

AUSTRALIAN DRIED FRUITS CORPORATION ACT 1978

No. 193 of 1978

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AUSTRALIAN DRIED FRUITS CORPORATION ACT 1978

No. 193 of 1978

An Act to establish an Australian Dried Fruits Corporation, and for related purposes.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

- Short title 1. This Act may be cited as the *Australian Dried Fruits Corporation Act 1978*.¹
- Commence-
ment 2. This Act shall come into operation on 1 January 1979.
- Repeal and
savings 3. (1) The following Acts are repealed:
Dried Fruits Export Control Act 1924;
Dried Fruits Export Control Act 1930;
Dried Fruits Export Control Act 1935;
Dried Fruits Export Control Act 1937;
Dried Fruits Export Control Act 1938;
Dried Fruits Export Control Act 1952;
Dried Fruits Export Control Act 1953;
Dried Fruits Export Control Act 1964.
- (2) Upon the commencing date—
- (a) any rights, property or assets that, immediately before that date, were vested in the Board are, by force of this sub-section, vested in the Corporation; and
- (b) the Corporation becomes, by force of this sub-section, liable to pay and discharge any debts, liabilities or obligations of the Board that existed immediately before that date.
- (3) An arrangement or contract entered into by or on behalf of the Board as a party and in force immediately before the commencing date continues in force, notwithstanding the repeal of the Acts specified in sub-section (1), but that arrangement or contract has effect, on and after the commencing date, as if—
- (a) the Corporation were substituted for the Board as a party to the arrangement or contract; and

- (b) any reference in the arrangement or contract to the Board were (except in relation to matters that occurred before that date) a reference to the Corporation.

(4) Unless the contrary intention appears, a reference to the Board in any other Act or in any regulations made under an Act shall, in respect of any time on or after the commencing date, be read as a reference to the Corporation.

(5) An instrument or document that the Secretary to the Department of Primary Industry or an officer of that Department authorized by him in writing for the purpose of this sub-section certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this section is not liable to stamp duty or other tax under a law of the Commonwealth or of a State or Territory.

(6) Where, immediately before the commencing date, proceedings to which the Board was a party were pending in any court, the Corporation is, by force of this sub-section, substituted for the Board as a party to the proceedings and has the same rights in the proceedings as the party for which it is substituted.

(7) The Corporation shall, as soon as practicable after the commencing date, prepare and furnish to the Minister a report of the operations of the Board during the period that commenced on 1 July 1978 and ended immediately before the commencing date (in sub-section (8) referred to as the "final period"), together with financial statements in respect of that period in such form as the Minister for Finance approves.

(8) Before furnishing the financial statements to the Minister, the Corporation shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether, in his opinion, the statements are based on proper accounts and records;
- (b) whether, in his opinion, the statements are in agreement with the accounts and records and show fairly the financial operations and state of affairs of the Board;
- (c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Board during the final period have been in accordance with the Acts repealed by sub-section (1); and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(9) The Minister shall cause copies of the report and financial statements referred to in sub-section (7), together with a copy of the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

(10) The persons who, immediately before the commencing date, were members of the Board shall furnish to the Corporation such information as is necessary to enable the Corporation to prepare the report and financial statements referred to in sub-section (7).

Interpretation

4. In this Act, unless the contrary intention appears—
- “approved bank” means a trading bank as defined by sub-section 5 (1) of the *Banking Act* 1959 or another bank approved by the Treasurer;
- “Association” means the body known as The Australian Dried Fruits Association;
- “Board” means the Australian Dried Fruits Control Board referred to in section 4 of the *Dried Fruits Export Control Act* 1924;
- “Chairman” means the Chairman of the Corporation;
- “commencing date” means 1 January 1979;
- “Corporation” means the Australian Dried Fruits Corporation established by section 5;
- “dried fruit” has the same meaning as in the *Dried Vine Fruits Equalization Act* 1978;
- “member” means a member of the Corporation;
- “season” has the same meaning as in the *Dried Vine Fruits Equalization Act* 1978.

