



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1835.

An Act to amend the Dried Fruits Act, 1924, and for other purposes.

[Assented to, January 5th, 1928.]

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

1. (1) This Act may be cited at the "Dried Fruits Act Amendment Act, 1927." Short title.

(2) The Dried Fruits Acts, 1924 to 1926, and the Dried Fruits Act (Continuance) Act, 1927, and this Act may be cited together as the "Dried Fruits Act, 1924 to 1927."

(3) The Dried Fruits Act, 1924, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. Section 3 of the principal Act is amended—

(a) by striking out in the definition of "Dealer" the words "not being a grower within the meaning of this Act";

(b) by inserting before the word "sells" in the definition of "Dealer" the words "buys or";

(c) by striking out in the definition of "Dealer" the words "five tons" and inserting in lieu thereof the words "one ton"; and

(d) by inserting after the word "sale" in the definition of "Packing shed" the words "or trade or otherwise".

Amendment of principal Act, s. 3—
Interpretation.

Dried Fruits Act Amendment Act.—1927.

Amendment of
principal Act, s. 19₄

4. Section 19 of the principal Act is amended—
- (a) by striking out paragraph (f) thereof; and
 - (b) by inserting after paragraph (g) thereof the following paragraph—
- (h) to regulate by any such means as are prescribed the removal of dried fruits from packing sheds.

Amendment of
principal Act, s. 20—

Operation of
determination.

5. Section 20 of the principal Act is amended by inserting at the end thereof the following subsection :—

(3) Subject as hereinafter mentioned no determination made by the Board under this section shall operate so as in any way to affect trade commerce or intercourse among the States: Provided that if by or under any Act of the Parliament of the Commonwealth or by any amendment of the Commonwealth of Australia Constitution Act the Parliament of the State is given power to pass laws authorising the Board to make determinations such as mentioned in subsection (1) of this section which may affect trade commerce and intercourse between the States then this section shall be construed as if enacted pursuant to the said power and any determination made by the Board under subsection (1) of this section may operate accordingly so as to affect trade commerce and intercourse between the States.

New provision.

Power to require
returns from
growers.

6. The principal Act is amended by inserting therein after section 22 the following section :—

22A. (1) The Board, in addition to any other power conferred on it, may, by notice in writing given to any grower of dried fruits, require him to furnish in writing to the Board such particulars with respect to the dried fruits produced by him in any year as the Board may specify in such notice, and the Board may in such notice specify a time in which such particulars shall be furnished.

(2) Any grower who fails to furnish such particulars within the time specified, or who furnishes any untrue particulars, shall be guilty of an offence and shall be liable to a penalty not exceeding Five Hundred Pounds.

Amendment of
principal Act,
s. 24A.

7. Section 24A of the principal Act (which section was enacted by section 7 of the Dried Fruits Act Amendment Act, 1925), is hereby amended—

- (a) by inserting after the words “determination for the time being in force” in the last and penultimate lines of subsection (1) the words “or any direction or policy of the Board”; and
- (b) by inserting after the words “determination for the time being in force” in the last and penultimate lines of subsection (2) the words “or any policy of the Board”.

8. Section

Dried Fruits Act Amendment Act.—1927.

8. Section 24 of the principal Act is repealed and the following section is hereby inserted and substituted in lieu thereof :—

Re-enactment of
principal Act,
s. 24—

24. (1) No person shall engage in the business of a dealer in dried fruits unless he is registered with the Board as a dealer : Provided that no person shall be prosecuted for a contravention of this section occurring within two weeks from the date when he commences to engage in such business if he becomes registered within that period.

Registration of
dealers.

Penalty—Not exceeding Five Hundred Pounds.

(2) Any person registered as a dealer immediately prior to the commencement of the Dried Fruits Act Amendment Act, 1927, shall be deemed to be registered as a dealer under this section.

(3) Application for registration as a dealer shall be made to the Board and shall be accompanied by the following particulars, which shall be verified by statutory declaration :—

- I. The applicant's 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 business :
- III. Any other particulars prescribed.

(4) The Board may in its discretion grant or refuse any application for registration.

(5) The Board may in its discretion cancel the registration of any dealer if that dealer is in the opinion of the Board acting in such a manner as to defeat or delay or embarrass the Board in carrying out any policy of the Board, or if in the opinion of the Board he has refused or neglected to carry out any direction or determination of the Board.

9. (1) Subsection (1) of section 25 is amended so as to read as follows :—

Amendment of
principal Act,
s. 25—

(1) No person shall use or occupy any building, erection, or other place whatsoever for the purpose of stemming, processing, grading, sorting, or packing any dried fruits for trade or sale or otherwise, unless such building, erection, or other place is for the time being registered under this Act as a packing shed.

Registration of
fruit packing sheds.

Penalty—Not exceeding Two Pounds for every day on which the building, erection, or place is used or occupied in contravention of this section.

(2) Subsection (2) of section 25 is amended by adding at the end thereof the following passage :—

The Board may in its discretion grant or refuse any application for registration.

(3) Subsection (6) of section 25 is repealed.

10. Section

Dried Fruits Act Amendment Act.—1927.

Repeal of s. 27 of principal Act.

10. Section 27 of the principal Act is repealed.

Amendment of *ibid.*, s. 28—

Power of compulsory acquisition.

11. Subsection (1) of section 28 of the principal Act is amended by striking out the following words in the second and third lines thereof, namely :—“ and for the purposes of this Act or of any contract made by the Board ”.

Amendment of *ibid.*, s. 29—

Mode of acquisition of dried fruits.

12. Section 29 of the principal Act is amended by striking out the words “ and for the purposes of ” in the second and third lines thereof.

Amendment of principal Act, s. 34—

Regulations.

13. Section 34 of the principal Act is amended by inserting therein after paragraphs (b), (d), (e), (f), and (g) respectively, the following paragraphs :—

(bb) the inspection and regulation of packing sheds, drying grounds, stores and the machinery appliances, implements and utensils, used in reference thereto, and the conditions under which the same shall be conducted :

(dd) the registration and the renewal and transfer of registration of packing sheds :

(ee) the stemming, processing, grading, sorting, classification and packing of dried fruits in packing sheds :

(ff) regulating the removal of dried fruits from packing sheds :

(gg) forms which may be used under this Act and the particulars which may be required of growers, dealers, and the owners, occupiers, or persons in charge of registered packing sheds.

Amendment of principal Act, s. 35—

Time for commencing proceedings.

14. Section 35 of the principal Act is amended by inserting at the end thereof the following :—

Such proceedings may, notwithstanding any other Act to the contrary, be commenced at any time within twelve months from the time of the commission of the offence.

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

G. J. R. MURRAY, Lieutenant-Governor.