



Chairman's Message

June 1989 sees the conclusion of another era in the Egg Industry.

The passing of the Egg Industry Legislation resulting in the appointing by the Minister of Agriculture and Rural Affairs of a new Egg Marketing Board will set the scene for further changes in Egg Marketing.

The Board over the past five years has introduced many changes which have strengthened the Industry to face a less regulated market. Changes include the phase-out of the Commonwealth Hen Levy, transport subsidies and less control in the P.A. Distributors markets.

I am pleased to report that Good Foods Company will show a small profit this year, in only its second year of operation. For the Industry's sake lets hope that the new Board will evaluate carefully the role of the Company based on the facts. The Company has been subject to some unfortunate criticism based on ignorance and prejudice.

Egg sales are now back on the track with substantial increases since Easter resulting in over-surplus and in fact a slight shortage of eggs for products.

The relationship between N.S.W. and Victoria has

improved vastly over the last five years. It is to be hoped that this improved relationship will continue to grow with the appointment of the new Board.

Finally being my last Chairman's message I would like to thank all those people who have contributed to the success of the Board. They include, Board Members, Management, Staff and Egg Producers who have supported the Board. May I also wish the incoming-Chairman and the Board every success in the future.

Don Foster

New Egg Industry Legislation

The Egg Industry Bill passed through Parliament at the very end of the Autumn Session on 27.5.89. The Bill is now awaiting Royal assent and proclamation to become law. Once proclamation is made the new Act will be known as the 'Egg Industry Act' 1989.

While it is impossible to give itemised details of the Act's provisions in this short article, a summary of the main points is possible.

Disclaimer

The following points are not meant to be legal advice and readers should take note that they should seek legal information and interpretation regarding the Act from their own legal advisor.

1. The new Act sets up a New Egg Industry Licensing Committee consisting of four members appointed by the Minister. Only one of the members can be a person involved in the production of eggs. At least one appointee must be a Board Member but the Board Chairman cannot be a member of the Committee.

The Committee is subject to Ministerial direction.

The Committee must supply reasonable information to the Board.

2. The Act sets up the Victorian Egg Marketing Board. The functions of the Board are:

- (a) to market eggs and egg products and
- (b) to promote the use, sale and consumption of eggs and egg products; and
- (c) to promote the efficient and effective marketing of eggs;
- (c) to appoint producer agents to market eggs and egg products; and
- (d) to provide advice to the Minister on grades, minimum quality and standards for eggs and egg products; and
- (e) to take such steps under this Act as are necessary or expedient to ensure that eggs and egg products supplied and distributed to consumers in Victoria are of satisfactory grade, minimum quality and satisfactory standard; and
- (f) to determine egg prices in accordance with this Act; and
- (g) to develop and assist in the development of improved methods of producing, handling, supplying, selling and using eggs and egg products; and
- (h) to publish reports, information and advice concerning the producing, handling, supply, issue and sale of eggs and egg products; and

- (i) as far as practicable to provide satisfactory supply of eggs and egg products for consumption in Victoria; and
- (j) to maintain at all times a reasonable level of consultation with all sections of the Victorian Egg Industry.

Membership of the Board will be increased to eight who will be selected from;

- (a) three must be producers, each of whom
 - (i) derives a substantial portion of his or her income from the production of eggs; and
 - (ii) is nominated by the Minister; and
- (b) one must be a person nominated by the Minister; and
- (c) one must be an officer or employee in the Department of Agriculture and Rural Affairs; and
- (d) three must be persons, nominated by the Minister, with financial, marketing or other expertise.

The Board is required to submit a five year plan of operations to the Minister within 12 months of the Act coming into operation and then revise the plan annually.

The Board is subject to Ministerial direction.

The Board must provide the Committee with information of its activities.

The Act sets up conditions of accounting which must be performed by the Committee and the Board.

