

DAIRY PRODUCE EXPORT CONTROL.

No. 37 of 1953.

An Act to amend the *Dairy Produce Export Control Act 1924-1947*.

[Assented to 24th April, 1953.]

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 *Dairy Produce Export Control Act 1953*. Short title and citation.

(2.) The *Dairy Produce Export Control Act 1924-1947** 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 1924-1953*.

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 four of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (2.) the word "two" and inserting in its stead the word "three"; and

Australian Dairy Produce Board.

* Act No. 38, 1924, as amended by No. 45, 1934; No. 70, 1935; No. 26, 1936; No. 20, 1937; No. 18, 1938; No. 24, 1942; and No. 53, 1947.

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section :—

“(4.) Each member appointed to represent the dairy farmers of Australia shall be a person chosen by the Minister from among persons whose names have been submitted to him by the Australian Dairy Farmers Federation or by another organization of dairy farmers.”.

Deputies of
members.

4. Section seven of the Principal Act is amended by omitting from sub-section (1A.) the words “upon the nomination of the Australian Dairy Farmers Federation” and inserting in their stead the words “from among persons whose names have been submitted to the Minister, by the Australian Dairy Farmers Federation or by another organization of dairy farmers, for the purposes of sub-section (4.) of section four of this Act or for the purposes of this section”.

Salaries, fees,
allowances and
expenses.

5. Section eight of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “salaries, fees and expenses as are prescribed” and inserting in their stead the words “salaries, fees, allowances and expenses as the Governor-General determines”; and
- (b) by omitting from sub-section (2.) the word “fees” (first occurring) and inserting in its stead the words “salary, fees or allowances”.

Meetings of
the Board.

6. Section ten of the Principal Act is amended by omitting sub-section (5A.).

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 Section thirteen of the Principal Act is repealed and the following section inserted in its stead :—

Employment
of staff.

“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.

“(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
dairy produce.

“14.—(1.) For the purpose of enabling the Board effectively to control the export, and the sale and distribution after export, of

Australian dairy produce, the regulations may prohibit the export from the Commonwealth of dairy produce—

- (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 dairy produce 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 :—

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

Contracts for shipment of dairy produce.

- (a) by the Board acting as the agent of the owner of the dairy produce or of another person having authority to export the dairy produce ; or
- (b) in conformity with conditions approved by the Board.

“(2.) A contract for the carriage of dairy produce 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 dairy produce from the Commonwealth, on making entry of the dairy produce under the *Customs Act* 1901–1952 and before the entry has been passed, to satisfy him that the contract for the carriage of the dairy produce 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.

“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.”.

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

10. Section twenty B of the Principal Act is amended by inserting in sub-section (1.), after the words “Commonwealth Bank of Australia”, the words “, and may open and maintain with any other prescribed bank,”.

Finance.

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

Application of moneys paid into accounts or Fund.

- “(c) in payment of the salaries, fees, allowances and expenses payable under sections eight, twelve and thirteen of this Act ; ”.