

SOUTH AUSTRALIA

BARLEY MARKETING ACT, 1947

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 July 1991.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision since its last reprinting on 11 October 1988.

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APPENDIX LEGISLATIVE HISTORY

BARLEY MARKETING ACT, 1947

being

Barley Marketing Act, 1947, No. 47 of 1947
[Assented to 11 December 1947]¹

as amended by

Barley Marketing Act Amendment Act, 1952, No. 37 of 1952 [Assented to 4 December 1952]²
Barley Marketing Act Amendment Act, 1953, No. 14 of 1953 [Assented to 5 November 1953]³
Barley Marketing Act Amendment Act, 1956, No. 24 of 1956 [Assented to 15 November 1956]
Barley Marketing Act Amendment Act, 1962, No. 46 of 1962 [Assented to 15 November 1962]⁴
Barley Marketing Act Amendment Act, 1967, No. 45 of 1967 [Assented to 19 October 1967]
Barley Marketing Act Amendment Act, 1969, No. 25 of 1969 [Assented to 18 September 1969]
Barley Marketing Act Amendment Act, 1971, No. 76 of 1971 [Assented to 18 November 1971]⁵
Barley Marketing Act Amendment Act, 1972, No. 149 of 1972 [Assented to 7 December 1972]⁶
Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6 December 1973]
Barley Marketing Act Amendment Act, 1977, No. 39 of 1977 [Assented to 15 December 1977]⁷
Barley Marketing Act Amendment Act, 1978, No. 57 of 1978 [Assented to 21 September 1978]
Barley Marketing Act Amendment Act, 1980, No. 2 of 1980 [Assented to 27 March 1980]
Barley Marketing Act Amendment Act, 1983, No. 36 of 1983 [Assented to 16 June 1983]
Statutes Amendment (Wheat and Barley Research) Act, 1983, No. 40 of 1983 [Assented to 16 June 1983]⁸
Barley Marketing Act Amendment Act, 1987, No. 91 of 1987 [Assented to 10 December 1987]⁹
Barley Marketing Act Amendment Act, 1988, No. 7 of 1988 [Assented to 10 March 1988]
Barley Marketing Act Amendment Act, 1989, No. 30 of 1989 [Assented to 4 May 1989]

¹ Came into operation 16 September 1948: *Gaz.* 16 September 1948, p. 1068.

² Came into operation (except s. 6) on assent: s. 6 came into operation 16 September 1948: s. 6(2).

³ Came into operation 1 September 1953: s. 3.

⁴ Came into operation (except s. 3(1)(c) and (d)) on assent: s. 3(1)(c) and (d) came into operation 1 September 1963: s. 3(2).

⁵ Came into operation 9 December 1971: *Gaz.* 9 December 1971, p. 2370.

⁶ Came into operation 1 July 1973: *Gaz.* 7 June 1973, p. 2423.

⁷ Came into operation 23 February 1978: *Gaz.* 23 February 1978, p. 673.

⁸ Came into operation 8 September 1983: *Gaz.* 8 September 1983, p. 641.

⁹ Came into operation 23 December 1987: *Gaz.* 23 December 1987, p. 1916.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

An Act to provide for the constitution of the Australian Barley Board; and for other purposes.

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Barley Marketing Act, 1947*.

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Interpretation

3. (1) In this Act, unless the contrary intention appears—

"barley" includes the grain known by that name, growing crops of that grain, gristed grain of that name and grain of that name treated in any other manner or by any process converted into the product of grain of that name:

"board" means the Australian Barley Board:

"futures contract" means a grains futures contract (whether the grain is grown overseas or not), a currency futures contract or a financial futures contract:

"futures market" means a market, exchange or other place at which futures contracts are frequently made or traded:

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"licensed receiver" means—

(a) in relation to barley, a person licensed under this Act to receive barley on behalf of the board;

and

(b) in relation to oats, a person licensed under this Act to receive oats on behalf of the board:

"oats" includes the grain known by that name, growing crops of that grain, gristed grain of that name and grain of that name treated in any other manner or by any process converted into the product of grain of that name but does not include wild oats:

"proclaimed produce" means grain or seed of a class or kind for the time being declared by proclamation to be proclaimed produce for the purposes of this Act:

"wild oats" means the following species of the genus *avena*:

(a) *A. barbata*, Pott ex Link.;

(b) *A. fatua*, L.;

3.

