

Queensland



FRUIT MARKETING ORGANISATION ACT 1923

**Reprinted as in force on 30 July 1996
(includes amendments up to Act No. 13 of 1996)**

Warning—see last endnote for uncommenced amendments

Reprint No. 1A

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Information about this reprint

This Act is reprinted as at 30 July 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

Queensland



FRUIT MARKETING ORGANISATION ACT 1923

TABLE OF PROVISIONS

Section	Page
1	Short title 5
1A	Interpretation of Act 5
2	Definitions 5
4	Establishment of organisation for the marketing of Queensland fruit 7
5	Constitution of vegetable group committee 8
6	Constitution of committee of direction 9
6A	Appointment of administrator 10
6B	Persons who are not to act as administrators 11
6C	Powers of administrator 12
6D	Duties of administrator with respect to bank accounts and accounting records 13
6E	Reports by administrator 14
6F	Administrator has qualified privilege in certain circumstances 15
6G	Chairperson and secretary to submit report 15
6H	Administrator may inspect books 16
6I	Vacation of office 16
6J	Completion of winding-up referred to in s 6A(1)(a) 16
6K	COD not to act 17
6L	COD may be wound-up 17
6M	Poll of growers 17
6N	Approved association or corporation may acquire COD property 19
6O	Duty to facilitate transfer of property etc. 20
6P	Winding-up of COD 20

Fruit Marketing Organisation Act 1923

6Q	Liquidation	21
6R	Custody and vesting of COD's property on winding-up	22
6S	Report as to COD's affairs to be submitted to liquidator	23
6T	Powers of liquidator	23
6U	Release of liquidator and dissolution of COD	25
6V	Orders for release or dissolution	26
6W	Application of amounts remaining after winding-up	27
7	Control of fruit marketing	28
7A	Acquisition of fruit by committee of direction	32
8	Functions of COD	33
8A	Minister's power to direct COD	35
9	Constitution of committee of direction	37
9A	Constitution of cannery board	38
10	Constitution of local associations and their functions	41
11	Sectional group committees	42
11A	Validity of acts and proceedings of committees	45
12	Expenses of members of committee of direction and sectional group committees	45
13	COD to sell or otherwise dispose of businesses	46
13A	Powers under s 13	47
14	Impeding committee	47
14A	Accounts of the committee of direction	47
14AA	Annual statements of account	48
14AB	Audit	49
14AC	Annual report	49
14AD	Accounts of other bodies	50
14B	Funds	50
14C	Superannuation schemes	51
15	Regulations	51
17	General penalty	54
18	Offences are summary offences	55
20	Powers of the cannery board as respects the cannery at Northgate	55

Fruit Marketing Organisation Act 1923

21	Period of office of elected members and consumers' representative on COD	55
22	Dissolution of pineapple group committee	56
23	Vesting of assets and liabilities of pineapple group committee	56
	SCHEDULE	57

ENDNOTES

1	Index to endnotes	58
2	Date to which amendments incorporated	58
3	Key	59
4	Table of earlier reprints	59
5	Tables in earlier reprints	59
6	List of legislation	60
7	List of annotations	61
8	Provisions that have not commenced and are not incorporated into reprint	67

FRUIT MARKETING ORGANISATION ACT 1923

[as amended by all amendments that commenced on or before 30 July 1996]

An Act to provide for the organisation of the marketing of certain fruit and vegetables

Short title

1. This Act may be cited as the *Fruit Marketing Organisation Act 1923*.

Interpretation of Act

1A. This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would but for this section have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Definitions

2. In this Act—

“approved association” means a primary producers’ cooperative association registered under the *Primary Producers’ Co-operative Associations Act 1923* that is prescribed by regulation as being representative of fruit growers and vegetable growers.

“approved corporation” means a corporation registered under the Corporations Law that is prescribed by regulation as being representative of fruit growers and vegetable growers.

“cannery agreement” means a certain deed of agreement made 2 June 1948 between the committee of direction of fruit marketing of the first

Fruit Marketing Organisation Act 1923

part the pineapple sectional group committee of the second part and James Smith Fullerton as trustee for the registered holders of certificates of subscription of the third part in relation to the establishment and operation by the committee of direction of a cannery and processing works at Northgate Brisbane together with variations thereof or amendments thereto made pursuant to the powers conferred by such deed of agreement.

