

# WINE OVERSEAS MARKETING.

No. 36 of 1953.

An Act to amend the *Wine Overseas Marketing Act 1929-1945*.

[Assented to 17th April, 1953.]

**B**E 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 *Wine Overseas Marketing Act 1953*.

(2.) The *Wine Overseas Marketing Act 1929-1945\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Wine Overseas Marketing Act 1929-1953*.

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\* Act No. 6, 1929, as amended by No. 48, 1930 ; No. 45, 1934 ; No. 94, 1936 ; and No. 23, 1945.

2.—(1.) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Sections seven and eight of this Act shall come into operation on such dates as are respectively fixed by Proclamation.

3. Section eight of the Principal Act is amended by omitting sub-section (3.). Deputies of members.

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 Section nine of the Principal Act is repealed and the following section inserted in its stead :—

“ 9.—(1.) Subject to this section, members of the Board and deputies of members shall be paid, in respect of attendance at meetings of the Board or of the Executive Committee of the Board or while engaged (whether in Australia or overseas), with the approval of the Board, on business of the Board, such fees, allowances and expenses as the Governor-General determines. Fees, allowances and expenses.

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

5. Section ten of the Principal Act is amended by omitting from sub-section (2.) the word “members” (second occurring) and inserting in its stead the word “number”. Chairman of the Board.

6. Section twelve of the Principal Act is amended by omitting sub-sections (4.) and (5.) and inserting in their stead the following sub-section :— London Agency of Board.

“(4.) A member of the London Agency shall be paid such fees, allowances and expenses as the Minister, after a recommendation has been made by the Board, determines.”

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

“ 13.—(1.) Subject to this section, the Board may employ such persons as it thinks necessary to assist the Board in exercising its powers and performing its functions under this Act. Employment of staff.

“(2.) The terms and conditions of employment of persons employed under this section shall be such as are determined by the Board with the approval of the Public Service Board.

“(3.) Where a person employed in pursuance of this section was, immediately before he became employed by the Board, an officer of the Public Service of the Commonwealth, his service as a person

employed by 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 1928-1953* applies as if this Act and this section had been specified in the Schedule to that Act."

8. Sections fourteen to sixteen (inclusive) of the Principal Act are repealed and the following section is inserted in their stead :—

Power to make regulations controlling export of wine.

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

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

Penalty : One hundred pounds."

9. Section nineteen of the Principal Act is repealed and the following sections are inserted in its stead :—

Contracts for shipment of wine.

" 19.—(1.) A contract for the carriage of wine by sea to a place beyond the Commonwealth shall not be made except—

(a) by the Board acting as the agent of the owner of the wine or of another person having authority to export the wine ; or

(b) in conformity with conditions approved by the Board.

" (2.) A contract for the carriage of wine by sea to a place beyond the Commonwealth made otherwise than in accordance with this section is void.

" (3.) A Collector of Customs or other officer of Customs may require a person who seeks to export wine from the Commonwealth, on making entry of the wine under the *Customs Act 1901-1952* and before the entry has been passed, to satisfy him that the contract for the carriage of the wine is in conformity with conditions approved by the Board, and the Collector or other officer may decline to pass the entry until that person has so satisfied him.

Operation of Customs Act and Commerce (Trade Descriptions) Act not affected.

" 19A. Nothing in this Act or the regulations affects the operation of the *Customs Act 1901-1952* or of the *Commerce (Trade Descriptions) Act 1905-1950*, or of regulations made under either or both of those Acts."

10. Section twenty-two of the Principal Act is amended by omitting paragraphs (b) and (c) and inserting in their stead the following paragraph :—

Application of  
moneys paid  
into Fund.

“(b) In payment of the salaries, fees, allowances and expenses payable under sections nine, twelve and thirteen of this Act ;”.

11. Section twenty-three of the Principal Act is amended by omitting the words “ Commonwealth Bank,” and inserting in their stead the words “ Commonwealth Bank of Australia, or with any other prescribed bank ;”.

Moneys in Fund  
uninvested may  
be lodged in  
bank.

12. Section twenty-four of the Principal Act is amended by omitting the words “ Commonwealth Bank ” and inserting in their stead the words “ Commonwealth Bank of Australia, or in any other prescribed bank ”.

Moneys received  
by Board.

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