(c) *A. ludoviciana*, Durieu.;

and

(d) *A. sterilis*, L.

(2) The Governor may by proclamation declare a class or kind of grain or seed to be proclaimed produce for the purposes of this Act and may by a subsequent proclamation amend, revoke or vary any such declaration.

Constitution of Board and Administration

Constitution of Australian Barley Board

4. (1) The Australian Barley Board is constituted, subject to this Act, in accordance with an arrangement entered into by the Governor of this State with the Governor of Victoria.

(2) The board so constituted consists of—

(a) a chairman nominated by the Governor;

(b) three representatives of growers of barley in South Australia;

(c) two representatives of growers of barley in Victoria;

(d) one person appointed, as provided in the arrangement, as representing brewers and maltsters;

(e) one person appointed by the Governor of Victoria.

(2a) The Governor may appoint, from the members of the board appointed pursuant to subsection (2)(b), a deputy chairman of the board, and the member so appointed may, in the absence of the chairman, act in the place of the chairman and, while so acting, has all the powers, functions and duties of the chairman.

(3) The representatives of growers of barley in South Australia are to be elected by growers of barley in this State in the manner prescribed by regulations under this Act, and the representatives of growers of barley in Victoria are to be elected by growers of barley in Victoria in the manner prescribed by the law of Victoria.

(4) Subject to this Act, any relevant provisions of the law of Victoria and the arrangement, a member of the board holds office for a term of three years calculated from the first day of September in the year of election or appointment but this provision is subject to the following qualifications:

(a) a member elected or appointed to a casual vacancy on the board holds office only for the balance of the term of his or her predecessor;

and

(b) a member whose term expires before election or appointment of a successor remains in office, subject to this Act, until the election or appointment of a successor.

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(5) An arrangement entered into under this section may provide for—

- (a) the termination of the appointment of any member of the board for misbehaviour or incapacity or on other relevant grounds;
- (b) the vacation of office of any member of the board who resigns, becomes bankrupt, fails to attend a required number of meetings of the board, or whose appointment is terminated;
- (c) the filling of any casual vacancy on the board, whether occurring in the office of an elected or appointed member, by a person elected or appointed as provided in the arrangement,

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and any such provision has effect accordingly.

(6) The board is a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property in its corporate name. Judicial notice must be taken of the seal of the board.

(7) The proceedings of the board are not invalidated by reason only of a vacancy in the membership of the board.

(8) A quorum of the board consists of five members.

(9) The decision of a majority of the members of the board present at a meeting at which there is a quorum is the decision of the board.

(10) At a meeting the chairman has a deliberative vote and, if the voting on any question is equal, a casting vote also.

(11) Subject to this Act the board may regulate its own proceedings.

(12) No liability attaches to a member of the board for an act or omission by that member or the board, in good faith in the exercise, or purported exercise, of powers or functions or in the discharge, or purported discharge, of duties under this Act.

(13) A liability that would, but for subsection (12), lie against a member of the board, lies instead against the board.

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Salary and allowances of members of the board

5a. (1) Each member of the board is entitled to be paid out of the funds of the board, remuneration for services, and allowances and reimbursements for travelling and living away from home on journeys taken in the course of official duties, at such rates as are determined by the Minister of Agriculture of South Australia and the Minister of Agriculture of Victoria.

(2) If upon being requested by the board or a member to determine any such rate (whether by way of the original fixation or a variation of the rate), the Ministers do not agree upon it within three months after the request, they must jointly appoint a person to determine the rate. The decision of the person so appointed is binding and remains in force until altered by a subsequent determination of the Ministers, or of a person appointed by them pursuant to this subsection.

