
DAIRY PRODUCE EXPORT CONTROL.

No. 70 of 1935.

An Act to amend the *Dairy Produce Export Control Act 1924-1934* and for other purposes.

[Assented to 9th December, 1935.]

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 *Dairy Produce Export Control Act 1935*. Short title and citation.

(2.) The *Dairy Produce Export Control Act 1924-1934** 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 1924-1935*.

2. Notwithstanding anything contained in section two of the Principal Act, any sections inserted in that Act by this Act shall commence on the date on which this Act receives the Royal assent, and any sections of the Principal Act which are amended by this Act shall have effect, as so amended, on and from that date. Commencement.

3. Section three of the Principal Act is amended—

(a) by omitting the definition of “butter factory” and “cheese factory” and inserting in its stead the following definitions:— Definitions.

“‘butter factory’, in relation to any election under this Act, means any factory which, during the year ended the thirtieth day of June last preceding the election, has manufactured not less than twenty tons of butter:

* Act No. 38, 1924, as amended by No. 45, 1934.

'cheese factory', in relation to any election under this Act, means any factory which, during the year ended the thirtieth day of June last preceding the election, has manufactured not less than ten tons of cheese ; "

(b) by inserting after the definition of "dairy produce" the following definition :—

"'Owner', in relation to any election under this Act, means—

(i) in the case of a proprietary butter or cheese factory—the Chairman of the Board of Directors of that butter or cheese factory ; or a person appointed by the Chairman or by the Directors to act in that behalf ; and

(ii) in the case of a privately-owned butter or cheese factory owned by a firm—any one partner of the firm appointed by the firm to act in that behalf ; "

(c) by omitting the definition of "the Board" and inserting in its stead the following definition :—

"'the Board' means the Australian Dairy Produce Board constituted under this Act ; and

(d) by omitting from the definition of "the fund" the word "Export".

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 Section four of the Principal Act is repealed, and the following section inserted in its stead :—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) one member (in this Act referred to as 'the Government representative') who shall be appointed by the Governor-General as the representative of the Commonwealth Government ;

(b) one representative to be elected by the Federal Council of the Australian Dairy Factory Managers and Secretaries' Association ;

(c) two representatives elected by the owners of proprietary butter and cheese factories and privately-owned butter and cheese factories ;

(d) two representatives of co-operative butter and cheese factories in each of the States of New South Wales, Victoria and Queensland, and one representative of co-operative butter and cheese factories in each of the States of South Australia, Western Australia and Tasmania, elected as prescribed ;

(e) one representative of each of the States of New South Wales, Victoria and Queensland, elected by the producers in each of those States ; and

(f) one representative of the States of South Australia, Western Australia and Tasmania elected by the producers of those States.

“(3.) The Governor-General shall not appoint, as the Government representative, any person who has submitted himself for, and failed to secure, election as an elected member of the Board.

“(4.) The member appointed as the Government representative shall hold office during the pleasure of the Governor-General.

“(5.) The election of representatives in pursuance of paragraphs (b), (c), (e) and (f) of sub-section (2.) of this section shall be carried out in such manner as is prescribed.

“(6.) Elected members of the Board shall hold office for a period of three years commencing on the first day of May following their election, and shall be eligible for re-election :

Provided that the representatives first elected in pursuance of paragraphs (b), (e) and (f) of sub-section (2.) of this section shall hold office from a date to be notified by the Minister in the *Gazette* until the thirtieth day of April, One thousand nine hundred and thirty-seven and shall be eligible for re-election :

Provided further that an elected member may be removed from office by the Governor-General on the recommendation of the Board.

“(7.) On the death, resignation or removal from office of an elected member of the Board, the Governor-General may, on the recommendation of the Board, appoint a person to hold the vacant office for the residue of the term of the elected member.

“(8.) The powers conferred on the Board by this Act shall not be affected by reason only of there being a vacancy in the membership thereof.”

(2.) Notwithstanding anything contained in this section, the Australian Dairy Produce Board shall, until the thirtieth day of April, One thousand nine hundred and thirty-seven, be constituted of the persons who, immediately prior to the commencement of this Act, were members of the Dairy Produce Control Board constituted under the section repealed by this section, and the persons first elected in pursuance of paragraphs (b), (e) and (f) of sub-section (2.) of section four of the Principal Act, as amended by this Act :

Provided that—

(a) the member of the Australian Dairy Produce Board, as so constituted, who was immediately prior to the commencement of this Act, the Government representative on the Dairy Produce Control Board shall be deemed to have been appointed in pursuance of paragraph (a) of sub-section (2.) of section four of the Principal Act as amended by this Act ;

(b) any member, other than the member referred to in the last preceding paragraph, may be removed from office by the Governor-General on the recommendation of the Board ;
and

- (c) on the death, resignation or removal from office of any member referred to in the last preceding paragraph, the Governor-General may, on the recommendation of the Board, appoint a person to hold the vacant office for the residue of the term of that member.

**Executive
Committee of
Board.**

5. Section eleven of the Principal Act is amended by inserting at the end of sub-section (2.) the words—

“, but the Board may at any time exercise any of its powers and functions notwithstanding the appointment of the Committee.”.

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

**London
Representative.**

“12.—(1.) The Board may appoint a representative in London (in this Act referred to as ‘the London representative’) who shall hold office during the pleasure of the Board.

“(2.) The London representative shall keep the Board advised as to current prices of dairy produce and as to other matters relative to the disposal of Australian dairy produce, and shall generally act as the agent of the Board in accordance with the directions of the Board.”.

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

7. Section fourteen of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “subject to such conditions and restrictions as are prescribed after recommendation to the Minister by the Board” and inserting in their stead the words “or by any person thereto authorized in writing by the Minister”; and

(b) by inserting after sub-section (1.) the following sub-section :—

“(1A.) Any licence issued under this section shall be subject to such conditions and restrictions as are prescribed after recommendation to the Minister by the Board.”.

**Licensing of
traders in
dairy produce.**

8. Section fifteen of the Principal Act is amended by inserting in sub-section (1.), after the word “Minister”, the words “, or any person thereto authorized in writing by the Minister,”.

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

**Board to
advise Minister.**

“20A. The Board shall, from time to time, advise the Minister as to any action which the Board considers should be taken—

- (a) to improve the quality of dairy produce, and of herds and pastures used in the production of dairy produce ;
(b) with respect to the transport of dairy produce ; and
(c) to secure new markets, and the expansion of existing markets, for dairy produce.”.

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

**Dairy Produce
Fund.**

“(1.) There shall be a Dairy Produce Fund into which shall be paid out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, all moneys received by the Collector of Customs under the *Dairy Produce Export Charges Act 1924-1929*.”.

(2.) Any moneys which at the commencement of this section are standing to the credit of the fund constituted under sub-section (1.) of section twenty-one of the Principal Act shall upon the commencement of this section be credited to the Dairy Produce Fund.

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

“ 22. The moneys paid into the fund shall be applied as follows :—

**Application of
moneys paid
into Fund.**

- (a) In the making of such payments as the Minister determines, after recommendation by the Board, for research and investigation in relation to pastures, diseases of dairy cattle and quality of dairy produce ;
 - (b) In payment by the Board of the expenses, and other charges incurred by the Board or for which the Board becomes liable in the course of its business ;
 - (c) In payment by the Board of the salaries and wages of officers and servants of the Board ;
 - (d) In payment by the Board of travelling allowances, fees or other remuneration to members of the Board or of the London representative (but not to any person permanently employed in the service of the Commonwealth) ;
and
 - (e) In investment by the Board in any securities of, or guaranteed by, the Government of the Commonwealth or of any State.”.
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