

DAIRY PRODUCE ACT 1975

No. 82 of 1975

An Act to amend the *Dairy Produce Export Control Act 1924-1973*.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Dairy Produce Act 1975*.¹ Short title
and citation.
- (2) The *Dairy Produce Export Control Act 1924-1973*² 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 Act 1924-1975*.
2. (1) Sub-section 15 (11) shall come into operation on the day on which this Act receives the Royal Assent.¹ Commence-
ment.
- (2) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.
3. The title of the Principal Act is amended by adding at the end thereof the words “, and for other purposes”. Title.
4. Before section 1 of the Principal Act the following heading is inserted:— Heading.

“PART I—PRELIMINARY”.

5. Sections 3 to 13 (inclusive) of the Principal Act are repealed and the following section and Part substituted:—

- “3. In this Act, unless the contrary intention appears— Definitions.
- ‘approved bank’ means the Reserve Bank of Australia or another bank approved by the Treasurer;
- ‘Chairman’ means the Chairman of the Corporation;
- ‘Corporation’ means the Australian Dairy Corporation constituted under this Act;
- ‘dairy industry’ includes the manufacture of dairy produce;
- ‘dairy produce’ means butter and cheese and includes such other products derived from milk or the constituent parts of milk (with or without the addition of any other substance) as are prescribed;
- ‘Deputy Chairman’ means the Deputy Chairman of the Corporation;

‘deputy member’ means a person appointed under section 11;
 ‘member’ means a member of the Corporation.

“PART II—ESTABLISHMENT, CONSTITUTION AND MEETINGS OF THE AUSTRALIAN DAIRY CORPORATION

Australian Dairy Corporation.

“4. (1) For the purposes of this Act, there shall be an Australian Dairy Corporation.

“(2) The Corporation—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

“(3) All courts, judges and persons acting judically shall take notice of the common seal of the Corporation affixed to a document and shall presume that it was duly affixed.

Constitution of Corporation.

“5. (1) The Corporation shall consist of 11 members, namely:—

- (a) a Chairman;
- (b) 3 members to represent the dairy farmers of Australia;
- (c) 3 members to represent the manufacturers of dairy produce in Australia;
- (d) 1 member to represent employees in the dairy industry in Australia;
- (e) 1 member to represent the Australian Government; and
- (f) 2 other members.

“(2) The members shall be appointed by the Minister in accordance with this section, the Chairman being appointed as a full-time member and the other members being appointed as part-time members.

“(3) Each member referred to in paragraph (b) of sub-section (1) 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.

“(4) Each member referred to in paragraph (c) of sub-section (1) shall be a person chosen by the Minister from among persons whose names have been submitted to him by such organizations of manufacturers of dairy produce in Australia as the Minister considers appropriate.

“(5) The member referred to in paragraph (d) of sub-section (1) shall be a person chosen by the Minister after consulting, as far as practicable, with representatives of the appropriate union or unions.

“(6) Each member referred to in paragraph (f) of sub-section (1) shall be a person chosen by the Minister from among persons who, in his opinion, are specially qualified for appointment by reason of experience in the marketing of dairy produce or other goods or in the production of dairy produce or by reason of other experience in commerce, finance, economics, science or industrial matters.

“(7) The Corporation may commence to perform its functions and exercise its powers when the Chairman, or the Deputy Chairman, and 5 other members have been appointed and the performance of the functions or the exercise of the powers of the Corporation is not affected by reason only of there being a vacancy or vacancies in the membership of the Commission.

“(8) The appointment of a member is not invalidated and shall not be called in question by reason of a deficiency or irregularity in or in connexion with his appointment.

“6. (1) Subject to sub-section (2), the Chairman shall be appointed for such period as the Minister determines and specifies in the instrument of appointment. Period of appointment.

“(2) A person who has attained the age of 65 years shall not be appointed or re-appointed as the Chairman and a person shall not be appointed or re-appointed as the Chairman for a period that extends beyond the date on which he will attain the age of 65 years.