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Administration

6. (1) The board has the administration of this Act.

(2) In administering this Act the board does not represent the Crown.

Officers

7. (1) For the purpose of the administration of this Act the board may appoint officers and other employees.

(2) The remuneration and allowances of the officers and employees of the board engaged in the administration of this Act must be paid out of the funds of the board.

Licensed receivers of barley

8. (1) The board may license any person to receive barley on behalf of the board.

(2) A licence granted pursuant to this section will contain such terms and conditions as the board fixes, and may be revoked or suspended by the board on breach of any condition.

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Licensed receivers of oats

8a. (1) The board may license any person to receive oats on behalf of the board.

(2) A licence granted pursuant to this section may contain such terms and conditions as are fixed by the board and such a licence may be revoked or suspended upon breach by the holder of any such term or condition.

Powers of board

9. (1) The board may do all or any of the following things, namely:

- (a) purchase or otherwise acquire, sell or otherwise dispose of, prepare for sale, treat, store, protect, transport or handle any barley, oats, proclaimed produce, cornsacks, jute or jute products;

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- (ab) enter into and deal with futures contracts for hedging purposes at a futures market in accordance with written guidelines jointly determined by the Minister and the Minister of Agriculture of Victoria;
- (b) borrow money to enable it to exercise any of the powers or functions conferred on it by this Act, and give security over any of its assets for repayment of money so borrowed;
- (c) exercise in relation to barley, oats or proclaimed produce any functions usually exercised by shipping agents;
- (d) act as agent for the Commonwealth or any State in connection with the purchase and sale of barley, oats, and grain sorghum;
- (da) expend money derived from the sale of barley or oats on experiments, research, operations or work (whether carried out by the board or any other person) the object of which is to improve or discover means of improving the quality of barley or oats;
- (db) charter ships or vessels;
- (e) do any other acts or things and enter into and carry out any transactions (including the purchase or sale of any property) which are necessary or convenient to be done, entered into or carried out for giving effect to this Act, or which are incidental to the exercise of any power or function of the board.

(2) Any liability incurred under subsection (1)(b) with the consent of the Treasurer is guaranteed by the Treasurer.

(3) Any liability incurred by the Treasurer under a guarantee arising by virtue of subsection (2) will be satisfied out of the General Revenue of this State which is appropriated accordingly to the necessary extent.

(4) A futures contract will be taken to be entered into or dealt with for hedging purposes if—

- (a) in the case of a contract with respect to corn futures—the contract is entered into or dealt with for the purpose of minimizing the risks of adverse variations in the price obtainable for barley under a contract for the sale of barley that has been, or is to be, entered into by the board;

and

- (b) in the case of a currency futures contract or a financial futures contract—the contract is entered into or dealt with for the purpose referred to in paragraph (a) or for the purpose of minimizing the risks of adverse variations in the costs of a borrowing or raising of money by the board or a proposed borrowing or raising of money by the board.

Inspections

10. (1) For the purposes of this Act, a person authorized in writing by the board to act under this section may enter any premises and inspect any stocks of barley or oats, and any accounts, books and documents relating to barley or oats.

(2) A person who hinders or prevents any entry or inspection by a person duly authorized under this section is guilty of an offence.

Board may require written information

10a. (1) For the purposes of this Act, the board may, by notice in writing served personally or by post, require the person to whom the notice is addressed to furnish in writing to the board, within a specified period, specified information relating to barley or oats.

(2) A person must not, without reasonable excuse—

(a) refuse or fail to comply with a requirement under this section;

or

(b) furnish to the board information that is false or misleading in a material particular.

(3) A person may not refuse on the grounds of self-incrimination to comply with a requirement under this section but information furnished in the course of compliance with this section is not admissible against that person except in proceedings for an offence against this section.

