

FIRST PRINT

## DRIED FRUITS (AMENDMENT) BILL 1986

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Dried Fruits Act 1939 so as—

- (a) to require retailers of dried fruits to comply with the packaging requirements under the Principal Act;
- (b) to allow adoption of Commonwealth Dried Fruit Orders or other similar publications by regulations made under the Principal Act; and
- (c) to give the New South Wales Dried Fruits Board sole control over the appointment of its staff and the determination of their salaries.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that Schedule 1 (2) (as a result of which retailers will be required to comply with packing and grading requirements under the Principal Act) will commence on a day to be appointed by the Governor-in-Council. The remainder of the proposed Act will commence on assent.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) amends section 14 of the Principal Act so as—

- (a) to remove the requirement that the Minister's approval be obtained to staff appointments made by the Dried Fruits Board;

- (b) to replace a provision allowing the Board to utilise the services of staff of the Water Resources Commission by a provision allowing for the utilisation of the services of the staff or facilities of any government department, administrative office or public authority; and
- (c) to omit a requirement that the salaries or other remuneration of staff of the Board be fixed by the Governor.

Schedule 1 (2) amends section 21 of the Principal Act. That section prohibits the buying or selling of dried fruits which are not packed and graded as required in registered packing houses, but exempts retail buying and selling from that prohibition. The amendment will result in retailers no longer being exempt from the packing and grading requirements. Retail consumers of dried fruits will remain exempt.

Schedule 1 (3) inserts into the Principal Act section 23A, which allows the Dried Fruits Board to grant exemptions from the provisions of sections 21 and 23 of that Act that require all dried fruits to be packed in registered packing houses.

Schedule 1 (4) amends section 39 of the Principal Act (which section deals with regulations) so as to empower the making of regulations which apply differently in specified cases or which authorise any matter to be determined or applied by a specified person. The amendment also permits the adoption in regulations of any published standards or specifications (including, for example, a Commonwealth Dried Fruit Order). An amendment is also made to the section by way of statute law revision to allow the machinery provisions contained in the Interpretation Act 1897 to apply.

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# DRIED FRUITS (AMENDMENT) BILL 1986

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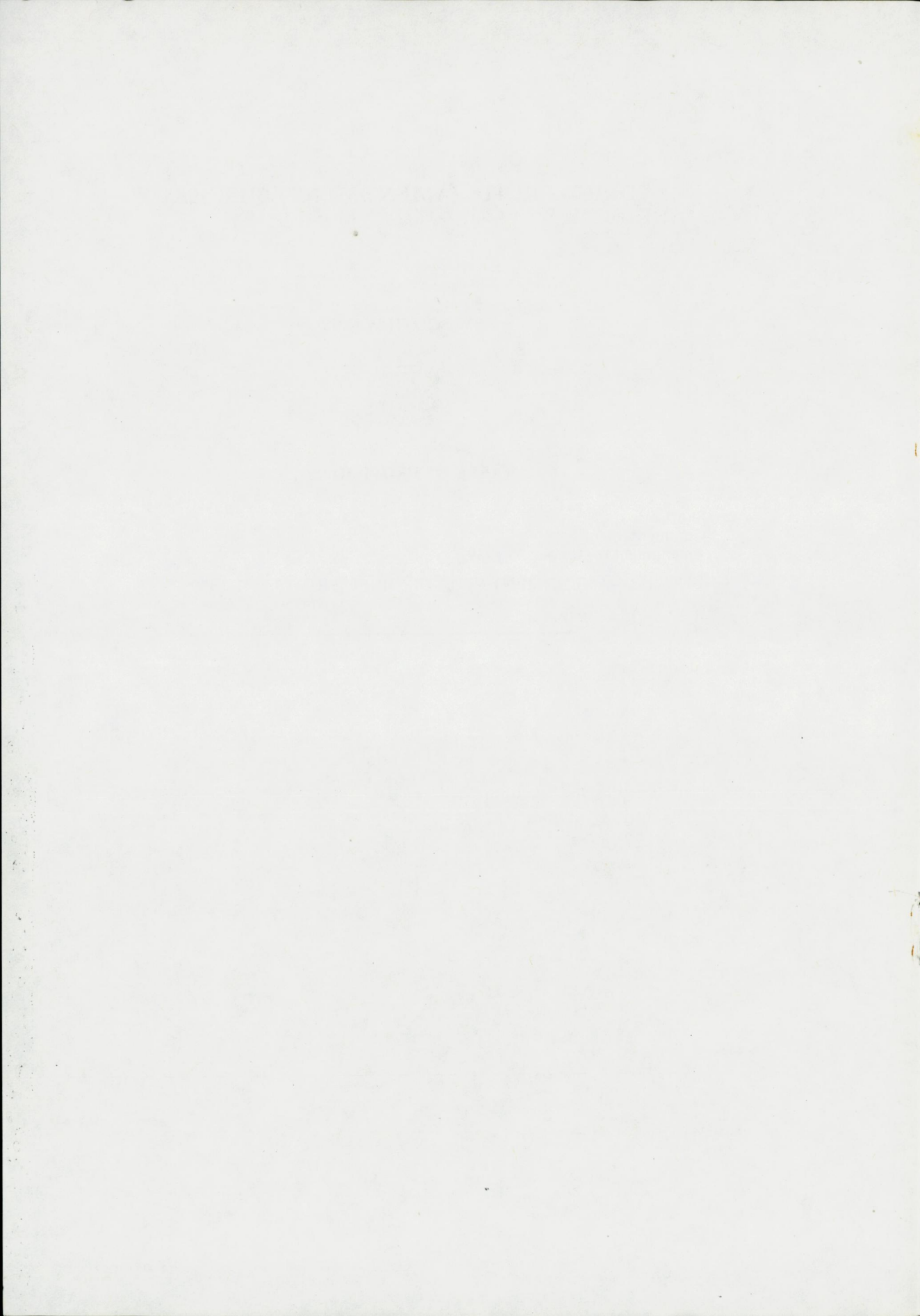


## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 7, 1939

SCHEDULE 1—AMENDMENTS TO THE DRIED FRUITS ACT 1939

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# DRIED FRUITS (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

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## A BILL FOR

An Act to amend the Dried Fruits Act 1939 with respect to the retail selling of dried fruits and for other purposes.

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*Dried Fruits (Amendment) 1986*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**5 Short title**

1. This Act may be cited as the "Dried Fruits (Amendment) Act 1986".

**Commencement**

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.
- 10 (2) Schedule 1 (2), and section 3 in its application to that provision, shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 7, 1939**

- 15 3. The Dried Fruits Act 1939 is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1**

(Sec. 3)

**AMENDMENTS TO THE DRIED FRUITS ACT 1939**

- (1) Section 14 (**Officers**)—
- 20 (a) Section 14 (1)—  
Omit "with the approval of the Minister".
- (b) Section 14 (2)—  
Omit the subsection, insert instead:
- (2) The Board may—
- 25 (a) with the approval of the Minister; and  
(b) on such terms and conditions as may be approved by the Public Service Board,

*Dried Fruits (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DRIED FRUITS ACT 1939—*continued*

arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

(c) Section 14 (4)—

Omit the subsection.

5 (2) Section 21 (**Offence to sell dried fruits not packed, &c., in registered packing house**)—

(a) Section 21 (4) (b)—

After “lastmentioned person;”, insert “or”.

(b) Section 21 (4) (c)—

10 Omit the paragraph.

(c) Section 21 (5)—

After section 21 (4), insert:

15 (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.

(3) Section 23A—

After section 23, insert:

**Exemption from certain requirements relating to packing houses**

20 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

25 (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.

*Dried Fruits (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE DRIED FRUITS ACT 1939—*continued*(4) Section 39 (**Regulations**)—

Section 39 (3), (4)—

Omit the subsections, insert instead:

(3) A provision of a regulation may—

- 5 (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;
- 10 (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body; or
- 15 (d) adopt wholly or partially, either specifically or by reference, any standard, code, test or specification that has been published and is specified in the regulation, together with any additions or amendments that are so specified.

(4) Section 41 of the Interpretation Act 1897 applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act 1969.