PART II—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AUSTRALIAN DRIED FRUITS CORPORATION

Australian Dried Fruits Corporation

5. There is established by this section a Corporation by the name of the Australian Dried Fruits Corporation.

Functions of Corporation

6. The functions of the Corporation are—
- (a) to promote and control the export of dried fruit from Australia;
 - (b) to promote and control the sale and distribution, after export, of Australian dried fruit;
 - (c) to encourage and promote the consumption of Australian dried fruit outside Australia; and
 - (d) such other functions, in connection with dried fruit, as are conferred on the Corporation by this Act or the regulations.

Powers generally

7. (1) Subject to sub-section (2), the Corporation has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions and, in particular, without limiting the generality of the foregoing, the Corporation may—

- (a) make recommendations to the Minister in relation to the export from Australia of dried fruit, and the sale and distribution of Australian dried fruit after export, including recommendations in respect of—

- (i) the terms and conditions of the export of dried fruit;
 - (ii) the persons who may be permitted to engage in the export of dried fruit;
 - (iii) the packaging and labelling of dried fruit for export; and
 - (iv) the quality, standards and grading, for export, of dried fruit or of any kind of dried fruit;
- (b) engage, or make other arrangements with, persons, organizations or companies to perform work, or act as agent, for the Corporation, whether in Australia or overseas; and
- (c) with the approval, in writing, of the Minister and subject to such conditions (if any) as are specified in the instrument of approval, buy and sell and otherwise engage in trade in dried fruit and do all things necessary or convenient for engaging in that trade.

(2) Except with the approval of the Minister, the Corporation shall not enter into a contract or agreement in connection with the purchase of real or personal property, not being dried fruit, for an amount exceeding \$100,000, or, if a higher amount is prescribed for the purposes of this sub-section, that higher amount.

8. (1) The Corporation may, at any time during a season, determine the quantity of dried fruit, or of a particular kind of dried fruit, produced in all States in that season that may be exported to a particular port, particular country or particular countries. Control of quantities of dried fruit for export

(2) Where, in a season, a determination is made under sub-section (1) in relation to a port, country or countries, the Corporation may, at the same time or at a later time during that season, determine, in respect of each State, the quantity of dried fruit, or of a particular kind of dried fruit, produced in the State in that season that may be exported to that port, that country or those countries, but so that the total of the quantities determined under this sub-section equals the quantity specified in the determination under sub-section (1).

(3) The Corporation may, at any time during a season, determine the quantity of dried fruit, or of a particular kind of dried fruit, produced in that season that may be exported from a particular port.

(4) Before making a determination under this section, the Corporation shall consult the Association.

(5) The Corporation shall not exercise its powers under this section in a manner that gives preference to one State or any part of one State over another State or any part of another State.

(6) The Corporation shall not exercise its powers under the regulations in a manner that is inconsistent with a determination under sub-section (1), (2) or (3).

Corporation may accept control of dried fruit intended for export

9. The Corporation may, with the approval, in writing, of the Minister and subject to such conditions (if any) as are specified in the instrument of approval, accept control of any dried fruit placed under its control for the purposes of this Act.

Powers of Corporation with respect to dried fruit placed under its control

10. (1) Subject to any conditions imposed by the Minister under section 9, the Corporation shall, with respect to any dried fruit placed under its control, have full authority to make such arrangements and give such directions as it thinks fit for the following matters:

- (a) the handling, marketing and storage of the dried fruit;
- (b) the carriage of the dried fruit on such terms and in such quantities as it thinks fit;
- (c) the sale and disposal of the dried fruit on such terms as it thinks fit;
- (d) the insurance against loss of the dried fruit either in Australia or in transit from Australia and until disposed of; and
- (e) all such matters as are necessary for the due discharge of its functions in handling, distributing and disposing of the dried fruit.

(2) For the purpose of securing any advances made to the Corporation, or, at the request of the Corporation, to the owner of any dried fruit placed under the control of the Corporation, the Corporation shall, by virtue of this Act and without further authority, but subject to any conditions imposed by the Minister under section 9, have full power, on behalf of the owner of the dried fruit, to give security over the dried fruit and to execute all mortgages and other instruments of assurance in the same manner in all respects as if the Corporation were the legal owner of the dried fruit.

