

DRIED FRUITS ACT 1939 No. 7

[Reprinted as at 5 November 1993]
UPDATED 16 DECEMBER 1997

INCLUDES AMENDMENTS (SINCE DATE OF REPRINT) BY:

Irrigation Corporations Act 1994 No. 41
Statute Law (Miscellaneous Provisions) Act (No. 2) 1995 No. 99
Financial Institutions (Miscellaneous Amendments) Act 1996 No. 24
Regulatory Reduction Act 1996 No. 107
Dried Fruits (Repeal) Act 1997 No. 124, sec. 12 (1)

NOTE: The Act is to be repealed on the commencement of sec. 13 (a) of the Dried Fruits (Repeal) Act 1997 No. 124.

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NEW SOUTH WALES

[STATE ARMS]

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SCHEDULE 1—SAVINGS AND TRANSITIONAL PROVISIONS

DRIED FRUITS ACT 1939 No. 7

Reprinted under the Reprints Act 1972

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UPDATED 16 DECEMBER 1997**

NEW SOUTH WALES

[STATE ARMS]

An Act to make provision for the regulation of the dried fruits industry; to reconstitute the New South Wales Dried Fruits Board; to provide for the registration of packing houses; to repeal the Dried Fruits Act 1933; and for purposes connected therewith.

PART 1—PRELIMINARY

Short title, commencement and arrangement

- 1. (1)** This Act may be cited as the Dried Fruits Act 1939.
(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) This Act is divided into Parts as follows:

PART 1—PRELIMINARY

PART 2—THE DRIED FRUITS BOARD

PART 3—FINANCIAL

PART 4—PACKING HOUSES

PART 5—MARKETING OF DRIED FRUITS

PART 6—MISCELLANEOUS

Repeal and savings

2. (1) The Dried Fruits Act 1933 is hereby repealed.

(2) The repeal of the Dried Fruits Act 1933 shall not operate to break the continuity of the existence of the body corporate known as the New South Wales Dried Fruits Board which was constituted under that Act or the Acts repealed by that Act, but that body corporate shall continue notwithstanding such repeal.

(3) (a) All persons appointed or employed under the provisions of the Dried Fruits Act 1933 and holding office at the commencement of this Act shall continue to hold office and shall be deemed to have been appointed or employed under the provisions of this Act.

(b) All persons authorised under the provisions of the Dried Fruits Act 1933 to do any acts or things shall, where the authority is still in force at the commencement of this Act, be deemed to have been authorised under the provisions of this Act.

(c) Any agreement made under the provisions of the Dried Fruits Act 1933 for the utilisation of the services of any officer, inspector or servant of the Commission, and in force at the commencement of this Act, shall be deemed to have been made under the provisions of this Act.

(4) All regulations made under the provisions of the Dried Fruits Act 1933 and in force immediately before the commencement of this Act, shall, to the extent to which they are not inconsistent with this Act, continue in force but may be amended or repealed by regulations made under this Act.

(5) All levies, fees, allowances, charges and expenses payable, and all penalties, incurred under the provisions of the Dried Fruits Act 1933 and payable or incurred at the commencement of this Act shall be deemed to be payable and to have been incurred respectively under the corresponding provisions of this Act.

(6) Any act, matter or thing commenced or any right or privilege acquired or any liability, civil or criminal, obligation, penalty or punishment incurred, under the authority of the Dried Fruits Act 1933 and commenced, acquired or incurred before the commencement of this Act shall be deemed to have been commenced, acquired, or incurred, as the case may be, under the authority of this Act.

(7) Nothing in this section contained shall limit any saving in the Interpretation Act of 1897.

Definitions

3. In this Act unless inconsistent with the context or subject-matter:

“**Board**” means the New South Wales Dried Fruits Board.

“**Buy**” includes barter exchange and agree to buy barter or exchange; and words derived therefrom have a corresponding interpretation.

“**Chairperson**” means chairperson of the Board.

“**Cleanness**” in relation to dried fruits means freedom from foreign substances.

“**Dehydrator**” means any structure used for dehydration in the process of drying dried fruits.

“**Disease**” in relation to dried fruits means any abnormal condition of or in dried fruits whether consisting of the presence of or caused by or due to the operation development growth or decay of any insect mould or fungus.

