

CANNED FRUITS EXPORT CONTROL.

No. 94 of 1952.

An Act to amend the *Canned Fruits Export Control Act 1926-1950*.

[Assented to 18th November, 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:—

1.—(1.) This Act may be cited as the *Canned Fruits Export Control Act 1952*. Short title and citation.

(2.) The *Canned Fruits Export Control Act 1926-1950** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Canned Fruits Export Control Act 1926-1952*.

2.—(1.) The several sections of this Act shall come into operation on such dates as are respectively fixed by Proclamation. Commencement.

(2.) Regulations may be made for the purposes of section thirteen of the Principal Act, as amended by this Act, at any time after the day on which this Act receives the Royal Assent, but regulations so made before the date on which section seven of this Act comes into operation shall not have any force or effect before that date.

* Act No. 40, 1926, as amended by No. 47, 1930; No. 9, 1933; No. 45, 1934; No. 4, 1935; No. 28, 1938; and No. 80, 1950.

Definitions.

3. Section three of the Principal Act is amended by omitting the definition of "canned fruits" and inserting in its stead the following definition :—

" 'canned fruits' means canned apricots, canned peaches, canned pears, canned pineapples and such other canned fruits as are prescribed, and includes—

- (a) canned mixed fruits having a fruit content not less than fifty-five per centum of which consists of one or more of the fruits that are specified in this definition or are prescribed ; and
- (b) canned pineapple juice ;"

**Australian
Canned
Fruits
Board.**

4. Section four of the Principal Act is amended—

(a) by adding at the end of paragraph (b) of sub-section (2.) the words "and canned pineapple juice" ;

(b) by omitting paragraphs (c) and (d) of sub-section (2.) and inserting in their stead the following paragraph :—

"(c) one member elected to represent co-operative canneries engaged in the production of canned fruits other than canned pineapples and canned pineapple juice ; and"

(c) by adding at the end of paragraph (e) of sub-section (2.) the words "or canned pineapple juice" ; and

(d) by omitting from sub-section (4.) the words "paragraphs (a), (d) and (e)" and inserting in their stead the words "paragraphs (a) and (e)".

**Fees, allowances
and expenses.**

5. Section eight of the Principal Act is amended by inserting after the word "fees" the word " , allowances "

**Meetings of
the Board.**

6. Section ten of the Principal Act is amended by omitting sub-section (6.).

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

**Power to
make
regulations
controlling
export of
canned fruits.**

" 13.—(1.) For the purpose of enabling the Board effectively to control the export, and the sale and distribution after export, of Australian canned fruits, the regulations may prohibit the export from the Commonwealth of canned 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 canned 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 canned fruits by sea to a place beyond the Commonwealth shall not be made except—

Contracts for shipment of canned fruits.

(a) by the Board acting as the agent of the owner of the canned fruits or of another person having authority to export the canned fruits ; or

(b) in conformity with conditions approved by the Board.

“ (2.) A contract for the carriage of canned 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 canned fruits from the Commonwealth, on making entry of the canned 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 canned 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) ;”