Care of property of board

11. Any person having possession or care of any property of the board must take all reasonable precautions to prevent damage to, or the deterioration or loss of, that property.

Accounts and audit

12. (1) The board must—

(a) keep proper accounts of all its financial transactions;

and

(b) prepare a balance sheet and a statement of its receipts and payments at least once a year.

(2) The board must at all times keep a copy of its last annual balance sheet and statement of receipts and payments affixed in a conspicuous place in the part of its office that is open to the public.

(3) The board must have its accounts and balance sheet audited by a qualified auditor approved by the Minister.

(4) The accounts of the board relating to barley of each season must be kept separately from the accounts relating to barley of other seasons, and in each season separate accounts must be kept for manufacturing and feed grade barley respectively and the accounts of the board relating to barley harvested and delivered to the board in the State of South Australia must be kept separately from the accounts relating to barley harvested and delivered to the board in the State of Victoria.

(5) The accounts of the board relating to oats of each season must be kept separately from the accounts relating to oats of other seasons, and in each season separate accounts must be kept for manufacturing and feed grade oats respectively.

Appeals against decision of board

13. (1) A person dissatisfied with a decision or action or proposed decision or action of the board, may in writing request the Minister of Agriculture of South Australia and the Minister of Agriculture of Victoria to review that decision, or action, or proposed decision or action.

(2) The Ministers—

(a) must give the person making the request, and the board, an opportunity to submit to them any information or arguments relevant to the matter of the request;

and

(b) may give the board a direction relating to the matter of the request.

(3) Any such direction is binding on the board.

(4) If upon being requested to review a decision, action or proposed decision or action pursuant to subsection (1) the Ministers do not agree within three months after the request has been made they must jointly appoint a person to review the decision, action or proposed decision or action and the decision and any action of that person, after giving the person making the request and the board the opportunity to submit any information or argument relevant to the matter of the request, upon that review will for all purposes be taken to be the decision or action of the Ministers upon the review so requested.

Delivery and Marketing of Barley and Oats

Sale and delivery of barley

14. (1) Subject to this section and section 15, a person must not sell or deliver barley to any person other than the board.

(2) Nothing in this section applies to—

(a) barley retained by the grower for use on the farm where it is grown;

(b) barley purchased from the board;

(c) barley sold or delivered to any person with the approval of the board;

(d) barley sold at any auction market in accordance with a permit granted by the board;

(da) barley sold to a person authorized to purchase it in accordance with a permit issued by the board under section 14b;

(e) barley the subject of trade, commerce or intercourse between States or required by its owner for the purpose of trade, commerce or intercourse between States.

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Sale and delivery of oats

14aa. (1) Subject to this section, a person must not sell or deliver oats to any person other than the board.

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(2) Nothing in this section applies to—

- (a) oats retained by the grower for use on the farm where it is grown;
 - (b) oats purchased from the board;
 - (c) oats sold or delivered to any person with the approval of the board;
 - (d) oats sold at any auction market in accordance with a permit granted by the board;
 - (e) oats the subject of trade, commerce or intercourse between States or required by its owner for the purpose of trade, commerce or intercourse between States;
 - (f) oats sold to a person who purchases the oats for the purpose of—
 - (i) converting the oats into chopped, crushed, or milled oats or any other manufactured product;and
 - (ii) reselling the oats in that form;
- or
- (g) oats sold to a person who purchases the oats for use and not for resale.

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Purchase, etc., of barley or oats from growers

14a. (1) A person must not—

- (a) buy barley from the grower unless the person has the written approval of the board to do so or is acting in accordance with a permit issued by the board under section 14b;
- or
- (b) buy oats from the grower where the sale of those oats by that grower would be a contravention of section 14aa.

(1a) A person must not transport barley or oats bought in contravention of subsection (1).

(1b) In proceedings for an offence against subsection (1a) it lies upon the defendant to prove that the barley or oats, in relation to which it is alleged that the offence was committed, was not bought in contravention of subsection (1).