“**Drawback fruit**” means dried fruits returned to the grower thereof for the grower's domestic use by the owner of the packing house to which the same were sent to be packed.

“**Dried currants**” means dried currants produced solely from currant grapes and not containing more than five per centum of berries containing seed.

“**Dried fruits**” means dried currants, dried sultanas, lexias, dried apricots, dried nectarines, dried peaches, dried pears, dried prunes, and such other fruits that have been dried as are declared by the regulations to be dried fruits for the purposes of this Act; and all such fruits shall be deemed to be dried for the purposes of this interpretation if they are completely dried or are

in the process of being dried or have been or are being subjected to any further treatment or process or action.

- “**Dried prunes**” means dried prunes produced from the following varieties of prunes only: D’Agen, Robe de Sargent, Splendour, Old French (sometimes known as Goulburn Valley), Fellemberg, Imperial, Sugar; and includes such dried prunes when packed in syrup.
- “**Dried sultanas**” means dried sultanas produced solely from sultana grapes.
- “**Dried tree fruits**” means dried apricots, dried nectarines, dried peaches, dried pears, dried prunes and such other dried fruits as are declared by the regulations to be dried tree fruits for the purposes of this Act.
- “**Dried vine fruits**” means dried currants, dried sultanas, lexias and such other dried fruits as are declared by the regulations to be dried vine fruits for the purposes of this Act.
- “**Foreign substance**” means dirt gravel sand stalks stones insects and insect refuse and any other foreign matter (whether organic or inorganic) on or in dried fruits.
- “**Freshness**” in relation to dried fruits means that the dried fruits are the product of the latest crop or that the condition of the dried fruits has not been materially impaired by age or any other cause.
- “**Grade**” has relation to appearance, colour, cleanness, flavour, freshness, ripeness, kind, maturity, number, quality, size, form, soundness, texture, variety and weight of dried fruits.
- “**Grower**” means a person who is engaged in the production of dried fruits.
- “**Inspector**” means any person appointed or authorised to act as an inspector for the purposes of this Act.
- “**Lexias**” means dipped lexias produced from the following varieties of grapes:—Waltham Cross (sometimes known as Malaga), Gordo Blanco, Muscat or Alexandria.
- “**Member**” means member of the Board.
- “**Ministerial Corporation**” means the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986.
- “**Package**” includes every means by which dried fruits for carriage or for storage or for sale may be cased, covered, enclosed, contained or packed; and “**pack**” and words derived therefrom have a corresponding interpretation.
- “**Packing house**” means any building erection or other place whatsoever in which or where dried fruits are prepared, stemmed, processed, graded, sorted or packed whether such building or erection or place is or is not used for any other purpose.
- “**Prescribed**” means prescribed by this Act or by the regulations.
- “**Regulations**” means regulations made under this Act.
- “**Season**” means:
 - (a) in the case of dried currants, dried sultanas, lexias, dried prunes, dried peaches and dried pears—the calendar year;
 - (b) in the case of dried apricots and dried nectarines—the period commencing on the first day of November in any year and ending on the thirty-first day of October of the succeeding year;
 - (c) in the case of dried fruits which are declared by the regulations to be dried fruits for the purposes of this Act—such period as is prescribed.
- “**Secretary**” means the secretary of the Board.
- “**Sell**” includes barter, exchange, agree to sell barter or exchange, offer or expose for sale, have in possession for sale, receive send forward or deliver for or on sale, and cause suffer or attempt any of such acts or things; and words derived therefrom have a corresponding interpretation.
- “**Soundness**” in relation to dried fruits means free from disease damage fermentation mould or decay.
- “**Store**” means any store building or other erection or place whatsoever where dried fruits are stored.
- “**Year**” means calendar year.

Power to Governor to proclaim dried fruits

4. (1) The Governor may by the regulations:

- (a) declare any dried fruits to be dried fruits for the purposes of this Act;

- (b) declare any such dried fruits to be dried vine fruits or dried tree fruits for the purposes of this Act; and
 - (c) revoke amend or vary any regulation made under this section, and any regulation so amended or varied shall take effect accordingly.
- (2) * * * *

PART 2

5-14. * * * *

PART 3—FINANCIAL

Estimate of expenditure etc.

15. (1) Before the last day of February in each year the Board shall prepare an estimate of the probable expenditure for that year to be incurred in the administration of this Act and in carrying out the powers and duties of the Board.

