



Honey Marketing Act 1988

No. 33 of 1988

TABLE OF PROVISIONS

PART I—PRELIMINARY

Section	
1.	Short title
2.	Commencement
3.	Interpretation

PART II—AUSTRALIAN HONEY BOARD

Division 1—Constitution, objectives, functions and powers of Board

4.	Australian Honey Board
5.	Objectives
6.	Functions
7.	Powers
8.	Directions to Board
9.	Consultation
10.	Committees

Division 2—Corporate plan and annual operational plans

11.	Corporate plan
12.	Annual operational plans
13.	Board to comply with corporate plan and annual operational plans

Division 3—Membership and meetings of Board

14.	Membership of Board
15.	Term of office of members

TABLE OF PROVISIONS—*continued*

Section

- 16. Deputies of Chairperson and government member
- 17. Disclosure of interests
- 18. Leave of absence
- 19. Termination of appointments
- 20. Meetings of Board
- 21. Resolutions without formal meetings

Division 4—Nomination and selection process for membership of Board

- 22. Selection Committee
- 23. Minister may request nominations
- 24. Selection of nominees
- 25. Nominations
- 26. Minister may reject nomination
- 27. Membership of Selection Committee
- 28. Acting Presiding Member
- 29. Disclosure of interests
- 30. Leave of absence
- 31. Termination of appointments
- 32. Meetings of Selection Committee
- 33. Resolutions without formal meetings
- 34. Staff and consultants
- 35. Remuneration and allowances

Division 5—Staff

- 36. Employees
- 37. Consultants

PART III—EXPORT CONTROL

- 38. Regulation of honey exports
- 39. Issuing of export licences
- 40. Variation of export licences
- 41. Duration of export licences
- 42. Renewal of export licences
- 43. Cancellation etc. of export licences
- 44. Review of decisions
- 45. Statement to accompany notice of decisions
- 46. Returns etc. relating to honey exports
- 47. Regulations relating to honey exports
- 48. Review of export controls
- 49. Operation of other laws

PART IV—FINANCE

- 50. Payments to Board
- 51. Bank accounts
- 52. Investment of money of Board
- 53. Proper accounts to be kept
- 54. Expenditure of money of Board
- 55. Audit
- 56. Appointment of company auditors
- 57. Remuneration and allowances
- 58. Liability to taxation

PART V—MISCELLANEOUS

- 59. Annual report
- 60. Accountability to honey industry
- 61. Delegation

TABLE OF PROVISIONS—*continued*

Section

- 62. Cessation of Act
- 63. Regulations

PART VI—REPEAL AND TRANSITIONAL

- 64. Repeal
- 65. Continuation of appointments to Board
- 66. Continuation of Executive Committee
- 67. Continuation of export licences
- 68. Expenditure of money of Board
- 69. 1987-88 annual report



Honey Marketing Act 1988

No. 33 of 1988

An Act relating to the marketing of honey and certain other matters concerning the honey industry

[Assented to 11 May 1988]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Honey Marketing Act 1988*.

Commencement

2. (1) Part I and Division 4 of Part II commence on the day on which this Act receives the Royal Assent.

- (2) The remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

Interpretation

3. In this Act, unless the contrary intention appears:

“annual operational plan” means a plan in force for the time being under section 12;

“annual report” means a report of the Board prepared under section 59;

“applicable export regulations” means regulations that were:

(a) made under the repealed Act for the purposes of section 22 of that Act; and

(b) in force immediately before the commencement of section 67;

“Board” means the Australian Honey Board continued in existence by section 4;

“Board’s auditor” means:

(a) if an appointment of a company auditor under subsection 56 (6) as the auditor of the Board is in effect—that company auditor; or

(b) in any other case—the Auditor-General;

“Chairperson” means the Chairperson of the Board;

“Committee member” means a member of the Selection Committee and includes the Presiding Member;

“company auditor” means a firm or person carrying on the business of auditing accounts;

“corporate plan” means a plan in force under section 11;

“export licence” means a licence issued under section 39;

“government member” means the member referred to in paragraph 14 (1) (b);

“honey” means honey produced in Australia;

“licensee” means the holder of an export licence;

“member” means a member of the Board and includes the Chairperson;

“packers’ organisation” means the organisation known as the Honey Packers Association of Australia, or, if another organisation is for the time being prescribed for the purposes of this definition, that other organisation;

“Presiding Member” means the Presiding Member of the Selection Committee;

“producers’ organisation” means the organisation known as the Federal Council of Australian Apiarists’ Associations, or, if another organisation is for the time being prescribed for the purposes of this definition, that other organisation;

“repealed Act” means the *Honey Industry Act 1962* as in force immediately before the commencement of section 64;

“Selection Committee” means the Australian Honey Board Selection Committee established under section 22;

“serious offence” means an offence against, or arising under any law of the Commonwealth, or against or arising under a law of a State or Territory, that is punishable, in the case of a person who has not been previously convicted of the offence, by imprisonment for a period of 12 months or more.

PART II—AUSTRALIAN HONEY BOARD

Division 1—Constitution, objectives, functions and powers of Board

Australian Honey Board

4. (1) The body corporate that was, immediately before the commencement of this section, in existence under section 6 of the repealed Act, with the name Australian Honey Board, continues in existence by force of this subsection as a body corporate with the same name.

(2) The Board:

- (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.

(3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Board appearing on a document and shall presume that the document was duly sealed.

Objectives

5. The objectives of the Board are:

- (a) to maximise returns to the Australian honey industry from the export of honey; and
- (b) to generate a greater demand for Australian honey both in Australia and overseas.

