

Offences and  
penalties.

**4** Section ten of the Principal Act is amended by adding at the end thereof the following subsection:—

“(4) Proceedings in respect of any offence against this Act may be taken at any time within twelve months after the offence was committed.”.

Expiry of Act.

**5** Section thirteen of the Principal Act is amended by omitting therefrom the numerals “1949” and substituting therefor the numerals “1950”.

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## FRUIT BOARD.

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No. 51 of 1949.

AN ACT to amend the *Fruit Board Act* 1934.  
[29 November, 1949.]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title  
and citation.

**1**—(1) This Act may be cited as the *Fruit Board Act* 1949.

(2) The *Fruit Board Act* 1934\*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Section four of this Act shall commence on a date to be fixed by proclamation, and the remaining sections of this Act shall commence on the date on which the Governor gives his assent to this Act.

Moneys of  
the Board.

**2** Section eighteen of the Principal Act is amended by adding at the end thereof the following subsection:—

“(5) The Board, with the approval of the Governor, may, in any financial year, expend out of its funds any sums of money not exceeding thirty pounds or two per cent of its revenue for the preceding financial year (whichever is the lesser amount) for any purposes whatsoever approved by the

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\* 25 Geo. V. No. 49. For this Act, as amended to 1938, see Reprint of Statutes, Vol. IV., p. 180. Subsequently amended by 2 Geo. VI. No. 18, 6 Geo. VI. No. 67, and No. 73 of 1948. See also 9 Geo. VI. No. 25.

Board; but each item of expenditure under this subsection shall be sanctioned by two-thirds majority of the members of the Board present at the meeting thereof at which the proposal for such expenditure is submitted.”.

**3** Section twenty of the Principal Act is amended by inserting in subsection (2), after the word “negotiations”, the words “and contracts”. Powers of the Board.

**4** After section twenty of the Principal Act the following sections are inserted in Part V.:—

“20A.—(1) The Board may, with the approval of the Minister, devise schemes for the orderly marketing in other countries of fruit grown in this State, and for that purpose may enter into contracts in writing with fruit growers for the delivery to the Board or as the Board may direct of fruit harvested by such fruit growers during any years specified in such contracts. Marketing schemes.

(2) The Board shall, for the purposes of any marketing scheme devised by it under this section, make such provision as may be approved by the Minister for the equalisation of the payments to be made pursuant to that scheme to fruit growers who enter into contracts with the Board under this section.

(3) Any contract under this section—

- I. May provide for the making by the Board to the contracting fruit grower of such advances or progress payments as may be specified in the contract, upon such terms and conditions as may be specified therein:
- II. Shall, subject to the provision for equalisation of payments approved by the Minister under subsection (2) of this section, specify—
  - (a) The basis on which payments shall be made by the Board to the contracting fruit grower in respect of marketing by the Board of the fruit to which the contract relates: and
  - (b) The deductions to be made from payments accruing due to the contracting fruit grower for the purpose of defraying the costs and expenses (including administrative expenses) of and incidental to the marketing by the Board of the fruit to which the contract relates: and
- III. May contain such incidental or supplementary provisions as the Board may consider necessary for the purposes thereof.

(4) Upon receipt of a petition for that purpose signed by not less than one hundred registered fruit growers praying that a poll of registered fruit growers be taken on the question whether any marketing scheme devised by the Board

pursuant to this section shall be discontinued, the Board shall cause such poll to be taken in the prescribed manner and within the prescribed time, and if, on the taking of the poll—

- I. The number of valid votes polled in favour of the discontinuance of the scheme exceeds three-fifths of the total number of votes polled: and
- II. The number of registered fruit growers who exercise their right to vote is equal to at least seventy per cent of the total number of registered fruit growers,

but not otherwise, the Board shall forthwith discontinue the scheme:

Provided that no such petition shall be presented to, or acted upon by, the Board, until after the thirty-first day of July, 1952.

(5) The provisions of this section shall be in addition to, and not in derogation of, the provisions of section twenty.

Borrowing  
provisions.

“20B.—(1) For the purposes of any scheme devised by the Board pursuant to section twenty A, the Treasurer may borrow any sums of money not exceeding in the whole the sum of £25,000 and may advance to the Board any moneys so borrowed, upon such terms as to the repayment thereof and the payment of interest by the Board, as the Treasurer may determine.

(2) In lieu of borrowing and advancing moneys to the Board in pursuance of subsection (1) of this section, the Treasurer may recommend to the Governor that the Governor arrange with the Commonwealth Bank of Australia for the making by that Bank to the Board of advances of any sums of money, not exceeding in the whole the sum of £25,000, which may be required by the Board for the purposes of any such scheme, and in such case, the Governor may, on such terms and conditions as he considers necessary, guarantee the repayment by the Board of any moneys so advanced or of any part thereof and the payment of the whole or any part of the interest payable by the Board in respect thereof.”

Interstate  
fruit trade.

**5** Section twenty-one of the Principal Act is amended by omitting paragraph IX. of subsection (2).

Regulations.

**6** Section thirty-one of the Principal Act is amended—

- (a) by inserting in subsection (2), after the word “consumption”, the words “or processing”, and by inserting in that subsection, after the word “conditions” the words “(including conditions as to the prices to be charged in respect of different varieties and grades of fruit)”; and
- (b) by adding at the end thereof the following subsection:—

“(3) The regulations may prescribe the fees to be paid in respect of the inspection of fruit under this Act.”.