(2) This section does not apply to a purchase or transport of barley or oats in the course of trade, commerce or intercourse between States.

Permits to purchase barley for stockfeed purposes

14b. (1) The board may, on application and payment of such fee as the board may determine, issue to a person a permit authorizing the person to make, during a specified season, purchases of barley from growers for stockfeed purposes.

(2) An application under subsection (1) must be made in a form approved by the board.

(3) A permit issued under this section may contain such terms and conditions as are fixed by the board and may be revoked or suspended by the board upon breach by the holder of any such term or condition.

Delivery of barley or oats

15. (1) A person may deliver barley or oats to the licensed receiver who is authorized by the board to accept that barley or those oats from the area in which that barley or those oats were grown, or to accept that barley or those oats.

(2) Delivery of barley or oats to a licensed receiver constitutes, for purposes of this Act, delivery to the board.

(3) Upon delivery of barley or oats to the board, unless it is otherwise agreed—

(a) the property in the barley or oats passes to the board forthwith;

(b) the owner of the barley or oats will be taken to have sold it to the board at the price to be paid under this Act.

Receiver to hold barley or oats

16. A licensed receiver—

(a) must hold, on behalf of the board, all barley or oats the property of the board which is at any time in the receiver's possession;

and

(b) must not part with the possession of any such barley or oats except in accordance with instructions from the board or from a person authorized by the board to give such instructions.

Declaration to be provided as to old season's barley

17. (1) A person who, after the prescribed day, consigns or delivers to a licensed receiver any barley harvested before that day, must make and forward to the licensed receiver a declaration correctly stating the season during which that barley was harvested.

(2) For the purposes of this section—

"the prescribed day" means the day which, in respect of each season, is declared by the board by notice published in the *Gazette* to be the final day of that season.

Declaration to be provided for old season's oats

17a. (1) A person who, after the prescribed day, consigns or delivers to a licensed receiver any oats harvested on or before that day, must make and forward to the licensed receiver a declaration correctly stating the season during which those oats were harvested.

(2) For the purposes of this section—

"the prescribed day" means the day which, in respect of each season, is declared by the board by notice published in the *Gazette* to be the final day of that season.

Duty of board to market barley

18. (1) The board must market or otherwise dispose of to best advantage all barley delivered to it under this Act.

(2) In marketing or disposing of barley harvested in the State of South Australia, the board must have regard to the reasonable requirements of persons requiring barley for use or consumption in that State and in disposing of barley harvested in the State of Victoria, the board must have regard to the reasonable requirements of persons requiring barley for use or consumption in that State.

(3) The whole of the money received by the board from the sale or disposal of barley must be applied by the board in making payments to growers and paying the expenses of administering this Act.

Duty of board to market oats

18a. (1) The board must market or otherwise dispose of to best advantage all oats delivered to it under this Act.

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(3) The whole of the money received by the board from the sale or disposal of oats must be applied by the board in making payments to growers and paying the expenses of administering this Act.

Price to be paid for barley

19. (1) The board must pay the owner of any barley sold to it the price of that barley as determined by the board.

(2) In determining the price to be paid for any barley the board must take into account—

(a) the amount that the board has received or estimates that it will receive from the sale of barley of the same classification and season;

(b) the expenditure that the board has incurred, or estimates that it will incur in connection with transporting and marketing the barley and the administration of this Act;

(ba) the expenditure that the board has incurred, or estimates that it will incur in connection with the establishment of a reserve fund or any scheme for the amortization of the capital amounts and interest expended for or in relation to facilities for the storage of barley;

- (c) the State in which and the place at which the barley is delivered to the board;
- (d) any other circumstances affecting the value of the barley.

(3) The board may make progress payments, of such amount as the board considers reasonable, on account of any money payable or about to become payable by the board to any person as the price of barley.

(4) If after the board has made payments to growers for barley of any season, there remains a balance of the proceeds of the sale of the barley which is so small that, in the board's opinion, it is undesirable to make a separate distribution of it among the growers, the board may transfer that balance to a reserve fund to meet unforeseen contingencies.

