

DRIED FRUITS EXPORT CONTROL.

No. 89 of 1964.

An Act to amend the *Dried Fruits Export Control Act 1924-1953*.

[Assented to 5th November, 1964.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Dried Fruits Export Control Act 1964*.

(2.) The *Dried Fruits Export Control Act 1924-1953** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Dried Fruits Export Control Act 1924-1964*.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

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 Section three of the Principal Act is repealed and the following section inserted in its stead:—

Definitions.

“ 3. In this Act, unless the contrary intention appears—

‘ approved bank ’ means the Reserve Bank of Australia or a bank approved by the Treasurer for the purposes of the provision in which the expression occurs;

* Act No. 40, 1924, as amended by No. 46, 1930; No. 45, 1934; No. 3, 1935; No. 21, 1937; No. 21, 1938; No. 57, 1952; and No. 9, 1953.

- ' Committee ' means an Executive Committee of the Board;
- ' dried fruits ' means dried currants, dried sultanas and dried raisins;
- ' member ' means a member of the Board, and includes the additional member;
- ' the additional member ' means the member, if any, appointed under section nine of this Act;
- ' the Auditor-General ' means the Auditor-General for the Commonwealth;
- ' the Board ' means the Australian Dried Fruits Control Board constituted under this Act;
- ' the Chairman ' means the Chairman of the Board;
- ' the Deputy Chairman ' means the Deputy Chairman of the Board, but does not include a deputy of the Deputy Chairman."

4.—(1.) Section four of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the word " a " and inserting in its stead the words " an Australian ";
- (b) by omitting from paragraph (f) of sub-section (2.) the word " and ";
- (c) by adding at the end of sub-section (2.) the following word and paragraph:—
 - " ; and (h) the additional member, if any, appointed under section nine of this Act." ;
- (d) by omitting from sub-sections (3.), (4.), (7A.) and (7B.) the word " Governor-General " and inserting in its stead the word " Minister " ;
- (e) by inserting after sub-section (7B.) the following sub-section:—
 - " (7C.) A member may resign his office by writing under his hand delivered to the Minister." ;
- (f) by omitting from sub-section (8.) the word " Governor-General " and inserting in its stead the word " Minister " ;
- (g) by inserting after sub-section (8.) the following sub-section:—
 - " (8A.) On the death, resignation or removal from office of a member specified in paragraph (f) or (g) of sub-section (2.) of this section, the Minister may appoint a person to hold the vacant office for the residue of the term of that member." ; and
- (h) by inserting in sub-section (9.), after the word " vacancy ", the words " or vacancies " .

Australian
Dried Fruits
Control Board.

(2.) The change effected by paragraph (a) of the last preceding sub-section in the name of the Board constituted under the Principal Act does not affect the existence, or the corporate identity, of that Board or its membership and a reference to that Board—

- (a) in a law of the Commonwealth or in an instrument made under, or having effect for the purposes of, a law of the Commonwealth, including regulations in force under the Principal Act; or
- (b) in a contract, agreement or instrument subsisting at the commencement of this Act to which that Board is a party,

shall, after the commencement of this Act, be read as a reference to that Board by the name of the Australian Dried Fruits Control Board.

(3.) A member of the Australian Dried Fruits Control Board who, immediately before the commencement of this Act, held office by virtue of an appointment by the Governor-General shall hold office after the commencement of this Act as if he had been appointed by the Minister under the Principal Act as amended by this Act.

Deputies of members.

5.—(1.) Section seven of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) In the event of the illness or absence of a member (other than the Chairman or the additional member), the Minister may appoint a person to be the deputy of that member and, during the illness or absence of the member, the person so appointed is entitled to attend meetings of the Board and, if the member of whom he is the deputy is a member of a Committee, to attend meetings of the Committee, and when so attending, shall be deemed to be a member of the Board or a member of the Committee, as the case may be.”.

(2.) A person who is the deputy of a member (other than the Chairman) at the commencement of this Act by virtue of an appointment under sub-section (1.) of section seven of the Principal Act continues to be a deputy of that member after the commencement of this Act as if appointed under sub-section (1.) of section seven of the Principal Act as amended by this Act.

6.—(1.) Sections eight, nine and ten of the Principal Act are repealed and the following sections inserted in their stead:—

Remuneration and allowances.