Contracts for carriage of dried fruit

11. (1) The Corporation may, by notice in the *Gazette*, approve a person as a carrier for the purposes of the carriage of dried fruit to a place outside Australia specified in the notice.

(2) The Corporation may, by notice in the *Gazette*, determine that a contract, or a contract included in a class of contracts, for the carriage of dried fruit to a place outside Australia specified in the notice shall be in conformity with the conditions (if any) approved by the Corporation.

(3) While an approval under sub-section (1) is in force in relation to a place outside Australia, a person shall not enter into a contract with another person for the carriage by that other person of dried fruit to that place unless that other person is approved under that sub-section in relation to that place.

Penalty: \$1,000.

(4) A person other than the Corporation shall not enter into a contract with another person for the carriage by that other person of dried

fruit to a place outside Australia in relation to which a notice under sub-section (2) is in force unless the contract is in conformity with such conditions (if any) as are approved by the Corporation in relation to that contract or contracts of the class in which that contract is included.

Penalty: \$1,000.

(5) Sub-section (3) does not apply to the Corporation acting on its own behalf or as the agent of the owner of the dried fruit or of a person having authority to export the dried fruit.

(6) A collector or officer for the purposes of the *Customs Act* 1901 may require a person who seeks to export dried fruit from Australia, on making entry of the dried fruit under that Act and before the entry has been passed, to satisfy him that the contract for the carriage of the dried fruit is in conformity with the conditions (if any) approved by the Corporation in relation to that contract or contracts of the class in which that contract is included, and the collector or other officer may decline to pass the entry until that person has so satisfied him.

12. Without limiting the generality of section 7, the Corporation may enter into arrangements or agreements with persons, authorities or organizations in Australia or elsewhere, or, with the consent of the Minister, with a State, for the purposes of the Corporation. Other powers

13. (1) The Corporation may appoint a committee to assist the Corporation in relation to a matter. Committees

(2) A committee appointed under this section shall consist of such persons, whether members of the Corporation or not, as the Corporation thinks fit.

PART III—CONSTITUTION AND MEETINGS OF THE CORPORATION

14. (1) The Corporation—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

Nature of Corporation

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Corporation as fixed to a document and shall presume that it was duly affixed.

15. (1) The Corporation shall consist of 8 members, namely—

- (a) the Chairman;
- (b) 4 members to represent Australian producers of dried fruit;

Membership of Corporation

(c) 1 member to represent the Commonwealth; and

(d) 2 other members.

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

(3) The members shall be appointed as part-time members.

(4) Each member referred to in paragraph (1) (b) shall be a person chosen by the Minister from among persons whose names are included in a list of names submitted to him by the Association.

(5) Before appointing a member referred to in paragraph (1) (d), the Minister shall consult the Association and any other bodies that the Minister considers appropriate.

(6) Each member referred to in paragraph (1) (d) shall be a person specially qualified for appointment—

(a) by reason of experience in marketing, or in promoting the sale of, dried fruit or other products; or

(b) by reason of other experience in commerce, finance, economics, science or industrial matters.

(7) The performance of the functions or the exercise of the powers of the Corporation is not affected by reason of there being a vacancy or vacancies in the membership of the Corporation.

(8) The appointment of a member is not invalidated, and shall not be called in question, by reason of a deficiency or irregularity in, or in connection with, his selection or appointment.

Term of
office of
members

16. (1) Subject to sub-section (2), a member shall be appointed for a period of 3 years, but is eligible for re-appointment.

(2) If a member ceases to hold office before the expiration of the period of his appointment, another person may, in accordance with this Part, be appointed in his place until the expiration of the period.

Acting
Chairman

17. (1) At any time when the office of Chairman is vacant, or the Chairman is, or is expected to be, absent from Australia or not available to perform the duties of his office, the Corporation may appoint another member to act as Chairman until the filling of the vacancy, or during the period during which the Chairman is so absent or not available, as the case may be.

(2) The member appointed to act as Chairman under sub-section (1) has, when acting as Chairman, all the powers, functions and duties conferred by this Act on the Chairman.