“(3) For the purposes of the first constitution of the Corporation—

- (a) 1 of the members referred to in paragraph (b) of sub-section (1) of section 5;
- (b) 1 of the members referred to in paragraph (c) of that sub-section; and
- (c) 1 of the members referred to in paragraph (f) of that sub-section,

shall be appointed for a period of 2 years.

“(4) Subject to sub-sections (1), (3) and (5), members shall be appointed for a period of 3 years, but are eligible for re-appointment.

“(5) Where the Minister appoints a person to fill a vacancy in an office of a member arising otherwise than by reason of the expiration of the period for which the member who held the office was appointed, the person so appointed holds office—

- (a) in the case of a person appointed to fill a vacancy in the office of Chairman—for such period as the Minister determines and specifies in the instrument of appointment; and
- (b) in any other case—for the unexpired term of office of the member whose office became vacant.

Resignation. “7. A member may resign his office by writing under his hand delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

Termination of appointment. “8. (1) The Minister may terminate the appointment of a member by reason of the misbehaviour or mental or physical incapacity of the member.

“(2) The termination of the appointment of the Chairman under sub-section (1) for physical or mental incapacity shall be deemed, for the purposes of the *Superannuation Act 1922-1974*, to be retirement on the ground of invalidity.

“(3) If a member—

- (a) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Corporation;
- (b) becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

(c) fails to comply with his obligations under section 12,
the Minister shall terminate the appointment of the member.

Leave of absence. “9. The Minister may grant leave of absence to a member on such terms and conditions as to remuneration or otherwise as he determines.

Deputy Chairman. “10. (1) The Minister may appoint a member other than the Chairman to be the Deputy Chairman of the Corporation.

“(2) Subject to sub-section (3), a person appointed under this section holds office as Deputy Chairman until the Minister terminates his appointment as Deputy Chairman, or he ceases to be a member, whichever first happens.

“(3) The Deputy Chairman may resign his office of Deputy Chairman by writing under his hand delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

“(4) A member who has ceased to hold office as Deputy Chairman is eligible for re-appointment as Deputy Chairman.

“(5) The Deputy Chairman has, and shall exercise, all the powers, and shall perform all the functions, of the Chairman—

- (a) during any vacancy in the office of Chairman (whether or not an appointment has previously been made to that office); and
- (b) during any period when the Chairman is absent from duty or from Australia or, for any other reason, is unable to perform the functions of his office.

“11. (1) The Minister may, subject to sub-section (2), appoint a person to be the deputy of a member other than the Chairman and may, at any time, terminate an appointment so made by him. ^{Deputy members.}

“(2) In the case of the appointment of the deputy of a member appointed in pursuance of sub-section (3) or (4) of section 5, the person appointed to be the deputy of that member shall be a person chosen by the Minister from among persons whose names have been submitted to the Minister by the organizations referred to in that sub-section for the purposes of that sub-section or for the purposes of this sub-section.

“(3) A deputy member is entitled to attend meetings of the Corporation at which the member of whom he is the deputy is not present and, while so attending, shall be deemed to be a member, but the deputy of the member who is the Deputy Chairman shall not, by reason only of the operation of this sub-section, have the powers of the Deputy Chairman.

“(4) A deputy member may resign his office by writing under his hand delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

“12. (1) A member who has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Corporation, otherwise than as a member of, and in common with the other members of, an incorporated company or co-operative society consisting of more than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation. ^{Disclosure of interest.}

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Corporation, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Corporation with respect to that matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Corporation for any such deliberation or decision.

“(3) Sub-section (1) does not apply in respect of—

- (a) an interest that a member has as a dairy farmer or manufacturer of dairy produce and in common with other dairy farmers or manufacturers of dairy produce, as the case may be; or
- (b) an interest in respect of a contract made or proposed to be made in the ordinary course of the performance of the functions of the Corporation in relation to dairy produce and in accordance with the normal practices of the Corporation.

“(4) This section applies to and in relation to a deputy member in like manner as it applies to and in relation to a member.

Remuneration.

“12A. (1) The Chairman, Deputy Chairman, members and deputy members shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, they shall be paid such remuneration as is prescribed.

