

# CANNED FRUIT (SALES PROMOTION).

No. 83 of 1959.

An Act relating to the Promotion of the Sale of Canned Fruit.

[Assented to 2nd December, 1959.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

## PART I.—PRELIMINARY.

1. This Act may be cited as the *Canned Fruit (Sales Promotion) Act 1959*. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. This Act is divided into Parts, as follows:— Parts.
  - Part I.—Preliminary (Sections 1–4).
  - Part II.—Establishment and Constitution of the Australian Canned Fruit Sales Promotion Committee (Sections 5–12).
  - Part III.—Function and Powers of the Australian Canned Fruit Sales Promotion Committee (Sections 13–16).
  - Part IV.—Finance (Sections 17–21).
  - Part V.—Regulations (Section 22).

**Definitions.**

4. In this Act, unless the contrary intention appears—

“canned fruit” means canned apricots, canned peaches or canned pears and includes canned fruit not less than fifty-five per centum of the fruit content of which consists of one or more of the fruits specified in this definition;

“the Chairman” means the Chairman of the Committee;

“the Committee” means the Australian Canned Fruit Sales Promotion Committee constituted by this Act.

**PART II.—ESTABLISHMENT AND CONSTITUTION OF THE AUSTRALIAN CANNED FRUIT SALES PROMOTION COMMITTEE.**

**Australian  
Canned Fruit  
Sales  
Promotion  
Committee.**

5.—(1.) For the purposes of this Act, there shall be an Australian Canned Fruit Sales Promotion Committee.

(2.) The Committee is a body corporate with perpetual succession and a common seal and is capable of acquiring, holding and disposing of real and personal property and suing and being sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Committee affixed to a document and shall presume that it was duly affixed.

(4.) The exercise of the powers of the Committee is not affected by reason only of there being a vacancy in the office of a member of the Committee.

**Constitution of  
Committee.**

6.—(1.) The Committee shall consist of—

(a) six members to represent the Australian Canning Fruit-growers Association;

(b) two members to represent the Australian Canned Fruits Board;

(c) two members to represent the Australian Cannery Association; and

(d) one member to represent the Commonwealth.

(2.) The members of the Committee shall be appointed by the Minister.

(3.) The appointment under this section of a member of the Committee (other than the member to represent the Commonwealth) shall be on the nomination of the organization that he is to represent.

(4.) The members of the Committee (other than the member representing the Commonwealth) shall hold office for three years but are eligible for re-appointment.

(5.) The member of the Committee representing the Commonwealth shall hold office during the pleasure of the Minister.

(6.) The Minister may, on the recommendation of the Committee or of the organization on the nomination of which a member was appointed, remove the member from office.

(7.) The Minister may, on the death, resignation or removal from office of a member of the Committee, appoint a person to hold the vacant office for the remainder of the period for which the member was appointed.

7.—(1.) The Chairman of the Committee shall be elected by the Committee. Chairman of Committee.

(2.) The Chairman shall hold office as Chairman for one year but is eligible for re-election.

8.—(1.) The Committee shall hold meetings at such times and places as the Committee determines. Meetings of Committee.

(2.) The Chairman may at any time convene a meeting of the Committee and shall do so upon the request in writing of not less than four members of the Committee.

(3.) The Chairman shall preside at all meetings of the Committee at which he is present.

(4.) In the event of the absence of the Chairman from a meeting of the Committee, the members present shall elect one of their number to preside at that meeting.

(5.) At a meeting of the Committee six members of the Committee constitute a quorum.

(6.) A question arising at a meeting of the Committee shall be determined by a majority of the votes of the members present and voting.

(7.) The Chairman or other member of the Committee presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

9.—(1.) The Minister may appoint a person to be the deputy of a member of the Committee during the pleasure of the Minister. Deputies of members.

(2.) The appointment of a person to be the deputy of a member of the Committee (other than the member representing the Commonwealth) shall be on the nomination of the organization that the member represents.

(3.) A person appointed to be the deputy of a member shall, in the event of the absence of the member from a meeting of the Committee, be entitled to attend that meeting and, when so attending, shall be deemed to be a member of the Committee.

(4.) A reference in this Act to the Chairman of the Committee shall be construed as not including a reference to the deputy of the Chairman.

Fees, &c., of  
members and  
deputies.