(3) An appointment of a member to act as Chairman under sub-section (1), and any act done by a member so appointed, shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

18. (1) The Minister may, if requested by the Corporation so to do, appoint a person recommended by the Corporation to be the deputy of a member, other than the Chairman or the member representing the Commonwealth, during any period, or during all periods, during which the member is absent from Australia or is not available to perform the duties of his office. Deputies of members

(2) The Minister may appoint a person to be the deputy of the member representing the Commonwealth during any period, or during all periods, during which the member is absent from Australia or is not available to perform the duties of his office.

(3) The Minister may, at any time, revoke an appointment made under sub-section (1) or (2).

(4) The deputy of a member is entitled to attend a meeting of the Corporation not attended by the member of whom he is the deputy, and, while so attending, shall be deemed to be a member.

19. (1) Subject to this section—

(a) a member of the Corporation or a deputy of a member of the Corporation; or

(b) a member of a committee established by the Corporation under section 13,

shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed. Remuneration and allowances

(2) A member referred to in sub-section (1) shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act* 1973.

(4) If a member referred to in sub-section (1) is also a member of, or is a candidate for election to, the Parliament of the Commonwealth or of a State, he is not entitled to be paid any remuneration or allowances under sub-section (1) or (2), but shall be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Corporation or of a committee established under section 13 of which he is a member, as the case may be, or of his engagement (whether in Australia or overseas), with the approval of the Corporation, on business of the Corporation or of such a committee.

20. The Minister may grant leave of absence to a member upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence

21. A member may resign his office by writing under his hand delivered to the Minister. Resignation of members

Termination
of
appointments

22. (1) The Minister may terminate the appointment of a member by reason of the misbehaviour, or the physical or mental incapacity, of the member.

(2) If a member—

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(b) fails to comply with his obligations under sub-section (3) or (5);
or

(c) not being the member representing the Commonwealth, is absent from 3 consecutive meetings of the Corporation otherwise than—

(i) on business of the Corporation undertaken with the approval of the Corporation; or

(ii) on leave of absence granted under section 20,

the Minister shall terminate the appointment of the member.

(3) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Corporation, otherwise than as a member of, and in common with the other members of, an incorporated company which consists of more than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation.

(4) A disclosure under sub-section (3) shall be recorded in the minutes of the Corporation.

(5) Where a matter in respect of which a disclosure has been made to the Corporation by a member under sub-section (3) is being considered, or is about to be considered, at a meeting of the Corporation, except by leave of the members present at the meeting who do not have any direct or indirect pecuniary interest in the matter, the member—

(a) shall not take part in any deliberation or decision of the Corporation with respect to the matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Corporation for any such deliberation or decision.

(6) The provisions of sub-sections (2), (3), (4) and (5) apply to and in relation to a deputy of a member in like manner as they apply to and in relation to a member.

Meetings of
Corporation

23. (1) Subject to this section, meetings of the Corporation shall be held at such times and places as the Corporation from time to time determines.

(2) The Chairman may at any time convene a meeting of the Corporation.

(3) If the Chairman is absent from Australia or is not available to perform the duties of his office, or the office of Chairman is vacant, another member may convene a meeting of the Corporation for the purpose of appointing a member under sub-section 17 (1) to act as Chairman.

(4) At a meeting of the Corporation, 6 members constitute a quorum.

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

(6) In the event of the absence of the Chairman from a meeting of the Corporation, the member (if any) acting as Chairman by virtue of sub-section 17 (1) shall preside at the meeting or, if there is no member so acting, the members present shall appoint one of their number to preside at the meeting.

(7) A question arising at a meeting of the Corporation shall be decided by a majority of the votes of the members present and voting.

(8) The member presiding at a meeting of the Corporation has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(9) The Corporation shall keep a record of its proceedings.

(10) The Corporation may invite a person to attend a meeting of the Corporation for the purpose of advising or informing the Corporation on any matter.

(11) Subject to the preceding provisions of this section, the procedure at meetings of the Corporation shall be as determined by the Corporation.

PART IV—STAFF

24. (1) The Corporation may appoint such officers or engage such employees as it thinks necessary for the purposes of this Act. Officers and employees

(2) The terms and conditions of service or employment (in respect of matters not provided for by this Act) of persons appointed or engaged under this section are such as are, subject to the approval of the Public Service Board, determined by the Corporation.

