



ANNO SECUNDO

## GEORGII VI REGIS.

A.D. 1938.

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## No. 2415.

## An Act to amend the Dried Fruits Act, 1934.

[Assented to 15th December, 1938.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

- Short titles.** 1. (1) This Act may be cited as the "Dried Fruits Act Amendment Act, 1938".
- (2) The Dried Fruits Act, 1934, as amended by this Act may be cited as the "Dried Fruits Act, 1934-1938".
- 2181, 1934.** (3) The Dried Fruits Act, 1934, is in this Act called "the principal Act".
- Incorporation.** 2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.
- Amendment of s. 8 of the principal Act—  
Term of office of members.** 3. (1) Section 8 of the principal Act is amended by striking out the word "two" in the third line thereof and inserting in lieu thereof the word "three".
- (2) The amendment made by this section shall apply to members of the board in office at the time of the passing of the Dried Fruits Act Amendment Act, 1938, as well as to members in office thereafter.
- Amendment of s. 18 of principal Act—** 4. Section 18 of the principal Act is repealed and the following section is enacted and substituted therefor :—
- Contribution towards administration costs.** 18. (1) The board shall prepare for every year an estimate of the probable expenditure for that year to be incurred by the board in the administration of this Act, and in carrying out the powers and duties of the board under this Act.

(2) Towards the expenditure so estimated every person in whose name a packing house is registered shall contribute to the board such sum as the board determines ; and such sum shall not exceed an amount equal to one-sixteenth of a penny for each pound of the total amount (as estimated by the board) of dried fruit which during the year for which the contribution is required has been or will be packed in the packing house registered in the name of that person.

(3) The board shall by post or personal service, give to every person liable to contribute under this section, a written notice of the amount payable by him and of the times when, and the instalments in which, that amount is to be paid. The amount shall be payable in accordance with the notice.

(4) If any such sum or any instalment thereof is not paid in full as and when it becomes payable the board or any person authorized by the board may recover the amount owing by summary proceedings or by action in any court of competent jurisdiction ; and in addition the person liable to pay any such sum or instalment shall be liable to a fine not exceeding fifty pounds.

(5) In this section "year" means period of twelve months ending on the twenty-eighth day of February.

5. (1) Subsection (3) of section 23 of the principal Act is amended by striking out the word "shall" in the second line thereof and inserting in lieu thereof the words "may, subject to this Act".

Amendment of s. 23 of the principal Act—  
Registration of dealers.

(2) Subsection (4) of section 23 of the principal Act is repealed and the following subsection is enacted in lieu thereof :—

(4) The grant or refusal of any application for registration as a dealer or for the renewal of any such registration, shall, subject to section 24a of this Act, be in the sole discretion of the board.

6. (1) Subsection (1) of section 24 is amended by striking out all words therein commencing with the word "Penalty" in the sixth line.

Amendment of s. 24 of the principal Act—  
Registration of packing houses.

(2) Subsection (3) of section 24 of the principal Act is repealed.

(3) The following subsection is enacted and inserted in section 24 of the principal Act after subsection (6) thereof :—

(6a) The grant or refusal of any application for the registration of a packing house or for the renewal or transfer of any such registration shall, subject to section 24a of this Act, be in the sole discretion of the board.

**Dried Fruits Act Amendment Act, 1938.**

(4) The following subsection is enacted and inserted in section 24 of the principal Act after subsection (7) thereof :—

(7a) Where for a period of three years immediately before the passing of the Dried Fruits Act Amendment Act, 1938, a registered packing house has been used solely for the purpose of stemming, processing, grading, sorting or packing dried fruits grown by the owner, occupier, or person in charge of the packing house, the board may make it a condition of any renewal or transfer of the registration of that packing house granted after the passing of the Dried Fruits Act Amendment Act, 1938, that the packing house shall not thereafter be used except for the same purpose, and upon breach of any condition so imposed by the board the registration of the packing house shall become void.

Enactment of  
s. 24a of  
principal Act—

7. The following section is enacted and inserted in the principal Act after section 24 :—

Review of  
board's  
decision.

24a. (1) If the board refuses any application for—

- (a) registration as a dealer or renewal of registration as a dealer ;
- (b) the registration of a packing house or the renewal or transfer of the registration of a packing house,

the applicant may request the Minister to reconsider the application and the Minister shall reconsider the application accordingly and make a recommendation to the Governor as to the decision to be given thereon. The Governor shall thereupon decide the application.

(2) Any person aggrieved by a decision of the Governor under this section may within twenty-one days from the day when the Governor's decision was given, appeal therefrom to a board of appeal.

(3) Every such appeal shall be made in accordance with the regulations and notice thereof shall be served on such persons as are prescribed.

(4) For the purpose of hearing any appeal or group of appeals under this section the Governor shall appoint a board of appeal consisting of three persons. One of those persons shall be nominated by the appellant, one by the Minister, and the other shall be a special magistrate appointed by the Governor.

(5) The special magistrate appointed by the Governor shall be the chairman of the board of appeal. The chairman together with one member, shall constitute a quorum of the board of appeal. Any matter to be decided by the board of appeal shall be deemed to be decided by the board of appeal if, at any meeting thereof at which a quorum is present, any two members agree upon the decision made.

(6) The board of appeal shall decide every appeal in such manner as it deems just and expedient, having regard to the economics of the industry and to the interests of the persons engaged in the industry of producing, processing and selling dried fruits, and of the consumers of dried fruits, and may confirm, annul or vary the decision appealed against. The decision of the board of appeal shall be final and shall not be removed into any court by certiorari or otherwise or be questioned in any way in legal proceedings.

(7) The Governor may make regulations in relation to appeals under this section and may confer on boards of appeal such powers in relation to the hearing and determination of appeals as he deems proper and may impose penalties not exceeding fifty pounds for breach of any regulation.

8. Subsection (1) of section 33 of the principal Act is amended by inserting therein after paragraph (c) the following paragraph:—

Amendment of s. 33 of the principal Act—  
Regulations.

(c1) empowering any person authorized by the Minister to inspect, in any packing house or elsewhere, and for the purpose of the administration of the Irrigation Act, 1930-1936, or this Act, any accounts or records relating to dried fruits bought sold processed stored or delivered in the course of the business of any packing house, and to make copies of any such accounts or records.

9. Section 34 of the principal Act is amended by inserting at the end thereof the words "and in the case of a continuing offence an additional fine not exceeding ten pounds for every day on which the offence is continued".

Amendment of principal Act, s. 34—  
Penalty for offences.

10. (1) Section 35 of the principal Act is amended by striking out the words "twelve months" in the fourth line thereof and inserting in lieu thereof "two years".

Amendment of s. 35 of the principal Act—  
Summary proceedings for offences.

(2) The amendment made by this section shall apply in relation to offences whether committed before or after the passing of the Dried Fruits Amendment Act, 1938.

11. Section 39 of the principal Act is repealed.

Repeal of s. 39 of Principal Act—  
Operation of Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.