(2) Such estimate shall be submitted to the Minister for approval and shall have no force or effect unless approved by the Governor.

(3) Towards the expenditure so estimated there shall be contributed in the case of every registered packing house by the person in whose name the packing house is registered such sum as is determined by the Board in accordance with the regulations.

(4) Such sum shall not in the case of any packing house exceed an amount equal to \$15 (or such other amount as may be prescribed) per tonne of the quantity of dried fruits received at the packing house in the preceding year:

Provided that if any packing house has not been in operation for a period of one year or if no return under this section or an insufficient return has been made in respect of any packing house the sum to be contributed in respect of such packing house shall be a sum determined by the Governor.

(5) Every sum to be contributed as aforesaid shall be paid to the board at the times in the instalments and in the manner prescribed.

(6) If any such sum or any instalment thereof is not paid as and when the same becomes payable the amount thereof may be recovered in any court of competent jurisdiction by the Board.

(7) (a) The person in whose name any packing house is registered shall, as and when prescribed make such returns and supply such information as is required for the purposes of this section.

(b) Every such person who fails to make such a return or to supply such information as and when prescribed or who makes any false return or supplies any false information shall be guilty of an offence against this Act.

Account

16. All contributions paid or recovered under the last preceding section and all other moneys received by the Board under this Act shall be paid into a bank, building society or credit union in New South Wales to the credit of a separate account to be styled the "Dried Fruits Account", and such account may be operated upon in such manner as the Board may from time to time determine.

Purposes for which account is available

17. The moneys in the said account may be applied by the Board for the purpose of meeting all expenditure incurred in carrying out the powers and duties of the Board or in the administration of this Act including the payment of the fees and allowances of members and of salaries, wages or other remuneration of officers of the Board.

Any moneys in the said account not immediately required for such purpose may be invested by the Board in any manner in which trustees are for the time being authorised to invest trust funds.

Financial year of the Board

18. The financial year of the Board shall be:

- (a) where no period is prescribed as referred to in paragraph (b)—the year commencing on 1st January; or
- (b) the period prescribed for the purposes of this section.

PART 4—PACKING HOUSES

19, 20. * * * * *

Offence to sell dried fruits not packed etc. in registered packing house

21. (1) No person shall buy or sell any dried fruits unless the dried fruits have been packed in a registered packing house.

(2) No person shall buy or sell any dried fruits unless:

- (a) the dried fruits are packed and graded in accordance with the regulations; and
- (b) the dried fruits are packed in packages which are of the size dimensions and materials prescribed and which are branded marked or labelled in accordance with the regulations.

(3) No person shall sell any fruits as dried fruits or as any variety of dried fruits unless such fruits have been packed in a registered packing house.

(4) The foregoing provisions of this section shall not apply:

- (a) to a sale by a grower of dried fruits produced by such grower to the person in whose name a packing house is registered for the purpose of being processed or packed or to the buying thereof by such person from such grower;
- (b) to a sale of dried fruits by the person in whose name one packing house is registered to the person in whose name another packing house is registered for the purposes of being processed or packed or to the buying thereof by such lastmentioned person; or
- (c) * * * * *
- (d) to a sale of dried fruits to the owner of a winery or distillery for the purpose of manufacturing wine or spirits or to the buying thereof by such owner.

(5) The provisions of this section do not apply to a person buying dried fruits by retail from a grocer, storekeeper or other such retail seller.

Prohibition of sale of currants where more than 5 per cent of berries contain seed

22. (1) Except under such conditions as are prescribed dried fruits produced from currant grapes shall not be:

- (a) bought or sold; or
- (b) removed from a packing house for the purpose of being bought or sold,

in any case where more than five per centum of the berries contain seed.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Act.

Penalty for using unregistered packing house

23. (1) No person shall use or occupy any premises or other place whatsoever for the purpose of stemming, processing, grading, sorting, or packing any dried fruits unless those premises are or that place is for the time being registered under this Act as a packing house.

(2) Every person who contravenes or fails to comply with the foregoing provisions of this section shall be liable to a penalty of not more than 20 penalty units, and the court may order that the plant and machinery used at the premises or place, in respect of the use of which the penalty is imposed, be forfeited to the Crown.

