

SOUTH AUSTRALIA

**EGG INDUSTRY STABILIZATION ACT, 1973**

*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 prior to the publication of this reprint.*

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## EGG INDUSTRY STABILIZATION ACT, 1973

being

Egg Industry Stabilization Act, 1973, No. 95 of 1973  
[Assented to 10 January 1974]<sup>1</sup>

as amended by

Egg Industry Stabilization Act Amendment Act, 1974, No. 61 of 1974 [Assented to 26 September 1974]  
Egg Industry Stabilization Act Amendment Act, 1980, No. 8 of 1980 [Assented to 3 April 1980]<sup>2</sup>  
Marketing of Eggs Act Amendment Act, 1983, No. 118 of 1983 [Assented to 22 December 1983]  
Egg Industry Stabilization Act Amendment Act, 1984, No. 44 of 1984 [Assented to 24 May 1984]  
Egg Industry Stabilization Act Amendment Act, 1987, No. 58 of 1987 [Assented to 17 September 1987]<sup>3</sup>

<sup>1</sup> Ss. 2 and 49 and 1st Sched. came into operation on assent: s. 2(1); remainder of Act came into operation 23 May 1974: *Gaz.* 23 May 1974, p. 1828.

<sup>2</sup> Came into operation 26 June 1980: *Gaz.* 26 June 1980, p. 1718.

<sup>3</sup> Came into operation 3 December 1987: *Gaz.* 3 December 1987, p. 1733.

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

**An Act to provide for the stabilization of the Egg Industry; for matters connected therewith and for other matters.**

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

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Egg Industry Stabilization Act, 1973*.

**Commencement**

2. (1) This section, section 49 and the first schedule to this Act shall come into operation on the day on which this Act is assented to by the Governor.

(2) The remaining provisions of this Act shall, subject to section 49 of this Act, come into operation on a day to be fixed by proclamation.

**Arrangement of Act**

3. This Act is divided as follows:—

PART I—PRELIMINARY

PART III—INSPECTION

PART IV—LICENSING OF POULTRY FARMERS

DIVISION II—LICENCES

DIVISION IV—HEN QUOTAS

PART V—SURRENDER AND RE-ISSUE OF LICENCES

PART VI—PERMITS TO KEEP HENS FOR SPECIAL PURPOSES

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DIVISION II—APPEALS

PART VIII—MISCELLANEOUS

PART IX—POLLS

DIVISION II—POLLS ON CONTINUATION OF ACT

SCHEDULES.

**Interpretation**

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

\* \* \* \* \*

"broiler breeder hen" means a female domesticated fowl of the genus *gallus domesticus* which is not—

(a) a white leghorn;

(b) an Australorp, a New Hampshire, a Rhode Island red or a Langshan;

3.

(c) a cross between a white leghorn and a breed referred to in paragraph (b) of this definition;

or

(d) a hen of a class specified in a notice under subsection (2) of this section that has taken effect under subsection (3) of this section,

being a fowl used for the purpose of producing broiler chickens:

"broiler chicken" means a chicken intended to be used otherwise than for the purpose of producing eggs:

\* \* \* \* \*

\* \* \* \* \*

"educational institution" means an institution where poultry farming is carried out for educational purposes:

\* \* \* \* \*

"hen" means a female domesticated fowl of the genus *gallus domesticus* that is not less than twenty-two weeks old:

\* \* \* \* \*

"Inspector" means an inspector authorized pursuant to section 9 of this Act:

"licence" means a licence issued under this Act:

"licensee" means the holder of a licence:

\* \* \* \* \*

"licensing season" means a period fixed by the Minister as a licensing season in pursuance of this Act:

\* \* \* \* \*

"place" includes land, premises and buildings thereon:

\* \* \* \* \*

"pullet" means a hen that is less than twenty-two weeks old:

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

"the Board" means "The South Australian Egg Board" constituted under the *Marketing of Eggs Act, 1941-1972*:

"the Review Tribunal" means the Poultry Farmer Licensing Review Tribunal constituted pursuant to section 30 of this Act.

(2) The Minister may by notice published in the *Gazette* declare that hens of a class specified in the notice are not broiler breeder hens for the purposes of this Act and the Minister may by a notice published in a like manner amend or revoke any such notice.

(3) A notice published pursuant to subsection (2) of this section, or any amendment or revocation thereof shall not take effect until the expiration of three months after the day on which it is so published.