Any such reserve fund may be invested by the board in such securities as it considers suitable, and the income will also be paid into the reserve fund.

If at any time the board considers that the reserve fund is greater than the amount required to meet unforeseen contingencies, it may transfer any portion of the fund into the current year's revenue from the sale of barley and deal with the amount so transferred as if it were such revenue.

The board may use any money in the reserve fund to meet such liabilities or expenditure of the board as it considers proper.

(5) The board may deduct from any money payable to a person in South Australia under this section any amount specified in a written request made to the board by any such person and may apply any amount so deducted towards the provision of bulk storage facilities for barley.

Price to be paid for oats

19a. (1) The board must pay the owner of any oats sold to it the price of those oats as determined by the board.

- (2) In determining the price to be paid for any oats the board must take into account—
- (a) the amount that the board has received, or estimates that it will receive from the sale of oats of the same classification and season;
 - (b) the expenditure that the board has incurred or estimates that it will incur in connection with transporting and marketing those oats and the administration of this Act;
 - (c) the expenditure that the board has incurred or estimates that it will incur in connection with the establishment of a reserve fund or any scheme for the amortization of the capital amounts and interest expended for or in relation to facilities for the storage of oats;
 - (d) the place at which those oats are delivered to the board;
 - (e) any other circumstances affecting the value of the oats.

(3) The board may make progress payments, of such amount as the board considers reasonable, on account of any money payable or about to become payable by the board to any person as the price of oats.

(4) If after the board has made payments to growers for oats of any season, there remains a balance of the proceeds of the sale of the oats which is so small that, in the board's opinion, it is undesirable to make a separate distribution of it among the growers, the board may transfer that balance to a reserve fund to meet unforeseen contingencies.

Any such reserve fund may be invested by the board in such securities as it considers suitable, and the income will also be paid into the reserve fund.

If at any time the board considers that the reserve fund is greater than the amount required to meet unforeseen contingencies, it may transfer any portion of the fund into the current year's revenue from the sale of oats and deal with the amount so transferred as if it were such revenue.

The board may use any money in the reserve fund to meet such liabilities or expenditure of the board as it considers proper.

(5) The board may deduct from any money payable to a person under this section any amount specified in a written request made to the board by any such person and may apply any amount so deducted towards the provision of bulk storage facilities for oats.

Deductions for barley research

19b. (1) Notwithstanding the other provisions of this Act, where barley of a season is sold to the board by any person under this Act, a payment of the prescribed amount will, with the consent of the person, be made for barley research purposes out of the money payable to the person by the board in respect of the barley.

(2) The payment referred to in subsection (1) will be made by the board to the Minister who must, subject to subsection (3), pay the amount to the Commonwealth for payment into the Barley Research Trust Fund.

(3) The board is entitled to presume that each person from whom it has purchased barley of a season has consented to the making of the payment, but, where any such person, by notice in writing given to the Minister during the prescribed period for that season, indicates that he or she does not consent to the making of the payment in respect of the barley of that season, the Minister must pay the prescribed amount to the person out of the money received by the Minister from the board pursuant to this section.

(4) Any money received by the Minister pursuant to this section will, pending payment pursuant to subsection (2) or (3), be kept in a banking account established for the purpose or invested as the Minister thinks fit.

(5) Any money earned through the investment under subsection (4) must be paid to the Commonwealth for payment into the Barley Research Trust Fund.

(6) Any payment by the Minister to the Commonwealth under this section will be made upon the condition that the money so paid be expended in South Australia.

(7) Proper accounts must be kept of the money received or paid by the Minister under this section which accounts may at any time, and must at least once in every year, be audited by the Auditor-General.

(8) A committee comprising three persons appointed by the Minister after consultation with the Grain Section of the United Farmers and Stock Owners of S.A. Incorporated is established for the purposes of this section.

