grower may sell or deliver at any time or place specified in the order and prohibit the sale or delivery of potatoes in contravention of that order ;
- (b) prohibit either absolutely or except on such terms and conditions as the board thinks fit any person or class of persons from selling or delivering potatoes or any class of potatoes to any person or class of persons other than the board or class of persons nominated by the board ;

- (c) regulate and control the sale and delivery of potatoes ;
- (d) fix maximum and minimum prices at which potatoes or any class of potatoes may be sold and prohibit the sale of potatoes or any such class of potatoes at prices above the maximum or below the minimum price so fixed ;
- (e) fix the terms and conditions on which potatoes or any class of potatoes may be sold and prohibit the sale of potatoes or any such class of potatoes otherwise than under those terms and conditions ;
- (f) prescribe the conditions upon which, and the nature and type of premises in which, potatoes shall be washed and prohibit the washing of potatoes otherwise than under those conditions or in any such premises ;
- (g) fix maximum and minimum charges which may be made for the washing of potatoes and prohibit the making of any charge for washing potatoes above the maximum or below the minimum charge so fixed ;
- (h) prescribe the premises or the nature and type of premises in the State in which potatoes owned by the board or by a merchant must be kept, and prohibit the keeping of potatoes in other premises ;
- (i) require a merchant or a licensed potato washer to keep, in a form approved by the board, accurate records of the quantities and classes of all potatoes in the possession of the merchant or the potato washer from time to time ;
- (j) revoke any order wholly or in part or revoke any order wholly or in part and substitute any other order for that which has been so revoked ;
- (k) vary any order ;
- (l) prescribe any matter necessary or convenient to be prescribed for ensuring compliance with or enforcing any order made under this section.

Amendment of
principal Act,
s. 21.

9. Subsection (2) of section 21 of the principal Act is amended by striking out the words "one hundred pounds" and inserting in lieu thereof the words "two hundred pounds".

EDRIC BASTYAN, Governor.