“cannery board” means the cannery board the corporate body constituted under this Act.

“citrus fruit” means citrons, grapefruit, lemons, limes, mandarins, oranges, sevilles, and any other fruit grown in Queensland declared by regulation to be citrus fruit within the meaning of the Act.

“COD” means the committee of direction.

“committee of direction” means the committee of direction constituted under this Act.

“deciduous fruit” means apples, apricots, cherries, grapes, nectarines, peaches, pears, plums, quinces, and any other fruit grown in Queensland declared by regulation to be deciduous fruit within the meaning of the Act.

“fruit” means bananas, deciduous fruits, citrus fruits, tomatoes and other fruits, or any fruit grown in Queensland declared by regulation to be fruit within the meaning of the Act.

“fruit grower” means any person growing fruit for market, with such limitations or amplifications in the class of persons as may from time to time be prescribed.

“grower services” means—

- (a) providing consultancy and advisory services to growers of horticulture; or
- (b) conducting research into the production of horticulture; or
- (c) providing insurance services as agent for growers of horticulture; or
- (d) organising or funding conferences and education programs for growers of horticulture; or

- (e) publishing for growers information concerning matters that affect the horticultural industry; or
- (f) providing assistance to growers within the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal, Stanthorpe and the city of Warwick by arranging rail transport for fruit and vegetables by what is commonly known in that part of the State as the fruit train; or
- (g) providing such other services that may benefit growers of horticulture as are prescribed by the regulations.

“local association” means any local association in a fruit growing district approved by the committee of direction.

“other fruits” means cape gooseberries, currants, custard apples, figs, gooseberries, granadillas, loganberries, loquats, mangoes, mulberries, passionfruit, pawpaws, persimmons, pineapples, raspberries, rosellas, strawberries and any other fruit grown in Queensland declared by regulation to be other fruit within the meaning of the Act.

“sectional group committee” means a group committee representative of a section of the fruit industry or representative of the vegetable industry, as provided for under this Act.

“vegetable grower” means any person growing vegetables for market, with such limitations or amplifications in the class of persons as may from time to time be prescribed.

“vegetables” means vegetables grown in Queensland, other than vegetables prescribed by regulation.

Establishment of organisation for the marketing of Queensland fruit

4.(1) There shall be established, in manner hereinafter provided, an organisation for the marketing of Queensland fruit, having the functions, powers, authorities, duties, and responsibilities hereinafter set forth.

(2) The organisation shall consist of—

- (a) local associations; and
- (b) sectional group committees; and
- (c) the cannery board; and

(d) the committee of direction;

constituted in the manner and having the functions, powers, authorities, duties and responsibilities hereinafter set forth or as may be prescribed.

(3) In order to prevent disputes from arising between the component parts of the organisation in subsection (1) specified any question right claim matter or thing relating to the said functions powers authorities duties or responsibilities if and when it may arise may be referred in writing to the Minister and the Minister may give such directions as the Minister shall think fit which directions shall be observed and obeyed by the parties concerned.

Constitution of vegetable group committee

5.(1) There is hereby constituted a sectional group committee in relation to vegetables to be named the 'vegetable group committee', and consisting of such number of members (not being more than 12) as may be prescribed.

(3) The provisions of this Act are hereby extended to vegetables and to the vegetable group committee and to all persons, things and matters concerned, and the committee of direction and, subject to section 11(2) to (2H), the vegetable group committee shall respectively henceforth have with respect to vegetables the like functions, powers, authorities, duties, and responsibilities as the committee of direction has under this Act with respect to fruit and as any other group committee has under this Act with respect to fruit so far as concerns its own section.

(4) Until provisions have been prescribed with respect to the election of members of the vegetable group committee, and the election by such committee of members of the committee of direction, and generally with respect to the vegetable group committee, the regulations in force with respect to group committees generally shall, subject to the provisions of this section, where relevant and so far as practicable, have effect, *mutatis mutandis*, with respect to the vegetable group committee.