Quota

Hen quota will be retained with a review to be commenced before 31.3.1994 and the review to be completed and reported to the Minister by 30.11.1994. If the report recommends that the quota section of the Act be *not* repealed then the quota provision will remain otherwise the quota section is automatically repealed two years after the report is given to the Minister.

Where *issued quota* is varied 90 days written notice must be given to producers.

100,000 hens is the maximum quota holding. Leasing of hen quota is allowed but the Committee must be notified by the parties to the lease.

Seasonal quota reductions are allowed by the Act. The first 2000 hen quota is exempt from seasonal quota reduction and 21 days notice in writing of cut is required to be given to quota holders. The Committee will be able to agree to modifications of the seasonal cut to meet specific requirements of individual producers.

Quota will be able to be bought, sold, or leased by

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private arrangement *without* the present tender system. The tender system ceased to operate under the new act. The Committee are required to be notified in writing and by statutory declaration of the purchase or lease and the value of the purchase or lease terms. A Licensee must hold quota. Persons must not keep more than 50 hens without a licence or permit.

A person or associated person must not own or keep more than 100,000 hens. Hens can only be kept at a place specified in the Licences.

The Committee can cancel a licence under certain conditions set out in the Act.

Permits are available in much the same way as under the Present Act.

Marketing of Eggs and Egg products

The Board may:

- (a) sell, or arrange for the sale of eggs and egg products in Victoria or elsewhere; and
- (b) purchase eggs, produced in Victoria or elsewhere, for resale or for manufacture into egg products; and
- (c) purchase egg products, manufactured in Victoria or elsewhere for resale; and
- (d) establish and operate facilities for receiving, testing, grading marking, stamping, storing, handling, packing and transporting eggs and egg products and for manufacturing egg products; and
- (e) do anything incidental to (a), (b), (c) and (d).

The Board may form and enter into participation in limited companies.

A Producer may apply to the Board for appointment as a Producer Agent and upon paying the prescribed fee and submitting the prescribed form the Board may, by instrument appoint the applicant if it considers he or she is a fit and proper person to be a producer agent and if the Board considers that the appointment is necessary or expedient to give effect to the Board's functions under section 26 (see para 2).

- (1) A Producer Agent may market eggs and egg products whether produced by the Agent or another producer and a P.A. may;
 - (i) Test, grade, stamp, mark, store handle, pack, transport eggs and egg products; and
 - (ii) Convert eggs to egg product; and
 - (iii) Sell or arrange for the sale of eggs and egg products.

Condition of appointment as a P.A. are laid down in the Act as:

- (a) The Producer Agent must comply with Division four in respect of remittances;

- (b) the number of eggs graded by the Producer Agents during a specified period must not exceed maximum from time to time fixed for that period by notice of the Board;
 - (c) The Producer Agent must not use a Board brand except in accordance with its approval;
 - (d) The Producer Agent must keep such records and furnish such returns to the Board as are required in the instrument of appointment or by notice of the Board;
 - (e) Any prescribed conditions.
- (2) The maximum under sub-section (1) (b) must be 25% or more of the total number of eggs produced in Victoria in the relevant period.
 - (3) A notice under this section must be in writing and takes effect 30 days after receipt by the Producer Agent.
 - (4) On payment of the prescribed fee, the Board may approve use of one of its brands by a Producer Agent, subject to any conditions it thinks fit.
 - (5) A Producer Agent must comply with the condition of appointment, including, if the agent has approval to use a Board brand any conditions attached to that approval.

Penalty: 50 Penalty units

The Producer Agents appointment may be revoked under certain conditions but reasons must be given and an appeal provision is allowed to the Administrative Appeals Tribunal.

Vesting of Eggs

All eggs from more than a 50 hen flock owned or kept by one Producer are vested in the Board. There are two other minor exemptions of eggs from vesting.

Vested eggs must be delivered to the Board or an Agent or Producer Agents.

Certain offences apply to the buying and selling and converting of vested eggs.

