

EGG INDUSTRY STABILIZATION (AMENDMENT) BILL 1977.

EXPLANATORY MEMORANDUM.

Clause 1 covers the short title and provides that the provisions of the Act shall come into operation on a day to be fixed by proclamation of the Governor in Council.

Clause 2 replaces Section 1 (3) of the Principal Act which provided for that Act to operate for a period of three years from a day appointed by the Minister (1st March, 1975) and now extends the operation for a further two years until the 29th February, 1980.

Clause 3 amends, where necessary, certain interpretations in Section 3 of the Principal Act and includes additional interpretations of "Appointed day" and "Quota period".

Clause 4 amends Section 6 of the Principal Act to provide for the Deputy Chairman of the Victorian Egg Marketing Board to act as Chairman of the Poultry Farmer Licensing Committee in the absence of the Chairman. Previously members of the Licensing Committee (who are also the members of the Board) elected a member to act as Chairman in the absence of the Chairman.

Clause 5 amends Section 14(1) of the Principal Act to substitute the more appropriate word "licensee" for the words "poultry farmer" because since the first licensing season only licensees may apply for licences under the Act.

Clause 6 amends Section 15(1)(a) of the Principal Act to provide that a condition to which a licence is subject is that the licensee will not keep or permit to be kept at the place to which the licence relates, hens that exceed in number the hen quota of the licensee for a quota period in lieu of a licensing season. This amendment is necessary in view of the amendment in *Clause 7* which will enable the Governor in Council to determine the State Hen Quota from time to time and in view of the interpretation in *Clause 3* which provides that a "quota period" means the period between one adjustment of hen quotas consequent upon a variation in the State Hen Quota or pursuant to the new section 23B and the next such adjustment. Any variation of State Hen Quota will be within the maximum limit of State Hen Quota determined from time to time by the Australian Agricultural Council.

Clause 8 inserts new Sections 23, 23A and 23B for Section 23 of the Principal Act which provide for the validation of hen quotas as determined by the Poultry Farmer Licensing Committee and for the variation of hen quotas from time to time.

The new Section 23 provides for the validation of all hen quotas in force before the day of the commencement of the *Egg Industry Stabilization (Amendment) Act 1977* and further provides that no alteration to the hen quota of a licensee as the result of legal proceedings immediately before that day pending or existing by or against the Licensing Committee or the Review Committee shall affect the hen quota of any other licensee. The provisions of sub-section (3) are similar to provisions of the replaced Section 23 of the Principal Act and limit the maximum hen quota of a licensee to 100,000 except in any case where the relevant base quota exceeded 100,000 in which case the hen quota shall not exceed the relevant base quota or 150,000 whichever is the least. The provisions of sub-section (4) also follow the concept of the Principal Act and provide that hen quotas below 1,000 shall not be reduced.

The new Section 23A provides that when the State Hen Quota is increased or reduced the Licensing Committee shall, subject to the specified restrictions, allocate the increase among all eligible licensees or (as the case may be) reduce the hen quotas of licensees in proportion to the amounts of their hen quotas. The concept of the Principal Act that in any case where a hen quota exceeds 1,000 any variation shall be applied to the number in excess of 1,000 has been retained. When hen quotas are varied any increase shall take effect from the day specified in the notice whilst any reduction will take effect from a specified day not less than 90 days after the day of issue of the notice.

A new Section 23B empowers the Licensing Committee, with the approval of the Minister, to vary hen quotas in a quota period in proportion to the amounts of licensees' hen quotas in order to regulate the supply of eggs more effectively having regard to the seasonal production of eggs or in any other circumstances approved by the Minister provided that the total of hen quotas does not exceed the State Hen Quota.

Clases 9 and 10 are consequential amendments.

Clause 11 extends the grounds upon which appeals may be made to the Poultry Farmer Licensing Review Committee to include any case where the Licensing Committee grants a permit for layer breeder or broiler breeder hens for a lesser number than the number sought by the applicant.

Clause 12 inserts a new Section 50A in the Principal Act designed to overcome evidentiary problems and to facilitate legal proceedings taken under the Act.

Clause 13 inserts a new Section 51A in the Principal Act to provide that no legal action may be taken against the Crown, the Minister, the Licensing Committee or the Review Committee or any member of those Committees with respect to anything done for the purposes of the Act or by virtue of the repeal of or the suspension of the Act at any time before the expiry of the Act by the effluxion of time pursuant to Section 1 (3).

Clause 14 substitutes a new description of the area specified in the Schedule to the Principal Act consequent upon changes in State electoral boundaries since 1973. The only change in the actual area, described under the Principal Act is the exclusion of a small area where there are no poultry farms.