(5) The provisions of this Act relating to fruit, or fruit growers, or fruit growing, respectively, shall unless otherwise precluded by the context *mutatis mutandis* henceforth be deemed to relate also to vegetables, vegetable growers, or vegetable growing, respectively, and shall subject as aforesaid henceforth be read and construed and have effect as if the words

‘and/or vegetables’, ‘and/or vegetable growers’, and ‘and/or vegetable growing’ respectively were (where not already expressly inserted by this Act) inserted after the words ‘fruit’, ‘fruit growers’, and ‘fruit growing’ respectively, wherever these lastmentioned words respectively occur in this Act; the word ‘grower’ wherever used in this Act shall mean and include a fruit grower, and also a vegetable grower.

Constitution of committee of direction

6.(1) There shall be constituted a committee of direction of fruit marketing in manner hereinafter provided.

Corporation

(2) The committee of direction shall be a body corporate by the name of the committee of direction of fruit marketing, and shall have perpetual succession and an official seal which shall be judicially noticed, and the committee of direction shall be capable in law of suing and being sued.

When deemed constituted

(3) From and after the date of the passing of this Act the committee of direction shall be deemed to be duly constituted.

Not to represent Crown

(4) The committee of direction shall not be deemed to represent the Crown for any purpose whatsoever.

General powers

(5) Subject to this Act the committee of direction shall have power in respect of the matters and things following, namely—

- (a) to purchase, sell, exchange, lease, and hold land, goods, chattels, securities, and any other property whatsoever in the State or in any other State or Territory;
- (b) to contract for the use of, erect or otherwise provide any buildings or structures, and repair, equip, furnish, and maintain the same;
- (c) to appoint, engage, employ, and pay such officers, servants, employees, agents, and other persons as are deemed necessary;
- (d) to arrange for financial accommodation with any bank or banks or with the Government of the State or of the Commonwealth,

and to borrow or raise money on the security of fruit or other security or otherwise and to create and to issue in favour of any person or corporation mortgages of any kind, charges, guarantees, securities, and other obligations;

- (e) to enter into any agreements and contracts and to give guarantees and indemnities in favour of any person or corporation contracting with the committee of direction or that may enter into any contract at the request of or under the authority or direction of the committee of direction;
- (f) to market any horticultural produce that is surplus to its requirements for research activities;
- (g) to impose levies on fruit marketed, whether or not the fruit is or is about to be marketed by or under the authority of the COD under a direction under this Act or as prescribed by regulation;
- (h) to conduct any nursery business that the COD is conducting at the date of commencement of the *Fruit Marketing Organisation Amendment Act 1991*;
- (i) to cease such of its businesses as it considers appropriate or as the Minister directs.

Finance

(6) The committee of direction may make arrangements for the financing of local associations and of sectional group committees.

Appointment of administrator

6A.(1) An administrator may be appointed, by regulation—

- (a) to wind-up any business carried on by the COD; or
- (b) to carry out the provisions of section 6N.

(2) An administrator is to be appointed under subsection (1)(a) only if the Governor in Council is satisfied that the appointment is necessary for the proper administration of the COD.

(4) An administrator appointed under subsection (1)(a) is to be paid such remuneration by the COD as is fixed by, or determined under, the regulation.

(5) An administrator appointed under subsection (1)(b) is to be paid such remuneration by the approved association or approved corporation specified in the regulation, as is fixed by, or determined under, the regulation.

(6) An administrator appointed under subsection (1) must carry out the administrator's functions as such in accordance with any reasonable direction given by the Minister.

Persons who are not to act as administrators

6B.(1) A person mentioned in subsection (2) is not qualified to be appointed under section 6A(1).

(2) A person must not act as an administrator under section 6A if the person—

- (a) is a mortgagee of any property of the COD; or
- (b) is an auditor or officer of the COD; or
- (c) is an officer of a body corporate that is a mortgagee of property of the COD; or
- (d) is not a registered liquidator; or
- (e) has at any time, within 1 year before the appointment, been an officer of the COD; or
- (f) is an undischarged bankrupt or takes advantage of the laws relating to bankruptcy; or
- (g) has been convicted of an offence against this Act, or has been convicted in Queensland of an indictable offence or elsewhere of an offence that if committed in Queensland would have been an indictable offence, unless the Minister is satisfied that the circumstances of the offence do not warrant disqualification from office and certifies accordingly; or
- (h) is admitted into and detained in hospital, as a patient or otherwise, for treatment for mental illness under the *Mental Health Act 1974*; or
- (i) becomes a protected person within the meaning of the *Public Trustee Act 1978*, part 6.