The Board may deduct from eggs consigned to it and by remittances from Producer Agent's monies to cover the costs of:

- (a) Research and development of general benefit of the Egg Industry and
- (b) Costs of generic advertising to promote the use, sale, or consumption of eggs and
- (c) Expenditure for ensuring quality standards and
- (d) Cost of the Egg Prices Review Panel and the Licensing Committee and
- (e) Administrative cost of the Board. Any monies collected for the foregoing can only be spent on that particular item. In other words the Board will not be in a position to cross subsidies from one area to another.

The Board must grade test and stamp any eggs presented to it which are not vested in the Board.

Offences Relating to Eggs

It is an offence for a person to sell or use in the preparation of food for sale any eggs which do not comply with prescribed standards of quality for eggs or egg products of that class or do not comply with the prescribed requirements for grading, testing, marking and stamping of eggs of that class.

It is an offence to remove a marker stamp from an egg and to apply a stamp if the eggs have not been graded and tested.

The Act also sets up an 'Egg Prices Review Panel'. The membership shall be the Prices Commissioner (Chairperson) plus two persons with commercial expertise appointed by the Minister. The panel's functions are to review and approve or refuse to approve Egg price determinations referred to it by the Board and it wishes itself to review and make determinations on egg prices.

The panel has powers to undertake any investigation it thinks fit in relation to egg pricing and appoint any person to assist it in its enquiry and request any documents from the Committee or the Board that will assist its enquiry.

To make a determination or review the Board or Panel must seek to ensure that:

- (a) egg prices are fair to consumers and producers; and
- (b) egg prices are not excessively high or excessively low

and must take into account the following factors:

- (a) the cost of producing eggs;
- (b) Production surpluses or shortfalls;
- (c) Egg prices in other States;
- (d) Efficiency and long term investment needs of the Egg Industry;
- (e) Recommendations and opinions of the Committee.

The Board must determine the price of eggs at least once in every six months but may also determine the price at any time, but all determinations must be referred to the Panel. The Panel has three weeks to accept or reject the determination. If rejecting the determinations the Panel must give reasons for refusal.

The board must advertise egg prices in a Victorian

newspaper circulating throughout Victoria and the Government Gazette.

It will be an offence for a person to sell, to buy or offer to buy eggs at a price that does not comply with a price determination in force at that time.

Certain decisions of the Committee and the Board are reviewable on application to the Administrative Appeals Tribunal.

These are:

- (a) A decision by the Committee;
 - (i) to refuse to grant a licence or permit;
 - (ii) to refuse to vary a licence or permit;
 - (iii) to cancel a licence or permit;
 - (iv) to refuse to transfer a licence;
- (b) A decision by the Board;
 - (i) to refuse to appoint a Producer as a Producer Agent;
 - (ii) to revoke such an appointment.

Appointment of Authorised Officers (Inspectors). The Committee and the Board may appoint their own authorised officers. Identification must be provided and produced on request. Generally the powers of the Inspectors are much the same as the present Act. It will be an offence to obstruct an Inspector.

The Act also makes provision for:

- (1) Later penalties for illegally keeping hens;
- (2) Requirements to keep certain records.
- (3) Allows the Committee to require an applicant to provide information as the Committee requires.

The Board will pay for the costs of administering the Act and the approved expenses of the Committee and Panel and the remunerations and allowances of their members.

The Act allows the governor to make regulations and incorporate in the regulations certain standards or codes.

There are special clauses to ensure the continuation of licences, permits and their conditions until the new provision can be introduced.

It is once again stressed that the foregoing is not a legal document or advice and that the statements or interpretation cannot and should not be relied upon for any particular or general situation pertaining to the Act, but the readers own Legal Practitioner should be consulted with regard to any requirement. The Board or its Officers do not accept any liability flowing from the foregoing comments on the Act.