Functions

6. (1) The functions of the Board are:

- (a) to assist in the export marketing of Australian honey;
- (b) to control, in accordance with this Act and the regulations, the export of honey from Australia;
- (c) to keep under review the controls on the export of honey and to recommend to the Minister any changes in those controls that the Board considers appropriate;
- (d) to promote the consumption and sale of Australian honey both in Australia and overseas; and
- (e) to make recommendations to the Minister with respect to:
 - (i) the rate to be prescribed from time to time for the purposes of paragraph 7 (1) (a) of the *Honey Export Charge Act 1973*;

Honey Marketing No. 33, 1988

- (ii) the rate to be prescribed from time to time for the purposes of paragraph 5 (1) (a) of the *Honey Levy Act (No. 1) 1962*; and
 - (iii) the rate to be prescribed from time to time for the purposes of paragraph 5 (1) (a) of the *Honey Levy Act (No. 2) 1962*.
- (2) The Board shall not perform its functions:
- (a) otherwise than for a purpose in respect of which the Parliament has power to make laws; or
 - (b) so as to give preference, inconsistently with the Constitution, to one State or any part thereof over another State or any part thereof.
- (3) The Board may perform any of its functions outside Australia.

Powers

7. Subject to this Act, the Board may do all things that are necessary or convenient to be done in connection with the performance of its functions.

Directions to Board

8. (1) Subject to this section, where the Minister is satisfied that, because of the existence of exceptional circumstances, it is necessary to give a direction to the Board in order to ensure that the performance of the Board's functions, or the exercise of its powers, does not conflict with major government policies, the Minister may, in writing, give the direction to the Board, and the Board shall comply with the direction.

(2) The Minister shall not give a direction unless and until the Minister has given the Chairperson an adequate opportunity to discuss with the Minister the need for the proposed direction.

(3) Where the Minister gives a direction to the Board:

- (a) the Minister shall cause a notice setting out particulars of the direction to be published in the *Gazette* as soon as practicable after giving the direction;
- (b) the Minister shall cause a copy of that notice to be laid before each House of the Parliament with 15 sitting days of the House after giving the direction;
- (c) particulars of the direction shall be included in the Board's annual report for the year in which the direction was given; and
- (d) that report shall include particulars of the impact of the direction on the Board's operations.

(4) Subsection (3) does not apply where:

- (a) the Minister, on the Board's recommendation, determines, in writing, that compliance with the subsection would, or would be likely to, prejudice the Board's commercial activities; or
- (b) the Minister determines, in writing, that compliance with the subsection is undesirable because compliance would be contrary to the public interest.

Consultation

9. (1) The Board may, for the purpose of considering any matter, or obtaining information or advice, relating to the performance of its functions, make arrangements for consulting persons and bodies representative of different sections of the honey industry.

- (2) The arrangements may provide for:
- (a) the Board's agreeing to meet travel expenses reasonably incurred by a person in connection with consultations with the Board; and
 - (b) subject to written guidelines given to the Board by the Minister, the Board's agreeing to meet expenses (other than travel expenses) reasonably incurred by the producers' organisation or the packers' organisation, or by a member of the producers' organisation or the packers' organisation, in connection with consultations with the Board.

Committees

10. (1) The Board may establish such committees as it thinks fit to assist it in carrying out any of its functions, and may abolish any such committee.

(2) A committee shall consist of such persons (whether members of the Board or not) as the Board from time to time appoints.

(3) The Board may give to a committee such directions as it thinks fit, including:

- (a) directions as to the manner in which the committee is to carry out its functions; and
- (b) directions with respect to the procedure to be followed in relation to meetings of the committee, including directions with respect to:
 - (i) the convening of meetings of the committee;
 - (ii) the number of members of the committee to constitute a quorum;
 - (iii) the appointment of a member of the committee to preside at meetings of the committee; and
 - (iv) the manner in which questions arising at a meeting of the committee shall be decided.

Division 2—Corporate plan and annual operational plans

Corporate plan

11. (1) The Board shall, as soon as practicable after the commencement of this Part, prepare a corporate plan.

(2) The Board shall, in each financial year to which the corporate plan relates and not later than 1 April, review and revise the plan.

- (3) The Board:
- (a) may, at any other time, revise the corporate plan; and

Honey Marketing No. 33, 1988

(b) shall revise the corporate plan if the Minister requests it, in writing, to revise the corporate plan and gives reasons for the request.

(4) The corporate plan as prepared under subsection (1) shall include a statement of the goals of the Board, and an assessment of the market and economic outlook for the honey industry, for:

(a) if the plan is prepared in the first 9 months of a financial year, the financial year in which the plan is prepared and the 4 subsequent financial years; or

(b) if the plan is prepared in the last 3 months of a financial year, the next financial year and the 4 subsequent financial years.

(5) The corporate plan as revised under subsection (2) shall include a statement of the goals of the Board, and an assessment of the market and economic outlook for the honey industry, for the financial year immediately following the financial year in which the corporate plan is revised and the 4 subsequent financial years.

(6) The corporate plan shall also outline the strategies and policies that the Board intends to adopt in order to achieve its goals.

(7) The corporate plan, and a revision of the corporate plan:

(a) shall be submitted to the Minister as soon as practicable after it is prepared; and

(b) has no effect until it is approved, in writing, by the Minister.

(8) Before preparing or revising the corporate plan, the Board shall consult with the producers' organisation and the packers' organisation.

Annual operational plans

12. (1) When the Board is preparing the corporate plan under subsection 11 (1) or revising the corporate plan under subsection 11 (2), it shall prepare an annual operational plan for the earliest financial year to which the corporate plan or the corporate plan as so revised, as the case may be, will relate.

(2) The annual operational plan for a financial year shall:

(a) contain an estimate of its receipts and expenditure for the financial year; and

(b) specify:

(i) the programs that the Board proposes to carry out; and

(ii) the resources that the Board proposes to allocate to each such program;

in giving effect to the corporate plan during the financial year.

(3) If the Minister is of the opinion that the annual operational plan is inconsistent with the corporate plan, the Minister may, in writing, request the Board to revise the annual operational plan.

(4) The Board may, at any time, revise the annual operational plan, and shall revise the plan if the Minister requests it under subsection (3) to do so and gives written reasons for the request.

(5) An annual operational plan, and a revision of an annual operational plan:

- (a) shall be submitted to the Minister as soon as practicable after it is prepared; and
- (b) has no effect until it is approved, in writing, by the Minister.