(3) In subsection (2)—

“**officer**” does not include a receiver appointed under an instrument (whether before or after the commencement of this section) of property of the COD.

“**registered liquidator**” means a person registered as a liquidator under section 1282(2) of the Corporations Law or taken to be registered as a liquidator under part 9.2 of that law.

Powers of administrator

6C.(1) Subject to this section, an administrator appointed under section 6A has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the winding-up of the business for which the administrator was appointed or the carrying out of the provisions of section 6N.

(2) Without limiting subsection (1), but subject to any provision of the regulation appointing the administrator, the administrator has, in addition to any powers specifically conferred by the regulation, power—

- (a) to enter into and take control of—
 - (i) property involved in the business concerned; or
 - (ii) all property of the COD;in accordance with the terms of the regulation; and
- (b) to dispose of property of the COD; and
- (c) to grant options over property of the COD on such conditions as the administrator considers appropriate; and
- (d) to insure property of the COD; and
- (e) to convert property of the COD into money; and
- (f) to carry on any activity or undertaking connected with the business concerned or the businesses of the COD, as the case may be; and
- (g) to take on lease or hire, or to acquire, any property necessary or convenient in connection with the carrying on of the business concerned or the businesses of the COD, as the case may be; and
- (h) to execute a document, bring or defend a proceeding or do any

Fruit Marketing Organisation Act 1923

- other act or thing in the name of and on behalf of the COD; and
- (i) to draw, accept, make and endorse a bill of exchange or promissory note; and
 - (j) to use the official seal of the COD; and
 - (k) to engage or discharge employees on behalf of the COD; and
 - (l) to appoint a solicitor, accountant or other professionally qualified person to assist the administrator; and
 - (m) to appoint an agent to do any business that the administrator is unable to do or that it is unreasonable to expect the administrator to do in person; and
 - (n) if a debt or liability is owed to the COD—
 - (i) to prove the debt or liability in any bankruptcy, insolvency or winding-up and to receive dividends in the bankruptcy, insolvency or winding-up; and
 - (ii) to assent to a proposal for a composition or scheme of arrangement; and
 - (o) to refer to arbitration any question affecting the business or the COD, as the case may be.

(3) The conferring by this section on an administrator of powers in relation to property of the COD does not affect any rights of a person (other than the COD) in relation to the property.

(4) In this section, a reference to property of the COD is, unless the contrary intention appears, a reference to the property of the COD in relation to which the administrator was appointed.

Duties of administrator with respect to bank accounts and accounting records

6D.(1) An administrator appointed under section 6A must—

- (a) open and maintain a bank account bearing the administrator's own name and the title 'administrator of committee of direction'; and
- (b) within 3 business days after money of the COD comes under the

administrator's control, pay that money into the account; and

- (c) ensure that the account does not contain any amounts other than the amounts of the COD that come under the administrator's control; and
- (d) keep such accounting records as correctly record and explain all transactions entered into by the administrator as administrator.

(2) The Minister, a person authorised in writing by the Minister or a member of the COD may inspect records kept by the administrator for the purposes of subsection (1)(d).

(3) In subsection (1)(b)—

“**business days**” means days that are not Saturdays, Sundays, public holidays or bank holidays in the place where the relevant act is to be done.

Reports by administrator

6E.(1) An administrator appointed under section 6A must give to the Minister a report on the administration—

- (a) at least every 3 months; and
- (b) at such other times as the Minister requires.

(2) The administrator may at any time give to the Minister reports on any matter that, in the administrator's opinion, it is desirable to report to the Minister.

(3) If it appears to the administrator that—

- (a) a past or present officer, or a member, of the COD may have committed an offence in relation to the COD; or
- (b) a person who has taken part in the administration or management of the COD or of a business of the COD—
 - (i) may have misapplied or retained, or may have become liable or accountable for, money or other property of the COD; or
 - (ii) may have been guilty of negligence, default, breach of duty or breach of trust in relation to the COD;

the administrator must—

- (c) as soon as practicable, give the Minister a report on the matter; and
- (d) give to the Minister such information, and such access to and facilities for inspecting and taking copies of documents, as the Minister requires.