25. (1) A person who, immediately before the commencing date, was employed by the Board shall, from and including that date, be, by force of this section, in the employment of the Corporation on the same terms and conditions as were applicable to him immediately before that Officers and employees of Board

date until he is appointed as an officer, or engaged as an employee, of the Corporation or his employment under this sub-section ceases in accordance with those terms and conditions, whether by his resignation or otherwise.

(2) The Corporation shall, as soon as practicable after the commencing date, appoint as an officer, or engage as an employee, of the Corporation, under section 24, each person referred to in sub-section (1) whose employment under that sub-section has not ceased, and the terms and conditions of employment determined by the Corporation in relation to a person so appointed or engaged shall be not less favourable than the terms and conditions of employment applicable to him immediately before he is appointed or engaged.

Rights of
public
servants
appointed or
employed
under this
Act

26. (1) Where an officer or employee of the Corporation was, immediately before his appointment or engagement by the Corporation under section 24, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928* applied—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) that Act applies as if this Act and this section had been specified in the Schedule to that Act.

(2) Where the *Officers' Rights Declaration Act 1928* applied to a person referred to in sub-section 25 (1) immediately before the commencing date, that Act continues, by force of this sub-section, to apply to that person after the commencing date until he is appointed as an officer, or engaged as an employee, of the Corporation under sub-section 24 (1) or his employment under sub-section 25 (1) ceases in accordance with the terms and conditions of that employment, whether by his resignation or otherwise.

PART V—FINANCE

Payments to
Corporation

27. There shall be paid to the Corporation out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts of levy received by the Commonwealth by virtue of the *Dried Fruits Export Charges Act 1924*.

Borrowing

- 28.** (1) The Corporation may, with the approval of the Treasurer—
- (a) borrow moneys for the purpose of—
 - (i) performing its function of promoting the export of dried fruit from Australia;
 - (ii) performing its function of promoting the sale and distribution, after export, of Australian dried fruit;

(iii) performing its function of promoting the consumption of Australian dried fruit outside Australia; or

(iv) exercising its power to engage in trade; and

(b) give security over the whole or any part of its assets for the repayment of amounts borrowed under this section and the payment of interest on amounts so borrowed.

(2) The Treasurer may, on behalf of the Commonwealth, guarantee the repayment of amounts borrowed under this section and the payment of interest on amounts so borrowed.

(3) The Corporation shall not borrow moneys except in accordance with this section.

29. (1) The Corporation may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account. Bank accounts

(2) The Corporation shall pay all moneys received by it into an account referred to in sub-section (1).

30. (1) Subject to sub-section (2), the moneys of the Corporation may be applied only— Application of moneys of Corporation

(a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Corporation in or in connection with the performance of its functions, or the exercise of its powers, under this Act;

(b) in payment of any remuneration or allowances, or reimbursement of expenses, payable under this Act;

(c) in satisfaction or payment of any liabilities, costs, charges or expenses incurred by the Board under the Acts repealed by sub-section 3 (1) before the commencing date but not satisfied or paid before that date;

(d) in making any other payments that the Corporation is authorized or required to make under this Act; and

(e) in payment of any expenses arising out of anything done by the Corporation under the *Dried Vine Fruits Equalization Act 1978*.

(2) Moneys of the Corporation not immediately required for the purposes of the Corporation may be invested—

(a) in securities of, or guaranteed by, the Commonwealth or a State;

(b) on deposit with an approved bank; or

(c) in any other manner approved by the Treasurer.

Proper
accounts to
be kept

31. The Corporation shall cause to be kept proper accounts and records of the transactions and affairs of the Corporation in accordance with accounting principles generally applied in commercial practice 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, or in the custody of, the Corporation and over the incurring of liabilities by the Corporation.

Audit

32. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Corporation and records relating to assets of, or in the custody of, the Corporation, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his doing so.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Corporation relating directly or indirectly to the receipt or payment of moneys by the Corporation or to the acquisition, receipt, custody or disposal of assets by the Corporation.

(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(6) The Auditor-General or a person authorized by him may require any person to furnish him with such information in the possession of the person, or to which the person has access, as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

(7) A person who contravenes sub-section (6) is guilty of an offence, punishable, upon conviction, by a fine not exceeding \$200.