Exemption from certain requirements relating to packing houses

23A. (1) The Board may, by order published in the Gazette, direct that the whole or any specified provisions of sections 21 (1) and (3) and 23:

- (a) shall not apply to or in respect of any person or class of persons, or any act, matter or thing or class of acts, matters or things, specified in the order; or
- (b) shall not so apply in such circumstances as may be so specified.

(2) Such an order shall take effect according to its tenor on and from the day of its publication in the Gazette or, if a later day is specified in the order, from the day so specified.

24. * * * * *

Seizure of dried fruits illegally offered for sale

25. Any dried fruits offered for sale or disposal which have not been packed in a registered packing house may upon an order in writing under the hand of the chairperson be seized and

detained, and a court of summary jurisdiction may, in addition to imposing any penalty for the sale of such dried fruits, order that any dried fruits so seized and detained shall be forfeited to the Crown.

Removal of bad fruit from packing houses etc.

26. An inspector may:

- (a) prevent any dried fruits which are not in a fit condition for processing or packing from being received into a packing house or store; or
- (b) order the removal from any packing house or store of any dried fruits which are not in a fit condition for processing or packing.

PART 5—MARKETING OF DRIED FRUITS

Marketing in New South Wales of dried fruits produced in New South Wales

27. (1) The Minister upon the recommendation of the Board may by notice published in the Gazette from time to time determine the maximum proportion of the dried fruits produced in New South Wales in any season which may be marketed within New South Wales otherwise than by way of sale to a winery or distillery for the purpose of manufacture of spirits or wine.

(2) If from any packing house a greater proportion of the dried fruits packed in such packing house, which were produced in the season to which such determination applies, then is permitted by such determination is marketed in New South Wales (otherwise than by way of sale to a winery or distillery for the purpose of manufacture of spirits or wine) the person in whose name such packing house is registered shall be guilty of an offence against this Act and for every such offence shall be liable to a penalty of not more than 5 penalty units for each tonne or part of a tonne of such dried fruits marketed within New South Wales in excess of the maximum proportion which may be marketed within New South Wales in accordance with such determination.

Power to Board to give directions

28. (1) The Board may by notice in writing give to the person in whose name any packing house is registered any direction which the Board thinks proper to secure the observance of any determination made under the last preceding section.

(2) Any person who fails to comply with any direction given by the Board under this section shall be guilty of an offence against this Act.

General marketing powers of Board

29. The Board may from time to time:

- (a) make and carry out contracts with any person in respect of the purchase or sale of dried fruits produced in Australia;
- (b) by means of advertising or any other appropriate means encourage the consumption of dried fruits and create a greater demand therefor;
- (c) regulate by such means as are prescribed the removal of dried fruits from packing houses;
- (d) by appropriate means encourage the development of and generally foster the dried fruits industry;
- (e) make and carry out contracts or arrangements with Boards appointed under legislation in force in other States of the Commonwealth of Australia with objects similar to those of this Act or with packers or growers of dried fruits or with associations of packers or growers of dried fruits for concerted action in the marketing of dried fruits produced in Australia or for advertising or otherwise encouraging the consumption of such dried fruits or for taking or defending legal proceedings and for purposes incidental thereto; and
- (f) by appropriate means co-operate with Boards appointed under legislation in force in other States of the Commonwealth of Australia with objects similar to those of this Act in the regulation of the marketing of dried fruits and their disposal.

Powers under Commonwealth Acts

30. The Board may exercise any powers conferred upon it by or under any Act of the Parliament of the Commonwealth of Australia relating to dried fruits.

PART 6—MISCELLANEOUS

Annual Report

31. * * * * *

Returns and Notices

Returns of dried fruits etc.

32. (1) The Board may by notice in writing require:

- (a) any persons who have or who at any time within the period of twelve months preceding such notice have had any dried fruits owned by them or in their disposal or under their control, to make returns of such dried fruits;
- (b) the person in whose name any packing house is registered to furnish to the Board in writing any particulars with respect to the dried fruits which are or have been or are likely to be in the packing house for the purpose of being stemmed processed graded sorted or packed;
- (c) the person who is the owner of a dehydrator used for the dehydration of dried fruits to furnish in writing to the Board any particulars with respect to dried fruits which are being or have been or are likely to be dehydrated by such dehydrator during any period;
- (d) the owner of any winery or distillery to furnish in writing to the Board any particulars with respect to dried fruits which are or have been or are likely to be in or at such winery or distillery for use for manufacturing purposes or for sale.