(4) In this Act, a reference to the place to which a licence relates includes a reference to all places to which that licence relates whether or not those places are contiguous.

(5) The Minister may, by notice published in the *Gazette*, fix any period as a licensing season for the purposes of this Act.

(6) The Minister may, by subsequent notice published in the *Gazette*, vary or revoke a notice published under subsection (5) of this section.

**Application of Act**

5. (1) Subject to this section, this Act applies to—

(a) a person who owns or keeps more than 50 hens;

or

(b) a person who, in association with others, keeps more than 50 hens in the course of a joint enterprise.

(2) The Governor may, by proclamation—

(a) exempt—

(i) the Crown or any instrumentality or agency of the Crown;

or

(ii) an educational institution,

from the operation of some or all of the provisions of this Act;

or

(b) exempt any other person, or class of persons, from the operation of some or all of the provisions of this Act in relation to hens owned or kept for non-commercial purposes.

5.

(5) A proclamation under this section shall take effect on the day on which the proclamation is published in the *Gazette* or, where a later day is specified in the proclamation, on that later day.

(6) A proclamation under this section shall have effect subject to such conditions as are specified in the proclamation.

(7) The Governor may, by subsequent proclamation, vary or revoke a proclamation under this section.

\* \* \* \* \*

PART III

INSPECTION

**Inspectors**

9. (1) The Board may authorize an officer or servant of the Board to be an Inspector for the purposes of this Act and any person so authorized shall be such an Inspector.

(2) An Inspector shall be provided by the Board with a certificate of identification in the prescribed form.

**Powers of Inspectors**

10. (1) An Inspector shall have and may exercise and perform all the powers, authorities, duties and functions conferred or imposed on him by this Act and, without affecting the generality of the foregoing, where he believes on reasonable grounds that a place or vehicle—

- (a) is being used as a poultry farm or chicken hatchery;
  - (b) is being used for or in connection with the operations of a poultry farm or chicken hatchery;
- or
- (c) is being used for the storage or custody of any accounts, records, books, documents or other things whatsoever relating to the operations of a poultry farm or chicken hatchery,

he may, subject to this section, enter and remain in or on that place or vehicle, and may—

- (d) search and inspect the place or vehicle for the presence of hens, pullets or broiler breeder hens;
- (e) examine and count any hens, pullets and broiler breeder hens found in or on that place or vehicle;

and

- (f) require any person found in or on that place or vehicle to produce any accounts, records, books, documents, goods, packages, parcels or other things which relate to, or which the Inspector believes on reasonable grounds relate to, the operations of a poultry farm or chicken hatchery, and may inspect them and may take copies of or extracts or notes from any such accounts, records, books, documents or other things.

(2) An Inspector who in or on any place or vehicle is exercising or performing any power, authority, duty or function under this Act shall, if so required by a person apparently in charge of that place or vehicle, produce his certificate of identification to that person.

(3) An Inspector may be accompanied by and use the services of such persons as he considers necessary to assist him in the exercise and performance of his powers, authorities, duties and functions under this Act.

(4) Where a part of premises is used for residential purposes, an Inspector is not, without the permission of the occupier of that part of those premises, authorized by this section to enter in or on, or to search or inspect, that part of those premises, and paragraph (f) of subsection (1) of this section does not apply to a person in or on that part of those premises.

(5) A person who—

(a) delays, obstructs, hinders or impedes—

(i) an Inspector in the exercise or performance of his powers, authorities, duties or functions under this Act;

or

(ii) a person assisting an Inspector in the exercise or performance of his powers, authorities, duties or functions under this Act;

or

(b) fails to comply with any requirement made under paragraph (f) of subsection (1) of this section,

shall be guilty of an offence against this Act.

#### **Inspector may demand name and address in certain circumstances**

**11.** (1) An Inspector who finds a person committing an offence against this Act or who finds a person whom, on reasonable grounds, he suspects of having committed or attempted to commit any such offence, may require that person to state his name and place of abode.

(2) A person who upon a requirement made under subsection (1) of this section—

(a) fails or refuses to state his name or place of abode;

or

(b) states a name that is not his name or a place of abode that is not his place of abode,

shall be guilty of an offence against this Act.

#### **Impersonating an Inspector**

**12.** A person who—

(a) forges or counterfeits any written evidence of appointment of an Inspector;

(b) makes use of any forged, counterfeited or false written evidence of such an appointment;

(c) impersonates an Inspector;

or

8.