“(2) The Chairman, Deputy Chairman, members and deputy members shall be paid such allowances as are prescribed.

“(3) No remuneration or allowances shall be payable under this section to a member or deputy member who is also a member of the Parliament of a State if, before becoming a member of that Parliament or before becoming a member of the Corporation or a deputy member (whichever event last occurs), he has lodged with the Corporation a declaration that, during any period during which he is or may be a member of that Parliament, he will not accept any remuneration or allowances under this section, but such a member or deputy member is entitled to be paid such expenses as he actually incurs in or in connexion with the performance of his duties as a member or deputy member, as the case may be.

“(4) This section has effect subject to the *Remuneration Tribunals Act 1973-1974*.

Meetings.

“12B. (1) Subject to this section, meetings of the Corporation shall be held at such times and at such places within Australia as the Corporation determines.

“(2) The Chairman may, and, at the request of any 3 members, shall, convene a special meeting of the Corporation.

“(3) At a meeting of the Corporation, 6 members constitute a quorum.

“(4) The Chairman shall preside at all meetings of the Corporation at which he is present.

“(5) In the event of the absence of the Chairman from a meeting of the Corporation, the Deputy Chairman, if present, shall preside at that meeting.

“(6) In the event of the absence of the Chairman and the Deputy Chairman from a meeting of the Corporation, the members present shall appoint one of their number to preside at that meeting.

“(7) A question arising at a meeting of the Corporation shall be determined by a majority of the votes of the members present and voting.

“(8) The member presiding at a meeting of the Corporation has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(9) The Corporation shall keep a record of its proceedings.

“(10) The procedure of the Corporation shall be as determined by the Corporation.

“12C. (1) There shall be an Executive Committee of the Corporation. Executive Committee.

“(2) The Executive Committee has, and may exercise, such of the powers of the Corporation, and may perform such of the functions of the Corporation, as the Corporation, by resolution, determines, but such a determination does not prevent the exercise of a power or the performance of a function by the Corporation.

“(3) The exercise of a power or the performance of a function by the Executive Committee is not affected by reason only of there being a vacancy or vacancies in the membership of the Committee.

“(4) The Executive Committee shall consist of 5 members, namely—
(a) the Chairman of the Corporation; and
(b) 4 other members of the Corporation.

“(5) Each member of the Executive Committee referred to in paragraph (b) of sub-section (4) shall be elected by the Corporation and, subject to sub-sections (6) and (7), holds office for a period of 1 year or until he sooner ceases to be a member of the Corporation.

“(6) A member of the Executive Committee referred to in paragraph (b) of sub-section (4) may resign his office as such a member by writing under his hand delivered to the Chairman, but the resignation is not effective until it is accepted by the Chairman.

“(7) In the event of a vacancy in the office of a member of the Executive Committee referred to in paragraph (b) of sub-section (4), the Corporation shall elect another member of the Corporation to fill the vacancy and the person so elected shall, subject to this section, hold office for the unexpired term of office of the member of the Executive Committee whose office became vacant.

“(8) The Chairman may, at any time, call a meeting of the Executive Committee.

“(9) In the event of the absence of the Chairman from a meeting of the Executive Committee, the Deputy Chairman, if he is not a member of the Committee, may attend the meeting and, when so attending, shall be deemed to be a member of the Committee.

“(10) At a meeting of the Executive Committee—
(a) 3 members form a quorum; and
(b) the Chairman or, in his absence, the Deputy Chairman or, in the absence of the Chairman and the Deputy Chairman, a member elected by the members present to preside at the meeting shall preside.

“(11) A question arising at a meeting of the Executive Committee shall be determined by a majority of the votes of the members of the Committee present and voting.

“(12) The member presiding at a meeting of the Executive Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(13) The Executive Committee shall keep a record of its proceedings.

“(14) The procedure of the Executive Committee shall be as determined by the Committee.”.

6. Section 13A of the Principal Act is repealed and the following heading and sections substituted:—

“PART III—POWERS AND FUNCTIONS OF THE CORPORATION

Functions of
the
Corporation.

