

**DRIED FRUITS.**

19° GEO. V., No. VIII.

No. 8 of 1928.

AN ACT to amend the Dried Fruits Act, 1926.

[Assented to 15th November, 1928.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Dried Fruits Act Amendment Act*, 1928, and shall be read as one with the Dried Fruits Act, 1926, hereinafter referred to as the principal Act.

Amendment of  
principal Act, s. 3.  
Interpretation.  
S.A. No. 1835, s. 3.

2. Section three 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 "two tons" and inserting in lieu thereof the words "one ton"; and
- (d) by adding to the definition of dried fruits the words "and such fruits shall be deemed to be 'dried' within the meaning of this definition if they are either completely dried or in the process of drying."
- (e) by inserting after the word "sale" in the definition of "Packing shed" the words "or trade or otherwise."

Vic., No. 3562  
(1927), s. 2.

3. A subsection is added to section five of the principal Act as follows:—

Amendment of  
s. 5.

(4) The Board shall be a body corporate with perpetual succession and a common seal.

4. Section sixteen of the principal Act is amended by inserting after paragraph (f) thereof the following paragraphs—

Amendment of  
s. 16.  
S.A. No. 1835, s. 4

(g) to regulate by any such means as are prescribed the removal of dried fruits from packing sheds; and

(h) to exercise such powers as are now or may hereafter be appointed by any Act of Parliament of the Commonwealth relating to dried fruits.

Vic. No. 3562, s. 5.

5. A subsection is inserted in section seventeen of the principal Act as follows:—

Amendment of  
s. 17.  
See S.A. No. 1835,  
s. 5.  
Vic. No. 3562, s. 6.

(3) Except as provided by the Dried Fruits Act, 1928, of the Commonwealth, and unless and until other enabling legislation is enacted by the Parliament of the Commonwealth, no determination made by the Board under this section, or otherwise under this Act, shall operate so as to affect trade, commerce, or intercourse among the States.

6. Section eighteen of the principal Act is amended by omitting the words "at such times" in subsection (2) and inserting in place thereof "annually at such time," and by omitting all the words after the word "requires" in line four to the end of the subsection, and inserting in place thereof "particulars of the estimated quantity of dried fruits he expects to produce during the then current year, and of the quantity produced by him during the last preceding year."

Amendment of  
s. 18.

7. The principal Act is amended by inserting therein after section eighteen the following section:—

Power to require  
returns from  
growers.  
S.A.No. 1835, s. 6.

18A. (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.

Re-enactment of  
s. 20.

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

Registration of  
dealers.  
S.A. No. 1835, s. 8.

20. (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.

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, 1928, 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 a 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.

Amendment  
s. 21.  
*Ibid* s. 7.

9. Section twenty-one of the principal Act is 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 by omitting the words "in any particular year" in the fifth line thereof; 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."

10. (1) Subsection (1) of section twenty-two is amended so as to read as follows:— Amendment of s. 22.

(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. *Ibid.*, s. 9.

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 twenty-two 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 twenty-two is repealed.

11. Section twenty-four of the principal Act is repealed. Repeal of s. 24. *Ibid.*, s. 10.

12. Subsection (1) of section twenty-five 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 s. 25. Power of compulsory acquisition. *Ibid.*, s. 11.

13. Section twenty-six of the principal Act is amended by striking out the words "and for the purposes of" in the second and third lines thereof; and by inserting after the word "thereof" in line sixteen of subsection (2) the words "at the time when such dried fruits are sold by the Board." Amendment of s. 26. Mode of acquisition of dried fruits. See *Ibid.*, s. 12.

14. Section thirty-three of the principal Act is amended by inserting after the words "contracts made" in the last line thereof "by the Board in its corporate capacity." Amendment of s. 33.

Amendment of  
s. 34.  
Regulations.  
S.A. No. 1836,  
s. 13.

15. Section thirty-four 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.

Time for  
commencing  
summary  
proceedings.

S.A. No. 1657,  
s. 35, and No. 1835,  
s. 14.

16. A section is inserted in the principal Act as follows:—

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