Administrator has qualified privilege in certain circumstances

6F. An administrator appointed under section 6A has qualified privilege in respect of—

- (a) a matter contained in a report given by the administrator under section 6E; or
- (b) a comment that the administrator makes under section 6G(5).

Chairperson and secretary to submit report

6G.(1) If an administrator is appointed under section 6A the administrator must, as soon as practicable after the appointment, serve notice of the appointment on the COD.

(2) Within 14 days after service of the notice, the chairperson and secretary of the COD must make out and submit to the administrator a report about the affairs of the COD as they relate to the business concerned or generally to the COD, as the case requires, as at the day of the administrator's appointment.

(3) The chairperson or secretary of the COD may apply to the administrator to extend the period within which the report under subsection (2) is to be submitted.

(4) If the administrator believes that there are special reasons for so doing, the administrator may, by written notice given to the chairperson or secretary, extend the period until a specified day.

(5) The administrator must, within 1 month after receipt of the report under subsection (2), give the Minister a copy of the report and a notice setting out any comments the administrator wishes to make relating to the report or, if the administrator does not wish to make any comment, a notice to that effect.

(6) Subsections (1), (2), (3), (4) and (5) do not apply in relation to the appointment of an administrator to act in place of an administrator who has died or ceased to act, except that, where subsection (1) applies to an administrator who dies or ceases to act before that subsection has been complied with, the references in subsections (2), (3), (4) and (5) include references to the administrator's successor and to any continuing administrator.

Administrator may inspect books

6H.(1) An administrator appointed under section 6A is entitled to inspect, at any reasonable time, any relevant books of the COD.

(2) A person who has possession or control of books referred to in subsection (1) must allow the administrator to inspect the books at any reasonable time.

Vacation of office

6I. A person appointed under section 6A vacates the office of administrator if the person—

- (a) dies; or
- (b) resigns the office by signed writing given to the Minister; or
- (c) ceases to be qualified to be administrator; or
- (d) has the appointment revoked under section 6A(3).

Completion of winding-up referred to in s 6A(1)(a)

6J.(1) On completion of the winding-up referred to in section 6A(1)(a)—

- (a) the net proceeds of the winding-up are to be paid to the COD; or
- (b) if there are no net proceeds but there are debts that arise from the winding-up—the debts remain debts of the COD.

(2) Within a reasonable time after completion of the winding-up, the administrator must give to the Minister—

- (a) a report on the administration; and

- (b) such other information or documents as the Minister requests so as to account fully in respect of the administration to the satisfaction of the Minister.

(3) The Minister must lay a copy of the report before the Legislative Assembly within 14 sitting days of receipt of the report.

(4) After complying with subsection (2), the administrator is, in the absence of fraud or dishonesty, released from any further liability to account in respect of the administration and ceases to be administrator.

COD not to act

6K.(1) If an administrator is appointed under section 6A and the administrator has served under section 6G(1) notice of the appointment, the COD must not exercise any of its powers in relation to any business or property relevant to the administration.

Maximum penalty—1 000 penalty units.

(2) Section 17(2) so far as it provides for persons who are to make complaints does not apply to an offence against subsection (1).

COD may be wound-up

6L. The COD may be wound-up by the Supreme Court if—

- (a) authority is granted under section 6M(13) for the winding-up of the COD; or
- (b) a regulation has not been made under section 6N(1) within 6 months after the granting of the authority under section 6M(13).

Poll of growers

6M.(1) The Minister may declare, by gazette notice, that the Minister will receive a petition from fruit growers and vegetable growers who are members of local associations requesting that a poll be taken to determine if the growers wish the COD to be wound-up.

(2) The petition must be received by the Minister within 30 days from the date of the gazette notice.

(3) If the petition is signed by 30% of the fruit growers and vegetable growers on the rolls of all local associations, a regulation may direct that a poll be taken.

(4) The regulation is to specify—

- (a) the date the poll is to close; and
- (b) the day and time the rolls of the local associations are to close for the purpose of the poll.

(5) All growers registered on the rolls of the local associations as at the closure of the rolls are entitled to vote in the poll.

(6) The department is to conduct the poll.

