

DAIRY PRODUCE EXPORT CONTROL.

No. 53 of 1947.

An Act to amend the *Dairy Produce Export Control Act 1924-1942.*

[Assented to 1st November, 1947.]

BE it enacted by the King'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 *Dairy Produce Export Control Act 1947.*

(2.) The *Dairy Produce Export Control Act 1924-1942** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Dairy Produce Export Control Act 1924-1947.*

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation.

Definitions.

3. Section three of the Principal Act is amended by omitting the definition of "dairy produce" and inserting in its stead the following definitions:—

" 'dairy produce' means butter and cheese and includes such other products derived from milk or the constituent parts of milk (whether or not any other substance is added thereto) as are prescribed ;

' member ' means a member of the Board ;”.

4.—(1.) Section four of the Principal Act is repealed and the following section inserted in its stead:—

Australian Dairy Produce Board.

" 4.—(1.) For the purposes of this Act, there shall be an Australian Dairy Produce Board.

" (2.) The Board shall consist of—

(a) two members to represent the dairy farmers of Australia ;

(b) one member from each of the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania to represent the co-operative butter and cheese factories in each of those States ;

(c) two members to represent proprietary butter and cheese factories and privately owned butter and cheese factories of Australia ;

Act No. 38, 1924, as amended by No. 45, 1934 ; No. 70, 1935 ; No. 26, 1936 ; No. 20, 1937 ; No. 18, 1938 ; and No. 24, 1942.

(d) one member to represent employees of butter and cheese factories; and

(e) one member to represent the Commonwealth Government.

“(3.) The members of the Board shall be appointed by the Governor-General in accordance with the provisions of this section.

“(4.) Each member appointed to represent the dairy farmers of Australia shall be a person nominated by the Minister from a panel of names submitted to him by the Australian Dairy Farmers Federation.

“(5.) Each member appointed to represent the co-operative butter and cheese factories of Australia shall be a person elected in such manner as is prescribed.

“(6.) Each member appointed to represent proprietary butter and cheese factories and privately owned butter and cheese factories shall be a person elected by the owners of those factories in such manner as is prescribed.

“(7.) A person shall not be entitled to vote at any election held under the provisions of sub-section (5.) or (6.) of this section unless he is enrolled as an elector in pursuance of Part VII. of the *Commonwealth Electoral Act 1918-1946*.

“(8.) The member appointed to represent employees of butter and cheese factories shall be a person nominated by the Minister after consulting, wherever practicable, with representatives of the appropriate union or unions.

“(9.) The member appointed to represent the Commonwealth Government shall be Chairman of the Board and shall hold office for such period as the Governor-General directs:

Provided that the Governor-General may, on the recommendation of the Minister, remove the Chairman from his office for incapacity, incompetence or misbehaviour.

“(10.) Members of the Board, other than the Chairman, shall, subject to this section, hold office for a period of three years and shall be eligible for re-appointment.

“(11.) A member of the Board, other than the Chairman, may be removed from office by the Governor-General on the recommendation of the Board.

“(12.) On the occurrence of any vacancy in the membership of the Board by reason of the death, resignation or removal from office of any member, the Governor-General may appoint a person to fill the vacancy and any person so appointed, other than the Chairman, shall hold office for the residue of the term of the member whose place became vacant:

Provided that, where the member whose place has become vacant was elected in pursuance of sub-section (5.) or (6.) of this section, the person appointed to fill the vacancy shall be appointed on the recommendation of the Board.

“(13.) The exercise of the powers and functions of the Board shall not be affected by reason only of there being a vacancy in the membership of the Board.”.

(2.) Notwithstanding the repeal effected by sub-section (1.) of this section, the Australian Dairy Produce Board established under the Principal Act shall be preserved and continue in existence under and subject to the provisions of the Principal Act as amended by this Act, so that the corporate identity of the Australian Dairy Produce Board shall not be affected.

Deputies of members.

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

“(1A.) Where the member who is ill or absent is a member appointed in pursuance of sub-section (4.) of section four of this Act, the person appointed to be the deputy of that member shall be appointed upon the nomination of the Australian Dairy Farmers Federation.”.

Fees and expenses.

6. Section eight of the Principal Act is amended by inserting in sub-section (1.), after the word “such”, the word “salaries,”.

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

Chairman to preside at meetings of Board.

“9.—(1.) The Chairman shall preside at all meetings of the Board.

“(2.) At any meeting of the Board at which the Chairman is not present the members present shall appoint one of their number to preside at that meeting.”.

Meetings of the Board.

8. Section ten of the Principal Act is amended—

(a) by inserting in sub-section (4.), after the word “Chairman”, the words “or other person presiding at that meeting”; and

(b) by inserting, after sub-section (5.), the following sub-section :—

“(5A.) If the Chairman or other person presiding at any meeting of the Board dissents from any decision of the Board at that meeting and signifies at that meeting to the other members present in person his intention to bring his dissent to the notice of the Minister and, within twenty-four hours after the close of the meeting, transmits to the Minister notice of his dissent together with full particulars of the decision, the decision shall have no effect unless the Minister approves of the decision (whether with or without variation) and, if the Minister approves of the decision subject to a variation, the varied decision as so approved shall be deemed to be the decision of the Board.”.

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

London representation.

“12.—(1.) The Board may appoint a person or persons approved by the Minister to represent the Board in London.