# DRIED FRUITS (AMENDMENT) ACT 1987 No. 1

NEW SOUTH WALES

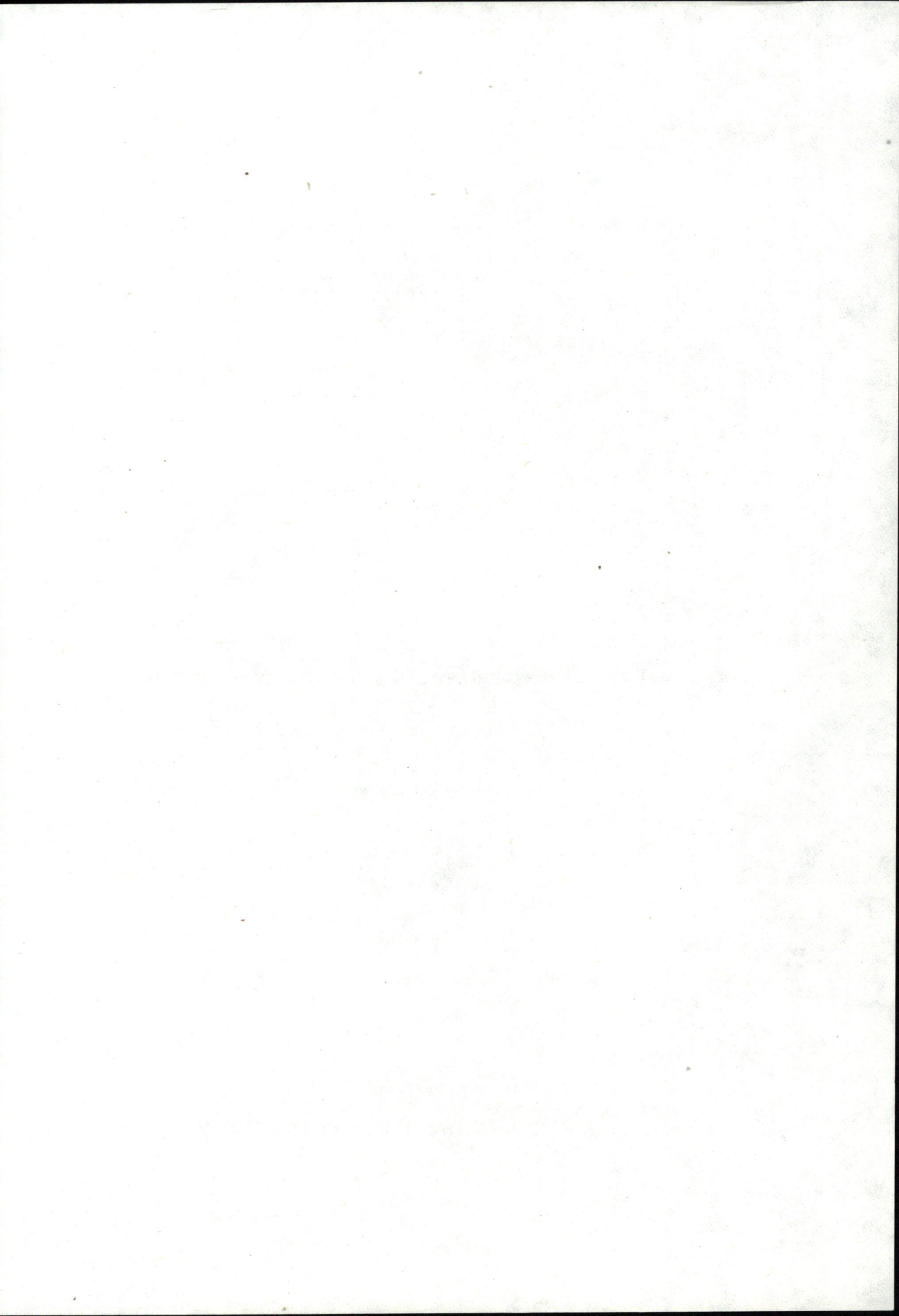


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2. Commencement
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SCHEDULE 1—AMENDMENTS TO THE DRIED FRUITS ACT 1939

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**DRIED FRUITS (AMENDMENT) ACT 1987 No. 1**

NEW SOUTH WALES



**Act No. 1, 1987**

An Act to amend the Dried Fruits Act 1939 with respect to the retail selling of dried fruits and for other purposes. [Assented to 3 March 1987]

*Dried Fruits (Amendment) 1987*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Dried Fruits (Amendment) Act 1987".

**Commencement**

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1 (2), and section 3 in its application to that provision, shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 7, 1939**

3. The Dried Fruits Act 1939 is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1**

(Sec. 3)

**AMENDMENTS TO THE DRIED FRUITS ACT 1939****(1) Section 14 (Officers)—****(a) Section 14 (1)—**

Omit "with the approval of the Minister".

**(b) Section 14 (2)—**

Omit the subsection, insert instead:

**(2) The Board may—**

(a) with the approval of the Minister; and

(b) on such terms and conditions as may be approved by the Public Service Board,

*Dried Fruits (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE DRIED FRUITS ACT 1939—*continued*

arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

(c) Section 14 (4)—

Omit the subsection.

(2) Section 21 (**Offence to sell dried fruits not packed, &c., in registered packing house**)—

(a) Section 21 (4) (b)—

After “lastmentioned person;”, insert “or”.

(b) Section 21 (4) (c)—

Omit the paragraph.

(c) Section 21 (5)—

After section 21 (4), insert:

(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.

(3) Section 23A—

After section 23, insert:

**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.

*Dried Fruits (Amendment) 1987*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE DRIED FRUITS ACT 1939—*continued*

(4) Section 39 (**Regulations**)—

Section 39 (3), (4)—

Omit the subsections, insert instead:

- (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;
  - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body; or
  - (d) adopt wholly or partially, either specifically or by reference, any standard, code, test or specification that has been published and is specified in the regulation, together with any additions or amendments that are so specified.

(4) Section 41 of the Interpretation Act 1897 applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act 1969.