“13. The functions of the Corporation are—

- (a) to promote the export from Australia of dairy produce;
- (b) to control the export from Australia of dairy produce;
- (c) to control the sale and distribution of dairy produce after its export from Australia;
- (d) to promote trade and commerce in dairy produce among the States, between States and Territories and within the Territories;
- (e) to improve the production and encourage the consumption of dairy produce in the Territories; and
- (f) such other functions in connexion with dairy produce as are provided by the regulations.

Powers of
Corporation.

“13A. The Corporation may do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and, in particular, without limiting by implication the generality of the foregoing, the Corporation may—

- (a) make recommendations to the Minister in relation to the making of regulations for the purpose of controlling the export, and the sale and distribution after export, of Australian dairy produce;
- (b) make reports and suggestions to the Minister on such matters as the quality, standards and grading of any particular class or kind of dairy produce to be exported from Australia;
- (c) subject to the approval of the Minister, on its own behalf or in collaboration with any other person, authority or association of persons, take, or arrange for the taking of, any action in Australia or elsewhere that, in the opinion of the Corporation is likely—

- (i) to lead to the improvement of the quality of dairy produce or the prevention of deterioration, before or during transport from Australia, of dairy produce; or
 - (ii) to expand existing markets or secure new markets for dairy produce; and
- (d) apply for, acquire, hold and dispose of letters patent for an invention or an interest in any such letters patent.

“13B. (1) The Corporation may, at any time during a year, determine the quantity of any kind of dairy produce manufactured during that year that may be exported to a particular country or particular countries. Control of export of dairy produce.

“(2) The Corporation shall not make a determination under subsection (1) until it has consulted such organizations of dairy farmers, and such organizations of manufacturers of the kind of dairy produce concerned, as it considers appropriate.

“(3) The Corporation shall not exercise its powers under the regulations in a manner that is inconsistent with a determination under subsection (1).

“(4) In this section, ‘year’ means a period commencing on 1 July and ending on the following 30 June.”

7. Section 14 of the Principal Act is amended by omitting subsection (2) and substituting the following sub-sections:— Power to make regulations controlling export of dairy produce.

“(2) The regulations made for the purposes of paragraph (b) of sub-section (1) may provide that, except with the approval of the Corporation, a person other than the Corporation shall not export dairy produce from Australia to a specified country unless an arrangement has been made between the Corporation and the person for the sale and disposal of the dairy produce in that country by the Corporation on behalf of the person.

“(2A) The regulations shall not make provision with respect to a country in accordance with sub-section (2) unless the Corporation has, after consulting such organizations of dairy farmers, and such organizations of manufacturers of dairy produce, as it considers appropriate, recommended to the Minister that those regulations make such provision with respect to that country.”

8. Section 15 of the Principal Act is amended by omitting subsection (1) and substituting the following sub-section:— Power of Corporation to purchase dairy produce, &c.

“(1) Subject to any directions of the Minister, the Corporation may, for the purpose of performing its functions—

- (a) purchase dairy produce;
- (b) sell dairy produce purchased by it; and

- (c) manage and control all matters connected with the handling, storage, protection, treatment, transfer and conveyance of dairy produce purchased by it.”.

9. Section 20B of the Principal Act is repealed and the following Part substituted:—

“PART IV—STAFF AND REPRESENTATIVES

Staff. “20B. (1) The Corporation may employ such persons as it thinks necessary to assist the Corporation in exercising its powers and performing its functions under this Act or any other Act.

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

10. Sections 21 to 24 (inclusive) of the Principal Act are repealed and the following Part substituted:—

“PART V—FINANCE

Moneys to be paid to Corporation. “21. (1) There shall be paid to the Corporation amounts equal to the amounts of levy received by the Secretary to the Department of Agriculture by virtue of paragraph (c) of sub-section (1) of section 6 of the *Butter Fat Levy Act 1965-1972*.

“(2) The Consolidated Revenue Fund is appropriated to the extent necessary for the purposes of sub-section (1).

Bank accounts. “22. (1) The Corporation may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least 1 such account.

“(2) The Corporation shall pay all moneys of the Corporation into an account referred to in this section.