(9) The committee has the function of recommending to the Minister the rate that should, in its opinion, be fixed as the prescribed rate for the barley of a season.

(10) The Minister may, upon the recommendation of the committee established under subsection (8), by notice published in the *Gazette*, fix an amount per tonne of barley as the prescribed rate for barley of a season specified in the notice.

(11) In this section—

"the Barley Research Trust Fund" means the Barley Research Trust Fund established under the *Rural Industries Research Act 1985* of the Commonwealth:

"the prescribed amount", in relation to a person from whom barley of a season has been purchased by the board, means the amount obtained by multiplying the number of tonnes of barley of the season purchased from the person by the board by the prescribed rate for the season:

"the prescribed period" in relation to a season, means the month of March next following the commencement of the season:

"the prescribed rate", in relation to barley of a season, means the amount per tonne of barley fixed by the Minister pursuant to subsection (10) as the prescribed rate for barley of the season.

(12) This section applies in relation to all barley of a season to which this Act applies.

Exclusion of claims against the board

19c. (1) Where money to which the holder of a mortgage, bill of sale, lien or other charge over barley or oats is entitled is paid by the board to another person, the holder of the mortgage, bill of sale, lien or other charge cannot make a claim against the board in respect of the money or the barley or oats unless the board acted dishonestly in making the payment.

(2) Subsection (1) does not have the effect of discharging a mortgage, bill of sale, lien or other charge in respect of the barley or oats.

Offences and Regulations

Offences and penalties

20. (1) Any contravention of, or failure to comply with, a provision of this Act, constitutes an offence.

(2) An offence against this Act is a summary offence.

(3) A natural person convicted of an offence against this Act is, except where some other penalty is provided, liable to a penalty not exceeding \$1 000.

(4) A body corporate convicted of an offence against this Act is, except where some other penalty is provided, liable to a penalty not exceeding \$2 000.

(5) Proceedings for an offence against this Act must be commenced within 12 months after the date on which the offence is alleged to have been committed.

Averment as to nature of grain, etc.

20a. Where, in proceedings for an offence against this Act, it is alleged that any grain, growing crop, treated grain or product of grain is barley or oats, the court before which those proceedings are brought will, unless the contrary is proved, presume the grain, growing crop, treated grain or product of grain to be barley or oats (as the case may require).

Regulations

21. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1) those regulations may—

- (a) require any growers of barley or oats to register and re-register, at the prescribed times, their names and such other particulars as are prescribed with the board;
- (b) require any person on ceasing to be a grower of barley or oats to notify the board of that fact;
- (c) prescribe the manner in which any elections contemplated by this Act are to be held, and the eligibility of persons to vote in those elections;
- (d) prescribe penalties (not exceeding \$300) for breach of, or non-compliance with, any regulation.

Application of Act

Application of Act

22. (1) This Act applies to barley grown in every season up to and including the season 1992-1993.

(2) This Act applies to oats grown in every season up to and including the season 1992-1993.

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APPENDIX

Legislative History

The Barley Marketing Act, 1947, repealed the Oats Marketing Act, 1972

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 482.

Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 11 October 1988. A schedule of these alterations was laid before Parliament on 4 October 1988.