(d) falsely pretends to be an Inspector,  
shall be guilty of an offence against this Act.

PART IV

LICENSING OF POULTRY FARMERS

\* \* \* \* \*

DIVISION II—LICENCES

**Offence in relation to owning or keeping hens without a licence or permit**

**14.** (1) Subject to section 5, a person shall not own or keep hens for the production of eggs for human consumption except in pursuance of a licence under this Act.

Penalty: \$1 000 plus \$5 in respect of each 100 hens for each day on which the offence was committed.

(2) Subject to section 5, a person shall not own or keep hens for any other purpose except in pursuance of a permit under this Act.

Penalty: \$200.

(3) A licensee who contravenes or fails to comply with a condition or restriction attached to the licence is guilty of an offence.

Penalty: \$500.

**Issue of licences**

**15.** (1) Subject to this section, the Board must on receipt of an application for a licence in relation to a licensing season, and payment of the prescribed fee, issue a licence to the applicant for the relevant licensing season.

(2) If a licensing season is a period of less than 12 months, a licence for the next licensing season will be automatically issued without application and without fee to a person who held a licence for that licensing season.

(3) A licence can be issued in the name of a partnership and in that event, each member of the partnership will be regarded as a licensee.

(4) A licence can be issued to an educational institution or Crown instrumentality in the name of some appropriate nominee.

(5) The Board may, by notice in the *Gazette*, fix a day (which must be a day falling at least 30 days after publication of the notice) as the last day on which applications for licences in relation to a particular licensing season may be made and, where such a day is fixed, applications received after that day, which relate to that licensing season, will be rejected.

(6) An application may be rejected if—

(a) the applicant has been convicted of an offence against this Act;

or

10.

- (b) the application is made on behalf of a partnership or proprietary company and a member of the partnership or proprietary company has been convicted of an offence against this Act.

(7) A licence remains in force until the end of the licensing season in respect of which it is issued unless it is earlier cancelled or surrendered.

**Condition attached to licences**

**16.** A licence will be subject to the following conditions:

- (a) a condition requiring that all hens kept pursuant to the licence be kept at a place specified in the licence;
- (b) a condition that the number of hens kept pursuant to the licence must not exceed the licensee's quota by more than 50;
- (c) such other conditions as may be prescribed by regulation;

and

- (d) such other conditions as the Board thinks fit and includes in the licence.

**Licence fee**

**17.** (1) The Board, shall on receipt of an application for a licence in respect of a licensing season determine, in accordance with the regulations, the fee that is payable in respect of that licence.

(2) The Board shall not issue an applicant a licence for a licensing season until the fee determined pursuant to subsection (1) of this section has been paid to the Board.

**Cancellation of licence**

**18.** (1) The Board may cancel a licence—

- (a) for a breach of a condition or restriction to which the licence is subject;
- (b) if the licensee has been convicted of an offence against this Act;
- (c) if in the opinion of the Board a licence was issued as a result of false or misleading information furnished to the Board or to the Review Tribunal;
- (d) if in the opinion of the Board the licensee, without reasonable excuse, proof of which shall lie upon him, fails to keep the number of hens represented by his hen quota;

or

- (e) at the request of the licensee.

(2) Where the Board is of the opinion that the fault of the licensee is not so serious as to warrant a cancellation of his licence, the Board may, instead of cancelling the licence, reduce the hen quota of the licensee by such number as the Board considers appropriate.

(3) The cancellation of a licence under paragraph (a), (b), (c) or (d) of subsection (1) of this section or the reduction of a hen quota for the reason set out in subsection (2) of this section shall remain in abeyance until—

(a) the expiration of the time for lodging an appeal against the cancellation or reduction;

or

(b) where such an appeal is duly lodged under section 35 of this Act until the giving of the decision on the appeal.

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#### DIVISION IV—HEN QUOTAS

##### **Hen quotas**

**22.** (1) The State hen quota at the commencement of this Act is the aggregate of the hen quotas of individual licensees at that time.

(2) The State hen quota may be varied from time to time by the Board by notice in the *Gazette*.

(3) A notice under subsection (2) will not come into operation until one month after it is published in the *Gazette*.

(4) If the Board varies the State hen quota pursuant to subsection (2), there will be a proportionate variation in the quota of each licensee.