(6) The Minister shall approve an annual operational plan, or a revision of an annual operational plan, unless the Minister is of the opinion that the plan, or the plan as proposed to be revised, as the case may be, is inconsistent with the corporate plan.

Board to comply with corporate plan and annual operational plans

13. To the extent that it is practicable to do so, the Board shall ensure that the performance of its functions, and the exercise of its powers, is consistent with, and designed to give effect to, the corporate plan and the applicable annual operational plan.

Division 3—Membership and meetings of Board

Membership of Board

14. (1) The Board shall consist of:

- (a) a Chairperson;
- (b) a government member; and
- (c) 6 other members.

(2) A member shall be appointed by the Minister in writing with effect from such day as the Minister specifies in the member's instrument of appointment.

(3) The members referred to in paragraph (1) (c) shall be appointed from persons nominated by the Selection Committee under Division 4.

(4) The members shall be appointed on a part-time basis.

(5) A member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined, in writing, by the Minister.

(6) The performance of the Board's functions and the exercise of its powers are not affected by reason only of there being a vacancy or vacancies in its membership.

(7) The appointment of a person as a member is not invalid because of a defect or irregularity in connection with the person's nomination or appointment.

Term of office of members

15. (1) Subject to this Act, a member (other than the government member) holds office for such period, not exceeding 3 years, as is specified in the member's instrument of appointment, but is eligible for re-appointment.

(2) The government member holds office during the Minister's pleasure.

(3) Subject to subsection (4), a person who has attained the age of 65 years shall not be appointed as a member and a person shall not be appointed as a member for a period that extends beyond the day on which the person will attain the age of 65 years.

(4) Subsection (3) does not apply to the appointment of a person as a member if the Minister is satisfied that that person possesses special skills that the Board requires for the performance of its functions.

(5) Whenever a vacancy occurs in the office of a member (other than the government member) before the expiration of the term of office, the Minister may, in accordance with, and subject to, section 14, appoint a person to the office for the remainder of that period.

(6) A member may resign from office by writing signed by the member and delivered to the Minister, but the resignation is not effective until it is accepted by the Minister.

Deputies of Chairperson and government member

16. (1) The Minister:

- (a) shall appoint a member to be the deputy of the Chairperson; and
- (b) may appoint a person to be the deputy of the government member.

(2) A person so appointed holds office as the deputy of the Chairperson or of the government member, as the case may be, until the Minister terminates the appointment or, in the case of the deputy of the Chairperson, the person ceases to be a member, whichever first happens.

(3) A person so appointed may resign the office to which he or she has been so appointed by writing signed by the person and delivered to the Minister, but the resignation is not effective until it is accepted by the Minister.

(4) The deputy of the Chairperson has and shall exercise all the powers, and shall perform all the functions, of the Chairperson:

- (a) during any vacancy in the office of the Chairperson; and
- (b) during any period when the Chairperson is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office of Chairperson.

(5) The deputy of the government member has and shall exercise all the powers, and shall perform all the functions, of the government member:

- (a) during any vacancy in the office of the government member; and

- (b) during any period when the government member is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office of government member.

(6) Anything done by or in relation to a person purporting to act under subsection (1) is not invalid on the ground that:

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Disclosure of interests

17. (1) Where:

- (a) a member has a direct or indirect interest in a matter being considered, or about to be considered, by the Board, whether at a meeting of the Board or in accordance with section 21; and
- (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter;

the member shall, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.

(2) A disclosure under subsection (1) shall be recorded in the Board's minutes.

Leave of absence

18. (1) The Minister may grant leave of absence to the Chairperson or the government member on such terms and conditions as the Minister determines.

(2) The Chairperson may grant leave of absence to any member referred to in paragraph 14 (1) (c) on such terms and conditions as the Chairperson determines.

Termination of appointments

19. (1) The Minister may terminate a member's appointment for misbehaviour or for physical or mental incapacity.

(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 or her creditors or makes an assignment of his or her remuneration for their benefit;
- (b) is absent, except on leave of absence granted under section 18, from 3 consecutive meetings of the Board;
- (c) fails, without reasonable excuse, to comply with an obligation imposed by section 17; or

(d) becomes the President (by whatever name called) of the producers' organisation or the packers' organisation;
the Minister shall terminate the member's appointment.

Meetings of Board

20. (1) Subject to this section, meetings of the Board shall be held at such times and at such places within Australia as the Board determines.

(2) The Chairperson may, and at the request of 3 or more members shall, convene a meeting of the Board.

(3) At a meeting, 5 members constitute a quorum.

(4) The Chairperson shall preside at all meetings at which he or she is present.

(5) If the Chairperson is absent from a meeting, the deputy of the Chairperson, if present, shall preside at the meeting.

(6) If neither the Chairperson nor the deputy of the Chairperson is present at a meeting, the members present shall appoint one of their number to preside at the meeting.

(7) Subject to section 61, a question arising at a meeting shall be determined by a majority of the votes of the members present and voting.

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

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

(10) The procedure of the Board shall be as determined by the Board.

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

Resolutions without formal meetings

21. (1) If a majority of the members of the Board (being members who, if they were present at a meeting of the Board, would constitute a quorum) sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a duly constituted meeting of the Board on the day on which the document was signed, or, if the members signed the document on different days, on the day on which the document was last signed by a member.

(2) For the purposes of subsection (1), 2 or more separate documents containing statements in identical terms each of which is signed by one or more members shall together be deemed to constitute one document containing a statement in those terms signed by those members on the respective days on which they signed the separate documents.

Division 4—Nomination and selection process for membership of Board

Selection Committee

22. (1) The Australian Honey Board Selection Committee is established.

(2) The function of the Selection Committee is to select persons to be nominated, and nominate them to the Minister, for appointment as members of the Board referred to in paragraph 14 (1) (c).

(3) The Selection Committee has power to do all things that are necessary or convenient to be done in connection with the performance of its function.