Award Determination

The Board has received correspondence from the National Union of Workers (formerly known as the 'Storemen and Packers') advising that staff employed by Producer Agents in the packing and grading of eggs are covered by the 'Storemen, Packers and Sorters Award'. The Department of Labour has determined that the work performed by egg graders correctly comes within the scope of this award.

The correspondence from the Union also sets out the award payments for these employees. The correspondence from the National Union of Workers is reprinted below:

Storemen, Packers and Sorters Award

Producer/Agents are reminded that there is no provision for them to employ Part-time workers under this Award.

Employees are to be engaged as a weekly (38 hours), or a Casual Employee.

Casual Employees are to be guaranteed at least four hours engagement every start.

Casual Employees are to be paid per hour, Ordinary Wages with an addition of Thirty Three and One Third percent.

(a)	Wage Rates (Egg Packing Establishments)	Wages Per Week \$
	All adults	329.80
	<i>Leading Hands (i.e. an employee who is responsible for, in addition to his normal duties, the supervision of and the responsibility for the conduct and work of other employees)</i>	
(i)	in charge of less than 3 employees	8.80
(ii)	in charge of 3 and not more than 10 employees	13.60
(iii)	in charge of more than 10 and not more than 20 employees	20.80
(iv)	in charge of more than 20 employees	27.40

(b)	Juniors Age	Percentage of the weekly wage for the lowest adult classification	Wage
	Under 16 years of age	50	164.90
	At 16 years of age	60	197.90
	At 17 years of age	70	230.90
	At 18 years of age	80	263.80
	At 19 years of age or over	100	329.80

Full copies of the above Award may be obtained from the VGPO Bookshop

Information Victoria Centre,
318 Little Bourke Street,
Melbourne.
P.O. Box 203,
Nth Melbourne, Vic. 3051

Winter Point-of-Sale

Eggs are Ready for Winter with great food shots and three new recipe cards available from the Case Store.

The recipe cards can be inserted into cartons and are hole punched for easy attachment to trolleys. Pick some up for your customers.

A great range of 'Eggs. Ready for Anything' clothing can be ordered from Pam Goudie on Ext. 228 and includes windcheaters, T-shirts and aprons.

For Sale

Bennevis
Egg Grading Machine
Does 4,500 eggs an hour

For further Inquiries ring
739 1581

For Sale

Part of Seed Mixing Plant,
Roller Mill, Augers,
Sprockets

For further Inquiries ring
(03) 798 2853

The Annual Poultry and Stockfeed Industries Presentation Dinner

The Annual Poultry and Stockfeed Industries Presentation Dinner was held on 18th May.

Some three hundred guests representing Egg Farmers of Victoria, D.A.R.A. Chicken Meat Council, Stockfeed Manufacturers, World Poultry Science Association and Masters Poultry Processors of Victoria attended the dinner at Chaucers of Canterbury.

The Guest of Honour the Honourable B. Rowe M.L.A. Minister for Agriculture and Rural Affairs presented this year's Poultry Industry Award to William (Bill) Stanhope, B. Agr. Sc. Bill is the Senior Policy Analyst (Intensive Livestock, Poultry) with the Department of Agriculture and Rural Affairs. Our warmest congratulations to Bill in taking out the 1989 Award.

Michael Sartori (Chubby Chicks) won the 1st year Apprentice Award and Gay

Lamprell (Mr. & Mrs. J. Scott, Marong) won the 2nd Year Apprentice Award. Congratulations to Michael and Gay.

The evening was a resounding success with a marvellous programme of exciting entertainment provided by the major sponsor—Visy Board Pty. Ltd.—whose

generous support this year helped make the occasion such a success.

Plans are already underway for the 1990 Presentation Dinner. So pencil Friday 25th May 1990 in your diary now.



Why Did The Egg Cross The Road?



Answer: To get Ready for an Outdoor Poster.

Eggs. Ready for Anything food poster and Mrs. KcKechie's Brown Eggs Posters are popping up all over Melbourne. Have you seen one yet?