

Primary Products Pools Acts Amendment Act. 16 GEO. V. No. 4.

the words "prescribed manner" are repealed and the words "as may be prescribed" are inserted in lieu thereof.

Section 5. (b) In subsection two of section five, before the words "He shall not" the words "Except as may be approved by the Council," are inserted.

Section 7. (c) In subsection one of section seven, the words "not less than fifteen areas within the State" are repealed and the words "such areas within the State as may be prescribed by the said Order" are inserted in lieu thereof.

16 Geo. V.
No. 4.
THE
PRIMARY
PRODUCTS
POOLS ACT
AMENDMENT
ACT OF 1925.

An Act to Amend "The Primary Products Pools Acts, 1922 to 1923" in certain particulars.

[ASSENTED TO 28TH SEPTEMBER, 1925.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and con-
struction of
Act.

1. This Act may be cited as "*The Primary Products Pools Acts Amendment Act of 1925*," and shall be read as one with *"*The Primary Products Pools Acts, 1922 to 1923*," herein collectively referred to as the Principal Act.

Amendment
of Principal
Act.

2. The Principal Act is hereby amended as follows:—

Section 3.

(a) After subsection one of section three the following subsections are inserted:—

"(1a.) Without limiting the power hereinbefore conferred to extend the provisions of this Act either wholly or with modifications thereof or additions thereto to a commodity and to a Board and all persons, things, and matters concerned, any such Order in Council may provide that the commodity to which such Order in Council relates shall forthwith upon the making of such Order or on and from a date to be fixed by such Order, or upon the fulfilment of such conditions as are therein

* 13 Geo. V. No. 9, *supra*, page 10146; and 14 Geo. V. No. 31, *supra*, page 10764.

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mentioned, be divested from the growers thereof and become vested in and be the property of the Board as the owners thereof, and may contain such further provisions as will enable the Board effectively to obtain possession of such commodity as such owners and to deal with the same as may be deemed necessary or convenient in order to give full effect to the objects and purposes for which the Board is constituted: Provided that such Order in Council shall not have effect so as to prejudice any interstate contract for the sale of such commodity entered into prior to the date of the acquisition by the Board of the commodity under such Order.

(*Ib.*) In any case where before or after the date of the passing of "*The Primary Products Pools Act Amendment Act of 1925*" a Board has been constituted under this Act for a commodity by an Order in Council which extended the provisions of this Act either wholly or with certain modifications thereof or additions thereto to such commodity and to such Board and to all persons, things, and matters concerned, but no provision was made in the said Order in Council for the acquisition as owners by such Board of such commodity or any part thereof from the growers thereof, and a petition to the Governor in Council signed by fifty or more growers of the commodity requests that such Board shall acquire such commodity as the owners thereof, the Governor in Council may by another Order in Council, made with respect to such Board and the commodity for which such Board was constituted, provide and declare that such commodity shall forthwith upon the making of such subsequent Order or on and from a date to be fixed by such subsequent Order, or upon the fulfilment of such conditions as are therein mentioned, be divested from the growers thereof and become vested in and be the property of such Board as the owners thereof, and may in such Order make such further provision as will enable such Board effectively to obtain possession of such commodity as such owners and to deal with the same as may be deemed necessary or convenient:

Provided that an Order in Council under the provisions of this subsection shall not have effect so as to prejudice any interstate contract for the sale of such

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commodity entered into prior to the date of the acquisition by the Board of the commodity under such Order."

In the third paragraph of subsection three of section three, the word "three-fourths" is repealed and the word "two-thirds" is inserted in lieu thereof.

Section 4.

(b) In subsection one of section four, the words "together with a person to represent the Council of Agriculture, and shall, on the recommendation of the Council of Agriculture" are repealed and the words "and the Minister shall appoint an additional member thereof in cases where the Board undertake the functions of marketing the commodity within the State, and shall, on the recommendation of the Board pursuant to resolution at their first meeting," are inserted in lieu thereof.

The following provision is added to the said subsection :—

"Provided that on failure of the Board to pass such resolution the Minister shall appoint one of the members to be chairman without such recommendation."

Section 6.

(c) In subsection three of section six, after the word "buys" the words "or receives" are inserted.