Minister may request nominations

23. The Minister may, by notice in writing given to the Presiding Member, request the Selection Committee to give to the Minister, within the period specified in the notice:

- (a)** written nominations of persons for appointment as members of the Board referred to in paragraph 14 (1) (c); or
- (b)** where a casual vacancy occurs in the office of a member so referred to—a written nomination of a person for appointment to that office.

Selection of nominees

24. (1) The Selection Committee shall not nominate a person for appointment as a member of the Board unless the person has qualifications relevant to, or has experience in, one or more of the following fields of activity:

- (a)** production of honey;
- (b)** processing and packing of honey;
- (c)** exporting;
- (d)** finance;
- (e)** product promotion and marketing;
- (f)** business management.

(2) In selecting persons for nomination, the Selection Committee shall choose from the available candidates such persons as will best ensure that the members of the Board collectively possess qualifications and experience in all the fields of activity referred to in paragraphs (1) (a) to (f) (inclusive).

(3) The Selection Committee shall not nominate a person who is or has been a Committee member until a period of one year has elapsed after the person ceased or last ceased to be a Committee member.

(4) The Selection Committee shall not nominate a person who is, at the time of nomination, the President (by whatever name called) or Vice-President (by whatever name called) of the producers' organisation or of the packers' organisation.

(5) The Selection Committee may nominate a person even though the Minister has previously rejected a nomination of that person.

Nominations

25. (1) The Selection Committee shall, by the day specified by the Minister in a notice requesting the nomination of a person or persons for appointment to the Board, give to the Minister a notice in writing setting out the name or names of the person or persons whom it considers suitable for appointment.

(2) Subject to subsection 26 (1), the Selection Committee shall make only one nomination in respect of each appointment to be made by the Minister.

(3) The notice shall include a statement:

- (a)** containing, in respect of the person, or of each of the persons, nominated:
 - (i)** details of the person's qualifications and experience;
 - (ii)** such other information relating to the person as the Committee thinks appropriate to include to help the Minister to determine whether to appoint the person; and
- (b)** specifying how, in the Selection Committee's opinion, the nomination or nominations will best ensure that the members of the Board collectively possess qualifications and experience in the fields of activity referred to in subsection 24 (1).

(4) If the Minister considers the information contained in the statement to be inadequate, the Minister may, by notice in writing, require the Selection Committee, by the day specified in the notice, to provide the Minister with such further information of a kind referred to in a paragraph of subsection (3) as the Minister specifies.

Minister may reject nomination

26. (1) If the Minister is not satisfied as to the suitability of a person nominated for appointment, the Minister may, by notice in writing given to the Selection Committee, reject the nomination and may, in that notice, ask for a further nomination.

(2) For the purposes of this Act, that further request shall be taken to be a request under section 23.

Membership of Selection Committee

27. (1) The Selection Committee shall consist of the following Committee members:

- (a)** a Presiding Member;
- (b)** 2 members nominated by the producers' organisation;
- (c)** 2 members nominated by the packers' organisation;
- (d)** one member, nominated by the members referred to in paragraphs (b) and (c), who has professional experience in the selection of staff.

(2) A Committee member shall be appointed by the Minister in writing with effect from such day as the Minister specifies in the Committee member's instrument of appointment.

(3) Subject to this Act, a Committee member holds office for such period, not exceeding 3 years, as is specified in the Committee member's instrument of appointment, but is eligible for re-appointment.

(4) The Committee members shall be appointed on a part-time basis.

(5) The Minister shall not appoint a member of the Board as a Committee member.

(6) A Committee member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined, in writing, by the Minister.

(7) A Committee member may resign from office by writing signed by the Committee member and delivered to the Minister, but the resignation is not effective until it is accepted by the Minister.

(8) The performance of the Selection Committee's function and the exercise of its powers are not affected merely because of a vacancy in its membership.

(9) The appointment of a person as a Committee member is not invalid because of a defect or irregularity in connection with the person's nomination or appointment.

Acting Presiding Member

28. (1) The Minister may appoint a person to act as Presiding Member:

- (a) during a vacancy in the office of Presiding Member (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Presiding Member is absent from Australia or is, for any other reason, unable to perform the functions of the office of Presiding Member;

but a person appointed to act during a vacancy shall not continue to act for more than 12 months.

(2) Anything done by or in relation to a person purporting to act as Presiding Member is not invalid on the ground that:

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

Disclosure of interests

29. (1) Where:

- (a) a Committee member has a direct or indirect interest in a matter being considered, or about to be considered, by the Selection

Committee, whether at a meeting of the Selection Committee or in accordance with section 33; and

- (b) the interest could conflict with the proper performance of the Committee member's duties in relation to the consideration of the matter;

the Committee member shall, as soon as practicable after the relevant facts have come to the Committee member's knowledge, disclose the nature of the interest at a meeting of the Selection Committee.

(2) A disclosure under subsection (1) shall be recorded in the Selection Committee's minutes.

Leave of absence

30. (1) The Minister may grant leave of absence to the Presiding Member on such terms and conditions as the Minister determines.

(2) The Presiding Member may grant leave of absence to any other Committee member on such terms and conditions as the Presiding Member determines.

Termination of appointments

31. (1) The Minister may terminate the appointment of a Committee member for misbehaviour or physical or mental incapacity.

(2) If a Committee member:

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (b) is absent, except on leave of absence granted under section 30, from 3 consecutive meetings of the Selection Committee;
- (c) fails, without reasonable excuse, to comply with an obligation under section 29; or
- (d) becomes a member of the Board;

the Minister shall terminate the Committee member's appointment.

(3) If the producers' organisation so requests, the Minister shall terminate the appointment of a Committee member nominated by the producers' organisation.

(4) If the packers' organisation so requests, the Minister shall terminate the appointment of a Committee member nominated by the packers' organisation.

Meetings of Selection Committee

32. (1) The Presiding Member may convene such meetings of the Selection Committee as the Presiding Member considers necessary for the efficient performance of its function.

(2) Meetings of the Selection Committee shall be held at such places and at such times as the Presiding Member determines.

(3) At a meeting, 5 Committee members constitute a quorum.