(5) Quotas will be calculated to the nearest whole number (0.5 being increased to 1.0).

(6) Where a licence is not renewed or a licence is cancelled, the State hen quota will be reduced by the quota attached to the licence.

(7) Where a licensee's hen quota is reduced there will be a corresponding reduction in the State hen quota.

(8) The hen quota attached to a licence must not exceed 50 000.

(9) A person must not hold, or have an interest in, more than one licence if the aggregate of the hen quotas attached to those licences would exceed 50 000.

(10) A person will be taken to have an interest in a licence if, and only if—

(a) the licence is held by a partnership and the person is a member of the partnership;

or

(b) the licence is held by a company and the person is a director or member of the company.

PART V

SURRENDER AND RE-ISSUE OF LICENCES

**Surrender, etc., of licences**

**25.** (1) Subject to this section and section 26 of this Act where a licensee applies to the Board in the prescribed form and pays the prescribed fee, the Board may, upon the surrender to it of the applicant's licence—

- (a) cancel the applicant's licence and issue a licence to another person specified in the application;
- (b) cancel the applicant's licence and issue to him a fresh licence relating to a place that is not identical with the place to which the cancelled licence related;

or

- (c) cancel the applicant's licence, reduce his hen quota and—
  - (i) issue a fresh licence to the applicant;
  - and
  - (ii) issue a licence to another person specified in the application,

as may be requested in the application.

(2) An application under paragraph (c) of subsection (1) of this section may be made in respect of the whole or any part of a hen quota.

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**Calculation of certain hen quotas**

**27.** (1) Where, pursuant to an application under subsection (1) of section 25 of this Act—

- (a) a licence is issued under paragraph (a) of that subsection—the hen quota of the licensee after the issue of the fresh licence is the total of the hen quota of the applicant immediately before the cancellation of his licence and the hen quota (if any) of the licensee immediately before the issue of the licence;
- (b) a licence is issued under paragraph (b) of that subsection—the hen quota, of the licensee remains unchanged;

or

- (c) a licence is issued under paragraph (c) of that subsection—
  - (i) the hen quota of the original licensee after the issue of the fresh licence is the reduced hen quota approved pursuant to the application;

13.

and

- (ii) the hen quota of the other person after the issue of the fresh licence is the total of a hen quota equal to the reduction so effected.

PART VI

PERMITS TO KEEP HENS FOR SPECIAL PURPOSES

**Permits**

**28.** (1) Where a person applies to the Board in the prescribed form and pays the prescribed fee, the Board may grant him a permit authorizing him to keep hens other than hens used for the production of eggs, for human consumption.

(2) A permit under this section is issued subject to such conditions and restrictions as may be prescribed.

(3) A permit under this section may be cancelled by the Board—

(a) for a breach of a condition or restriction to which it is subject;

or

(b) where the Board is satisfied that it has been issued on false or misleading information.

(4) The cancellation of a permit under subsection (3) of this section shall remain in abeyance until—

(a) the expiration of the time for lodging an appeal against the cancellation;

or

(b) where such an appeal is duly lodged under section 35 of this Act until the giving of the decision on the appeal,

and shall not take effect if an appeal is duly lodged and is upheld.

(5) Subject to subsections (3) and (4) of this section a permit under this section shall continue in force during the period specified in the permit, but this subsection shall not operate to prevent the Board from granting a permit under this section to a person who holds such a permit that is about to expire or to a person who held such a permit that has expired.

(6) A person who contravenes or fails to comply with a condition or restriction to which a permit issued to him under this section is subject is guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars and, in addition, a penalty not exceeding forty dollars for every day during which the offence continues.

PART VII

APPEALS

DIVISION I—CONSTITUTION AND POWERS OF REVIEW TRIBUNAL

**Poultry Farmer Licensing Review Tribunal**

**29.** (1) There shall be a Poultry Farmer Licensing Review Tribunal which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(2) The Review Tribunal may do all acts necessary for or incidental to the exercise or discharge of the powers, authorities, duties or functions conferred or imposed upon it by or under this Act.

**Constitution of Review Tribunal**

**30.** (1) The Poultry Farmer Licensing Review Tribunal shall be constituted of a person who shall be a legal practitioner within the meaning of the *Legal Practitioners Act, 1936-1969*, appointed by the Governor.

(2) The person constituting the Review Tribunal shall receive such remuneration and allowances as the Minister from time to time determines.

