



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 32 of 1973

An Act to amend the Margarine Act, 1939-1956.

[Assented to 4th October, 1973]

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

1. (1) This Act may be cited as the "Margarine Act Amendment Act, 1973". Short titles.

(2) The Margarine Act, 1939-1956, as amended by this Act, may be cited as the "Margarine Act, 1939-1973".

(3) The Margarine Act, 1939-1956, is hereinafter referred to as "the principal Act".

2. Section 16 of the principal Act is amended by striking out the word "yards" and inserting in lieu thereof the word "metres". Amendment of principal Act, s. 16—

No licence for premises near butter factory.

3. Section 20 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 20 of principal Act and enactment of section in its place—
Control of the amount of margarine that may be manufactured.

20. (1) In this section—

"quarter" means any period of three months commencing on the first day of January, April, July or October:

"quarterly allowance" in relation to a person named in a notice under subsection (2) of this section means an amount of margarine ascertained by dividing the

maximum quantity of table margarine declared in relation to that person in that notice by the number of quarters occurring within the period specified in that notice.

(2) Subject to this section, the Minister may, by notice published in the *Gazette*, declare the maximum quantity of table margarine which any person named in the notice may manufacture during the period specified in the notice.

(3) For the purposes of subsection (2) of this section the period to be specified in a notice under that subsection shall be—

(a) in the case of a notice that is expressed to come into operation after the first day of January in any year, a period commencing on the first day of a quarter in that year and ending on the last day of that year;

and

(b) in the case of a notice that is expressed to come into operation on the first day of January in any year, the whole of that year.

(4) A notice under subsection (2) of this section shall be published in the *Gazette* not less than one month before the day on which it is expressed to come into operation.

(5) If any person in any period specified in a notice under subsection (2) of this section that applies to him, manufactures any table margarine in excess of the maximum quantity he is permitted to manufacture during that period pursuant to that notice he shall be guilty of an offence against this Act.

(6) If any person during any quarter in any period specified in a notice under subsection (2) of this section that applies to him sells a quantity of table margarine in excess of the quarterly allowance ascertained by reference to the maximum quantity of table margarine specified in that notice in relation to him he shall be guilty of an offence against this Act.

(7) In any proceedings for an offence that is a contravention of subsection (6) of this section it shall be a defence for the defendant to prove that the amount of table margarine sold by him during the relevant quarter did not exceed the sum of the amount of table margarine for the relevant quarter and the amounts of table margarine remaining unsold of his quarterly allowances ascertained by reference to the maximum quantity specified in that notice or in any previous notice applying to him whether that previous notice was made under section 20 of this Act as in force before or under section 20 of this Act

as in force after the commencement of the Margarine Act Amendment Act, 1973.

(8) The Minister shall not, by any notice made under this section and expressed to have effect in respect of a period that occurred on or after the first day of January, 1974, permit to be manufactured in any calendar year a greater quantity of table margarine than seven hundred and twelve tonnes.

(9) A notice made under section 20 of this Act as in force before the commencement of the Margarine Act Amendment Act, 1973, shall in so far as it was expressed to relate to a period occurring after that commencement apply and have effect in all respects in relation to that period as if it were a notice under subsection (2) of this section and this section shall apply and have effect in relation to that notice accordingly.

(10) The maximum amount of table margarine that may be manufactured by each person named in and pursuant to a notice under section 20 of this Act as in force immediately before the commencement of the Margarine Act Amendment Act, 1973, and expressed to have effect for the year ending on the thirty-first day of December, 1973, is, by force of this section, increased by one-quarter.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor