



ANNO DECIMO QUINTO

# GEORGII V REGIS.

A.D. 1924.

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No. 1657.

An Act to make better provision for the Marketing of Dried Fruits, and for other purposes.

[Assented to, December 24th, 1924.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

*Preliminary.*

1. This Act may be cited as the "Dried Fruits Act, 1924." Short title.
  
2. (1) This Act shall come into operation on a day to be fixed by proclamation and shall continue in operation until the thirty-first day of March, nineteen hundred and twenty-seven and no longer. Duration of Act.  
(2) A proclamation fixing the day for the commencement of this Act shall not be made until the Governor is satisfied that there is, or will be on the day fixed by the proclamation, legislation similar or substantially similar to this Act in force in the State of Victoria : Provided that section 30 hereof shall come into operation forthwith.
  
3. In this Act, unless inconsistent with the context or subject Interpretation.  
matter—  
"Board" means the Dried Fruits Board constituted by this Act :  
"Dealer" means any person not being a grower within the meaning of this Act who sells in any one year, whether on his own behalf or as agent for some other person more than five tons of dried fruits, but does not include a shopkeeper who sells only such dried fruits as he buys from registered dealers : "Dried

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“Dried fruits” means dried currants, dried sultanas, dried lexias, and such other dried fruits as are declared by proclamation to be dried fruits for the purposes of this Act :

“Export parity price” of any dried fruits means the selling price for the time being in London of the like Australian dried fruits, less cost of freight, insurance, exchange, duties, and all other charges :

“Grower” means any person who, in any one year, produces more than ten hundred-weights of dried fruits of any one variety of the dried fruits to which this Act applies.

“Package” includes every sack, bag, barrel, case, box, carton, or other container :

“Packing shed” means any building or erection in which dried fruits are stemmed, processed, graded, sorted, or packed for the purposes of sale, whether such building or erection is or is not used for any other purpose :

“Public notice” means notice published in the *Government Gazette* and in at least two daily newspapers published in Adelaide.

*Dried Fruits Board.*

**Dried Fruits Board.** 4. A Board to be called the “Dried Fruits Board” is hereby constituted.

**Constitution of Board.**

5. (1) The Board shall consist of five members, who shall be appointed by the Governor. Three of such members shall be representatives of the growers and two shall be official members.

(2) The Governor may appoint one of the official members to be Chairman of the Board. The other official member shall be Deputy Chairman of the Board.

(3) Notice of every appointment of a member of the Board, or of a member to be Chairman of the Board, shall be published in the *Government Gazette*.

**Terms of office of members.**

6. The official members shall be permanent members of the Board, but the representative members shall not hold office for a longer period than two years without re-appointment.

**First representative members.**

7. (1) The first representatives of the growers on the Board shall be nominated by the Minister after consultation with representatives of any association or associations of growers.

(2) The first representative members shall retire on the thirty-first day of December, nineteen hundred and twenty-five, but shall be eligible for re-appointment, subject to this Act.

**Representative members to be elected after 31st December, 1925.**

8. After the thirty-first day of December, nineteen hundred and twenty-five, the persons appointed to be representative members of the Board shall be those elected by the growers as hereinafter provided.

9. For

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**9.** For the purposes of elections of representative members of the Board the State shall be divided into two districts, which shall be called No. 1 District and No. 2 District.

State divided into districts for election purposes.

**10.** (1) No. 1 District shall comprise all land within a distance of fifteen miles from either side of the River Murray in South Australia between Murray Bridge and the border between South Australia and New South Wales.

Districts defined.

(2) No. 2 District shall comprise all the rest of the State of South Australia.

**11.** (1) The growers whose blocks are within District No. 1 shall elect two members.

Number of members to be elected.

(2) The growers whose blocks are within District No. 2 shall elect one member.

(3) The elections shall take place in manner prescribed.

**12.** Every grower of dried fruits who is for the time being registered with the Board shall, at every election for his District, be entitled to one vote for each candidate required to be elected.

Voting by growers.

**13.** Any three members of the Board shall form a quorum thereof.

Quorum.

**14.** (1) At all meetings of the Board the Chairman shall preside, if present; and in his absence the Deputy Chairman shall preside. The Chairman or Deputy Chairman presiding shall have a casting as well as a deliberative vote.

Majority decision to be sufficient.

(2) Whenever the members are not unanimous as to any matter, such matter shall be decided by the majority of votes, and the decision so arrived at shall be the decision of the Board.

**15.** No act or proceeding of the Board shall be invalid or be prejudiced by reason only of the fact that at the time when such act or proceeding is done, taken, or commenced there is a vacancy in the office of any member.

Acts of Board not invalidated by vacancy.

**16.** In case of illness or other incapacity, or absence from the State, of any member of the Board, or of a vacancy in the office of any member, the Governor may appoint some person to be a deputy member of the Board during such illness, incapacity, or absence, or until such vacancy is filled.

Deputy member.

*Officers.*

**17.** (1) The Board may appoint a secretary to the Board, and any other officers whom it considers necessary to enable it to carry out its duties and functions.

Secretary, inspectors, and other officers.

(2) The Board may also appoint such inspectors and other officers as it considers necessary for the purposes of this Act; and may authorise other persons to do such acts and things as it considers necessary for carrying out the purposes of this Act. (3) Any

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(3) Any person who in any way resists, interferes with, hinders, or obstructs any inspector or other officer or person in the exercise or discharge of any power or duty under this Act shall be liable to a penalty not exceeding One Hundred Pounds or to be imprisoned for any term not exceeding six months.

Board may impose  
levy on growers.

**18.** (1) The Board may, from time to time, for the purpose of defraying the expenses of administering this Act and of carrying out their duties and functions hereunder, impose a levy on all growers in South Australia.

(2) Such levy shall not exceed the rate of one-sixteenth of a penny per pound on the quantity of dried fruits produced by each grower in the year in respect of which the levy is made.

(3) Such levy shall be made in manner prescribed.

(4) If the amount of any levy remains unpaid for one month after the same is due (the grower liable to pay the same having received notice as prescribed of the amount thereof) the same shall be recoverable by the Board by any of the remedies available to the Commissioner of Taxes for the recovery of income tax in arrear.

General powers of  
the Board.

**19.** The Board shall also have power in its absolute discretion from time to time—

- (a) to make contracts with any person in respect to the purchase or sale of dried fruits produced in Australia ;
- (b) to enter into contracts with Boards appointed under legislation in force in other States with objects similar to those of this Act for concerted action in the marketing of dried fruits produced in Australia and for purposes incidental thereto, and to carry out such contracts ;
- (c) to open shops or depots for the sale of dried fruits, either wholesale or by retail ;
- (d) to provide depots for the storage or distribution of dried fruits ;
- (e) to fix the remuneration to be paid to dealers for the sale or distribution of dried fruits ;
- (f) to fix the maximum prices to be charged on the sale of dried fruits, whether wholesale or by retail ; and
- (g) by means of advertising or any other appropriate means, to encourage the consumption of dried fruits, and create a greater demand therefor.

Board may give  
directions as to  
disposal of any  
season's dried fruits  
crop.

**20.** (1) The Board shall also have power, in its absolute discretion, from time to time to determine where and in what respective quantities the output of dried fruits produced in any particular year is to be marketed, and to take whatever action the Board thinks proper for the purpose of enforcing such determination.

(2) Notice of every such determination shall be given—

(a) by public notice ; and

(b) by

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- (b) by sending by post to each grower or dealer affected or likely to be affected by the determination, at his address as registered with the Board, a letter containing particulars of the determination.

*Registration of Growers, Dealers, and Packing Sheds.*

21. (1) Every person who in the year 1924 produced more than ten hundred-weights of dried fruits and who at the commencement of this Act is still engaged in the business of producing dried fruits shall, within one month from such commencement, register with the Board by furnishing to the Board the following particulars, which shall be verified by statutory declaration, namely :—

Existing growers to register with the Board, and to furnish certain particulars.

- I. His full name and address ;
- II. The situation of his block and a description of it sufficient to enable it to be identified ;
- III. The quantity of dried fruits produced by him in South Australia in the year 1924 ;
- IV. The estimated quantity of dried fruits he expects to produce in the year 1925 ; and
- v. Any other particulars prescribed.

(2) Every such person shall, so long as he continues to be engaged in the business of producing dried fruits, furnish to the Board, at such times as the Board by public notice requires, such particulars as are prescribed with respect to the dried fruits produced or likely to be produced by him during any particular year.

22. Every person who, after the commencement of this Act, engages in the business of a producer of dried fruits shall, within one month of his commencing to engage in such business, register with the Board by furnishing to the Board the following particulars, which shall be verified by statutory declaration, namely :—

Existing dealers to register with the Board and furnish certain particulars.

- I. His full name and address ;
- II. The situation of his block and a description of it sufficient to enable it to be identified ;
- III. The estimated quantity of dried fruits he expects to produce in the next ensuing year ; and
- IV. Any other particulars prescribed.

23. (1) Every person who in the year 1924 sold, whether on his own behalf or as agent for some other person, more than five tons of dried fruits not produced by him from fruit grown by him, and who at the commencement of this Act is still engaged in the business of a dealer in dried fruits shall, within one month from such commencement, register with the Board by furnishing to the Board the following particulars, which shall be verified by statutory declaration namely :

New growers to register on commencing business and furnish certain particulars.

- I. His full name and address and, if he carries on business under a registered firm name, that firm name ;
- II. The place where he carries on his business ;
- III. The

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- III. The quantity of dried fruits sold by him in South Australia, whether on his own behalf or as agent for some other person, in the years 1923 and 1924 ;
- IV. The estimated quantity of dried fruits he expects to sell as aforesaid in the year 1925 ; and
- v. Any other particulars prescribed.

(2) Every such person shall, so long as he continues to be engaged in the business of a dealer in dried fruits, furnish to the Board, at such times as the Board by public notice requires, such particulars as are prescribed with respect to the dried fruits sold or likely to be sold by him, whether on his own behalf or as agent for some other person, in any particular year.

New dealers to register on commencement of business and furnish certain particulars.

24. Every person who, after the commencement of this Act, engages in the business of a dealer in dried fruits shall, within one month of his commencing to engage in such business, register with the Board by furnishing to the Board the following particulars, which shall be verified by statutory declaration, namely :—

- I. His full name and address and, if he carries on business under a registered firm name, that firm name ;
- II. The place where he carries on his business ;
- III. The estimated quantity of dried fruits he expects to sell in the course of his business as such dealer in the next ensuing year ; and
- IV. Any other particulars prescribed.

Registration of fruit packing sheds.

25. (1) Every packing shed shall be registered with the Board by the occupier thereof.

(2) Application for registration shall be made in such form as is prescribed, and the person making application shall furnish such particulars as are prescribed or as the Board requires.

(3) The registration of a packing shed shall expire on the thirty-first day of December in the year when it was effected, but may be renewed in such manner and upon such conditions as are prescribed.

(4) When a packing shed has been registered the registration thereof may at any time during the currency of the registration, upon application in the prescribed form, be transferred in favor of any other person.

(5) Every application for registration or for the renewal or transfer of registration shall be accompanied by the following fee :—

- I. For registration or for renewal of registration, One Pound :
- II. For transfer of registration, Five Shillings.

(6) Every occupier of a packing shed required by this section to be registered who does not register the same pursuant to this Act shall be liable to a penalty not exceeding Two Pounds for every day whilst such shed remains unregistered.

26. The

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26. The Board may, in its discretion, cancel the registration of any packing shed if a person registered in respect thereof is in the opinion of the Board deliberately contravening any determination of the Board with respect to any dried fruits in such packing shed or if, in the opinion of the Board, he persistently refuses to collaborate with the Board in regard to carrying out any direction or policy of the Board in pursuance of the object of this Act.

Registration may be cancelled.

27. Any person, being the owner or occupier or person in charge of any packing shed not registered as required by this Act, who carries on in such packing shed the business of stemming, processing, grading, sorting, packing, buying, or selling dried fruits shall be liable to a penalty of not more than One Hundred Pounds.

Unregistered packing sheds prohibited.

*Minister may Purchase, or Compulsorily Acquire, Dried Fruits.*

28. (1) Subject to section 92 of the Commonwealth of Australia Constitution Act and for the purposes of this Act or of any contract made by the Board, the Minister may on behalf of His Majesty purchase by agreement or acquire compulsorily any dried fruits in South Australia grown and dried in Australia, not being dried fruits which are held for export under and in accordance with a valid and existing licence granted under the Dried Fruits Export Control Act, 1924, of the Parliament of the Commonwealth, or of which the board constituted under that Act has accepted the control for the purposes of that Act or which are included in any contract referred to in section 18 of that Act: Provided that the Minister under the powers conferred by this Act shall not acquire compulsorily any such dried fruits in any case where the owner or the person having the control thereof has exported or arranged to export such quantity as he is licensed to export under and in accordance with such a licence as aforesaid, and such further quantity (if any) as is determined by the Minister and for the export of which a licence can be obtained under the said Commonwealth Act.

Minister may purchase or compulsorily acquire dried fruits

(2) The Minister may authorise the Board to acquire on his behalf any dried fruits which this Act empowers him to acquire.

(3) Any dried fruits acquired pursuant to this Act may be sold by the Minister in such manner as he thinks fit.

(4) The Minister, or the Board acting on his behalf, may, for the purpose of obtaining money to carry out any acquisition authorised by this section, enter into any agreement with any person or with any bank carrying on business in South Australia.

29. The following provisions shall have effect with respect to the compulsory acquisition of dried fruits under and for the purposes of this Act:—

Provisions as to compulsory acquisition of dried fruits.

(1) The Minister by order in writing under his hand, or the Board, when authorised by him under section 28 (2), by order in writing under the hand of the Chairman or Deputy Chairman of the Board, such order being served upon

Order by the Minister.

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upon any person being the owner of or having the control or disposal of any dried fruits described or referred to in the order, may declare that such dried fruits are acquired by His Majesty; and in any such order it shall be sufficient to describe the dried fruits so acquired as dried fruits in a certain locality or place or in any other manner by which the dried fruits may be identified.

**Effect of order.**

- (2) Upon the service of any such order all dried fruits described or referred to in such order shall cease to be the property of the then owner or owners thereof, and shall become and remain the absolute property of His Majesty, freed from any mortgage, charge, lien, or other encumbrance thereon whatsoever; and the then owner or owners and all agents, managers, attorneys, servants, and workmen of such owner or owners shall, without delay, hindrance, obstruction, claim, demand, or objection whatsoever, give immediate and peaceable possession of such dried fruits to His Majesty and all the title and property of the then owner or owners thereof shall be changed into a right to receive payment of the value thereof at the export parity price thereof, to be paid at such times and intervals as the Board may by notice published in the *Government Gazette* declare: Provided that in any case where at the time of acquisition any person holds any mortgage, charge, lien, or other encumbrance over any such dried fruits, such person shall be entitled to receive payment, out of the sum which would otherwise be payable to the owner or owners, of the principal moneys and interest (if any) for the time being secured thereby in preference to the owner or owners, and only the balance (if any) of the value of such dried fruits shall be paid to the owner or owners.

**Authority for delivery of possession.**

- (3) The production of any such order or of a copy thereof, or of a telegram purporting to be a demand pursuant to such order and to be signed by the Chairman or Deputy Chairman of the Board, shall be sufficient authority for the delivery of possession of any dried fruits described or referred to, or claimed to be described or referred to, in such order or demand.

**Seizure and taking possession of dried fruits.**

- (4) All dried fruits described or referred to, or claimed to be described or referred to, in any such order or demand may, without any warrant other than this Act, be seized and taken possession of by any officer authorised, either generally or in any particular case, in writing by the Chairman or deputy Chairman of the Board in that behalf; and such officer, with any necessary assistance, may, for any of the purposes of this section, enter any place at any time and use any force which may be necessary.

(5) Any



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- (5) Any person who refuses to deliver, or delays or obstructs or hinders the delivery of, any dried fruits described or referred to, or claimed to be described or referred to, in any such order or demand shall be liable to a penalty of not more than One Hundred Pounds; and if such person is a company the individual person guilty of the offence, and also the managing director or other manager in South Australia of the company, shall each be liable to the like penalty. Penalty for refusal to deliver and for obstruction, &c.
- (6) In the event of any doubt or dispute as to the person legally entitled to receive any moneys payable under this section, the Board may pay the same into the Supreme Court to abide the order of that Court. Disputes as to amounts payable.
- (7) The receipt given by any person to the Board for any moneys paid for any dried fruits acquired under this section shall be a sufficient discharge to the Board in respect of the liability to make payment therefor; but nothing herein shall prejudice or affect the right of any person claiming to be entitled to receive any such moneys to recover the same from any person to whom the Board has paid the same. Effect of receipts.  
Saving.

*Miscellaneous Provisions.*

**30.** (1) All agreements in writing made before the eleventh day of December, nineteen hundred and twenty-four, for the sale of any dried fruits to be produced in the year nineteen hundred and twenty-five are hereby declared to be null and void: Provided that where a dealer has by any such agreement agreed to sell to any person or persons any dried fruits already purchased by him from growers, then such last-mentioned agreement shall continue valid and subsisting, and the agreements made by such dealer with growers shall be deemed to refer only to such quantity of dried fruits as is respectively notified in writing by the Minister of Agriculture to each grower concerned, and so far as regards such quantity each such agreement shall continue valid and subsisting, but so far as regards the difference between such quantity and the quantity to which it actually refers shall be null and void. Existing contracts for the sale of dried fruits.

