

No. 4658.

An Act to validate the Appointment and Constitution under the *Marketing of Primary Products Act 1935* of the Body known as The Egg and Egg Pulp Marketing Board, and for purposes connected therewith.

[9th October, 1939.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Marketing of Primary Products (Validation) Act 1939* and shall be read and construed as one with the *Marketing of Primary Products Act*

Short title
construction
and citation.
No. 4337.

Act 1935 (hereinafter called the Principal Act) which Act and this Act may be cited together as the Marketing of Primary Products Acts.

2. For the purposes of the Principal Act egg pulp shall be deemed to be and always to have been a product and a commodity.

Egg pulp declared to be product and commodity for purposes of No. 4337.

3. (1) It is hereby declared that the body known as The Egg and Egg Pulp Marketing Board is and has always been validly constituted under the Principal Act and that the appointment of the said Board and any elections of members thereof are and always have been valid.

Egg and Egg Pulp Marketing Board deemed validly constituted.

(2) Any persons acting or who have acted in the capacity of members officers agents or solicitors of such Board shall be deemed to be and to have been members officers agents or solicitors thereof respectively in all respects as if the said Board had been so validly constituted and the said appointment and elections had always been valid.

4. (1) It is hereby declared that the poll of producers appointed by the Governor in Council to be taken on the twenty-fifth day of September One thousand nine hundred and thirty-nine on the question as to whether The Egg and Egg Pulp Marketing Board should be dissolved and any steps (other than the appointment of the returning officer and the preparation of the roll of producers) taken in connexion therewith were void and of no effect:

Avoidance of poll appointed to be held on 25th September, 1939, as to dissolution of Board.

Provided that nothing in this sub-section shall be deemed to affect the power of the said Board to expend moneys from its funds and revenues to meet expenses incurred in respect of the poll so appointed to be taken.

(2) As soon as practicable after the commencement of this Act a poll of producers shall be taken as to whether The Egg and Egg Pulp Marketing Board should be dissolved.

New poll as to dissolution of Board to be taken.

(3) Notwithstanding anything in the Principal Act—

(a) no request by a petition shall be necessary for the taking of the poll referred to in the last preceding sub-section; and

(b) for the purposes of such poll the roll of producers shall be the roll of producers prepared by the returning officer in connexion with the poll

of

of producers appointed by the Governor in Council to be taken on the twenty-fifth day of September One thousand nine hundred and thirty-nine on the question as to whether The Egg and Egg Pulp Marketing Board should be dissolved.

Who are
producers.

5. It is hereby declared that producers of eggs are for the purposes of the Principal Act the producers of the commodities in relation to which The Egg and Egg Pulp Marketing Board is constituted.

Board
empowered to
convert eggs
into egg pulp.

6. The Egg and Egg Pulp Marketing Board shall have power and shall be deemed always to have had power to do all acts matters and things necessary for or incidental to and to enter into contracts for or with respect to the conversion of eggs into egg pulp by process of manufacture or otherwise.

Saving.
Comp.
No. 4343 s. 10.

7. Nothing in this Act shall prejudice or affect the rights *inter se* of the parties under the judgment given on the nineteenth day of September One thousand nine hundred and thirty-nine in the Supreme Court of Victoria in action number four hundred and seventy-two of One thousand nine hundred and thirty-eight.

Appropriation
of consolidated
revenue for
certain moneys
provided by
Treasurer.

8. (1) Any moneys provided by the Treasurer of Victoria out of the consolidated revenue on or after the twenty-first day of September One thousand nine hundred and thirty-nine and before the commencement of this Act for the purpose of enabling the marketing of eggs and egg pulp as previously carried on by The Egg and Egg Pulp Marketing Board to be continued pending the passing of this Act shall be deemed to have been properly provided out of the consolidated revenue which is hereby to the necessary extent appropriated accordingly.

Moneys
provided to be
debt to the
Crown &c.

(2) The moneys so provided together with any interest accrued thereon shall be a debt due by The Egg and Egg Pulp Marketing Board to the Crown and shall be repaid by the said Board to the Treasurer of Victoria as soon as possible and until so repaid the amount thereof for the time being outstanding shall be deemed to be a first charge on all moneys funds and other assets held by the said Board.