“8.—(1.) Members and deputies of members shall be paid such remuneration and allowances as the Governor-General determines.

“(2.) If a member or the deputy of a member is a member of, or a candidate for election to, the Parliament of the Commonwealth or of a State, he shall not be paid remuneration or allowances under the last preceding sub-section, but shall, subject to the approval of the Minister, be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Board or a Committee or of his engagement (whether in or outside Australia), with the approval of the Board, on business of the Board.

“(3.) A person invited by the Board or by a Committee to attend a meeting of the Board or of the Committee, as the case may be, may be paid in respect of that attendance such fees and allowances as the Minister determines.

“9.—(1.) Subject to sub-section (4.) of this section, the Board shall appoint a member to be Chairman of the Board for such period, not exceeding three years, as the Board determines. Chairman of the Board.

“(2.) A member appointed as Chairman under the last preceding sub-section ceases to hold office as Chairman upon—

- (a) the expiration of the period of his appointment as Chairman;
- (b) his resignation in accordance with the next succeeding sub-section; or
- (c) his ceasing to be a member,

whichever first occurs.

“(3.) A member appointed as Chairman under sub-section (1.) of this section may resign his office as Chairman by writing under his hand delivered to the Board.

“(4.) In lieu of making an appointment under sub-section (1.) of this section, the Board may, with the approval of the Minister—

- (a) appoint a person who is not a member of the Board to be an additional member of the Board and Chairman of the Board; and
- (b) determine the period (not exceeding three years) during which that person shall hold office.

“(5.) Subject to sub-sections (7B.) and (7C.) of section four of this Act, a person appointed under the last preceding sub-section holds office as a member of the Board and Chairman of the Board for the period determined by the Board under that sub-section.

“10.—(1.) The Board shall appoint a member, other than the Chairman, to be Deputy Chairman of the Board. Deputy Chairman of the Board.

“(2.) Subject to the next succeeding sub-section, the member appointed as Deputy Chairman under the last preceding sub-section holds office as Deputy Chairman until—

- (a) the expiration of his period of office as a member;

- (b) he ceases to be a member; or
- (c) the appointment of another member to be Deputy Chairman,

whichever first occurs.

“(3.) A member appointed as Deputy Chairman may resign his office as Deputy Chairman by writing under his hand delivered to the Board.

Meetings of
the Board.

“10A.—(1.) The Board shall hold meetings at such times and places as the Board determines.

“(2.) The Chairman or, when the Chairman is outside Australia or the office of Chairman is vacant, the Deputy Chairman may, at any time, convene a meeting of the Board and shall do so upon the request in writing of not less than seven members.

“(3.) Where—

- (a) the Chairman is ill or outside Australia or the office of Chairman is vacant; and
- (b) the Deputy Chairman is ill or outside Australia or the office of Deputy Chairman is vacant,

any seven members may convene a meeting of the Board.

“(4.) The Chairman shall preside at all meetings of the Board at which he is present.

“(5.) In the absence of the Chairman from a meeting of the Board, the Deputy Chairman, if he is present, shall preside.

“(6.) In the absence of both the Chairman and the Deputy Chairman from a meeting of the Board, the members present shall elect one of their number to preside at that meeting.

“(7.) At a meeting of the Board, seven members constitute a quorum.

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

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

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

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

Executive
Committees.

“10B.—(1.) The Board may appoint any of its members to be an Executive Committee, and may delegate to that Committee such of its powers and functions as the Board determines.

“(2.) A delegation under this section is revocable at the will of the Board and does not prevent the exercise of a power or the performance of a function by the Board.

“(3.) The Board shall, when appointing an Executive Committee, specify the number of members of the Committee necessary to form a quorum at a meeting of the Committee and the tenure of office of members of the Committee.

“(4.) At a meeting of a Committee—

(a) all questions shall be decided by a majority of votes of the members present and voting and, in the event of an equality of votes on a question, the question shall be deemed to have been decided in the negative; and

(b) the member presiding has a deliberative vote only.

“(5.) A Committee may invite a person to attend a meeting of the Committee for the purpose of advising or informing the Committee on any matter.

“(6.) Subject to this section, the procedure of a Committee shall be as determined by the Committee.

“(7.) The exercise of a power or the performance of a function by a Committee is not invalidated by reason only of there being a vacancy in the membership of the Committee.”.

