

Honey Industry

No. 11 of 1972

An Act to amend the *Honey Industry Act 1962–1966*.

[Assented to 17 April 1972]

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 *Honey Industry Act 1972*.

Short title and citation.

(2.) The *Honey Industry Act 1962–1966** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Honey Industry Act 1962–1972*.

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

Commencement.

3. Section 5 of the Principal Act is amended—

Interpretation.

(a) by inserting after the definition of “honey” the following definition:—

“ ‘industry member’ means a member of the Board other than the member to represent the Commonwealth;”;

(b) by omitting the definition of “nominated member” and inserting in its stead the following definition:—

“ ‘poll’ means a poll referred to in sub-section (6.) of section 7 of this Act;”;

(c) by adding at the end thereof the following sub-section:—

“(2.) For the purposes of this Act—

(a) the Australian Capital Territory shall be deemed to be part of the State of New South Wales;

(b) the Northern Territory shall be deemed to be part of the State of South Australia; and

(c) a corporation shall be deemed to be ordinarily resident in the State in which its principal office in Australia is situated.”.

* Act No. 105, 1962, as amended by No. 71, 1965; and No. 93, 1966.

4.—(1.) Section 7 of the Principal Act is repealed and the following sections are inserted in its stead:—

Constitution of
the Board.

“ 7.—(1.) The Board shall consist of—

- (a) a member to represent the Commonwealth, who shall be the Chairman of the Board;
- (b) a member to represent honey producers in the State of New South Wales;
- (c) a member to represent honey producers in the State of Victoria;
- (d) a member to represent honey producers in the State of Queensland;
- (e) a member to represent honey producers in the State of South Australia;
- (f) a member to represent honey producers in the State of Western Australia; and
- (g) four members to represent honey packers.

“ (2.) The members of the Board (other than the members to represent honey producers) shall be appointed by the Minister in accordance with this section.

“ (3.) For the purposes of the appointment of the members to represent honey packers, each honey packer carrying on business in a State other than Queensland or Tasmania may nominate one person for appointment, and the members to represent honey packers shall be appointed from among persons so nominated, but so that not more than one such member shall be appointed by virtue of the nominations made by honey packers carrying on business in any one State.

“ (4.) A honey packer carrying on business in more than one of the States other than Queensland and Tasmania shall, in any nomination made by him under the last preceding sub-section, specify one of the States in which he carries on business as the State in respect of which the nomination is made, and the State so specified shall, for the purposes of that sub-section, be deemed to be the only State in which he carries on business.

“ (5.) Before appointing a member to represent honey packers, the Minister shall, wherever practicable, consult representatives of honey packers.

“ (6.) A member to represent honey producers in a State shall be elected by a poll of honey producers taken in accordance with this Act.

“ (7.) The member to represent the Commonwealth holds office during the pleasure of the Minister.

“ (8.) Subject to sub-section (10.) of this section, a member to represent honey producers holds office for a period of three years commencing on the first day of July after the declaration of the poll at which he is elected but is eligible for re-election.

“(9.) Subject to the next succeeding sub-section, a member to represent honey packers holds office for three years but is eligible for re-appointment.

“(10.) The Minister may, on the death, resignation or removal from office of an industry member, appoint a person to hold the vacant office for the remainder of the period of office of the member.

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

“7A.—(1.) The regulations may make provision for the taking of a poll, including—

Polls of
honey
producers.

(a) provision for the determination of disputes arising out of the taking of a poll; and

(b) provision for offences in connexion with a failure to apply for enrolment for the purposes of, or a failure to vote at, a poll.

“(2.) A person is eligible to apply for enrolment for the purposes of a poll if, at the time of application—

(a) he is the owner of at least two hundred hives of bees; and

(b) he is ordinarily resident in the State to which the poll relates.

“(3.) A person is eligible to vote at a poll if, at the time of voting—

(a) he is enrolled for the purposes of the poll in accordance with the regulations;

(b) he is the owner of at least two hundred hives of bees; and

(c) he is ordinarily resident in the State to which the poll relates.

“(4.) The personal representative or personal representatives of a deceased person or a trustee or trustees in whom, in that capacity, there is vested the title to at least two hundred hives of bees shall, for the purposes of a poll, be deemed to be, in that capacity, a separate person who is ordinarily resident in such State as is ascertained in relation to him or them in accordance with the regulations.

“(5.) A person is eligible to become a candidate for election at a poll if, at the time he becomes such a candidate, he is eligible to apply for enrolment for the purposes of the poll.”.

(2.) Notwithstanding the change in the constitution of the Australian Honey Board made by the last preceding sub-section—

(a) each member of the Board holding office immediately before the commencement of this Act continues to hold that office as if that change had not taken place;

(b) the Board as so constituted continues in being; and

- (c) the period for which each member of the Board (other than the Chairman) so continues to hold office is extended to, and includes, the thirtieth day of June, One thousand nine hundred and seventy-two, or, if the Minister, by notice in the *Gazette*, specifies a date later than that date, the date so specified.

(3.) Where—

- (a) the Minister specifies a date for the purposes of paragraph (c) of the last preceding sub-section; and
 (b) on or before that date, there is a declaration of a poll taken under sub-section (6.) of section 7 of the Principal Act, as amended by this Act,

the member of the Australian Honey Board declared elected by that declaration commences to hold office on the day immediately following the date so specified.

(4.) Where—

- (a) the Minister specifies a date for the purposes of paragraph (c) of sub-section (2.) of this section; and
 (b) the period of office of a member of the Australian Honey Board (other than the Chairman) commences on the day immediately following the date so specified,

that period of office ceases on the thirtieth day of June, One thousand nine hundred and seventy-five.

Deputies of members.

5. Section 10 of the Principal Act is amended by omitting from sub-section (1.) the words "A nominated member" and inserting in their stead the words "An industry member".

Removal and resignation of members and deputies.

6. Section 11 of the Principal Act is amended—

- (a) by omitting from sub-sections (1.) and (2.) the words "a nominated member" (wherever occurring) and inserting in their stead the words "an industry member"; and
 (b) by inserting after sub-section (2.) the following sub-section:—

"(2A.) Where the Minister becomes aware that a member to represent honey producers has not, at all times since the commencement of his period of office, been the owner of at least two hundred hives of bees, the Minister shall remove him from office."

7. Section 14 of the Principal Act is repealed and the following section inserted in its stead:—

Remuneration and allowances.

"14.—(1.) The Chairman shall be paid remuneration at the rate of Three thousand two hundred dollars a year and such allowances (other than an annual allowance) as are prescribed.

"(2.) Each member to represent honey producers shall be paid remuneration at the rate of One thousand three hundred dollars a year and such allowances (other than an annual allowance) as are prescribed.

“ (3.) Each member to represent honey packers and each deputy of a member shall be paid, in respect of attendance at meetings of the Board or of the Committee, or while engaged (whether in Australia or overseas), with the approval of the Board, on business of the Board, such fees and allowances (other than an annual allowance) as are prescribed.

“ (4.) A person invited by the Board or by the 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 are prescribed.

“ (5.) 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, fees or allowances under the preceding provisions of this 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 of the Committee or of his engagement (whether in Australia or overseas), with the approval of the Minister, on business of the Board.”.

8. Section 32 of the Principal Act is amended by adding at the end thereof the words “ and, in particular, prescribing pecuniary penalties, not exceeding a fine of One hundred dollars, for offences against the regulations.”. **Regulations.**