(2) Every such notice shall specify the time within which the returns or particulars are to be made or furnished to the Board.

(3) Any person who fails to furnish returns or particulars in relation to any matter within the person's knowledge or under the person's control in accordance with a notice under this section within the time therein specified or who furnishes any untrue returns or particulars in relation to any such matter shall be liable to a penalty of not more than 10 penalty units.

Notices

33. Any notice required or authorised by this Act or the regulations to be given to any person may be served personally on or sent by post addressed to such person at the person's usual or last known place of abode:

Provided that a notice sent by post to the person in whose name a packing house is registered or the owner of a dehydrator may be addressed to such person or owner at the packing house or dehydrator.

Penalties

Penalty for obstructing officers etc.

34. Any person who in any way resists, interferes with, hinders or obstructs any person in the exercise or discharge of any power, authority, duty or function under this Act shall be liable to a penalty of not more than 10 penalty units or to imprisonment for a term of not more than six months.

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

35. (1) While any regulation made under this Act fixing standards for different grades of dried fruits and the grade, description or grade mark for each grade is in force any person who:

- (a) packs any dried fruits in any package branded, marked or labelled with a grade description or grade mark which is not the grade description or grade mark fixed for dried fruits of the standard packed in the particular package;
- (b) has in his or her possession for sale any dried fruits contained in any package branded, marked or labelled with a grade description or grade mark which is not the grade description or grade mark fixed for dried fruits of the standard contained in the particular package;

- (c) by the use of any description or mark on a package containing dried fruits or on a label attached thereto represents such dried fruits to be of a particular standard whereas in fact such dried fruits are not of such standard;
- (d) by the use of any description or mark on a package or on a label attached thereto represents such package to contain a variety of dried fruits when it does not contain such variety; or
- (e) except by the authority of the Board alters the grade description or grade mark on any package or label or sells or permits to be sold any dried fruits in or from a package the grade description or grade mark on which or on a label attached to which has been so altered,

shall be liable to a penalty of not more than 10 penalty units.

(2) Where it is made to appear to the satisfaction of any inspector or officer of the Board or any member of the police force at the time of discovering an offence against this section:

- (a) that the person primarily liable therefor 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 the inspector, officer or member of the police force believes to be the actual offender without proceeding against the person primarily liable.

General penalties

36. (1) Any person who contravenes or fails to comply with any of the provisions of this Act or the regulations shall be guilty of an offence against this Act.

(2) Every person guilty of an offence against this Act shall where no other penalty is expressly provided be liable to a penalty of not more than 5 penalty units.

(3) Proceedings for the contravention of or failure to comply with any of the provisions of this Act or of the regulations may, notwithstanding the provisions of any other Act to the contrary, be commenced at any time within twelve months from the time of the commission of the offence.

(4) In any action, suit or proceedings the production of any return furnished under this Act or the regulations and purporting to be signed by or on behalf of any person liable to furnish returns under this Act or the regulations shall be prima facie evidence of the particulars or the information given in the return, and that such return was made by the person liable to furnish the same or on behalf of whom the return purports to be signed.

Indemnity

37. No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against the Crown or the Minister or the Ministerial Corporation or the Board or any member thereof or any officer or person acting in the execution of this Act or of the regulations made thereunder for or in respect of any damage, loss, or injury sustained or alleged to be sustained by reason of the passing of this Act or of its operation or of anything done or purporting to be done under this Act or the regulations made thereunder, save only for the value of any dried fruits bought under the authority of this Act.

Judicial notice of seal

38. All courts and all persons having by law or by consent of parties authority to hear, receive and examine evidence shall take judicial notice of the seal of the Board.

Regulations

39. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular and without prejudice to the generality of the foregoing power for or with respect to:

- (a) * * * * *
- (b) the sale, buying, acquisition or marketing, or the arranging for the sale, buying, acquisition or marketing of dried fruits;

