

# TEA IMPORTATION.

**No. 73 of 1951.**

**An Act to make Provision with respect to the  
Importation of Tea into the Commonwealth.**

[Assented to 11th December, 1951.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

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| Short title.        | 1. This Act may be cited as the <i>Tea Importation Act</i> 1951.  |
| Commencement.       | 2. This Act shall come into operation on a date to be fixed by Proclamation.  |
| Repeal and savings. | 3.—(1.) The National Security (Tea Control) Regulations (being the Regulations having that title in force under the <i>Defence (Transitional Provisions) Act</i> 1946–1951) are repealed.<br><br>(2.) All property, rights, obligations and liabilities which, immediately before the commencement of this Act, were vested in or imposed on the former Board are, by force of this Act, vested in or imposed on the Board. |

(3.) In a contract, agreement or other instrument to which the former Board was a party, a reference to the former Board shall be read as a reference to the Board.

4. In this Act, unless the contrary intention appears :—

Definitions.

“ the Board ” means the Tea Importation Board established under this Act ;

“ the former Board ” means the Tea Control Board which was established under the National Security (Tea Control) Regulations.

5.—(1.) For the purposes of this Act, there shall be a Board to be known as the Tea Importation Board, which shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding and disposing of real and personal property and of suing and being sued in its corporate name.

Establishment of Board.

(2.) The Board shall consist of—

- (a) a person who shall be the Chairman of the Board ;
- (b) an officer of the Department of the Treasury ;
- (c) a representative of the tea trade ; and
- (d) the Tea Controller.

(3.) A member of the Board specified in paragraph (a), (b) or (c) of the last preceding sub-section—

- (a) shall be appointed by the Minister ; and
- (b) shall hold office, during the pleasure of the Minister, on such terms and conditions as the Minister determines.

(4.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document and shall presume that it was duly affixed.

(5.) The exercise or performance of the powers or functions of the Board is not affected by reason only of there being a vacancy in the office of a member of the Board.

6.—(1.) The Minister may appoint a person to be the Tea Controller for the purposes of this Act.

Tea Controller.

(2.) The Tea Controller shall hold office during the pleasure of the Minister and on such other terms and conditions as the Minister determines.

(3.) The Tea Controller is responsible for carrying out the decisions of the Board.

(4.) A document signed by the Tea Controller on behalf of the Board shall be deemed to have been duly executed by the Board.

7.—(1.) The Minister may appoint a person to be the deputy of a member of the Board.

Deputies of members.

(2.) A person so appointed is, in the event of the inability of the member of whom he is the deputy to attend a meeting of the Board, entitled to attend that meeting and shall, in relation to that meeting, be deemed to be a member of the Board.

**Meetings of  
the Board.**

8.—(1.) The Board shall meet at such times and such places as the Chairman from time to time determines.

(2.) At a meeting of the Board, three members form a quorum.

(3.) The Chairman or his deputy shall preside at all meetings of the Board at which he is present.

(4.) In the absence of the Chairman and his deputy from a meeting of the Board, a member elected by the members present shall preside.

(5.) All questions arising at a meeting of the Board shall be decided by a majority of the votes of the members present.

(6.) The Chairman or member presiding at a meeting is entitled to exercise a deliberative vote and, in the event of an equality of votes, is also entitled to exercise a casting vote.

(7.) The Board shall keep a record of its proceedings.

**Travelling  
allowances.**

9. A member of the Board or a deputy of a member of the Board shall be paid such travelling allowances (if any) as the Minister determines.

**Functions and  
powers of  
Board.**

10.—(1.) The functions of the Board are—

- (a) to purchase or otherwise acquire tea in other countries and to import that tea into the Commonwealth ; and
- (b) to sell by wholesale tea so imported.

(2.) The Board has power to make such contracts and do such things as are necessary or convenient in connexion with the performance of its functions.

(3.) Subject to the next succeeding sub-section, the Board may sell tea at a price less than the cost of the tea to the Board.

(4.) The Board shall comply with any directions of the Minister as to the price at which it shall sell tea.

**Restrictions  
on importation  
of tea by  
persons other  
than the Board.**

11.—(1.) Subject to this section, the importation of tea into the Commonwealth by a person other than the Board, except with the consent in writing of the Minister or of the Board, is prohibited.

(2.) The regulations may provide that the last preceding sub-section shall not apply to such importations of tea as are specified in the regulations and that sub-section does not apply to importations so specified.