(3) The Governor may, at any time, remove a person constituting the Review Tribunal from office.

(4) From amongst the officers of the branch of the public service of the State known as the Department of Agriculture the Minister shall appoint a secretary to the Review Tribunal and may at any time revoke such appointment and appoint some other such officer to be secretary in his stead.

(5) No matter or thing done by the Review Tribunal and no matter or thing done by any person acting under the direction of the Review Tribunal shall, if the matter or thing was done in good faith for the purpose or purported purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(6) The Review Tribunal shall not, for any purpose, represent the Crown.

**Procedure before Tribunal**

**31.** The procedure for the conduct of business before the Review Tribunal shall, subject to this Act, be as determined by the Review Tribunal.

**Service of officers**

**32.** For the purposes of the exercise of its powers and functions under this Act, the Review Tribunal may with the consent of the Minister concerned make use of the services of any person employed in a department of the public service of the State.

**Functions of Review Tribunal**

**33.** The Review Tribunal shall hear and determine appeals submitted pursuant to this Act.

**Decisions of Review Tribunal final**

**34.** The decisions of the Review Tribunal shall be final and without appeal.

## DIVISION II—APPEALS

**Appeals**

**35.** (1) Subject to this section, where the Board—

(a) cancels a licence for a reason set out in paragraph (a), (b), (c), or (d) of subsection (1) of section 18 of this Act;

(b) reduces a hen quota pursuant to subsection (2) of section 18 of this Act;

(c) refuses an application made pursuant to section 25 of this Act;

or

(d) refuses to grant a permit or cancels a permit pursuant to section 28 of this Act,

the licensee or applicant, as the case may be, may, within the prescribed time and in the prescribed manner, appeal to the Review Tribunal against the cancellation, reduction or refusal.

(2) On an appeal under subsection (1) of this section the Review Tribunal may uphold the appeal or confirm or vary the decision of the Board or may substitute for the decision appealed against a decision that the Board is empowered to make and—

(a) any such substituted decision shall be deemed always to have been the decision of the Board in lieu of the decision for which it is substituted;

and

(b) subsection (1) of this section shall not apply to or in respect of any such substituted decision.

(3) Where the appeal relates to the reduction of a hen quota the Review Tribunal may, in varying the decision appealed against, raise or further reduce that hen quota.

(4) The regulations may provide for the lodging of a deposit with the Review Tribunal by an appellant under subsection (1) of this section and for its forfeiture to the Board where the Review Tribunal in giving its decision on the appeal, specifies that, in its opinion, the appeal was vexatious or frivolous.

PART VIII

MISCELLANEOUS

**Board responsible for costs of administration**

36. The remuneration and allowances payable to the person who constitutes the Review Tribunal under this Act, and all other costs of administration of this Act shall be paid by the Board out of the funds of the Board.

**Fees, etc., paid under this Act**

37. All fees paid and charges collected under this Act shall become part of the funds of the Board.

**Records**

38. (1) A person who—

- (a) keeps more than fifty broiler breeder hens;
- (b) occupies any place on, at or in which hen eggs from more than fifty hens are hatched;
- or
- (c) is a licensee,

shall, in the prescribed manner, make and keep a record of such particulars and matters as are prescribed.

(2) A person referred to in subsection (1) of this section shall—

- (a) keep the records so referred to for a period of two years after they are made;
- and
- (b) at the prescribed times forward to the prescribed person copies of those records or such of them as relate to prescribed times or matters.

(3) A record made and kept under this section is evidence of the particulars and matters stated therein.

(4) A person who knowingly makes or causes or permits or allows to be made any false or misleading statement in any record required to be made under this section or in any copy (or purported copy) of that record required to be forwarded under paragraph (b) of subsection (2) of this section is guilty of an offence against this Act and liable to a penalty not exceeding five hundred dollars.

**Board or Tribunal may require information from applicants**

39. (1) The Board or the Review Tribunal may, by notice in writing served on an applicant to it, require the applicant to furnish, within such period as may be specified in the notice, such information relating to the application as it thinks fit, and may itself make or cause to be made such inquiries as it thinks fit, for the purpose of determining whether the information contained in the application is correct.

(2) The Board or the Review Tribunal, as the case may be, may require information furnished by an applicant under subsection (1) of this section to be verified by statutory declaration.