(4) The Presiding Member shall preside at all meetings at which he or she is present.

(5) If the Presiding Member is absent from a meeting, the Committee members present shall appoint one of their number to preside at the meeting.

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

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

(8) The Selection Committee shall keep a record of its proceedings.

(9) The procedure of the Selection Committee shall be as determined by the Selection Committee.

Resolutions without formal meetings

33. (1) If a majority of the Committee members (being Committee members who, if they were present at a meeting of the Selection Committee, would constitute a quorum) sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be deemed to have been passed at a duly constituted meeting of the Selection Committee on the day on which the document was signed, or, if the Committee members signed the document on different days, on the day on which the document was last signed by a Committee member.

(2) For the purposes of subsection (1), 2 or more separate documents containing statements in identical terms each of which is signed by one or more Committee members shall together be deemed to constitute one document containing a statement in those terms signed by those Committee members on the respective days on which they signed the separate documents.

Staff and consultants

34. (1) The Presiding Member may, on behalf of the Commonwealth, engage persons to perform administrative and clerical services in connection with the performance of the function of the Selection Committee.

(2) The Presiding Member may, on behalf of the Commonwealth, engage persons having suitable qualifications and experience to be consultants to the Selection Committee to assist the Selection Committee in identifying persons suitable for nomination to the Minister.

(3) The terms and conditions of engagement of persons engaged under this section shall be such as are determined by the Selection Committee.

Remuneration and allowances

35. (1) A Committee member shall be paid:

- (a) such remuneration as is determined by the Remuneration Tribunal but if no determination of that Tribunal is in force, such remuneration as is prescribed; and
- (b) such allowances as are prescribed.

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

Division 5—Staff

Employees

36. (1) The Board may employ such persons as it thinks appropriate to assist the Board in the exercise of its powers and the performance of its functions.

(2) The terms and conditions of employment (including remuneration) of the person holding the position of principal employee (however described) of the Board shall be such as are, subject to the Minister's approval, determined by the Board.

(3) The terms and conditions of employment (including remuneration) of any other employee of the Board shall be such as are determined by the Board, but the Board shall not determine, in relation to such an employee, terms and conditions more favourable than those applying to the principal employee without the approval of the Minister.

Consultants

37. The Board may engage such persons as it thinks appropriate as consultants to advise the Board in respect of the exercise of its powers and the performance of its functions.

PART III—EXPORT CONTROL

Regulation of honey exports

38. (1) Subject to subsection 67 (3), a person other than the Board shall not export honey from Australia unless the person is the holder of a licence that is in force.

(2) A licensee shall not export honey from Australia in contravention of:

- (a) regulations made for the purposes of section 47; or
- (b) the terms and conditions of the licensee's export licence.

(3) Honey that has been exported, or that has been the subject of an attempted exportation, in contravention of this section shall be deemed to be, and to have always been, a prohibited export for the purposes of the *Customs Act 1901*.

Issuing of export licences

39. (1) An application for an export licence shall be made to the Board in the form approved by the Board.

(2) Where a person has made an application, the Board shall issue an export licence to the applicant if it is satisfied that the applicant:

- (a)** has not, at any time since the day 5 years before the making of the application, been convicted of any serious offence or of any offence against this Act or the regulations;
- (b)** is a person of sound financial and business standing;
- (c)** has had sufficient experience in the export of honey or other products; and
- (d)** is sufficiently able to obtain honey for export.

(3) The Board may issue an export licence subject to such terms and conditions as the Board thinks fit, including, without limiting the scope of the foregoing, terms and conditions relating to:

- (a)** the obtaining of the Board's permission before exporting from Australia any quantity of honey;
- (b)** the licensee entering into an arrangement with the Board for honey exported by the licensee to be sold by a particular person on behalf of the licensee; or
- (c)** the price at which honey exported by the licensee may be sold.

(4) Where the Board refuses to issue an export licence to the applicant, it shall give notice in writing to the applicant of the refusal.

(5) Where an application has not been determined within 2 months after it was made, the Board shall, for the purposes of enabling an application to the Administrative Appeals Tribunal to be made, be deemed to have refused the application on the last day of that period.

Variation of export licences

40. The Board may at any time, by notice in writing given to a licensee, vary the licensee's export licence by doing one or more of the following:

- (a)** varying any of the terms and conditions to which the licence is subject;
- (b)** revoking any of those terms and conditions; or
- (c)** imposing new terms and conditions to which the licence is to be subject;

and, from the time notice is given to the licensee, the licence has effect accordingly.

Duration of export licences

41. An export licence:

- (a)** comes into force on the day specified in the licence or, if no day is specified, the day on which it is issued; and

- (b) subject to this Part, remains in force for the period specified in the licence.

Renewal of export licences

42. (1) A licensee may apply to the Board, in the form approved by the Board, for renewal of the licensee's export licence.

(2) The application shall be made not earlier than 3 months and not later than one month before the expiration of the export licence, but the Board may, notwithstanding that the period for making the application has expired, permit the application to be made.

(3) The Board shall renew the export licence if it is satisfied that the licensee:

- (a) has complied with the terms and conditions of the licence and the regulations (if any) made for the purposes of subsection 47 (1); and
- (b) has demonstrated satisfactory performance in the export of honey.

(4) The renewal of the licence may be subject to the same terms and conditions, or different terms and conditions, as the terms and conditions subject to which the licence was issued or last renewed.

(5) Where the Board refuses to renew the licence, it shall give notice in writing to the licensee of the refusal.

(6) Where the application for renewal of the licence has not been determined within 2 months after it was made, the Board shall, for the purposes of enabling an application to the Administrative Appeals Tribunal to be made, be deemed to have refused the application on the last day of that period.

(7) A renewal of an export licence shall not take effect if the licence is cancelled on or before the day on which it would, but for the renewal, expire.

(8) If an export licence has been suspended, this section applies as if the licence had not been suspended, but the renewal does not affect the suspension of the licence.

Cancellation etc. of export licences

43. (1) The Board shall, at a licensee's request, cancel the licensee's export licence.