(3.) Tea imported into the Commonwealth in contravention of this section shall be deemed to be a prohibited import within the meaning of the *Customs Act* 1901–1951, and the provisions of that Act relating to prohibited imports apply to tea so imported into the Commonwealth.

12.—(1.) For the purposes of the performance of its functions under this Act, the Board may, by notice in writing, require a person who sells tea by wholesale to furnish to the Board, within the time specified in the notice, such returns or estimates as are so specified relating to tea in his possession or ownership, or relating to his business in connexion with tea.

Returns and estimates.

(2.) A person shall not—

- (a) refuse or fail to comply with a requirement made on him under this section ; or
- (b) furnish false or misleading information in purported compliance with such a requirement.

Penalty : Five hundred pounds.

(3.) A notice under this section may be served by post at a place of business of the person to whom it is addressed.

13.—(1.) The Board may, subject to any directions of the Minister, employ such persons as are necessary for the purposes of this Act.

Employees of Board.

(2.) The rates of pay and conditions of employment of persons so employed shall, subject to the approval of the Public Service Board, be as determined by the Board.

(3.) Persons employed under this Act are not subject to the *Public Service Act 1922–1951*.

(4.) An officer or employee in the employment of the former Board immediately prior to the date of commencement of this Act shall, on that date, by force of this Act, be deemed to become employed by the Board, but, until this rate of pay and the conditions of his employment are determined in pursuance of this Act, he shall be deemed to be employed at the same rate of pay and upon the same conditions as those at and upon which he was employed by the former Board.

(5.) Where a person employed or deemed to be employed in pursuance of this section was, immediately before his employment (or, in the case of a person deemed to be employed under this section, immediately before his appointment as an officer or employee of the former Board), an officer of the Public Service of the Commonwealth, his service as an employee of the Board and, in the case of a person deemed to be appointed under this section, his service as an officer or employee of the former 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 1928–1940* applies as if this Act and this section had been specified in the Schedule to that Act and as if service as an officer or employee of the former Board had been service under this Act.

## Secrecy.

**14.—**(1.) Before entering on the performance of his duties under this Act, a member of the Board or an employee of the Board shall sign a declaration of secrecy in accordance with a form approved by the Minister.

(2.) A person referred to in the last preceding sub-section shall not, except in the performance of his duties under this Act or with the consent of the Minister, directly or indirectly communicate or divulge information which comes to his knowledge in consequence of his being such a person.

Penalty: Two hundred and fifty pounds or imprisonment for twelve months.

(3.) A person who has acquired information in consequence of his official position under the National Security (Tea Control) Regulations shall not, except in the performance of duties under this Act or with the consent of the Minister, directly or indirectly communicate or divulge that information.

Penalty: Two hundred and fifty pounds or imprisonment for twelve months.

## Finance.

**15.—**(1.) The Board shall maintain an account with the Commonwealth Bank of Australia, into which it shall pay all moneys received by it in respect of sales of tea or otherwise, including moneys appropriated by the Parliament or borrowed by the Minister for use by the Board on behalf of the Commonwealth, or advanced to the Board by the Treasurer.

(2.) Out of the moneys standing to the credit of the account, the Board shall defray all costs and expenses incurred or payable by it under this Act.

(3.) The Minister may, on behalf of the Commonwealth, give guarantees and indemnities with respect to the liabilities of agents of the Board incurred or to be incurred in connexion with the purchase and importation of tea on behalf of the Board.

(4.) The accounts of the Board are subject to audit by the Auditor-General.

## Duration.

**16.—**(1.) Subject to this section, the provisions of this Act (other than this section and sub-sections (2.) and (3.) of section fourteen) shall continue in force until the thirtieth day of June, One thousand nine hundred and fifty-two, and no longer.

(2.) At any time at which the provisions to which the last preceding sub-section applies are in force, the Governor-General may, by Proclamation, extend the period of operation of those provisions to a date specified in the Proclamation, being a date not later than one year after the date on which the Proclamation is published in the *Gazette*.

(3.) On and after the date upon which the provisions to which sub-section (1.) of this section applies cease to be in force—

- (a) those provisions shall be deemed to have been repealed on that date, and the provisions of section eight of the *Acts Interpretation Act* 1901–1950 shall, subject to this sub-section, have effect accordingly ;
  - (b) all property, rights, obligations and liabilities which, immediately before that date, were vested in or imposed on the Board shall, by force of this Act, be vested in or imposed on the Commonwealth ; and
  - (c) in any contract, agreement or other instrument to which the Board was a party, a reference to the Board shall be read as a reference to the Commonwealth.
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