(3) Where the Board or the Review Tribunal requires a person to furnish information under this section and has not issued him with a licence, reviewed his base quota, allocated him a base quota or cancelled his licence pursuant to section 25 of this Act (as the case may be), and the person fails to furnish such information within the period specified or any extended period granted by the Board or Tribunal, the Board or Tribunal, as the case may be, may refuse his application.

**Cancellation of licence**

40. Where a licence is cancelled otherwise than pursuant to section 25 of this Act the former holder of the licence shall, if required by the Board to forward the licence to it within a specified period, comply with that requirement.

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**Minister may require further information**

43. The Review Tribunal shall furnish to the Minister, within a time specified by him, such reports, advice and information concerning the operations of the Tribunal as the Minister may direct.

**Penalty**

44. Any person who contravenes or fails to comply with a provision of this Act for which no penalty is otherwise expressly provided is guilty of an offence against this Act and liable to a penalty not exceeding five hundred dollars.

**Summary proceedings**

45. Proceedings for offences against this Act shall be disposed of summarily.

**Offences by corporations**

46. (1) If a person who commits an offence against this Act is a body corporate, the natural person whose act or omission constituted the offence and also (unless he proves that the act or omission constituting the offence took place without his knowledge or consent) every person concerned in the management of the affairs of the body corporate may be charged with and convicted of the like offence.

\* \* \* \* \*

**Board may grant exemption**

47. Where, in the opinion of the Board, it is desirable to exempt licensees from some or all of the provisions of this Act or the conditions of their licences—

(a) in order to enable them to take advantage of a temporary market for the sale of eggs;

or

(b) for any other reason,

the Board may, by notice in the *Gazette*, exempt them from such of the provisions of this Act or the conditions of their licences as are specified in the notice to the extent, and subject to the conditions, specified in the notice.

### **Regulations**

**48.** (1) The Governor may make regulations, not inconsistent with this Act, for and with respect to—

- (a) any of the powers conferred upon or duties imposed upon the Minister, the Board or the Review Tribunal by this Act;
- (b) the making and keeping of records by a licensee or the holder of a permit issued under this Act or by a person under section 38 of this Act, the inspection of those records and the production of those records in any legal proceedings;
- (c) the conditions and restrictions to which a licence may be subject;
- (d) the manner and time of lodgement of appeals and the deposit payable by an appellant;
- (e) the conduct of business before the Review Tribunal;
- (f) the conditions and restrictions to which a permit under Part VI of this Act may be subject;
- (g) fees for the purposes of this Act;
- (h) the forms to be used for the purposes of this Act;
- (i) all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act;

and

- (j) fixing any penalties not exceeding five hundred dollars or, in the case of a continuing offence, not exceeding one hundred dollars for each day during which the offence continues, for non-compliance with or contravention of any regulation.

(2) A regulation may be of general or specially limited application according to time, place or circumstances, and may be general or restricted to any specified class of subject matter.

PART IX

POLLS

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DIVISION II—POLLS ON CONTINUATION OF ACT

**Polls on continuation of Act**

**50.** (1) A poll will be held by the Electoral Commissioner under this section if a petition requesting such a poll is signed by at least one quarter of the licensees under this Act and is presented to the Minister.

(2) The question at the poll will be whether this Act should expire or remain in force.

(3) All licensees are entitled to vote at the poll.

(4) The poll will be conducted in such manner as the Electoral Commissioner thinks fit.

(5) Polls cannot be held under this section at intervals of less than three years.

(6) The Governor may make regulations prescribing and providing for any matters necessary or convenient to be prescribed or provided for in relation to a poll to be held under this section.

(7) If not less than thirty per cent of the number of the voters who are entitled to vote at the poll so vote and of the voters so voting not less than 75 per cent of the number of voters vote against the continuance of this Act, the Governor shall, by proclamation or by successive proclamations—

\* \* \* \* \*

(b) fix a day or days upon which the provisions of this Act will cease to have any force or effect and may so fix different days in respect of different provisions of this Act;

and

(c) fix a day (not being earlier than any day fixed under paragraph (b) of this subsection) as the day upon which this Act shall expire.

(8) A poll under this section shall not be invalid by reason of any defect or any informality unless that defect or informality has affected the decision given on the question submitted at the poll.

**Expiration of this Act**

**51.** This Act shall expire upon the day (if any) fixed for the expiration of this Act under paragraph (c) of subsection (7) of section 50 of this Act and upon that day shall, for all purposes be deemed to have been repealed by an Act.