Borrowing by the Corporation. “23. (1) The Minister may, on behalf of Australia—
 (a) arrange with the Reserve Bank of Australia for the making by that Bank of advances to the Corporation for the purposes of the Corporation; and
 (b) guarantee the repayment of an advance made in pursuance of such an arrangement and the payment of interest on the advance.

“(2) The Corporation may, with the approval of the Treasurer, borrow moneys otherwise than in accordance with sub-section (1).

“(3) The Corporation may give security over any of its assets for the purpose of any borrowing under this section.

“(4) The Corporation shall not borrow moneys otherwise than in accordance with this section.

“24. (1) The moneys of the Corporation shall be applied only—

Application
of moneys of
Corporation.

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Corporation in or in connexion with the performance of its functions, or the exercise of its powers, under this Act or under the *Dairy Produce Sales Promotion Act 1958-1975*;
- (b) in payment of any remuneration and allowances, or reimbursement of expenses, payable under this Act or under the *Dairy Produce Sales Promotion Act 1958-1975*;
- (c) in payment of remuneration and allowances of members of the staff of the Corporation; and
- (d) in making any other payments that the Corporation is authorized or required to make under this Act.

“(2) Moneys of the Corporation not immediately required for the purposes of the Corporation may be invested—

- (a) on fixed deposit with an approved bank;
- (b) in any securities of, or guaranteed by, Australia or a State; or
- (c) in any other manner approved by the Treasurer.

“(3) Where the Corporation is of the opinion that the expansion of the existing markets, or the securing of new markets, for dairy produce is likely to be assisted by—

- (a) the acquisition by the Corporation, by subscription or otherwise, of an interest in a corporation incorporated in Australia or elsewhere; or
- (b) the making by the Corporation, whether in Australia or elsewhere, of a loan of moneys to a corporation, an association of persons or a person,

the Corporation may apply moneys of the Corporation in the acquisition of that interest or the making of that loan.

“(4) For the purposes of sub-section (3), ‘interest’, in relation to a corporation, includes—

- (a) a share in the capital of the corporation; and
- (b) stock of the corporation.

“25. The Corporation shall not, without the approval of the Minister—

Power to
purchase
and dispose
of assets.

- (a) enter into a contract (not being a contract for the acquisition or disposal of dairy produce) under which the Corporation is to pay or receive an amount exceeding \$100,000, or, if a higher amount is prescribed, that higher amount; or
- (b) enter into a lease of land for a period exceeding 10 years.

Proper
accounts to
be kept.

“25A. The Corporation shall cause to be kept proper accounts and records of the transactions and affairs of the Corporation in accordance with the accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of moneys of the Corporation are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Corporation and over the incurring of liabilities by the Corporation.

Audit.

“25B. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Corporation under this Act or any other Act and the records relating to assets of, or in the custody of, the Corporation, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

“(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

“(3) The Auditor-General shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

“(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Corporation relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the Corporation.

“(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

“(6) The Auditor-General or a person authorized by him may require a person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized persons considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

“(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

Liability to
taxation.

“25C. (1) The Corporation is subject to taxation (other than income tax) under the laws of Australia.

“(2) Subject to sub-section (3), the Corporation is not subject to taxation under a law of a State or Territory.

“(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law of a State or Territory.”.

11. Before section 26 of the Principal Act the following heading is inserted:— Heading.

“PART VI—MISCELLANEOUS”.

12. Section 27 of the Principal Act is repealed. Repeal.

13. Sections 29 and 29A of the Principal Act are repealed and the following sections substituted:—

“29. (1) The Corporation shall, as soon as practicable after each 30 June, prepare and furnish to the Minister a report of its operations under this Act and under the *Dairy Produce Sales Promotion Act 1958-1975* during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves. Annual report.

“(2) The report shall set out all directions in respect of the exercise of the powers of the Corporation given by the Minister to the Corporation during the year to which the report relates.