(2.) The person holding office immediately before the commencement of this Act as Chairman of the Dried Fruits Control Board shall continue in office after the commencement of this Act as Chairman of the Australian Dried Fruits Control Board until the appointment of a Chairman under section nine of the Principal Act as amended by this Act.

7. Section eleven of the Principal Act is amended by omitting from sub-section (2.) the word “Governor-General” (wherever occurring) and inserting in its stead the word “Minister”.

London
Agency of
Board.

8. Section twelve of the Principal Act is amended by adding at the end thereof the following sub-section:—

Employment
of staff.

“(4.) The *Commonwealth Employees' Compensation Act 1930-1962* applies to persons employed under this section as if they were employees within the meaning of that Act and as if references in that Act to the Commonwealth were references to the Board.”.

9. After section nineteen of the Principal Act the following section is inserted:—

“19A.—(1.) It is a function of the Board to promote the exportation of dried fruits from Australia and the sale and consumption outside Australia of Australian dried fruits.

Promotion o
exportation,
&c., of
Australian
dried fruits.

“(2.) The Board has power to do all things that are necessary or convenient to be done for or in connexion with the performance of the function of the Board referred to in the last preceding

sub-section and, in particular, in performing that function, may do such things as the Board thinks fit to improve the quality of Australian dried fruits, and the methods of production, storage and transport of Australian dried fruits.”.

10.—(1.) Sections twenty to twenty-four (inclusive) of the Principal Act are repealed and the following sections inserted in their stead:—

Moneys to be paid to Board out of Consolidated Revenue Fund.

“ 20. There shall be paid to the Board out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the amounts of levy received by the Commonwealth under the *Dried Fruits Export Charges Act 1924–1964*.

Bank accounts.

“ 21.—(1.) The Board 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.

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

Application of moneys.

“ 22.—(1.) Subject to the next succeeding sub-section, the moneys of the Board shall be applied only—

(a) in payment or discharge of expenses, obligations and liabilities of the Board arising out of the performance of its functions, or the exercise of its powers, under this Act; and

(b) in payment of remuneration, allowances, fees or expenses payable to any person (including a member of the Board) under this Act.

“ (2.) Moneys of the Board not immediately required for any of the purposes specified in the last preceding sub-section may be invested on fixed deposit with an approved bank or in securities of, or guaranteed by, the Commonwealth or a State.

Taxation.

“ 23.—(1.) Subject to this section, the Board is subject to taxation (other than taxes on income) under the laws of the Commonwealth, but is not subject to taxation under a law of a State or Territory of the Commonwealth to which the Commonwealth is not subject.

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

Accounts and records to be kept.

“ 24. The Board shall keep proper accounts and records of the transactions and affairs of the Board and shall do all things necessary to ensure that all payments out of the moneys of the Board are properly authorized and correctly made 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.

“ 24A.—(1.) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Board and shall forthwith draw the Minister’s attention to any irregularity revealed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing. Audit.

“ (2.) The Auditor-General or an officer authorized by him 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 by the Board or to the acquisition, receipt, custody or disposal of assets of the Board.

“ (3.) The Auditor-General or an officer authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

“ (4.) The Auditor-General or an officer authorized by him may require a member of the Board or a member of the staff of the Board to furnish him with such information in the possession of that person or to which that person has access as the Auditor-General or authorized officer considers necessary for the purposes of an inspection or audit under this Act, and that person shall comply with the requirement.

“ (5.) In this section, ‘ officer ’ means an officer of the Public Service of the Commonwealth.”

(2.) All moneys in the Dried Fruits Export Fund immediately before the commencement of this Act, including moneys lodged in an account under section twenty-two of the Principal Act, shall, upon the commencement of this Act, vest in the Australian Dried Fruits Control Board as moneys of the Board and all investments of moneys of that Fund in existence immediately before the commencement of this Act shall, upon the commencement of this Act, vest in that Board and be deemed to be investments of moneys of the Board.

11. Section twenty-six of the Principal Act is repealed.

Audit.

12. A reference to dried lexias in any regulations or other instrument in force at the commencement of this Act under the Principal Act or under the *Dried Fruits Export Charges Act* 1924–1929, or in any contract, agreement or instrument made under, or for the purposes of, either of those Acts or any regulations under either of those Acts and subsisting at the commencement of this Act, shall be read as a reference to dried raisins.

References in other laws to lexias.