(7) The Minister is to appoint an officer of the department to be the returning officer of the poll.

(8) Costs of the poll, as certified by the returning officer, are to be paid by the COD.

(9) Local associations must forward their rolls of members to enable the returning officer to determine the growers who are entitled to vote in the poll.

(10) The returning officer must forward a ballot paper to growers that are entitled to vote in the poll.

(11) Any ballot paper received after 5 p.m. on the day the poll closes is not to be considered or counted by the returning officer.

(12) Subject to this section, the poll is to be conducted, as is prescribed by the regulation.

(13) If—

- (a) at least 50% of growers entitled to vote, do vote; and
- (b) at least 60% of the votes counted by the returning officer are in favour of the winding-up of the COD;

the poll gives authority for the COD to be wound-up by the Supreme Court or for the property of the COD to be disposed of to an approved association or approved corporation.

Approved association or corporation may acquire COD property

6N.(1) If authority has been given under section 6M(13), a regulation may appoint a day (the “**appointed day**”) on which—

- (a) all property of the COD is divested from the COD and vested in the approved association or approved corporation specified in the regulation; and
- (b) all liabilities of the COD cease to be liabilities of the COD and become liabilities of the approved association or approved corporation specified in the regulation.

(2) All amounts in any fund or account of the COD immediately before the appointed day, together with interest accrued or due on the amounts, vest in the approved association or approved corporation on the appointed day.

(3) All amounts and claims (liquidated and unliquidated) that immediately before the appointed day are payable or enforceable by the COD, become payable to or enforceable by the approved association or approved corporation as its property on the appointed day.

(4) The approved association or approved corporation may pursue such remedies to recover the amounts or enforce the claims as might have been pursued by the COD.

(5) On the appointed day—

- (a) all contracts and agreements entered into by or on behalf of the COD; and
- (b) all guarantees, undertakings and securities given by or on behalf of the COD;

and in force immediately before that day are taken to have been entered into, or given by or to, the approved association or approved corporation and may be enforced against or by the association or corporation.

(6) All actions, suits and proceedings pending immediately before the appointed day at the suit of the COD, may be continued or discontinued by the approved association or approved corporation.

(7) All debts due and owing and amounts payable and claims (liquidated and unliquidated) enforceable against the COD and in existence immediately before the appointed day become debts due and owing or

amounts payable by or claims enforceable against the approved association or approved corporation.

(8) When this section has been complied with, a regulation is to be made specifying a day on which—

- (a) the COD is dissolved; and
- (b) the members of the COD go out of office.

Duty to facilitate transfer of property etc.

6O. Between the making of the regulation under section 6N(1) and the day appointed by the regulation, the COD and all persons connected with the operations of the COD must do all acts and things necessary or desirable to facilitate—

- (a) the transfer to the approved association or approved corporation specified in the regulation of property and liabilities of the COD; and
- (b) the delivery to the approved association or approved corporation, or its nominee, on that day of—
 - (i) all contracts, agreements, guarantees, undertakings and securities entered into by or given by or to the COD; and
 - (ii) all documents, writings and other records relating to the operation of the COD;

that refer to the property and liabilities mentioned in paragraph (a).

Winding-up of COD

6P.(1) If—

- (a) authority has been given under section 6M(13); or
- (b) a regulation has not been made under section 6N(1) within 6 months after the giving of the authority under section 6M(13);

the Minister may direct the chief executive of the department to make application to the Supreme Court for the COD to be wound-up.

(2) On the hearing of the application, the Supreme Court may—

- (a) dismiss the application with or without costs; or
- (b) adjourn the hearing conditionally or unconditionally; or
- (c) make any interim or other order that it considers appropriate.

(3) The Supreme Court may, on the application coming on for hearing or at any time at the request of the chief executive, or any person who has given notice of intention to appear on the hearing of the application—

- (a) direct that any notices be given or any steps be taken before or after the hearing of the application; or
- (b) dispense with any notices being given or steps being taken that are required by any previous order of the court; or
- (c) direct that oral evidence be taken on the application or any matter relating to the application; or
- (d) direct a speedy hearing or trial of the application or of any issue or matter; or
- (e) allow the application to be withdrawn or amended; or
- (f) give such directions as to the proceedings as the court considers appropriate.