(2) The Board may, by notice in writing given to a licensee, cancel the licensee's export licence, or suspend the licence for a period specified in the notice, if:

- (a) the licensee has been charged with, or convicted of, a serious offence or an offence against this Act or the regulations; or
- (b) the Board has reasonable grounds to believe that the licensee:
 - (i) has become bankrupt or insolvent;

- (ii) has knowingly furnished to the Board, in connection with the application for the licence or for a renewal of the licence, information that is false or misleading;
 - (iii) has contravened the terms and conditions of the licence; or
 - (iv) has acted in a way that is seriously prejudicial to the honey industry.
- (3) In determining whether it is satisfied as mentioned in subparagraph (2) (b) (iv), the matters that the Board may take into account include:
- (a) activities of the person that could reasonably be regarded as damaging the reputation for quality of Australian honey; and
 - (b) activities of the person that could reasonably be regarded as damaging Australia's reputation as a viable supplier of honey.

Review of decisions

44. (1) Applications may be made to the Administrative Appeals Tribunal for review of:

- (a) a decision of the Board under section 39 to grant, or refuse to grant, an export licence;
- (b) a decision of the Board under section 40 to vary an export licence;
- (c) a decision of the Board under section 42 to renew, or refuse to renew, an export licence; or
- (d) a decision of the Board under subsection 43 (2) to cancel or suspend an export licence.

(2) In subsection (1), "decision" has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Statement to accompany notice of decisions

45. (1) Where the Board makes a decision of a kind referred to in subsection 44 (1) and gives to a person whose interests are affected by the decision notice in writing of the making of the decision, that notice shall include a statement to the effect that:

- (a) subject to the *Administrative Appeals Tribunal Act 1975*, application may be made by or on behalf of that person to the Administrative Appeals Tribunal for review of that decision; and
- (b) except where subsection 28 (4) of that Act applies, application may be made in accordance with section 28 of that Act by or on behalf of that person for a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.

(2) Any contravention of subsection (1) in relation to a decision does not affect the validity of the decision.

Returns etc. relating to honey exports

46. (1) A licensee shall, when required to do so by the Board, give to the Board, within such time as the Board specifies, any returns or information, relating to exports of honey by the licensee, that are, in the Board's opinion, necessary to enable it to perform its functions or exercise its powers under this Act.

(2) A licensee shall not, without reasonable excuse, refuse or fail to comply with such a requirement.

Penalty: \$500.

Regulations relating to honey exports

47. (1) The regulations may prescribe controls to be complied with in relation to the export of honey from Australia.

(2) Regulations made for the purposes of this section prescribing controls shall not be made unless the Board has recommended to the Minister that, in its opinion, the controls are necessary.

Review of export controls

48. The Board shall, as soon as practicable after the end of each financial year commencing on or after 1 July 1988:

- (a) review the operation of the controls on the export of honey that have been in force during the financial year; and
- (b) report the outcome of the review to the producers' organisation and the packers' organisation.

Operation of other laws

49. Neither this Part (other than subsection 38 (3)) nor any regulations made for the purposes of section 47 affects the operation of the *Customs Act 1901*, the *Commerce (Trade Descriptions) Act 1905* or the *Export Control Act 1982*, or of regulations made under any of those Acts.

PART IV—FINANCE

Payments to Board

50. There shall be paid to the Board out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to:

- (a) so much of the amounts from time to time received by the Commonwealth as charge under the *Honey Export Charge Act 1973* as is so received by virtue of paragraph 7 (1) (a) of that Act;
- (b) so much of the amounts from time to time received by the Commonwealth as levy under the *Honey Levy Act (No. 1) 1962* as is so received by virtue of paragraph 5 (1) (a) of that Act;
- (c) so much of the amounts from time to time received by the Commonwealth as levy under the *Honey Levy Act (No. 2) 1962* as is so received by virtue of paragraph 5 (1) (a) of that Act;

- (d) so much of the amounts from time to time received by the Commonwealth in discharge of a person's liability (other than a liability in respect of a penalty under subsection 8 (1) of the *Honey Levy Collection Act 1962*) under subsection 7 (1) of that Act in respect of amounts payable by virtue of paragraph 5 (1) (a) of the *Honey Levy Act (No. 1) 1962* or of paragraph 5 (1) (a) of the *Honey Levy Act (No. 2) 1962*;
- (e) so much of the amounts (if any) received by the Commonwealth as penalties under section 6 of the *Honey Export Charge Collection Act 1973* as relates to amounts referred to in paragraph (a) of this section; and
- (f) so much of the amounts (if any) received by the Commonwealth and payable by way of penalty under section 8 of the *Honey Levy Collection Act 1962* as relates to amounts referred to in paragraph (b), (c) or (d) of this section.

Bank accounts

51. (1) The Board may open and maintain accounts with banks and shall at all times maintain at least one such account.

(2) The Board shall pay all money of the Board into an account maintained with a bank.

Investment of money of Board

52. Money of the Board not immediately required for the purposes of the Board may be invested:

- (a) in securities of, or guaranteed by, the Commonwealth or a State;
- (b) on deposit with a bank; or
- (c) in any other manner that is consistent with sound commercial practice.

Proper accounts to be kept

53. The Board shall cause to be kept proper accounts and records of the transactions and affairs of the Board in accordance with the accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments by the Board are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the incurring of liabilities by the Board.

Expenditure of money of Board

54. (1) The money of the Board may be expended only:

- (a) in payment or discharge of the expenses and liabilities incurred:
 - (i) by the Board; or
 - (ii) in connection with the discharge of the function of the Selection Committee;

- (b) in payment of remuneration and allowances payable under this Act; and
- (c) in making any other payments that the Board is authorised or required to make by or under this Act or another Act.

(2) The Board is liable to pay the expenses, and discharge the liabilities, duly incurred by the Selection Committee.

Audit

55. (1) The Board's auditor shall inspect and audit the accounts and records of the Board's financial transactions and the records relating to assets of, or in the custody of, the Board, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Board's auditor, is of sufficient importance to justify doing so.