“(3) Before furnishing the financial statements to the Minister, the Corporation shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial transactions and state of affairs of the Corporation;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Corporation during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

“(4) The Minister shall cause the report and financial statements of the Corporation, together with the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

“29A. Where the Chairman, or a person employed by the Corporation, was, immediately before his appointment or employment, as the case may be, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928-1975* applied— Rights of public servants appointed or employed under this Act.

- (a) he retains his existing and accruing rights; and

- (b) for the purpose of determining those rights, his service as such a member or person shall be taken into account as if it were service in the Australian Public Service.”.

Additional
amend-
ments.

14. The Principal Act is amended as set out in the Schedule to this Act.

Transitional
provisions.

15. (1) In this section, “commencing date” means the date fixed by Proclamation under sub-section 2 (2).

(2) Upon the commencing date—

- (a) all rights, property and assets that, immediately before that date, were vested in the Australian Dairy Produce Board are, by force of this sub-section, vested in the Corporation; and
- (b) the Corporation becomes, by force of this sub-section, liable to pay and discharge all the debts, liabilities and obligations of the Australian Dairy Produce Board that existed immediately before that date.

(3) The rights, property and assets referred to in sub-section (2) include moneys that, immediately before the commencing date, were standing to the credit of the Dairy Produce Fund and assets that, immediately before that date, represented the investment of moneys of that Fund.

(4) Unless the contrary intention appears, a reference to the Australian Dairy Produce Board in any other Act, in any Ordinance of a Territory or in any regulations made under an Act or Ordinance of a Territory shall, in respect of any time on or after the commencing date, be read as a reference to the Corporation.

(5) Any agreement or instrument subsisting immediately before the commencing date to which Australia, the Australian Government or the Australian Dairy Produce Board was a party has effect on and after that date as if—

- (a) in a case where the Board was a party—the Corporation were substituted for the Board as a party to the agreement or instrument; and
- (b) any reference in the agreement or instrument to the Board were (except in relation to matters that occurred before that date) a reference to the Corporation.

(6) Where, immediately before the commencing date, proceedings to which the Australian Dairy Produce Board was a party were pending in any court, the Corporation is, by force of this section, substituted for the Board as a party to the proceedings.

(7) A person who, immediately before the commencing date, held a permanent office, or was employed, under the Principal Act (other than the members of the Australian Dairy Produce Board) shall, by virtue of

this sub-section, be deemed to have been, on that date, employed by the Corporation under section 20B of the Principal Act as amended by this Act.

(8) The terms and conditions of employment of persons who are to be deemed to have been employed under section 20B of the Principal Act as amended by this Act shall, until those terms and conditions are determined under sub-section 20B (2) of that Act as so amended, be the terms and conditions of their employment on the date immediately preceding the commencing date.

(9) The Corporation shall, as soon as practicable after the commencing date, prepare and furnish to the Minister a report of the operations of the Australian Dairy Produce Board under the Principal Act and under the *Dairy Produce Sales Promotion Act 1958-1973* during the year ending 30 June 1975 and the Minister shall cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by him.

(10) Regulations made under the Principal Act, other than the Dairy Produce Export Control (Election of Board) Regulations and the Dairy Produce Export Control (Banking) Regulations, that were in force immediately before the commencing date, continue in force as if made under the Principal Act as amended by this Act.

(11) At any time after this Act receives the Royal Assent and before the commencing date, persons may be appointed to offices, and regulations may be made, under the Principal Act as amended by this Act as if the provisions of this Act had come into operation on the date on which this Act receives the Royal Assent, but appointments and regulations so made shall not have any effect before the commencing date.

SCHEDULE

Section 14

The following provisions of the Principal Act are amended by omitting the word "Board" (wherever occurring) and substituting the word "Corporation":—

Sections 14 (1), 15 (2), 17, 19 (1), (3) and (4), 20 (1), (1A) and (2), 20A, 26 (1) and 28 (1) and (2).

NOTES

1. Act No. 82, 1975; assented to 20 June 1975.
2. 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; No. 53, 1947; No. 37, 1953; No. 17, 1954; No. 74, 1958; No. 49, 1962; No. 79, 1963; No. 43, 1965; No. 93, 1966; No. 3, 1972; and No. 216, 1973 (as amended by No. 20, 1974).