



ANNO VICESIMO

GEORGII V REGIS.

A.D. 1929.

No. 1915.

An Act to amend the Dried Fruits Acts, 1924 to 1927.

[Assented to, November 13th, 1929.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Dried Fruits Act, 1929". Short title.
(2) The Dried Fruits Acts, 1924 to 1927 and this Act may be cited together as the "Dried Fruits Acts, 1924 to 1929".
(3) The Dried Fruits Act, 1924, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and this Act and those Acts shall be read as one Act. Incorporation.
3. The Dried Fruits Acts, 1924 to 1929, shall remain in operation until the thirty-first day of March, nineteen hundred and thirty-five. Continuation of principal Act.
4. (1) Section 3 of the principal Act is amended by striking out the definition of "Dealer" contained therein and inserting in lieu thereof the following:— Amendment of principal Act, s. 3.
"Dealer" means—
 - (a) any person who buys any dried fruits from a grower not registered as a dealer:
 - (b) any person who sells any dried fruits on behalf of a grower:
 - (c) any grower who sells any dried fruits to any person other than a registered dealer. If

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If any person who is required by this Act to be registered as a dealer but is not so registered, buys any dried fruits from a grower and resells the same the person to whom the fruit is resold shall also be a dealer.

(2) The definition of "Export parity price" contained in section 3 of the principal Act is amended by striking out the words "for the time being" and inserting after the word "London" the words "at the time when the dried fruits are sold".

Amendment of
principal Act,
s. 18—

Levy in respect
of dried fruits.

5. Section 18 of the principal Act is repealed and the following section is enacted in lieu thereof:—

18. (1) The Board may in any year for the purpose of defraying the expenses of administering this Act and of carrying out its duties and functions under this Act impose a levy in respect of all the dried fruits produced or to be produced in South Australia in that year.

(2) The levy shall not exceed One-sixteenth of a Penny per pound of the dried fruits in respect of which it is made.

(3) Every levy shall be made in manner prescribed by regulations, and shall be paid at the times and in the instalments fixed by the Board.

(4) The levy on any dried fruits shall be payable by the packer thereof, unless the Board in its discretion elects to collect the levy or any part thereof from any dealer dealing in the dried fruits or from the grower thereof, in which case the levy or part thereof shall be payable by the dealer or grower accordingly.

(5) The amount payable by any person in respect of the levy shall become due forthwith upon receipt of a notice from the Board intimating to that person the amount due by him, and if that amount remains unpaid for one month after it becomes due, it shall be recoverable by the Board by any of the remedies available to the Commissioner of Taxes for the recovery of income tax in arrear.

(6) "Packer" means the person on whose application the the Board registered the packing shed in which the dried fruits are stemmed, processed, graded, sorted, or packed.

New section 18a—

Board to repay to
Minister legal costs
incurred by him in
administering Act.

6. The principal Act is amended by inserting therein after section 18 the following sections:—

18A. (1) Any legal costs and expenses incurred by the Minister at any time after the passing of the principal Act in defending any action or proceeding brought against him for anything done by him *bona fide* in the administration or intended administration of the Dried Fruits Acts and paid out of the General Revenue of the State and a reasonable remuneration for all legal work done for or on behalf of the Board after the commencement of the Dried Fruits Act, 1929, by any duly qualified

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qualified legal practitioner in the employment of the Crown shall be paid by the Board to the Treasurer and shall until payment be a first charge on the revenue of the Board.

(2) The certificate of the Under Treasurer that a specified amount is due to the Treasurer from the Board under this section shall be *prima facie* evidence that that amount is due.

18B. If any member of the Board becomes personally liable to pay any sum of money in consequence of anything done by him or by the Board *bona fide* in the administration or intended administration of this Act he shall be entitled to be paid that sum from the funds of the Board.

Compensation to members of Board for personal liability.

7. Section 20 of the principal Act is amended by inserting therein after subsection (3) the following subsection:—

Amendment of principal Act, s. 20—

(4) The Board may permit any person to sell in Australia dried fruits produced in any year in excess of the amount which he would be entitled to sell in Australia under any determination of the Board relating to dried fruits produced in that year. The excess shall not be more than the quantity of dried fruits produced in any previous year which the said person was entitled to sell in Australia but exported overseas with the approval in writing of the Board whether given before or after the commencement of the Dried Fruits Act, 1929.

Power of Board to permit sales in excess of quotas.

8. Subsection (1) of section 25 of the principal Act (as amended by section 9 of the Dried Fruits Act Amendment Act, 1927), is further amended by inserting after the word "exceeding" in the sixth line thereof the words "One Hundred Pounds with an additional".

Amendment of principal Act, s. 25 (1)—
Penalty for using unregistered packing shed.

9. Subsection (2) of section 25 of the principal Act (as amended by section 9 of the Dried Fruits Act Amendment Act, 1927) is further amended by adding at the end thereof the words "and may refuse any application for renewal of registration of any packing shed which since the registration thereof has become insanitary or otherwise unfit for use as a packing shed: Provided that no such application for renewal shall be refused unless notice is given to the applicant to make the packing shed sanitary or fit for use as a packing shed, as the case may be, and unless the applicant within the time specified in the notice fails or neglects to make the packing shed sanitary or fit for use as a packing shed, as the case may be, by complying with the requirements specified in the notice."

Amendment of principal Act, s. 25 (2)—
Power of Board to refuse renewal of registration.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.