(2) The Board's auditor may dispense with all or a part of the detailed inspection and audit of any of those accounts or records.

(3) The Board's auditor shall, at least once in each financial year, report to the Minister the results of the inspection and audit.

(4) The Board's auditor or a person authorised by the Board's auditor is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the Board.

(5) The Board's auditor or a person authorised by the Board's auditor may make copies of, or take extracts from, such accounts, records, documents or papers.

(6) The Board's auditor or a person authorised by the Board's auditor may require a person to furnish such information in the possession of the person, or to which the person has access, as the Board's auditor or authorised person considers necessary for the purposes of the functions of the Board's auditor under this Act, and the person shall comply with the requirement.

Penalty for an offence against subsection (6):

- (a) in the case of a natural person—\$1,000; or
- (b) in the case of a body corporate—\$5,000.

Appointment of company auditors

56. (1) The Board may, after consultation with the producers' organisation and the packers' organisation, ask the Minister, in writing, to appoint a company auditor specified in the request to be the auditor of the Board.

(2) Upon receiving a request, the Minister shall cause particulars of the request to be given to the Auditor-General.

(3) Upon being given particulars of the request, the Auditor-General shall consider whether or not the company auditor referred to in the request is suitable to be the auditor of the Board and shall inform the Minister, in writing, of the Auditor-General's decision and of the reasons for that decision.

(4) Where the Auditor-General has informed the Minister that the Auditor-General is satisfied that a company auditor is suitable to be the auditor of the Board, the Minister shall cause to be given to the Chairman of the Joint Committee of Public Accounts particulars of the request and of the Auditor-General's advice.

(5) The Joint Committee of Public Accounts shall consider the advice given by the Auditor-General and shall inform the Minister, in writing, whether or not that Committee agrees to the appointment of the company auditor as the auditor of the Board.

(6) If the Joint Committee of Public Accounts informs the Minister that it agrees to the appointment of the company auditor as the auditor of the Board, the Minister may, in writing, appoint that auditor accordingly.

(7) Where an appointment has been made, the Minister may, by writing, revoke that appointment.

(8) Where the Minister makes an appointment, the Minister shall inform the Board, in writing, of the making of the appointment.

(9) Where:

- (a) the Auditor-General decides that a particular company auditor is not suitable to be the auditor of the Board;
- (b) the Joint Committee of Public Accounts informs the Minister that it does not agree to the appointment of a particular company auditor as the auditor of the Board;
- (c) the Minister refuses to make an appointment; or
- (d) the Minister revokes an appointment;

the Minister shall inform the Board, in writing, of the decision and of the reasons for the decision.

Remuneration and allowances

57. (1) This section applies to the following persons:

- (a) members of the Board;
- (b) members of committees established under section 10.

(2) A person to whom this section applies shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no such determination of that remuneration is in operation, the person shall be paid such remuneration as is prescribed.

(3) A person to whom this section applies shall be paid such other allowances as are prescribed.

(4) If:

- (a) a person to whom this section applies is a member of, or a candidate for election to, the Parliament of a State; and
- (b) under the law of that State, the person would not be eligible to remain, or to be elected as, a member of that Parliament if he or she were entitled to remuneration under this Act;

the person shall not be paid remuneration or allowances under this Act but shall be reimbursed such expenses as the person reasonably incurs in performing the functions of a member of the Board or member of a committee, as the case requires.

(5) If a person to whom this section applies is:

- (a) a member of the Parliament of a State (other than a State to the laws of which paragraph (4) (b) refers); or
- (b) in the service or employment of a State or an authority of a State, or a person who holds or performs the duties of an office or position established by or under a law of a State, on a full-time basis;

it is a condition of the person's holding the office of a member of the Board or member of a committee, as the case requires, that the person pay to the State, within one month of receiving an amount of remuneration under this Act, an amount equal to that first-mentioned amount, and the person:

- (c) shall not be paid allowances under this Act; and
- (d) shall be reimbursed such expenses as the person reasonably incurs in performing the functions of a member of the Board or member of a committee, as the case requires.

(6) An amount so payable to a State by a person is a debt to the State, and the State may recover that amount by action against the person in a court of competent jurisdiction.

(7) In this section:

“Parliament”, in relation to the Northern Territory, means the Legislative Assembly of the Northern Territory;

“State” includes the Northern Territory.

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

Liability to taxation

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

(2) Subject to subsections (3) and (4), the Board is not subject to taxation under a law of a State or Territory.

(3) The regulations may provide that subsection (2) does not apply in relation to taxation under a specified law of a State or Territory.

(4) Stamp duty under the law of a State or a Territory is payable by the Board in respect of transactions entered into by, and instruments and documents executed by or on behalf of, the Board.

PART V—MISCELLANEOUS

Annual report

59. (1) The Board shall, as soon as practicable after 30 June 1989 and each later 30 June, prepare and give to the Minister a report on the operation of this Act during the financial year that ended on that day, together with financial statements for that year in such form as the Minister for Finance approves.

(2) Without limiting the generality of the matters to be included in an annual report, an annual report in respect of a financial year commencing after 30 June 1989 shall include:

- (a) an assessment of the extent to which the operations of the Board during that year have contributed to the objectives set out in the corporate plan and the annual operational plan that were in force during that year; and
- (b) particulars of any variations to a corporate plan agreed to by the Minister under section 11, and any variations to an annual operational plan agreed to by the Minister under section 12, during that year.

(3) Before submitting financial statements to the Minister, the Board shall submit them to the Board's auditor, who shall report to the Minister:

- (a) whether, in the auditor's opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and, in the auditor's opinion, show fairly the financial transactions and the state of the affairs of the Board;
- (c) whether, in the auditor's opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Board 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 considers should be reported to the Minister.

