

TASMANIA.



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ANNO TERTIO ET QUARTO
GEORGII VI. REGIS.

No. 63.

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AN ACT to provide for the Establishment of a Small Fruits Board for the Regulation and Encouragement of the Small Fruit Industry, and to provide for contributions to a Fund for the purposes thereof. [21 December, 1939.]

A.D.
1939

BE 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:—

PART I.

PRELIMINARY.

1 This Act may be cited as the *Stone and Berry Fruits Board Act 1939*. Short title.

2 In this Act, unless the contrary intention appears—

“Fruit” means any drupe or berry fruit:

“Small fruitgrower” means a person who is the occupier of an orchard of an area of not less than two

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acres in the case of drupe fruits or mixed drupe and berry fruits, or half an acre in the case of berry fruits, and who is engaged in the production of fruit from such orchard for commercial purposes.

PART II.

CONSTITUTION AND PROCEEDINGS OF THE BOARD.

Constitution
of the
Board.

3—(1) There shall be constituted, for the purposes of this Act, a Board, to be called “the Stone and Berry Fruits Board” (hereinafter called “the Board”).

(2) The Board shall consist of five persons, who shall be elected as hereinafter provided.

(3) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue or be sued in its corporate name.

(4) The elected members of the Board shall hold office for three years.

(5) A retiring member, if otherwise qualified, shall be eligible for re-election.

(6) In the event of a casual vacancy occurring on the Board, the same shall be filled as hereinafter provided for the unexpired period of the vacating member’s term of office, and, for the purposes of subsection (5) hereof, the person elected to fill such vacancy shall be deemed to have held office since the last periodical election at which such office was filled.

(7) Any three members shall constitute a quorum of the Board for the transaction of business, and the Board may lawfully exercise all or any of its powers notwithstanding that the office of any member shall be vacant if not less than three members are present.

(8) The Board shall elect annually one of its members to be the Chairman of the Board.

PART III.

ELECTIONS.

Members to
be elected.

4 For the purposes of this Act, the small fruitgrowers of the State shall elect five members to represent them on the Board, and for the purposes of such election the whole State shall constitute one district.

Election of
members.

5—(1) Upon the passing of this Act the Governor shall appoint a returning officer for the purposes of the first election of members of the Board.

(2) Notice of such appointment, setting forth the address of the office of the returning officer, shall be published in the *Gazette* and in such newspapers as the Minister may direct.

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(3) At such date (not being more than three months after the passing of this Act) as the Minister may direct, the returning officer shall publish in the Gazette and in such newspapers as the Minister may direct a notice calling for nominations of persons for election to the Board to represent such divisions respectively.

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(4) Such notice shall state the place at which, and the date and time up to which, nominations will be received and the date on which an election will be held if required.

(5) If the nominations so received by the returning officer do not exceed in number the number of members required to be elected, he shall, by public notice to be published as the Minister may direct, declare the persons so nominated duly elected members of the Board.

(6) If the number of persons nominated as aforesaid exceeds the number to be elected, the returning officer shall proceed to hold an election, at such time and in such manner as may be prescribed.

(7) If the number of persons nominated for election is insufficient, the Governor may appoint the number of persons required to complete the constitution of the Board.

(8) All elections of members after the first shall be conducted by the Board, and periodical elections shall be held every third year.

6—(1) Except as otherwise provided, every small fruit-grower who is over the age of twenty-one years shall be eligible to be elected and to hold office as a member of the Board.

Qualification
of members.

(2) No person shall be eligible to be elected or to hold office as a member of the Board if he is a director of any trading company which carries on the business of buying, selling, or shipping of fruit; but a director of a co-operative company, whose principal object is the packing of fruit for its shareholders, shall not be disqualified for membership by reason of the fact that such company also buys, sells, or ships fruit in the interests of its shareholders.

7—(1) At every election of members or poll under this Act, every registered small fruitgrower shall have voting power on the following scale in respect of which he is registered:—

Voting at
elections.

One vote up to and including 5 acres.

Two votes up to and including 10 acres.

Three votes up to and including 50 acres and over.

(2) For the purposes of every such election or poll, the returning officer shall send by post, as prescribed, to every small fruitgrower a postal ballot-paper for such election or poll in the prescribed form.

(3) Every small fruitgrower shall record his vote in manner prescribed, and forward the same, as prescribed, to the returning officer.

(4) All such votes shall be counted in accordance with the appropriate provisions of the *Electoral Act 1907*.

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(5) No registered small fruitgrower shall fail, without valid and sufficient cause, to record his vote at any election.
Penalty: Two pounds.

(6) Where any registered small fruitgrower has failed to vote as aforesaid, the returning officer shall send or deliver to such small fruitgrower a notice in the prescribed form and take the prescribed steps in relation thereto, and the regulations may empower the returning officer to impose a prescribed penalty on the prescribed conditions in lieu of taking legal proceedings in respect of such failure.

PART IV.

FINANCIAL PROVISIONS.

Funds.

8 There shall be paid to the Board, and the Board shall have at its disposal for the purposes of this Act—

- I. All moneys provided by Parliament for that purpose:
- II. All amounts received under this Act in respect of the acreage tax thereby imposed: and
- III. The amount of all pecuniary penalties recovered under this Act.

Contribution
by small
fruitgrowers
to funds of
the Board.

9—(1) As a contribution by small fruitgrowers to the funds of the Board, there shall be payable and paid annually to the Board by every small fruitgrower such tax, not exceeding a tax at the rate of two shillings for every acre of orchard occupied by such small fruitgrower, as the Governor, upon the recommendation of the Board, by proclamation, may declare and direct in each year.

(2) For the purposes of this section, any fraction of an acre above an even number of acres shall be counted as an additional acre.

Application
of 25 Geo.
V. No. 49 to
small fruit-
growers.

10 Subject to express provisions of this Act, all the provisions of sections five to eight, Part III. (except sections nine, twelve, and fourteen), Parts IV. and V., and sections thirty and thirty-one of the *Fruit Board Act 1934*, with such variation of terms as may be necessary, shall apply to and in respect of small fruitgrowers and the Board constituted under this Act in like manner and to the like extent as if such provisions had been specifically enacted herein.

Expiry of
Act unless
continued by
poll.

11 On the expiration of three years from the commencement of this Act, the Board shall hold a poll of small fruitgrowers in the prescribed manner, and, unless a majority of small fruitgrowers voting at the poll are in favour of the continued operation of this Act, this Act shall cease to have effect on the thirty-first day of March, one thousand nine hundred and forty-two.