(2) Every agreement which by the proviso to subsection (1) hereof is declared to be valid and subsisting shall be registered by the purchaser thereunder with the Minister of Agriculture before the thirty-first day of December, nineteen hundred and twenty-four, and the said Minister may, before registering any such agreement, require to be furnished with such evidence, in the form of a statutory declaration or otherwise, of its authenticity as he thinks proper. If any such agreement is not registered as required by this subsection, it shall not have any effect after the thirty-first day of December, nineteen hundred and twenty-four.

(3) The Minister of Agriculture shall, for the purposes of the proviso to subsection (1) hereof, notify to growers whose contracts

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are by that proviso declared to continue valid and subsisting as to part thereof, what quantity of dried fruits each grower is bound to deliver thereunder, and the Minister's notification shall in all Courts be accepted as conclusive evidence of that quantity.

(4) Any purchaser who has, prior to the eleventh day of December, nineteen hundred and twenty-four, advanced to any grower any sum or sums of money under any agreement which is by this section declared to be null and void shall have a preferable lien (within the meaning of the Liens on Fruit Act, 1923,) for the total sum advanced by him over the fruit crop of the next ensuing harvest of such grower, and such lien may be registered under the said Act.

Penalty for disobeying direction of Board as to marketing of dried fruits.

**31.** Every grower who sells or otherwise disposes of any dried fruits contrary to any determination of the Board applying to such fruits and notified to him in manner prescribed shall be liable to a penalty not exceeding Five Hundred Pounds.

Penalty for possession of dried fruits under standard or misrepresenting standard of dried fruits.

**32.** (1) While any regulation made under this Act prescribing standards of quality for different grades of dried fruits and the grade description or grade mark to be used with respect to each standard is in force, every person shall be liable to a penalty of not more than One Hundred Pounds who—

- (a) packs any dried fruits in any package branded or marked with a grade description or grade mark which is not the grade description or grade mark prescribed to be used for dried fruits of the quality packed in the particular package ;
- (b) has in his possession any dried fruits contained in any package branded or marked with a grade description or grade mark which is not the grade description or grade mark prescribed to be used for dried fruits of the quality contained in the particular package ; or
- (c) by the use of any description or mark on a package containing dried fruits represents such fruits to be of a particular standard, whereas in fact such fruits are not of that standard.

(2) Where it is made to appear to the satisfaction of any inspector or officer appointed under this Act, or any member of the Police Force, at the time of discovering an offence—

- (a) that the person primarily liable has used all due diligence to avoid a breach of this section ; and
- (b) by what person the offence has been committed ; and
- (c) that it has been committed without the knowledge, consent, or connivance of the person primarily liable,

the said inspector, officer or member of the Police Force shall proceed against the person whom he believes to be the actual offender without first proceeding against the person primarily liable.

**33.** (1) Every

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**33.** (1) Every person who packs any dried fruits shall, in manner prescribed, legibly and durably brand, stamp, or mark upon, or cause to be branded, stamped, or marked upon, every package containing any of such dried fruits—

Packages containing dried fruits to be branded.

- (a) the name of the packer of such dried fruits ;
- (b) the registered brand or registered mark of such packer ;
- (c) a mark, consisting of one or more words, letters, or figures, or a combination of them, for the purpose of indicating the quality of the dried fruits contained in such package ; and
- (d) The net weight of the dried fruits contained in such package.

(2) Every person who fails to observe any of the provisions of this section shall be liable to a penalty not exceeding Fifty Pounds.

**34.** (1) The Governor may make regulations for or with respect to— Regulations.

- (a) the purchase, acquisition, sale, or marketing, or the arranging for the purchase, acquisition, sale, or marketing, of dried fruits ;
- (b) the inspection of, and the granting of certificates as to the quality of, dried fruits intended for sale ;
- (c) the branding, marketing, or labelling of packages containing dried fruits ;
- (d) the registration of growers and the forms to be used in connection therewith ;
- (e) the particulars to be furnished to the Board by growers and dealers desiring to be registered under this Act, in addition to the particulars required by this Act ;
- (f) fixing standards of quality for different grades of dried fruits, and the grade description or grade mark to be respectively used for packages containing dried fruits of different grades ;
- (g) any matters required or permitted by this Act to be prescribed ; and
- (h) generally, all matters and things necessary or convenient to be prescribed for carrying this Act into effect.

(2) Any such regulations may prescribe penalties of not more than One Hundred Pounds for any contravention thereof or failure to comply therewith.

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Summary  
proceedings for  
offences.

35. All proceedings for offences against this Act shall be disposed of summarily.

Financial provision.

36. All expenses incurred for the purposes of this Act shall, so far as payment of the same is not provided for under this Act, be paid out of moneys provided by Parliament for the purpose.

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

TOM BRIDGES, Governor.