“(2.) The representative or representatives of the Board in London shall hold office on such terms and conditions as the Board determines.”.

10. Section thirteen of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section :—

Appointment of officers.

“(2.) Where an officer appointed in pursuance of this section was, immediately before his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Board shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act 1928-1940* shall apply to that officer in like manner as if this Act and section were specified in the Schedule to that Act.”.

11. Section fourteen of the Principal Act is amended by omitting sub-section (2.).

Dairy produce not to be exported save in accordance with determination of Board.

12. Section twenty of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the word “shall”, the words “; subject to any direction of the Minister”;
- (b) by omitting from that sub-section the words “placed under its control” and inserting in their stead the words “intended for export from the Commonwealth”;
- (c) by omitting from paragraph (d) of that sub-section the word “and” (last occurring); and
- (d) by inserting after paragraph (e) of that sub-section the following word and paragraph :—

Particular powers of Board.

“; and (f) The purchase and sale for the purpose of export, on behalf of the Commonwealth, of dairy produce and the management and control of all matters connected with the handling, storage, protection, treatment, transfer and shipment of the dairy produce so purchased or sold by the Commonwealth.”.

13. After section twenty of the Principal Act the following section is inserted :—

“**20AA.**—(1.) The National Security (Dairy Produce Acquisition) Regulations as in force under the *Defence (Transitional Provisions) Act 1946* are repealed.

Repeal of National Security Dairy Produce Acquisition Regulations.

“(2.) Notwithstanding the repeal effected by this section, the Board shall have and may exercise, in relation to any dairy produce acquired or purchased by the Commonwealth or by the Dairy Produce Control Committee on behalf of the Commonwealth under

the repealed Regulations, all the powers, authorities and functions which, immediately prior to the commencement of this section, were vested in or conferred on that Committee by those Regulations, and for that purpose—

- (a) the Board shall by force of this Act be substituted for the Dairy Produce Control Committee ;
- (b) the assets of the Dairy Produce Control Committee shall, by force of this Act, be vested in the Board ;
- (c) all rights, obligations and liabilities which, immediately prior to the commencement of this section, were vested in or imposed on the Dairy Produce Control Committee shall by force of this Act be vested in or imposed on the Board ; and
- (d) in any contract, agreement or other instrument to which the Dairy Produce Control Committee was a party, any reference to the Dairy Produce Control Committee shall be read as a reference to the Board.

“(3.) The members of the Dairy Produce Control Committee shall, by force of this section, cease to be such members.

“(4.) All the persons who, immediately before the commencement of this section, were in the employment of the Dairy Produce Control Committee shall, as from the date of the commencement of this section, be in the employment of the Board and be deemed to have been employed under this Act.”.

14. After section twenty A of the Principal Act the following section is inserted :—

Finance.

“20B.—(1.) The Board shall open and maintain with the Commonwealth Bank of Australia an account or accounts, into which shall be paid—

- (a) all moneys received in the exercise of the powers and functions of the Board under this Act except moneys forming part of the Fund ;
- (b) all moneys appropriated by the Parliament for use by the Board on behalf of the Commonwealth ; and
- (c) all moneys advanced by the Treasurer to the Board for the purpose of the exercise of the powers and functions of the Board under this Act.

“(2.) The Minister may arrange with the Commonwealth Bank of Australia for the making by that Bank of advances to the Commonwealth for use by the Board on behalf of the Commonwealth for the purposes of this Act and may guarantee to the Bank the repayment, out of moneys made available by the Parliament, of any advance made by the Bank in pursuance of the arrangement.”.

15. Section twenty-two of the Principal Act is repealed and the following section inserted in its stead :—

“ 22. The moneys paid into any account or accounts opened by the Board in pursuance of section twenty B of this Act or into the Fund shall be applied by the Board—

Application of moneys by Board.

- (a) in payment for purchases of dairy produce ;
- (b) in payment of the expenses and other charges incurred by the Board or for which the Board may become liable in the course of its business ;
- (c) in payment of the prescribed salaries and allowances of officers of the Board ;
- (d) in payment of travelling allowances, fees or other remuneration to members of the Board or of the representative or representatives of the Board in London ;
- (e) in repayment to the Commonwealth of any moneys advanced to the Board ;
- (f) in investment in any securities of, or guaranteed by, the Government of the Commonwealth or of a State ; and
- (g) in payment of any costs or expenses incurred in connexion with any experiment, act or thing undertaken or done in pursuance of any arrangement made by the Board under the powers conferred by paragraph (c) of section thirteen A of this Act.”.

16. Section twenty-five of the Principal Act is repealed.

Moneys received by the Board.

CUSTOMS.

No. 54 of 1947.

An Act to amend the *Customs Act 1901-1936*.

[Assented to 13th November, 1947.]

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

1.—(1.) This Act may be cited as the *Customs Act 1947*.

(2.) The *Customs Act 1901-1936** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Customs Act 1901-1947*.

Short title and citation.

* Act No. 6, 1901, as amended by Act No. 36, 1910 : No. 19, 1914 ; No. 10, 1916 ; No. 41, 1920 ; No. 19, 1922 ; No. 12, 1923 ; No. 22, 1925 ; No. 6, 1930 ; No. 7, 1934 ; No. 7, 1935 ; and No. 85, 1936.