(4) The Minister shall cause the annual report and financial statements, together with the report of the Board's auditor, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

Accountability to honey industry

60. (1) The Chairperson shall, as soon as practicable after an annual report has been given to the Minister:

- (a) provide copies of the report to the producers' organisation and the packers' organisation; and

- (b) make arrangements with the organisations for the Chairperson to attend meetings of each of the organisations, or a joint meeting of both organisations, for the purpose of enabling:
 - (i) the annual report to be considered;
 - (ii) the Chairperson to deliver an address in relation to the activities of the Board in the period to which the report relates and in relation to the intended activities of the Board in the financial year following the end of the period; and
 - (iii) the Chairperson to be questioned in relation to those activities.
- (2) The Chairperson's address shall include:
 - (a) details of the Board's plans for promotion of the consumption and sale of honey;
 - (b) the amount of money that the Board considers will be required for the purposes of such promotion; and
 - (c) whether the Board considers that the amounts to be paid to the Board under section 50 will be sufficient to meet that requirement.

Delegation

61. (1) The Board may, either generally or otherwise as provided by the instrument of delegation, by writing under its common seal, delegate to:

- (a) a member of the Board;
- (b) a committee established under section 10; or
- (c) an employee of the Board;

any of the Board's powers under this Act, except this power of delegation.

(2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation and, when so exercised, shall, for the purposes of this Act, be deemed to have been exercised by the Board.

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

(4) A decision by the Board to delegate any of its powers may only be made by the unanimous decision of all the members.

Cessation of Act

62. (1) This Act, unless sooner repealed, shall cease to be in force at the expiration of 6 years after the day on which it commences.

(2) When this Act so ceases to be in force, it shall be taken, for the purposes of section 8 of the *Acts Interpretation Act 1901*, to have been repealed by an Act other than this Act.

Regulations

63. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters:

- (a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act;
including regulations prescribing penalties, not exceeding \$500 in the case of a natural person or \$2,500 in the case of a body corporate, for offences against the regulations.

PART VI—REPEAL AND TRANSITIONAL

Repeal

64. The following Acts are repealed:

Honey Industry Act 1962;
Honey Industry Act 1965;
Honey Industry Act 1972;
Honey Industry Act 1973;
Honey Industry Amendment Act 1980.

Continuation of appointments to Board

65. (1) A person who, immediately before the commencement of this section, held office under the repealed Act as the Chairman or Deputy Chairman of the Board established under that Act holds office, on and after that commencement, as the Chairperson, or as the deputy of the Chairperson, as the case may be, of the Board as continued in existence under section 4 of this Act.

(2) A person who, immediately before the commencement of this section, held office under the repealed Act as a member of the Board established under that Act (other than the Chairman) holds office, on and after that commencement, as a member (other than the Chairperson) of the Board as continued in existence under section 4 of this Act.

(3) Subject to subsections (4) and (5), persons holding office under this section hold office until the end of their respective terms of office.

(4) Persons holding office under this section hold office on terms and conditions relevant to their appointment under the repealed Act.

(5) Where:

- (a) the Minister has, within one month after the commencement of section 23 of this Act, requested, under that section, the Selection Committee to give to the Minister written nominations of 6 persons for appointment as members of the Board referred to in paragraph 14 (1) (c) of this Act; and
- (b) the Selection Committee has, in accordance with Division 4 of Part II of this Act, given to the Minister nominations of 6 persons, being persons whom the Minister is satisfied are suitable for such appointment;

the Minister may, by notice in writing given to each of the persons holding office under this section, terminate their holding of office under this section.

Continuation of Executive Committee

66. (1) The Executive Committee of the Board that was, immediately before the commencement of this section, in existence under section 12 of the repealed Act continues in existence by force of this section as if it had been a committee established under section 10 of this Act.

(2) A person who, immediately before the commencement of this section, was a member of the committee continues, on and after that commencement, to be a member of the committee.

(3) Subject to subsection (4), any such person continues to be a member of the committee until the end of his or her current term of office as a member of the committee.

(4) The person continues as a member of the committee on terms and conditions relevant to the person's appointment to the committee under the repealed Act.

Continuation of export licences

67. (1) Where, immediately before the commencement of this section, a person held, under section 22 of the repealed Act, a licence to export honey, the licence shall, for the purposes of this Act, be taken to continue to be in force until:

- (a)** if the licence would, but for this Act, have expired within 2 months after the commencement of this Act—2 months after that commencement;
- (b)** if paragraph (a) does not apply—the licence would, but for this Act, have expired;
- (c)** the person is issued with an export licence under Part III; or
- (d)** the licence is cancelled under paragraph (2) (b);

whichever first occurs.

(2) Notwithstanding section 64 of this Act:

- (a)** section 22 of the repealed Act and the applicable export regulations continue to apply in relation to such a licence and to any exportation of honey under the licence; and
- (b)** the Minister and the Board continue to have, in relation to the licence and any such exportation, the same powers as they had under section 22 of the repealed Act and the applicable export regulations.

(3) Notwithstanding section 38 of this Act, a person who is the holder of such a licence does not contravene that section by exporting honey from Australia if:

- (a)** at the time of the exportation, the licence continues to be in force under subsection (1) of this section and is not suspended under paragraph (2) (b); and

- (b) the exportation is in accordance with section 22 of the repealed Act and with the applicable export regulations.

Expenditure of money of Board

68. Notwithstanding anything in the repealed Act, the Board is liable to pay the expenses, and discharge the liabilities, incurred in connection with the discharge of the function of the Selection Committee before the commencement of section 54, and the money of the Board may be applied in making any such payments and discharging any such liabilities.

1987-88 annual report

69. Notwithstanding section 64, the repeal of the Acts referred to in that section does not affect:

- (a) the obligations of the Board under section 30 of the repealed Act to prepare and furnish to the Minister a report of its operations during the year that ended on 30 June 1988, together with financial statements in respect of that year, and to submit the financial statements to the Auditor-General;
- (b) the obligation of the Auditor-General to report to the Minister under subsection 30 (2) of the repealed Act in relation to the financial statements; or
- (c) the obligation of the Minister under subsection 30 (3) of the repealed Act in relation to the Board's report, the financial statements and the Auditor-General's report.

*[Minister's second reading speech made in—
House of Representatives on 23 March 1988
Senate on 26 April 1988]*