

1934-35-36.

**A BILL**  
FOR  
**AN ACT**

To amend the *Wine Overseas Marketing Act*  
1929-1934 and for other purposes.

**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 :—

1.—(1.) This Act may be cited as the *Wine Overseas Marketing* Short title and  
citation.  
5 *Act* 1936.

(2.) The *Wine Overseas Marketing Act* 1929-1934\* is in this Act  
referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as  
the *Wine Overseas Marketing Act* 1929-1936.

10 2. Notwithstanding anything contained in section two of the Commencement.  
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.

15 3. Section four of the Principal Act is amended— Definitions.

(a) by omitting from the definition of "winery" the word "ten"  
and inserting in its stead the word "twenty-five";

(b) by

\* Act No. 6, 1929, as amended by No. 48, 1930; and No. 45, 1934

- (b) by omitting from the definition of "winery" the words "or election";
- (c) by omitting from the definition of "distillery" the word "ten" and inserting in its stead the word "twenty-five";
- (d) by omitting from the definition of "distillery" the words "or election"; and **5**
- (e) by omitting from the definition of "the Board" the words "Wine Overseas Marketing Board" and inserting in their stead the words "Australian Wine Board".

4.—(1.) Section five of the Principal Act is repealed and the following section inserted in its stead:— **10**

Australian  
Wine Board.

"5.—(1.) For the purposes of this Act, there shall be an Australian Wine Board.

"(2.) The Board shall consist of—

- (a) one member (in this Act referred to as 'the Government representative') to represent the Commonwealth Government; **15**
- (b) two members to represent co-operative wineries and distilleries;
- (c) one member to represent proprietary and privately owned wineries and distilleries in the State of New South Wales; **20**
- (d) one member to represent proprietary and privately owned wineries and distilleries in the State of Victoria;
- (e) two members to represent proprietary and privately owned wineries and distilleries in the State of South Australia; **25**  
and
- (f) one member to represent grapegrowers supplying grapes to wineries and distilleries.

"(3.) The members of the Board shall, subject to the provisions of this section, be appointed by the Governor-General. **30**

"(4.) The members appointed to represent co-operative wineries and distilleries shall be appointed upon the nomination of the Co-operative Winemakers' Associations.

"(5.) The member appointed to represent proprietary and privately owned wineries and distilleries in the State of New South Wales shall be appointed upon the nomination of the associations (other than the Co-operative Winemakers' Association) in that State affiliated with the Federal Viticultural Council of Australia. **35**

"(6.) The member appointed to represent proprietary and privately owned wineries and distilleries in the State of Victoria shall be appointed upon the nomination of the associations in that State affiliated with the Federal Viticultural Council of Australia. **40**

"(7.) The members appointed to represent proprietary and privately owned wineries and distilleries in the State of South Australia shall be appointed upon the nomination of the associations (other than the Co-operative Winemakers' Association) in that State affiliated with the Federal Viticultural Council of Australia. **45**

"(8.) The

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“ (8.) The member appointed to represent grapegrowers supplying grapes to wineries and distilleries shall be appointed upon the nomination of the Federal Grapegrowers' Council.

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

“ (10.) Nominations of members of the Board by any association or body of persons shall be in writing and shall be forwarded to the Minister so as to be received by him on or before a date fixed by the Minister by notice in the *Gazette*.

10 “ (11.) Where any member is required by this section to be appointed pursuant to a nomination by any association or body of persons, and no nomination is received by the Minister on or before the time fixed in accordance with the last preceding sub-section, the Governor-General may appoint such person as he thinks fit to  
15 represent the interests concerned.

“ (12.) Members of the Board, other than the Government representative, shall hold office for a period of three years and shall be eligible for re-appointment.

“ (13.) Members of the Board, other than the Government  
20 representative, may be removed from office by the Governor-General on the recommendation of the Board.

“ (14.) On the death, resignation or removal from office of a member of the Board, other than the Government representative, the Governor-General may, on the recommendation of the Board, appoint  
25 a person to hold the vacant office for the residue of the term of the member whose place became vacant.

“ (15.) 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.”

30 (2.) Notwithstanding anything contained in this section, the Australian Wine Board shall, until the members of the Board are appointed pursuant to section five of the Principal Act as amended by this Act, be constituted of the persons who, immediately prior to the commencement of this Act, were members of the Wine  
35 Overseas Marketing Board constituted by the section of the Principal Act repealed by this section :

Provided that—

- (a) the Government representative shall hold office during the pleasure of the Governor-General ;
- 40 (b) any member, other than the Government representative, 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, the Governor-General may appoint a person to hold the  
45 vacant office for the residue of the term of that member, such

such appointment in the case of a member, other than the Government representative, to be on the recommendation of the Board.

Date of election  
of members of  
Board.

Appointment  
of officers

5. Section six of the Principal Act is repealed.

6. Section thirteen of the Principal Act is amended by adding 5  
at the end thereof the following sub-section :—

“(4.) If an officer of the Public Service of the Commonwealth is appointed as Secretary to the Board or as an officer of the Board stationed in London, his service as an officer of the Board shall for the purpose of determining his existing and accruing rights be taken 10  
into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act* 1928–1933 shall apply to that officer in like manner as if this Act and section were specified in the Schedule to that Act.”

Annual report.

7. Section twenty-nine of the Principal Act is amended by 15  
omitting from sub-section (1.) the word “July” and inserting in its  
stead the word “September”.