

APPLE AND PEAR ORGANIZATION.

No. 35 of 1953.

An Act to amend the *Apple and Pear Organization Act 1938-1948*.

[Assented to 17th April, 1953.]

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 *Apple and Pear Organization Act 1953*.

(2.) The *Apple and Pear Organization Act 1938-1948** 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 1938-1953*.

Commencement.

2.—(1.) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

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

Executive
Committee of
Board.

3. Section nine of the Principal Act is amended—

(a) by inserting in sub-section (6.), after the word “fees”, the word “, allowances”; and

(b) by inserting in sub-section (13.), after the word “fees”, the word “, allowances”.

* Act No. 69, 1938, as amended by No. 44, 1947; and No. 27, 1948.

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 Section ten of the Principal Act is repealed and the following section inserted in its stead :—

“ 10.—(1.) Subject to this section, members of the Board and deputies of members shall be paid, in respect of attendance at meetings of the Board or of the Executive Committee of the Board or while engaged (whether in Australia or overseas), with the approval of the Board, on business of the Board, such salaries, fees, allowances and expenses as the Governor-General determines. Salaries, fees, allowances and expenses.

“ (2.) If a member of the Board or a deputy of a member is also a member of the Parliament of the Commonwealth or of a State, he shall not be paid salary, fees, allowances or expenses under the last preceding sub-section, but shall be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Board or of the Executive Committee of the Board or of his engagement (whether in Australia or overseas), with the approval of the Board, on business of the Board.”.

5. Section eleven of the Principal Act is amended by omitting from sub-section (2.) the words “ as are prescribed ” and inserting in their stead the words “ as the Minister, after a recommendation has been made by the Board, determines ”. Overseas representatives.

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 Section twelve of the Principal Act is repealed and the following section inserted in its stead :—

“ 12.—(1.) Subject to this section, the Board may employ such persons as it thinks necessary to assist the Board in exercising its powers and performing its functions under this Act. Employment of staff.

“ (2.) The terms and conditions of employment of persons employed under this section shall be such as are determined by the Board with the approval of the Public Service Board.

“ (3.) Where a person employed in pursuance of this section was, immediately before he became employed by the Board, an officer of the Public Service of the Commonwealth, his service as a person employed by the Board shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act 1928-1953* applies as if this Act and this section had been specified in the Schedule to that Act.”.

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

“ 15.—(1.) A contract for—

- (a) the carriage of apples or pears by sea to a place beyond the Commonwealth ; or
- (b) the insurance of apples or pears to be so carried against loss or deterioration while awaiting transport or in transit or until disposed of,

Contracts relating to shipment and insurance of apples and pears.

shall not be made except—

(c) by the Board acting as the agent of the owner of the apples or pears or of another person having authority to export the apples or pears ; or

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

“(2.) A contract of the kind specified in the last preceding subsection 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 apples or pears from the Commonwealth, on making entry of the apples or pears under the *Customs Act* 1901–1952 and before the entry has been passed, to satisfy him that the contract for the carriage of the apples or pears 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.”.

Application of
moneys paid
into Fund.

8. Section nineteen of the Principal Act is amended by omitting paragraphs (b) and (c) and inserting in their stead the following paragraph :—

“(b) in payment of the salaries, fees, allowances and expenses payable under sections nine to twelve (inclusive) of this Act ; ”.

Moneys in
Fund
uninvested
may be lodged
in bank.

9. Section twenty of the Principal Act is amended by omitting the words “ Commonwealth Bank,” and inserting in their stead the words “ Commonwealth Bank of Australia, or with any other prescribed bank,”.

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