

DRIED FRUITS EXPORT CONTROL.

No. 57 of 1952.

An Act to amend the *Dried Fruits Export Control Act 1924-1938*, and for other purposes.

[Assented to 30th September, 1952.]

BE it enacted by the Queen'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 *Dried Fruits Export Control Act 1952*.

(2.) The *Dried Fruits Export Control Act 1924-1938** is in this Act referred to as the Principal Act.

* Act No. 40, 1924, as amended by No. 48, 1930; No. 46, 1934; No. 3, 1936; No. 21, 1937; and No. 21, 1938.

(3.) The Principal Act, as amended by this Act, may be cited as the *Dried Fruits Export Control Act 1924-1952*.

2.—(1.) Sections one, two, four, eight and nine of this Act shall come into operation on the day on which this Act receives the Royal Assent. Commencement.

(2.) Sections three, five and six of this Act shall come into operation on the seventh day of February, One thousand nine hundred and fifty-three.

(3.) Section seven of this Act shall come into operation on a date to be fixed by Proclamation.

(4.) Section ten of this Act shall be deemed to have come into operation on the first day of September, One thousand nine hundred and fifty-two.

(5.) Notwithstanding sub-section (2.) of this section, for the purpose of enabling the Dried Fruits Control Board to be constituted in accordance with the Principal Act, as amended by this Act, on the date specified in that sub-section—

- (a) an appointment of a member of the Board may be made ;
- (b) an election of a member of the Board to represent the growers in a State may be held ; and
- (c) regulations relating to the conduct of elections of members of the Board may be made,

under the Principal Act, as amended by this Act, at any time after the day on which this Act receives the Royal Assent.

3. Section four of the Principal Act is amended by omitting sub-sections (2.), (3.), (4.), (5.), (5A.), (6.) and (7.) and inserting in their stead the following sub-sections :— Dried Fruits Control Board.

“(2.) The Board shall consist of—

- (a) one person (in this section referred to as ‘the Government representative’) representing the Commonwealth Government ;
- (b) three persons representing growers in the State of Victoria ;
- (c) two persons representing growers in the State of South Australia ;
- (d) one person representing growers in the State of New South Wales ;
- (e) one person representing growers in the State of Western Australia ;
- (f) two persons with commercial experience ; and
- (g) one person with experience in the marketing of dried fruits.

“(3.) The Government representative shall be appointed by the Governor-General and shall hold office during his pleasure.

“(4.) The Governor-General shall not appoint as the Government representative a person who has submitted himself for, and failed to secure, election by the growers as a member of the Board.

“(5.) A member representing growers in a State shall be elected by growers in the State in accordance with the regulations.

“(6.) A person is not entitled to vote at an election held for the purpose of electing a member representing growers in a State unless he is enrolled as an elector in pursuance of Part VII. of the *Commonwealth Electoral Act 1918-1949*.

“(7.) A member representing growers in a State shall, subject to this section, hold office for a period of three years, but is eligible for re-election.

“(7A.) A member specified in paragraph (f) or (g) of sub-section (2.) of this section—

(a) shall be appointed by the Governor-General ;

(b) shall, subject to this section, hold office for a period of three years ; and

(c) is eligible for re-appointment.

“(7B.) The Governor-General may, on the recommendation of the Board, remove from office a member of the Board other than the Government representative.”.

Fees and
expenses.

4. Section eight of the Principal Act is amended by inserting after the word “fees” the word “, allowances”.

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

Chairman of
the Board.

“9.—(1.) At the first meeting of the Board held after the sixth day of February, One thousand nine hundred and fifty-three, the Board shall appoint one of its members to be Chairman of the Board.

“(2.) At a meeting of the Board held not later than the thirtieth day of September in each year after the year One thousand nine hundred and fifty-three, the Board shall appoint one of its members to be Chairman of the Board.

“(3.) In the event of a vacancy occurring in the office of Chairman, the members of the Board shall, at the next meeting of the Board held after the occurrence of the vacancy, appoint one of their number to be Chairman of the Board.

“(4.) A member of the Board appointed as Chairman under any of the last three preceding sub-sections shall hold office until the appointment of a successor, and is eligible for re-appointment.

“(5.) If the Chairman is not present at a meeting of the Board, the members present shall appoint one of their number to act as Chairman at that meeting.”.

6. Section ten of the Principal Act is amended by omitting from sub-section (3.) the word "three" and inserting in its stead the word "six".

Meetings of the Board.

7. Sections thirteen, fourteen and fifteen of the Principal Act are repealed and the following section is inserted in their stead :—

"13.—(1.) For the purpose of enabling the Board effectively to control the export, and the sale and distribution after export, of Australian dried fruits, the regulations may prohibit the export from the Commonwealth of dried fruits—

Power to make regulations controlling export of dried fruits.

- (a) except by a person who holds a licence granted as prescribed ; and
- (b) except in accordance with such conditions and restrictions as are prescribed after recommendation to the Minister by the Board.

"(2.) A person shall not export dried fruits from the Commonwealth in contravention of the regulations (including the prescribed conditions and restrictions).

Penalty : One hundred pounds."

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

"18.—(1.) A contract for the carriage of dried fruits by sea to a place beyond the Commonwealth shall not be made except—

Contracts for shipment of dried fruits.

- (a) by the Board acting as the agent of the owner of the dried fruits or of another person having authority to export the dried fruits ; or
- (b) in conformity with conditions approved by the Board.

"(2.) A contract for the carriage of dried fruits by sea to a place beyond the Commonwealth made otherwise than in accordance with this section is void.

"(3.) A Collector of Customs or other officer of Customs may require a person who seeks to export dried fruits from the Commonwealth, on making entry of the dried fruits under the *Customs Act* 1901–1951 and before the entry has been passed, to satisfy him that the contract for the carriage of the dried fruits is in conformity with conditions approved by the Board, and the Collector or other officer may decline to pass the entry until that person has so satisfied him."

9. Section twenty-one of the Principal Act is amended by omitting paragraph (c) and inserting in its stead the following paragraph :—

Application of moneys paid into fund.

- "(c) In payment of fees, allowances, expenses or other remuneration to members of the Board or of the London Agency (not being officers or temporary employees employed under the *Public Service Act* 1922–1951) ;".

Extension of
term of office
of certain
members of
Dried Fruits
Control Board.

10.—(1.) Notwithstanding anything contained in the Principal Act, but subject to the next succeeding sub-section, the respective terms of office of the members of the Dried Fruits Control Board appointed in pursuance of paragraph (c) of sub-section (2.) of section four of the Principal Act and holding office immediately before the commencement of this section are extended to and including the sixth day of February, One thousand nine hundred and fifty-three.

(2.) The members referred to in the last preceding sub-section are, during the extension of their respective terms of office, subject to removal from office by the Governor-General in accordance with sub-section (6.) of section four of the Principal Act.
