

APPLE AND PEAR ORGANIZATION.

No. 44 of 1947.

An Act to amend the *Apple and Pear Organization Act 1938*, and for other purposes.

[Assented to 12th June, 1947.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Apple and Pear Organization Act 1947*.

(2.) The *Apple and Pear Organization Act 1938** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Apple and Pear Organization Act 1938–1947*.

Commencement.

2. This Act shall commence on a date to be fixed by Proclamation.

Repeal of
certain Acts.

3. The Acts specified in the Schedule to this Act are repealed.

Amendment of
title.

4. The title of the Principal Act is amended by adding at the end thereof the words “, and for other purposes ”.

Definitions.

5. Section three of the Principal Act is amended—

(a) by omitting the definition of “ approved growers’ organizations ” ; and

(b) by omitting the definition of “ grower ” and inserting in its stead the following definition :—

“ ‘ grower ’, in relation to a poll of growers taken for the purpose of this Act, means a person who carries on the business of growing apples or pears or apples and pears and, for that purpose, utilizes an area or areas comprising not less than five acres :”.

Australian
Apple and
Pear Board.

6. Section four of the Principal Act is amended—

(a) by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“ (2.) The Board shall consist of—

(a) one member (in this Act referred to as ‘ the Government representative ’) to represent the Commonwealth Government ;

* Act No. 58, 1938.

- (b) two members to represent the growers of apples and pears in the State of Tasmania ;
 - (c) one member from each of the States of New South Wales, Victoria, Queensland, South Australia and Western Australia to represent the growers of apples and pears in each of those States ;
 - (d) one member from each of the States of Tasmania and Western Australia to represent the exporters of apples and pears in each of those States ;
 - (e) one member to represent the exporters of apples and pears in the States of New South Wales, Victoria, Queensland and South Australia ; and
 - (f) one member to represent employees engaged in the apple and pear industry.” ;
- (b) by omitting sub-sections (4.), (5.), (6.), (7.), (8.), (9.), (10.), (11.) and (12.) and inserting in their stead the following sub-sections :—
- “ (4.) The member appointed as the Government representative shall hold office, unless sooner removed from office by the Governor-General, for a period of three years but shall be eligible for re-appointment.
- “ (5.) The members representing the growers in any State shall be elected by a poll of growers taken in the prescribed manner in that State.
- “ (6.) The members appointed to represent exporters of apples and pears shall be appointed upon the nomination of the Minister.
- “ (7.) The member appointed to represent employees engaged in the apple and pear industry shall be appointed upon the nomination of the Minister.
- “ (8.) Members of the Board, other than the Government representative, shall, subject to this section, hold office for a period of three years, and shall be eligible for re-appointment or for re-election, as the case may be.” ;
- (c) by adding at the end of sub-section (13.) the words “ or of the Minister ” ; and
- (d) by omitting the proviso to sub-section (14.).

7. Section seven of the Principal Act is repealed and the following section inserted in its stead :—

“ 7.—(1.) The Government representative shall be the Chairman of the Board.

Chairman of
the Board.

“ (2.) At any meeting of the Board at which the Chairman is not present the members present shall elect one of their number to act as Chairman at that meeting.”.

Quorum.

8. Section eight of the Principal Act is amended by omitting from sub-section (3.) the word "nine" and inserting in its stead the word "seven".

Executive Committee of Board.

9. Section nine of the Principal Act is amended—

- (a) by omitting from the proviso to sub-section (1.) the words "two members thereof are representatives" and inserting in their stead the words "one member thereof is a representative";
- (b) by omitting from sub-section (2.) the word "first" (first occurring); and
- (c) by omitting from that sub-section the words "in pursuance of this Act" and inserting in their stead the words "after the date of commencement of the *Apple and Pear Organization Act 1947*".

Fees and expenses.

10. Section ten of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words "be entitled to receive fees and expenses as provided in this section" and inserting in their stead the words ", subject to the next succeeding sub-section, be entitled to receive such salaries, fees and expenses as are prescribed";
- (b) by inserting in sub-section (2.), before the word "fees", the words "salary or"; and
- (c) by omitting sub-section (3.).

Overseas representatives.

11. Section eleven of the Principal Act is amended by omitting from sub-section (2.) the words "the Board determines" and inserting in their stead the words "are prescribed".

Powers and functions of Board.

12. Section thirteen of the Principal Act is amended—

- (a) by omitting from paragraph (e) of sub-section (1.), the words "either on its own behalf or in collaboration with any other Board or Authority" and inserting in their stead the words "subject to any direction of the Minister";
- (b) by omitting from sub-paragraph (i) of that paragraph the words "of," (second occurring) and "or" (last occurring); and
- (c) by adding at the end of that paragraph the following sub-paragraphs :—
 - "(iii) to increase and extend the consumption of apples and pears throughout Australia; or
 - (iv) to improve the production of apples and pears in Australia,".

Power to control export of apples and pears.

13. Section fourteen of the Principal Act is amended—

- (a) by inserting in sub-section (3.), after the word "export" (first occurring), the words "and the sale and distribution after export";

- (b) by omitting from sub-section (7.) all the words from and including the word "request" to the end of the sub-section and inserting in their stead the words "refer the matter to the Minister for decision";
- (c) by omitting from sub-section (8.) the words "an arbitrator, the arbitrator" and inserting in their stead the words "the Minister, the Minister"; and
- (d) by omitting from that sub-section the word "arbitrator" and inserting in its stead the word "Minister".

14. Section fifteen of the Principal Act is amended by omitting from the proviso to sub-section (4.) the word "thirty nine" and inserting in its stead the word "forty-seven".

15. Section twenty-six of the Principal Act is repealed.

Contracts relating to shipment and insurance of apples and pears.

Poll on question of continuance of Act.

THE SCHEDULE.

Apple and Pear Publicity and Research Act 1938.
Apple and Pear Tax Act 1938.
Apple and Pear Tax Assessment Act 1938.