Liability to
taxation

33. (1) The Corporation is subject to taxation (other than income tax) under the laws of the Commonwealth.

(2) Subject to sub-section (3), the Corporation is not subject to taxation under a law of a State or Territory.

(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law.

PART VI—MISCELLANEOUS

34. (1) The Corporation may, by notice in writing given, or sent by post, to a person, require the person to furnish, within such time as is specified in the notice, a return or information, in addition to any other return or information that he is required to furnish under this Act or any other Act, in relation to the dried fruit industry or to dried fruit owned by him or under his control, being a return or information that is, in the opinion of the Corporation, required to enable it to perform its functions or exercise its powers under this Act.

Corporation
may require
information

(2) A person shall not fail or neglect duly to furnish a return or information that he is required to furnish by virtue of a notice given, or sent by post, to him under sub-section (1).

(3) A person shall not furnish to the Corporation a return or information that he is required to furnish by virtue of a notice given, or sent by post, to him under sub-section (1) that is false or misleading in a material particular.

Penalty: \$500.

35. (1) The Corporation may, either generally or as otherwise provided by the instrument of delegation, by writing under its common seal, delegate to a person or to a committee established under section 13, any of its powers under this Act, other than this power of delegation.

Delegation

(2) A power so delegated when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Corporation.

(3) A delegation under this section does not prevent the exercise of a power by the Corporation.

36. (1) The Corporation shall, as soon as practicable after 30 June 1980, and after each succeeding 30 June, prepare and furnish to the Minister a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Minister for Finance approves.

Annual
report and
financial
statements

(2) Before furnishing financial statements to the Minister under sub-section (1), the Corporation shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether, in his opinion, the statements are based on proper accounts and records;
- (b) whether, in his opinion, the statements are in agreement with the accounts and records and show fairly the financial transactions and the state of the affairs of the Corporation;
- (c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Corporation during the year have been in accordance with this Act; and

(d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause copies of the report and financial statements together with a copy of the report of the Auditor-General to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

(4) In sub-section (1), “year”, in relation to 30 June 1980, means the period commencing on 1 January 1979 and ending on 30 June 1980.

Offences

37. (1) A person shall not export dried fruit from Australia in contravention of the regulations.

Penalty: \$1,000.

(2) A licensee shall not export dried fruit from Australia in contravention of a condition of his licence.

Penalty: \$1,000.

(3) A person shall not give to the Corporation, for the purposes of a condition of a licence, information that is false in a material particular.

Penalty: \$500.

Operation of other Acts not affected

38. Nothing in this Act or the regulations restricts the operation of the *Customs Act* 1901 or the *Commerce (Trade Descriptions) Act* 1905 or of any regulations made under either or both of those Acts.

Regulations

39. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and, in particular—

(a) prohibiting the export of dried fruit from Australia except subject to and in accordance with prescribed conditions, including—

(i) conditions requiring an exporter to be the holder of a licence to export dried fruit;

(ii) conditions requiring an exporter to be the holder of a certificate of authority to export in respect of particular exports;

(iii) conditions requiring the purchaser of dried fruit, or the person to whom dried fruit is consigned as an agent or representative of the purchaser or exporter in the country to which the dried fruit is consigned, to be a person approved by the Corporation;

(iv) conditions relating to the price, or form of consignment, of dried fruit exported; or

(v) conditions relating to the commission charged by exporters;

(b) providing for the grant by the Minister, or a person authorized by him, of licences to export dried fruit from Australia;

- (c) authorizing the Corporation, or a person authorized by it—
 - (i) to determine prices or other matters for the purposes of the regulations; or
 - (ii) to give to the holder of a licence to export dried fruit granted under the regulations directions with respect to the quantities of dried fruit that may be exported by the holder of the licence either generally or to particular places;
- (d) requiring persons to furnish returns and information necessary for the purposes of this Act; and
- (e) providing for penalties not exceeding a fine of \$200 for offences against the regulations.

(2) In the exercise of his powers under the regulations the Minister shall take into account the recommendations of the Corporation.

NOTE

1. Act No. 193, 1978; assented to 6 December 1978.