- (c) the branding, marking or labelling of packages containing dried fruits;
- (d) the fixing of standards for different grades of dried fruits and the grade description or grade mark for each grade;
- (e) the classing of dried fruits, and, generally, all matters relating to or arising from such classing, including (but without prejudice to the generality of the foregoing provision) the powers, authorities, duties and functions of graders and classers of dried fruits; the settling of disputes arising from the classing of dried fruits; the prohibition of the receipt into packing houses or the processing or packing in packing houses of dried fruits which have not been classified by a classer or grader; the effect of classification of dried fruits by a grader;
- (f) the limiting and controlling of selling and agency charges for the sale and distribution of dried fruits;
- (g) the prohibition of the use of dehydrators unless the same are registered;
- (h) * * * * *
- (i) the situation, construction, operation, maintenance and cleansing of packing houses and dehydrators;
- (j) the inspection, management and regulation of packing houses, drying grounds, stores and the machinery, appliances, implements, sweat boxes and utensils used in connection therewith, and the regulation and inspection of dehydrators;
- (k) the conditions and times under and at which dried fruits may be received, prepared, stemmed, processed, graded, sorted, packed or stored at packing houses;
- (l) the delivery to and removal from packing houses of dried fruits;
- (m) the keeping and inspection of records and statistics of dried fruits received at and delivered from packing houses;
- (n) the cleanliness and freedom from disease or disease carrying of persons engaged in the production, drying, manufacture, preparation, handling, stemming, processing, grading, sorting, packing, storage, carriage, delivery, or removal of dried fruits;
- (o) the class, construction and condition of the packages in which dried fruits shall be packed and the methods of packing dried fruits;
- (p) the methods of drying dried fruits and the conditions under which dried fruits are dried, including the classes and types of dips to be used in connection with the drying of dried fruits and the materials and ingredients to be included in such dips;
- (q) the issue of receipt and release notes for dried fruits received at and released from a packing house;
- (r) the prevention and control at packing houses of diseases in dried fruits and the prevention at packing houses of the contamination of dried fruits by insect pests or foreign substances;
- (s) the hygienic treatment and storage of dried fruits;
- (t) the maximum percentage of water that may be added to dried fruits;
- (u) the powers, rights, duties and responsibilities of inspectors and the responsibilities of other persons in relation thereto; the accommodation to be provided for inspectors at packing houses;
- (v) the entry by inspectors at any reasonable time, for the purpose of inspecting dried fruits which are or are reasonably believed or suspected by an inspector to be in packing houses, dehydrators, stores, warehouses, bonds, shops or bakeries, on farms, drying grounds, drying racks, railway premises or wharves, in vehicles, railway trucks or boats, or at any other place whatsoever, and the facilities necessary to enable inspectors to make such inspections and keep records of the same, including the opening of packages, the taking of samples of the dried fruits, the inspection of books, accounts and records, and the taking of copies thereof or of entries therein;
- (w) the detention of dried fruits by inspectors or other persons authorized by the Board, including detention in cases where there is reasonable ground for believing that with respect to the dried fruit there is or has been any contravention of or failure to comply with any of the provisions of this Act or the regulations;
- (x) the amount of drawback fruit to be issued, the packing of drawback fruit, and the branding of packages containing the same;

- (y) the particulars which may be required of persons who are or have been owners of dried fruits or who have or have had dried fruits in their disposal or within their control, owners of wineries and distilleries, owners of dehydrators and persons in whose names registered packing houses are registered;
 - (z) requiring the information in any application, return, or other document to be verified by statutory declaration;
 - (aa) * * * *
 - (ab) forms for use under this Act (and all such forms or forms to the like effect shall be sufficient in law).
- (2) Any such regulation may prescribe a penalty of not more than 5 penalty units for any breach thereof.
- (3) A provision of a regulation may:
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
 - (b) apply differently according to different factors of a specified kind; or
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body.
 - (d) * * * *
- (4) * * * *

Savings and transitional provisions

40. Schedule 1 has effect.

SCHEDULE 1—SAVINGS AND TRANSITIONAL PROVISIONS

(Section 40)

Regulations

1. (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

(2) Any such provision may, if the regulations so provide, take effect as from the date of assent to the Act concerned or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than its date of publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.
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NOTES

Table of Acts

Dried Fruits Act 1939 No. 7. Assented to, 4.8.1939. Date of commencement, 3.10.1939, sec. 1 (2) and Gazette No. 144 of 22.9.1939, p. 4640. This Act has been amended as follows:

Dried Fruits (Amendment) Act 1951 No. 5. Assented to, 31.5.1951. Date of commencement of sec. 2 (1), for certain purposes, 31.5.1951, for all purposes, 1.3.1952, sec. 2 (2).

