

1937-38.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1^o, 14th October, 1938.

(*Brought in by the Assistant Minister for Commerce,
the Honorable A. G. Cameron.*)

A BILL

FOR

AN ACT

Relating to the Marketing of Apples and Pears.

BE it enacted by the King's Most Excellent Majesty, the Senate, Preamble
and the House of Representatives of the Commonwealth of
Australia, for the purpose of appropriating the grant originated in
the House of Representatives, as follows:—

- 5 1. This Act may be cited as the *Apple and Pear Organization Act* 1938. Short title
2. This Act shall commence on a date to be fixed by Proclamation. Commencement
3. In this Act, unless the contrary intention appears— Definitions
- 10 “approved growers’ organizations” means such organizations of
 apple and pear growers as are approved by the Minister on
 the recommendation of the Minister administering the
 Department of Agriculture of the State in which the
 organizations are established.
- “member” means a member of the Board;
- 15 “the Chairman” means the Chairman of the Board;
- “the Executive Committee” means the Executive Committee of
 the Board;
- “the Board” means the Australian Apple and Pear Board
 constituted under this Act;
- 20 “the Fund” means the Apple and Pear Export Fund established
 under this Act.

4.—(1.)

4.—(1.) For the purposes of this Act, there shall be an Australian Apple and Pear Board.

(2.) The Board shall consist of—

- (a) one member (in this Act referred to as “the Government representative”) to represent the Commonwealth Government; 5
- (b) four members to represent the growers of apples and pears in the State of Tasmania;
- (c) two members to represent the growers of apples and pears in the State of Victoria; 10
- (d) one member to represent the growers of apples and pears in the State of New South Wales;
- (e) one member to represent the growers of apples and pears in the State of Queensland;
- (f) one member to represent the growers of apples and pears in the State of South Australia; 15
- (g) two members to represent the growers of apples and pears in the State of Western Australia; and
- (h) one member to represent exporters of apples and pears in each of the States of Victoria, South Australia, Western Australia and Tasmania: 20

Provided that if the Government representative is a resident of the State of Queensland no member shall be appointed under paragraph (e) of this sub-section.

(3.) The members of the Board shall be appointed by the Governor-General in accordance with the provisions of this section. 25

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

(5.) Any member appointed to represent the growers in a State shall be selected from a panel submitted by the approved growers' organizations in that State. 30

(6.) For the purposes of the last preceding sub-section, a panel shall contain the names of not less than twice the number of persons required to be appointed and shall be approved by the Minister administering the Department of Agriculture of the State concerned. 35

(7.) The members appointed to represent exporters of apples and pears shall be appointed upon the nomination of the Minister.

(8.) A panel submitted by approved growers' organizations 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 in that behalf by notice in the *Gazette*. 40

(9.) Where any member is required by this section to be selected from a panel submitted by the approved growers' organizations in any State, and a panel is not received by the Minister on or before 45

the

the date fixed in accordance with the last preceding sub-section, the Governor-General may appoint such person as he thinks fit to represent the growers concerned.

5 (10.) 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.

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

10 (12.) On the occurrence of any vacancy in the membership of the Board by reason of the death, resignation or removal from office of any member, the Governor-General may appoint a person to fill the vacancy, and any person so appointed (other than the Government representative) shall hold office for the residue of the term of the
15 member whose place became vacant :

Provided that, where the member whose place became vacant was selected from a panel submitted by the approved growers' organizations in any State, the person appointed to fill the vacancy shall, subject to sub-section (9.) of this section, be selected from such a
20 panel.

(13.) Subject to the requirements of this Act in respect of a quorum, the exercise by the Board of its powers and functions under this Act shall not be affected by reason only of there being a vacancy in the office of any member of the Board.

25 5. The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued and of holding real and personal property.

Incorporation
of Board

30 6.—(1.) In the event of the illness or absence of a member of the Board, the Governor-General may appoint a person to be the deputy of that member, and the person so appointed shall, during the illness or absence of the member, exercise and perform all the powers and functions of a member of the Board.

Deputies of
members

35 (2.) Where the member who is ill or absent was appointed after selection from a panel submitted by the approved growers' organizations in any State under section four of this Act, the person appointed to be the deputy of that member shall be selected from that panel, or, if there is no such panel, the person appointed to be the deputy shall be nominated by the Minister.

