

DAIRY PRODUCE EXPORT CONTROL.

No. 74 of 1958.

An Act to amend the *Dairy Produce Export Control Act 1924-1954*.

[Assented to 10th October, 1958.]

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 1958*. Short title and citation.

(2.) The *Dairy Produce Export Control Act 1924-1954** 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 1924-1958*.

Commence-
ment.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Section eleven of this Act shall come into operation on the first day of July, One thousand nine hundred and fifty-nine.

(3.) Each section inserted in the Principal Act by a section of this Act shall come into operation on the date on which the last-mentioned section comes into operation.

Australian
Dairy Produce
Board.

3.—(1.) Section four of the Principal Act is amended—

(a) by omitting from paragraph (d) of sub-section (2.) the word “and” (last occurring);

(b) by adding at the end of sub-section (2.) the following word and paragraph:—

“; and (f) one other member.”;

(c) by omitting from sub-section (3.) the word “Governor-General” and inserting in its stead the word “Minister”;

(d) by omitting from sub-section (8.) the word “nominated” and inserting in its stead the word “chosen”; and

(e) by omitting sub-sections (9.) to (13.) (inclusive) and inserting in their stead the following sub-sections:—

“(9.) The member referred to in paragraph (f) of sub-section (2.) of this section shall be appointed on the recommendation of the Board.

“(10.) The member appointed to represent the Commonwealth Government shall be the Chairman of the Board.

“(11.) Subject to this section, a member of the Board, other than a member referred to in paragraph (e) or (f) of sub-section (2.) of this section, shall hold office for a period of three years and a member referred to in either of those paragraphs shall hold office for such period as the Minister determines at the time of his appointment, but any member is eligible for re-appointment.

* 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; and No. 17, 1954.

“(12.) A member of the Board, other than a member referred to in paragraph (e) or (f) of sub-section (2.) of this section, may be removed from office by the Minister on the recommendation of the Board and a member referred to in either of those paragraphs may be removed from office by the Minister for incapacity, incompetence or misbehaviour.

“(13.) On the occurrence of a vacancy in the membership of the Board by reason of the death, resignation or removal from office of a member, the Minister may, subject to the next succeeding sub-section, appoint a person to fill the vacancy, but any person so appointed (other than a person appointed as a member referred to in paragraph (e) or (f) of sub-section (2.) of this section) shall hold office only for the residue of the term of the member whose place became vacant.

“(14.) Where the member whose place became vacant was a member referred to in paragraph (b), (c) or (f) of sub-section (2.) of this section, the person appointed to fill the vacancy shall be appointed on the recommendation of the Board.

“(15.) The exercise of the powers and the performance of the functions of the Board shall not be affected by reason only of there being a vacancy in the membership of the Board.”.

(2.) A member of the Australian Dairy Produce Board holding office immediately before the commencement of this section shall, subject to sub-section (12.) of section four of the Principal Act as amended by this Act, continue to hold office under that Act as so amended, until and including the thirtieth day of June, One thousand nine hundred and sixty, as a member of the Board representing the same interest or interests as he represented before the commencement of this section.

4. Section seven of the Principal Act is amended by omitting from sub-section (1.) the word “Governor-General” and inserting in its stead the word “Minister”.

Deputies of members.

5. Section thirteen of the Principal Act is amended—

- (a) by adding at the end of sub-section (1.) the words “or any other Act”; and
- (b) by omitting sub-section (3.).

Employment of staff.

Finance.

6. Section twenty B of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “ any other prescribed bank ” and inserting in their stead the words “ such other bank or banks as the Treasurer approves ”;

(b) by adding at the end of paragraph (a) of sub-section (1.) the word “ and ”; and

(c) by omitting paragraph (b) of sub-section (1.).

Dairy Produce Fund.

7. Section twenty-one of the Principal Act is amended by omitting from sub-section (2.) the word “ section ” (last occurring) and inserting in its stead the word “ sub-section ”.

Moneys in the fund uninvested may be lodged in bank.

8. Section twenty-three of the Principal Act is amended by omitting the words “ any other prescribed bank ” and inserting in their stead the words “ such other bank or banks as the Treasurer approves ”.

Audit.

9. Section twenty-seven of the Principal Act is amended by inserting after the word “ Board ” the words “ (including accounts kept by the Board for the purpose of the *Dairy Produce Research and Sales Promotion Act 1958*) ”.

Liability of Board for its acts.

10. Section twenty-eight of the Principal Act is amended by adding at the end of sub-section (2.) the words “ under this or any other Act ”.

11. Section twenty-nine of the Principal Act is repealed and the following section inserted in its stead:—

Annual report.

“ 29.—(1.) The Board shall, as soon as practicable after each thirtieth day of June, prepare and furnish to the Minister a report of its operations, under this Act and under the *Dairy Produce Research and Sales Promotion Act 1958*, during the year ended on that date.

“ (2.) The Minister shall lay the report before each House of the Parliament within fifteen sitting days of that House after its receipt by the Minister.”.

12. After section twenty-nine of the Principal Act the following section is inserted:—

Officers' Rights Declaration Act.

“ 29A.—(1.) Where a member of the Board, or a person employed by the Board, was, immediately before his appointment or employment, as the case may be, an officer of the Public Service of the Commonwealth—

(a) he retains his existing and accruing rights;

- (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 Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act 1928-1953* applies as if this Act and this section had been specified in the Schedule to that Act.

“(2.) For the purposes of the last preceding sub-section, a person holding office under section twelve of this Act as a representative of the Board in London shall be deemed to be employed by the Board and a person who held office as such a representative before the commencement of this section shall be deemed to have been so employed.”.