Dried Fruits (Amendment) Act 1957 No. 42. Assented to, 28.11.1957.

Dried Fruits (Amendment) Act 1964 No. 8. Assented to, 1.4.1964.

Decimal Currency Act 1965 No. 33. Assented to, 20.12.1965. Date of commencement of sec. 4, 14.2.1966, secs. 1 (3), 2 (1) and the Currency Act 1965 (Commonwealth), sec. 2 (2).

Reprints Act 1972 No. 48. Assented to, 9.10.1972.

Dried Fruits (Amendment) Act 1975 No. 7. Assented to, 4.4.1975.

Metric Conversion Act 1978 No. 67. Assented to, 6.4.1978. Date of commencement of Sch. 1, items 42–44, 27.7.1979, sec. 4 (2) and Gazette No. 98 of 27.7.1979, p. 3607. Amended by Metric Conversion (Amendment) Act 1978 No. 175. Assented to, 29.12.1978.

Dried Fruits (Amendment) Act 1982 No. 39. Assented to, 5.5.1982.

Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983 No. 153. Assented to, 29.12.1983. Date of commencement of Sch. 2, 6.1.1984, sec. 2 (2) and Gazette No. 4 of 6.1.1984, p. 19.

Marketing of Primary Products Act 1983 No. 176. Assented to, 1.12.1983. Date of commencement of Sch. 1, 1.2.1984, sec. 2 (2) and Gazette No. 12 of 27.1.1984, p. 342.

Miscellaneous Acts (Water Administration) Amendment Act 1986 No. 205. Assented to, 18.12.1986. Date of commencement, 1.1.1987, sec. 2 (2) and Gazette No. 195 of 19.12.1986, p. 6267.

Dried Fruits (Amendment) Act 1987 No. 1. Assented to, 3.3.1987. Date of commencement of Sch. 1 (2), 14.8.1987, sec. 2 (2) and Gazette No. 131 of 14.8.1987, p. 4637.

Statute Law (Miscellaneous Provisions) Act (No. 1) 1987 No. 48. Assented to, 28.5.1987. Date of commencement of Sch. 32, 1.9.1987, sec. 2 (12) and Gazette No. 136 of 28.8.1987, p. 4809.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1990 No. 108. Assented to, 13.12.1990. Date of commencement of the provision of Sch. 1 relating to the Dried Fruits Act 1939, assent, sec. 2.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1991 No. 94. Assented to, 17.12.1991. Date of commencement of the provision of Sch. 1 relating to the Dried Fruits Act 1939, 1.9.1993, Sch. 1 and Gazette No. 94 of 27.8.1993, p. 4870.

Statute Law (Penalties) Act 1992 No. 112. Assented to, 8.12.1992. Date of commencement, assent, sec. 2.

Statute Law (Miscellaneous Provisions) Act 1993 No. 46. Assented to, 15.6.1993. Date of commencement of the provision of Sch. 1 relating to the Dried Fruits Act 1939, 1.9.1993, Sch. 1 and Gazette No. 94 of 27.8.1993, p. 4869.

Irrigation Corporations Act 1994 No. 41. Assented to, 2.6.1994. Date of commencement of the provisions of Sch. 3 relating to the Dried Fruits Act 1939, 1.7.1996, sec. 2 (1) and Gazette No. 77 of 28.6.1996, p. 3283.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1995 No. 99. Assented to, 21.12.1995. Date of commencement of Sch. 3, 3 months after assent, sec. 2 (3).

Financial Institutions (Miscellaneous Amendments) Act 1996 No. 24. Assented to, 21.6.1996. Date of commencement, 12.7.1996, sec. 2 and Gazette No. 84 of 12.7.1996, p. 3984.

Regulatory Reduction Act 1996 No. 107. Assented to, 2.12.1996. Date of commencement of Sch. 1.6, 1.7.1997, sec. 2 and Gazette No. 17 of 7.2.1997, p. 543.

Dried Fruits (Repeal) Act 1997 No. 124. Assented to, 15.12.1997. Date of commencement of the provisions of sec. 12 (1) relating to the Dried Fruits Act 1939, 1.9.1997, sec. 12 (1).