In paragraph (d) of subsection four of the said section, after the word "purchases" the words "or receipts of the commodity" are inserted.

(d) After section eighteen of the Principal Act the following sections are inserted :—

Precept by
Council of
Agriculture.

"[18A.] (1.) The Council of Agriculture is hereby empowered by a resolution in that behalf to issue to a Board constituted under this Act a precept which shall fix and state the amount which the Council of Agriculture estimates to be required during the year for the administration and other expenses of the Council of Agriculture in connection with the commodity for which such Board is constituted. Such precept shall be served upon the Board and thereupon the amount mentioned therein shall become payable by the Board to the Council of Agriculture and shall be paid by the Board accordingly out of the proceeds of a levy in respect of the commodity to be made by the Board as hereinafter provided.

(2.) The Council of Agriculture shall apply all moneys so received from the respective Boards to

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which precepts as aforesaid have been issued in and towards defraying the general administration expenses of the Council of Agriculture, in such proportion as the said Council shall from time to time by resolution determine, and also out of the amount contributed by a Board, in and towards the defraying of any expenses which may be specially incurred in respect of any particular commodity for which that Board has been constituted under this Act. Any surplus of money contributed by a Board to the said Council under this section remaining at the end of the year shall be carried forward and taken into consideration in fixing the amount required to be paid under precept during the succeeding year by the Board in respect of whose contribution such surplus exists.

[18B.] (1.) The Board with the prior approval of the Minister may from time to time make a levy in respect of the commodity for which such Board is constituted in such amount as the Board with the approval of the Minister may determine. The regulations may prescribe the basis on which all such levies shall be made and provide methods of recovery or collection of any such levy, including the recovery or collection of such levy from persons holding moneys to the credit of the growers liable to pay such levy, and may impose fines not exceeding five pounds for non-payment of any such levy or moneys by growers or persons holding moneys to the credit of growers.

(2.) All moneys raised by a Board in respect of levies under this section shall be paid to the credit of a special account in the books of the Board and shall be applied as follows:—

- (i.) In payment of such administrative expenses of the Board as the Board may from time to time determine to be payable out of such account; and
- (ii.) In payment to the Council of Agriculture of a sum of money mentioned in any precept of the said Council served upon the Board as in the last preceding section hereof provided; and
- (iii.) In establishing and maintaining a fund for the purpose of effecting insurances against fire, hail, flood, or other casualty or for effecting

Fruit Marketing Organisation, Etc., Act. 16 GEO. V. No. 23,

any other special object which the Board may determine to be in the common interest of the growers of the commodity concerned :

Provided always that it shall not be competent for a Board to establish any such fund as in paragraph (iii.) hereof mentioned unless and until the purpose for which it is proposed to establish the fund and the rate of levy on the commodity for that purpose are expressly approved by the Minister.

Moreover before any levy is made for the purpose of the establishment of such fund a number of growers of the commodity concerned to be fixed by the regulations may request that a poll of growers upon the question of the establishment of a fund shall be held, and thereupon the Board shall hold such poll, and if upon such poll the majority of votes is against the establishment of such fund no part of any levy made by the Board shall be devoted to the establishment of such fund or expended for any purpose for which it was proposed that such fund should be established."

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No. 23.

THE
FRUIT
MARKETING
ORGANISATION
ACT
AMENDMENT
ACT
OF 1925.

An Act to Amend "The Fruit Marketing Organisation Act of 1923" in certain particulars.

[ASSENTED TO 12TH NOVEMBER, 1925.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction
of Act.

1. This Act may be cited as "*The Fruit Marketing Organisation Act Amendment Act of 1925*," and shall be read as one with *"*The Fruit Marketing Organisation Act of 1923*," herein referred to as the Principal Act. The Principal Act and this Act may collectively be cited as "*The Fruit Marketing Organisation Acts, 1923 to 1925*."

Amendment
of s. 2.

2. In section two of the Principal Act the definition of "Marketing" is repealed and the following definition is inserted in lieu thereof:—

Marketing.

" "Marketing" includes everything involved in the preparation and packing of fruit for sale and in the offering thereof for sale and the selling thereof and in the transmission of fruit from the producer to the consumer."

* 14 Geo. V. No. 39, *supra*, page 10766.