\* \* \* \* \*

**APPENDIX**

## Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 3 of The Public General Acts of South Australia 1837-1975 at page 579.

Section 3:	amended by 58, 1987, s. 3
Section 4(1):	definition of "base quota" repealed by 58, 1987, s. 4 definition of "Commonwealth Levy Act" repealed by 58, 1987, s. 4 definition of "Commonwealth Levy Collection Act" repealed by 58, 1987, s. 4 definition of "first licensing season" repealed by 8, 1980, s. 3(a) definition of "hen" amended by 44, 1984, s. 2(a) definition of "hen quota" substituted by 8, 1980, s. 3(b); repealed by 58, 1987, s. 4 definition of "Licensing Committee" repealed by 58, 1987, s. 4 definition of "licensing season" substituted by 8, 1980, s. 3(c) definition of "member" repealed by 58, 1987, s. 4 definition of "poultry farmer" repealed by 58, 1987, s. 4 definition of "pullet" amended by 44, 1984, s. 2(b) definition of "relevant period" repealed by 58, 1987, s. 4 definition of "State hen quota" repealed by 58, 1987, s. 4 definition of "the appointed day" repealed by 8, 1980, s. 3(d)
Section 4(5):	substituted by 8, 1980, s. 3(e)
Section 4(6):	inserted by 8, 1980, s. 3(e)
Section 5(1):	substituted by 44, 1984, s. 3; 58, 1987, s. 5(a)
Section 5(2):	repealed by 44, 1984, s. 3; inserted by 58, 1987, s. 5(a)
Section 5(3) and (4):	repealed by 58, 1987, s. 5(a)
Section 5(7):	substituted by 58, 1987, s. 5(b)
	Part II comprising ss. 6 - 8 and heading amended by 118, 1983, s. 3; repealed by 58, 1987, s. 6
Section 9(1) and (2):	amended by 58, 1987, s. 7
	Division I of Part IV comprising s. 13 and heading repealed by 58, 1987, s. 8
Section 14:	substituted by 58, 1987, s. 9
Section 15:	amended by 8, 1980, s. 4; substituted by 58, 1987, s. 9
Section 16:	substituted by 58, 1987, s. 10
Section 17(1) and (2):	amended by 8, 1980, s. 5; 58, 1987, s. 11
Section 18(1):	amended by 58, 1987, s. 12(a)
Section 18(2):	amended by 58, 1987, s. 12
	Division III of Part IV comprising ss. 19 - 21 and heading repealed by 58, 1987, s. 13
	Division IV of Part IV comprising ss. 22 - 24 and heading amended by 8, 1980, ss. 6, 7; repealed and s. 22 and heading inserted in its place by 58, 1987, s. 14
Section 25(1):	amended by 58, 1987, s. 15(a)
Section 25(3) and (4):	repealed by 58, 1987, s. 15(b)
Section 26:	repealed by 58, 1987, s. 16
Section 28(1):	amended by 58, 1987, s. 17(a), (d)
Section 28(3) and (5):	amended by 58, 1987, s. 17(d)
Section 28(6):	amended by 58, 1987, s. 17(b), (c)
Section 35(1), (2) and (4):	amended by 58, 1987, s. 18
Section 36:	amended by 58, 1987, s. 19
Section 38(1):	amended by 58, 1987, s. 20

Section 39(1) and (2):	amended by 58, 1987, s. 21(a)
Section 39(3):	amended by 58, 1987, s. 21
Section 40:	amended by 58, 1987, s. 22
Section 41:	repealed by 58, 1987, s. 23
Section 42:	amended by 8, 1980, s. 8; repealed by 58, 1987, s. 23
Section 43:	amended by 58, 1987, s. 24
Section 46(2):	repealed by 58, 1987, s. 25
Section 47:	substituted by 58, 1987, s. 26
Section 48(1):	amended by 58, 1987, s. 27
	Division I of Part IX comprising s. 49 and heading repealed by 58, 1987, s. 28
Section 50(1) - (5):	substituted by 58, 1987, s. 29(a)
Section 50(6):	amended by 58, 1987, s. 29(b)
Section 50(7):	amended by 58, 1987, s. 29(c)
Section 50(7)(a):	repealed by 58, 1987, s. 29(d)
First and second schedules:	repealed by 58, 1987, s. 30