(4) An order for winding-up the COD operates in favour of all the creditors of the COD as at the day of the winding-up as if it had been made on the joint application of all the creditors.

Liquidation

6Q.(1) On an order being made to wind-up the COD, the Supreme Court may appoint a person registered as an official liquidator under section 1283 of the Corporations Law or taken to be registered as an official liquidator under that law to be liquidator of the COD.

(2) The Supreme Court may appoint an official liquidator provisionally at any time—

- (a) after the filing of a winding-up application and before the making of a winding-up order; or
- (b) if there is an appeal against a winding-up order before a decision

in the appeal is made.

(3) A liquidator appointed provisionally has such functions and powers—

(a) as are conferred on the liquidator by rules of the Supreme Court; or

(b) as the court specifies in the order of appointment.

(4) The liquidator may resign or, on cause shown, be removed by the Supreme Court.

(5) A liquidator is entitled to receive such remuneration as is determined by the Supreme Court.

(6) A vacancy in the office of liquidator may be filled by the Supreme Court.

(7) Anything done by or in relation to a winding-up by a liquidator is not invalid merely because of a defect in or in relation to the liquidator's appointment.

Custody and vesting of COD's property on winding-up

6R.(1) On the making of a winding-up order, the liquidator or, if a provisional liquidator has been appointed, the provisional liquidator must take into the liquidator's custody or under the liquidator's control all the property to which the COD is or appears to be entitled.

(2) If there is no liquidator, all the property of the COD is in the custody of the Supreme Court.

(3) The Supreme Court may, on the application of the liquidator, by order, direct that all or any part of the property of the COD vests in the liquidator.

(4) The liquidator may, after giving such indemnity (if any) as the Supreme Court directs, bring, or may defend, an action or other legal proceeding—

(a) that relates to property mentioned in subsection (3); or

(b) that it is necessary to bring or defend;

for the purpose of effectually winding-up the COD and recovering its property.

Report as to COD's affairs to be submitted to liquidator

6S.(1) The persons who were—

- (a) on the date of making of the winding-up order; or
- (b) if the liquidator specifies an earlier date, the earlier date;

the chairperson and secretary of the COD must make and verify by a written statement a report as to the affairs of the COD as at that date.

(2) The report mentioned in subsection (1) must, subject to subsection (5), be submitted to the liquidator not later than 14 days after the making of the winding-up order.

(3) The liquidator may, by written notice served on the persons mentioned in subsection (1), specify information that the liquidator requires as to the affairs of the COD.

(4) Information required under subsection (2) must, subject to subsection (5), be given to the liquidator not later than 14 days after service of the notice.

(5) If the liquidator believes there are special reasons for so doing, the liquidator may, on written application made before the end of the period mentioned in subsection (3) or (4), extend the period.

(6) The liquidator must, within 7 days after receiving the report under subsection (1), file a copy of the report in the Supreme Court and give a copy of the report to the chief executive of the department.

Powers of liquidator

6T.(1) The liquidator may, with the approval of the Supreme Court—

- (a) continue to exercise the functions, and carry on a business, of the COD for the purpose of winding-up the COD; and
- (b) pay a class of creditors in full; and
- (c) make a compromise or arrangement with creditors or persons claiming to be creditors or having or alleging that they have any

Fruit Marketing Organisation Act 1923

claim (present or future, certain or contingent, ascertained or sounding only in damages) against the COD or by which the COD may become liable; and

(d) compromise—

(i) debts, liabilities capable of resulting in debts and claims (present or future, certain or contingent, ascertained or sounding only in damages) existing, or supposed to exist between the COD and a debtor or person apprehending liability to the COD; and

(ii) all questions relating to or affecting property of or the winding-up of the COD;

on such terms as are agreed; and

(e) take security for the discharge of and give a complete discharge in respect of, any debt, liability or claim mentioned in paragraph (d).

