

DAIRY PRODUCE EXPORT CONTROL.

No. 17 of 1954.

An Act to amend the *Dairy Produce Export Control Act 1924-1953*.

[Assented to 20th April, 1954.]

BE it enacted by the Queen'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 *Dairy Produce Export Control Act 1954*.

**Short title
and citation.**

(2.) The *Dairy Produce 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 *Dairy Produce Export Control Act 1924-1954*.

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

Commencement.

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

**London
representation.**

“(3.) With the approval of the Minister, the Board may, in relation to a particular place and a particular matter or class of matters, by writing under its seal, delegate to a person appointed under this

* Act No. 38, 1924, as amended by No. 45, 1934 ; No. 70, 1935 ; No. 26, 1936 ; No. 20, 1937 ; No. 18, 1938 ; No. 24, 1942 ; No. 53, 1947 ; and No. 37, 1953.

section as the representative of the Board in London all or any of the powers and functions of the Board under this Act and the regulations (except this power of delegation) so that the delegated powers and functions may be exercised by the representative with respect to the place and the matter or class of matters specified in the instrument of delegation.

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

4.—(1.) Sections fourteen to sixteen (inclusive) of the Principal Act are repealed and the following sections inserted in their stead :—

Power to make regulations controlling export of dairy produce.

“ 14.—(1.) For the purpose of enabling the Board effectively to control the export, and the sale and distribution after export, of Australian dairy produce, the regulations may prohibit the export from the Commonwealth of dairy produce—

(a) except by a person who holds a licence granted as prescribed ; and

(b) except in accordance with such conditions and restrictions as are prescribed after recommendation to the Minister by the Board.

“(2.) The regulations made for the purposes of paragraph (b) of the last preceding sub-section may provide that, except with the approval of the Board, a person other than the Board shall not export dairy produce to the United Kingdom unless an arrangement has been made between the Board and the person for the sale and disposal of the dairy produce in the United Kingdom by the Board on behalf of the person.

“(3.) A person shall not export dairy produce from the Commonwealth in contravention of the regulations (including the prescribed conditions and restrictions).

Penalty : One hundred pounds.

Power of Board to purchase and sell dairy produce intended for export.

“ 15.—(1.) Subject to any direction of the Minister, the Board may—

(a) purchase dairy produce intended for export ;

(b) sell dairy produce so purchased ; and

(c) manage and control all matters connected with the handling, storage, protection, treatment, transfer and shipment of dairy produce so purchased.

“(2.) Where the Board has purchased, or agreed to purchase, dairy produce, the Board shall not make, and the vendor is not entitled to receive, before the Board has sold the dairy produce, a payment

in respect of the purchase of the dairy produce by the Board that is in excess of an amount determined by the Board in accordance with a rate approved by the Minister.”.

(2.) Section eight of the *Dairy Produce Export Control Act* 1953 is repealed.

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

Contracts for
shipment of
dairy produce.

“(4.) This section does not apply to or in relation to dairy produce owned by the Board.”.

6. Section twenty of the Principal Act is amended—

Particular
powers of
Board.

- (a) by adding at the end of paragraph (d) of sub-section (1.) the word “ and ” ;
- (b) by omitting from paragraph (e) of sub-section (1.) the word “ and ” (last occurring) ;
- (c) by omitting paragraph (f) of sub-section (1.) ; and
- (d) by inserting after sub-section (1.) the following sub-section :—

“(1A.) An arrangement made between the Board and the owner of dairy produce for the sale and disposal of the dairy produce by the Board on behalf of the owner may authorize the Board to receive the proceeds of the sale of the dairy produce and may provide—

- (a) that the amount to be paid by the Board to the owner of the dairy produce in respect of the sale shall be such amount as is determined by the Board in accordance with the arrangement ; and
- (b) that the principle upon which the amount shall be determined shall be—
 - (i) a pooling of the proceeds of the sale and the proceeds of other sales of similar dairy produce of the same quality made by the Board at or about the same time or during a specified period ; and
 - (ii) the division, after the Board has deducted from the pool the expenses incurred by the Board in connexion with the sales, of the balance of the pool among the owners of the dairy produce included in the sales on the basis of the quantity of dairy produce sold on behalf of each owner, with proper allowance for necessary adjustments in particular cases.”.

Finance.

7. Section twenty B of the Principal Act is amended by omitting from sub-section (2.) the words " to the Commonwealth for use by the Board on behalf of the Commonwealth " and inserting in their stead the words " to the Board for use by the Board ".

**Application of
moneys paid
into accounts
or Fund.**

8. Section twenty-two of the Principal Act is amended by omitting from paragraph (e) the words " to the Commonwealth ".