10. The members of the Committee and the deputies of members of the Committee shall be paid such fees, allowances and expenses as the Minister determines.

Executive  
Sub-committee.

11.—(1.) The Committee may appoint an Executive Sub-committee consisting of—

- (a) the Chairman of the Committee;
- (b) two of the members of the Committee representing the Australian Canning Fruitgrowers Association;
- (c) one of the members of the Committee representing the Australian Canned Fruits Board; and
- (d) one of the members of the Committee representing the Australian Cannery Association.

(2.) The Committee may, by instrument in writing, delegate to the Executive Sub-committee, either generally or to the extent provided in the instrument of delegation, all or any of its powers under this Act (except this power of delegation) so that the delegated powers may be exercised and performed by the Executive Sub-committee in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Committee.

Meetings of  
Executive Sub-  
committee.

12.—(1.) The Executive Sub-committee shall hold meetings at such times and places as the sub-committee determines.

(2.) The Chairman may at any time convene a meeting of the Executive Sub-committee.

(3.) The Chairman of the Committee shall preside at all meetings of the Executive Sub-committee at which he is present.

(4.) In the event of the absence of the Chairman from a meeting of the Executive Sub-committee, the members present shall elect one of their number to preside at that meeting.

(5.) At a meeting of the Executive Sub-committee three members of the sub-committee constitute a quorum.

(6.) A question arising at a meeting of the Executive Sub-committee shall be determined by a majority of the votes of the members present and voting.

(7.) The Chairman or other member of the Executive Sub-committee presiding at a meeting of the sub-committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

### PART III.—FUNCTION AND POWERS OF THE AUSTRALIAN CANNED FRUIT SALES PROMOTION COMMITTEE.

Function.

13. The function of the Committee is to promote the sale, whether within Australia or overseas, of canned fruit.

14.—(1.) The Committee has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its function, including the making of inquiries relating to the actual or potential demand (whether in Australia or overseas) for canned fruit. Powers.

(2.) The Committee shall, before carrying out any scheme or arrangement to promote the sale overseas of canned fruit, consult with the Australian Canned Fruits Board and, where possible, shall act in collaboration with that Board.

15.—(1.) The Committee may appoint persons to advise it on any matter. Power to appoint persons to advise.

(2.) A person appointed under the last preceding sub-section shall be paid such fees, allowances and expenses as the Minister determines.

16.—(1.) Subject to this section, the Committee may employ such persons as it thinks necessary for the exercise of its powers. Employment of staff.

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

#### PART IV.—FINANCE.

17.—(1.) There shall be paid to the Committee out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts collected by the Commissioner of Taxation by virtue of the *Canning-Fruit Charge Act 1959*. Payments out of Consolidated Revenue Fund.

(2.) Payment into an account opened in accordance with the next succeeding section shall, for the purposes of this section, be deemed to be payment to the Committee.

18.—(1.) The Committee shall open and maintain an account or accounts with the Commonwealth Bank of Australia, and may open and maintain an account or accounts with such other bank or banks as the Treasurer approves. Bank's accounts.

(2.) The Committee shall pay all moneys received by it into an account referred to in this section.

19.—(1.) Subject to the next succeeding sub-section, the moneys of the Committee shall be applied only for the following purposes:— Application of moneys.

- (a) the exercise of the powers of the Committee under this Act;
- (b) the payment of salaries, fees, allowances and expenses to members of the Committee, deputies of members of the Committee, persons appointed to advise the Committee and persons employed by the Committee; and
- (c) any purpose incidental to a purpose referred to in a preceding paragraph of this sub-section.

(2.) Moneys of the Committee not immediately required for the purposes of the Committee may be invested on fixed deposit with the Commonwealth Bank of Australia, or with any other bank approved by the Treasurer, or in securities of or guaranteed by the Commonwealth or a State.

(3.) The income of the Committee is not subject to taxation by the Commonwealth or a State.

**Proper accounts  
to be kept.**

**20.** The Committee shall keep proper accounts and records and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of the Committee and the incurring of liabilities of the Committee.

**Audit.**

**21.—(1.)** The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Committee, and shall forthwith draw the Minister's attention to any irregularity disclosed by the inspection and audit which, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

(2.) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under the last preceding sub-section.

#### PART V.—REGULATIONS.

**Regulations.**

**22.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.