Long title:	substituted by 39, 1977, s. 3
Section 2:	repealed by 36, 1983, s. 2
Section 2a:	repealed by 39, 1977, s. 4; deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 3:	redesignated as s. 3(1) by 39, 1977, s. 5(b) definition of "futures contract" inserted by 36, 1983, s. 3 definition of "futures market" inserted by 36, 1983, s. 3 definition of "inspector" inserted by 36, 1983, s. 3; deleted in pursuance of the Acts Republication Act, 1967, as its function is now obsolete definition of "licensed receiver" substituted by 39, 1977, s. 5(a) definition of "oats" inserted by 39, 1977, s. 5(a) definition of "proclaimed produce" inserted by 39, 1977, s. 5(a) definition of "wild oats" inserted by 39, 1977, s. 5(a)
Section 3(2):	inserted by 39, 1977, s. 5(b)
Section 4(2a):	inserted by 36, 1983, s. 4(a)
Section 4(4):	substituted by 36, 1983, s. 4(b)
Section 4(4)(c):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now obsolete
Section 4(4)(d):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now obsolete
Section 4(4)(e):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now obsolete
Section 4(4)(f):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now obsolete
Section 4(4a):	inserted by 36, 1983, s. 4(b); deleted in pursuance of the Acts Republication Act, 1967, as its function is now obsolete
Section 4(5) and (5a):	inserted by 91, 1987, s. 3; redesignated as subsections (12) and (13) respectively, in pursuance of the Acts Republication Act, 1967
Section 5a(3):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now obsolete
Section 8(3):	repealed by 36, 1983, s. 5
Section 8a:	inserted by 39, 1977, s. 6
Section 9:	amended and redesignated as s. 9(1) by 39, 1977, s. 7
Section 9(1):	amended by 36, 1983, s. 6
Section 9(2) and (3):	inserted by 39, 1977, s. 7(f)
Section 9(4):	inserted by 91, 1987, s. 4
Section 10(1):	amended by 39, 1977, s. 8
Section 10a:	inserted by 36, 1983, s. 7
Section 10a(3):	inserted by 91, 1987, s. 5
Section 12(5):	inserted by 39, 1977, s. 9
Heading preceding section 14:	amended by 39, 1977, s. 10
Section 14(1):	amended by 2, 1980, s. 2(a)
Section 14(2):	amended by 30, 1989, s. 2
Section 14(3):	repealed by 2, 1980, s. 2(b)
Section 14aa:	inserted by 39, 1977, s. 11
Section 14aa(1):	amended by 2, 1980, s. 3(a)
Section 14aa(2):	amended by 2, 1980, s. 3(b)
Section 14aa(3):	repealed by 2, 1980, s. 3(c)
Section 14a(1):	substituted by 39, 1977, s. 12(a); amended by 30, 1989, s. 3

Section 14a(1a):	amended by 39, 1977, s. 12(b)
Section 14a(1b):	amended by 39, 1977, s. 12(c)
Section 14a(2):	amended by 39, 1977, s. 12(d)
Section 14b:	inserted by 30, 1989, s. 4
Section 15(1):	substituted by 39, 1977, s. 13(a)
Section 15(2):	amended by 39, 1977, s. 13(b)
Section 15(3):	amended by 39, 1977, s. 13(c)
Section 16:	amended by 39, 1977, s. 14
Section 17a:	inserted by 39, 1977, s. 15
Section 18a:	inserted by 39, 1977, s. 16
Section 18a(2):	repealed by 36, 1983, s. 8
Section 19(2):	amended by 57, 1978, s. 2
Section 19a:	inserted by 39, 1977, s. 17
Section 19a(2):	amended by 57, 1978, s. 3
Section 19b:	inserted by 40, 1983, s. 7
Section 19b(2) and (5):	amended by 30, 1989, s. 5(a)
Section 19b(11):	definition of "the Barley Research Trust Account" repealed and definition of "the Barley Research Trust Fund" inserted in its place by 30, 1989, s. 5(b)
Section 19c:	inserted by 91, 1987, s. 6; substituted by 7, 1988, s. 2
Section 20:	amended by 39, 1977, s. 18; substituted by 36, 1983, s. 9
Section 20a:	amended by 39, 1977, s. 19
Section 21:	amended by 39, 1977, s. 20; substituted by 57, 1978, s. 4
Section 22:	amended and redesignated as s. 22(1) by 39, 1977, s. 21
Section 22(1):	amended by 36, 1983, s. 10(a); 91, 1987, s. 7
Section 22(2):	inserted by 39, 1977, s. 21(b); substituted by 36, 1983, s. 10(b); amended by 91, 1987, s. 7
Schedule:	repealed by 36, 1983, s. 11