40 (3.) An appointment of a deputy of a member, and any act done by him as such, shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

45 7.—(1.) At the first meeting of the Board, which shall be held at a time and place notified by the Minister in the *Gazette*, the Board shall appoint one of its members to be the Chairman of the Board until the appointment of a Chairman in pursuance of the next succeeding sub-section.

Chairman of
the Board

(2.) At

(2.) At a meeting of the Board, which shall be held in the month of July of each year, the Board shall appoint one of its members to be the Chairman of the Board until the appointment of his successor.

(3.) The Chairman of the Board shall hold office until the appointment of a successor in accordance with this section, and shall be eligible for re-appointment. 5

(4.) At any meeting of the Board at which the Chairman is not present, the members present shall elect one of their number to act as Chairman at that meeting.

Meetings of
the Board

8.—(1.) Subject to this Act, meetings of the Board shall be held at such times and places within the Commonwealth as the Board from time to time determines. 10

(2.) The Chairman, or any three members representing growers or exporters in more than one State, may at any time call a special meeting of the Board. 15

(3.) At all meetings of the Board nine members, representing growers or exporters in not less than three States, shall form a quorum.

(4.) At any meeting of the Board, the Chairman shall, in respect of any question before the Board, have a deliberative vote only and, in the event of an equality of votes, the question shall pass in the negative. 20

(5.) Subject to the last preceding sub-section, all questions before a meeting of the Board shall be decided by a majority of votes.

(6.) The Board shall keep a record of its proceedings. 25

(7.) The Board may co-opt any person to attend such meetings of the Board as the Board determines, and any person so co-opted shall act in an advisory capacity only.

Executive
Committee of
Board.

9.—(1.) There shall be an Executive Committee of the Board consisting of the Chairman of the Board and not more than five other members of the Board who shall, subject to sub-section (2.) of this section, be elected by the Board in the month of July of each year, and shall hold office until the election of their successors. 30

Provided that the Executive Committee shall not be deemed to be constituted unless of the members of the Board which constitute the Committee there is a member representing growers or exporters in each of the States of Victoria, South Australia, Western Australia and Tasmania. 35

(2.) The members of the first Executive Committee (other than the Chairman of the Board) shall be elected by the Board at its first meeting held in pursuance of this Act and shall hold office until the election of their successors in the next following month of July. 40

(3.) The

(3.) The Chairman of the Board shall be the Chairman of the Executive Committee.

(4.) At any meeting of the Executive Committee at which the Chairman of the Committee is not present, the members present
5 shall appoint one of their number to act as Chairman at that meeting.

(5.) If any member of the Executive Committee is unable to attend a meeting of the Committee, that member may appoint a proxy to represent him at that meeting.

(6.) Any person appointed to act as proxy for any member on the
10 Executive Committee shall have all the powers and functions of the member of whom he is the proxy.

(7.) The Executive Committee shall have such powers and functions of the Board as the Board decides. but, notwithstanding any such decision, the Board may at any time exercise any of those powers and
15 functions.

(8.) At any meeting of the Executive Committee three members shall form a quorum.

(9.) At any meeting of the Executive Committee the Chairman shall, in respect of any question before the Committee, have a
20 deliberative vote and, in the event of an equality of votes the question shall pass in the negative.

(10.) Subject to the last preceding sub-section, all questions before a meeting of the Executive Committee shall be decided by a majority of votes.

(11.) In the event of a vacancy occurring in the Executive Committee, the Board may elect one of its members to hold the vacant office for the residue of the term for which the member whose office is vacant was elected.

(12.) The Executive Committee may co-opt any person to attend
30 such meetings of the Committee as the Committee determines.

(13.) Any person who is co-opted in pursuance of the last preceding sub-section shall act in an advisory capacity only, and, if a member is so co-opted, he shall, in respect of his attendance at meetings of the Executive Committee, be entitled to receive only such
35 fees and expenses as are payable under this Act to a member of the Executive Committee.

10.—(1.) Members of the Board and of the Executive Committee of the Board, and the deputies of any such members while acting as such, shall be entitled to receive fees and expenses as provided in
40 this section in respect of attendance at meetings or whilst engaged (whether in Australia or overseas) on such business of the Board as the Board determines.

(2.) If a member or his deputy is also a member of the Parliament of the Commonwealth or of any State, he shall not be entitled to
45 receive any fees but shall be entitled to be reimbursed such expenses as he actually incurs by reason of such attendance or whilst engaged on such business.

(3.) If

fees and expenses