This Act has also been amended pursuant to orders under secs. 8 (2), 9 (3) and 9A of the Reprints Act 1972 No. 48 (*formerly* Acts Reprinting Act 1972). Order dated 15.8.1977 and published in Gazette No. 92 of 19.8.1977, p. 3570, declaring that the Dried Fruits Act 1939 is an enactment to which sec. 8 (2) and sec. 9 (3) of the Acts Reprinting Act 1972 apply. Order dated 15.8.1977 and published in Gazette No. 92 of 19.8.1977, p. 3570.

Table of Amendments

(No reference is made to certain amendments made by the Decimal Currency Act 1965, the Reprints Act 1972, and Schedule 3 (amendments replacing gender-specific language) to the Statute Law (Miscellaneous Provisions) Act (No. 2) 1995.)

Long title—Am. 1983 No. 176, Sch. 1.

Sec. 3—Am. G.G. No. 92 of 19.8.1977, p. 3570; 1986 No. 205, Sch. 2.

Sec. 4—Am. 1983 No. 176, Sch. 1.

Part 2—Rep. 1997 No. 124, sec. 12 (1) (a).

- Sec. 5—Am. 1951 No. 5, s. 2 (1) (a); 1994 No. 41, Sch. 3. Rep. 1997 No. 124, sec. 12 (1) (a).
- Sec. 6—Am. 1951 No. 5, s. 2 (1) (b); 1957 No. 42, s. 2 (a); 1978 No. 67, Sch. 1; 1994 No. 41, Sch. 3. Rep. 1997 No. 124, sec. 12 (1) (a).
- Sec. 7—Subst. 1990 No. 108, Sch. 1. Rep. 1997 No. 124, sec. 12 (1) (a).
- Secs. 8–13—Rep. 1997 No. 124, sec. 12 (1) (a).
- Sec. 14—Am. 1986 No. 205, Sch. 2; 1987 No. 1, Sch. 1 (1). Rep. 1997 No. 124, sec. 12 (1) (a).
- Sec. 15—Am. 1957 No. 42, s. 2 (b); 1964 No. 8, s. 2; 1975 No. 7, s. 2; 1982 No. 39, Sch. 1; 1991 No. 94, Sch. 1.
- Sec. 16—Am. 1957 No. 42, s. 2 (c); 1996 No. 24, Sch. 1.
- Sec. 17—Am. 1957 No. 42, s. 2 (d).
- Sec. 18—Am. 1957 No. 42, s. 2 (e); G.G. No. 92 of 19.8.1977, p. 3570. Subst. 1983 No. 153, Sch. 2.
- Sec. 19—Am. 1993 No. 46, Sch. 1. Rep. 1997 No. 124, sec. 12 (1) (b).
- Sec. 20—Rep. 1997 No. 124, sec. 12 (1) (c).
- Sec. 21—Am. 1987 No. 1, Sch. 1 (2).
- Sec. 23—Am. 1982 No. 39, Sch. 2 (1); 1992 No. 112, Sch. 1.
- Sec. 23A—Ins. 1987 No. 1, Sch. 1 (3).
- Sec. 24—Rep. 1996 No. 107, Sch. 1.6 [1].
- Sec. 27—Am. 1978 No. 67, Sch. 1; 1982 No. 39, Sch. 2 (2); 1992 No. 112, Sch. 1.
- Sec. 31—Am. 1957 No. 42, s. 2 (f). Rep. 1997 No. 124, sec. 12 (1) (d).
- Sec. 32—Am. 1982 No. 39, Sch. 2 (3); 1992 No. 112, Sch. 1.
- Sec. 34—Am. 1982 No. 39, Sch. 2 (4); 1992 No. 112, Sch. 1.
- Sec. 35—Am. 1982 No. 39, Sch. 2 (3); 1992 No. 112, Sch. 1.
- Sec. 36—Am. 1982 No. 39, Sch. 2 (5); 1992 No. 112, Sch. 1.
- Sec. 37—Am. 1986 No. 205, Sch. 2.
- Sec. 39—Am. 1982 No. 39, Sch. 2 (5); 1987 No. 1, Sch. 1 (4); 1987 No. 48, Sch. 32; 1992 No. 112, Sch. 1; 1996 No. 107, Sch. 1.6 [2] [3]; 1997 No. 124, sec. 12 (1) (e).
- Sec. 40—Ins. 1996 No. 107, Sch. 1.6 [4].
- Sch. 1—Ins. 1996 No. 107, Sch. 1.6 [4].
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