(2) The liquidator may—

(a) bring or defend legal proceedings in the name and on behalf of the COD; and

(b) appoint a legal representative to assist the liquidator; and

(c) sell or otherwise dispose of property of the COD; and

(d) do acts in the name of the COD, and execute in the name of the COD deeds, receipts and other documents, and, for that purpose, use the COD's official seal; and

(e) subject to the *Bankruptcy Act 1966* (Cwlth), prove in the bankruptcy of a debtor of the COD or under any deed executed under that Act; and

(f) draw, accept, make and endorse a bill of exchange or promissory note in the name of the COD; and

(g) obtain credit, whether on the security of the COD's property or otherwise; and

(h) take out letters of administration of the estate of a deceased debtor, and do anything else necessary for obtaining payment of an amount due from a debtor, or the estate of a debtor, that cannot be conveniently done in the name of the COD; and

- (i) compromise a debt due to the COD, other than a debt if the amount claimed to be due is more than \$20 000; and
- (j) appoint an agent to do any business that the liquidator is unable to do, or that it is unreasonable to expect the liquidator to do in person; and
- (k) do all such other things as are necessary for winding-up the affairs of the COD and distributing its property.

(3) The liquidator is entitled to inspect at any reasonable time any books of the COD.

(4) A person who fails to allow the liquidator to inspect any books of the COD at a reasonable time commits an offence against this Act.

(5) The authority of the Supreme Court is not required for the carrying on of any business of the COD by the liquidator under subsection (1)(a) within 4 weeks after the making of the winding-up order.

(6) For the purpose of enabling the liquidator to take out letters of administration or recover amounts as mentioned in subsection (2)(h), amounts due to the COD are taken to be due to the liquidator.

(7) The exercise by the liquidator of the powers conferred by this section is subject to the control of the Supreme Court, and any creditor may apply to the court with respect to any exercise or proposed exercise of any of those powers.

Release of liquidator and dissolution of COD

6U. When the liquidator—

- (a) has realised all the property of the COD or so much of it as can in the liquidator's opinion be realised without needlessly protracting the winding-up, and has distributed a final dividend (if any) to the creditors among themselves and made a final return (if any) to them; or
- (b) has resigned or been removed from office;

the liquidator may apply to the Supreme Court—

- (c) for an order of release; or
- (d) for an order of release and an order dissolving the COD.

Orders for release or dissolution**6V.(1)** The Supreme Court—

- (a) may cause a report on the accounts of the liquidator to be prepared by a person appointed by the court who is registered as an auditor, or taken to be registered as an auditor, under part 9.2 of the Corporations Law; and
- (b) on the liquidator complying with all the requirements of the court must take into consideration the report and any objection against the release of the liquidator that is made by the person appointed under paragraph (a), any creditor or other person interested; and
- (c) must either grant or refuse to grant an order of release.

(2) If the Supreme Court—

- (a) refuses to grant an order of release; and
- (b) is satisfied that the liquidator has been guilty of default, negligence, breach of trust or breach of duty;

the court may—

- (c) order the liquidator to make good any loss that the COD has sustained because of the default, negligence, breach of trust or breach of duty; and
- (d) make such other order as it considers appropriate.

(3) An order of release discharges the liquidator from all liability for any act done or default made by the liquidator—

- (a) in the administration of the affairs of the COD; or
- (b) otherwise in relation to the liquidator's conduct as liquidator.

(4) The order of release may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(5) If the liquidator has not previously resigned or been removed, the order of release operates to remove the liquidator from office.

(6) If the Supreme Court—

- (a) makes an order of release; or
- (b) makes an order of release and an order dissolving the COD;

the liquidator must, within 14 days, deliver a copy of the order or orders to the chief executive of the department.

- (7) If an order is made dissolving the COD—
- (a) the COD is dissolved; and
 - (b) the members of the COD go out of office.

Application of amounts remaining after winding-up

6W.(1) On completion of the winding-up of the COD under this Act—

- (a) there is hereby constituted a trust to be called the Fruit and Vegetable Growers Industry Trust (the “**trust**”); and
- (b) any amounts remaining to the credit of the COD must be placed to the credit of an industry trust fund established by the trustees for the purpose of the trust.

(2) Amounts to the credit of the trust fund may be spent by the trustees appointed under subsection (3) in such way, and for such purposes, for the benefit of fruit growers or vegetable growers as are approved by regulation.

(3) There are to be 4 trustees of the trust, appointed by the Governor in Council, who are to be—

- (a) 2 individuals who are fruit growers or vegetable growers; and
- (b) 2 other individuals.

(4) The trust is a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982* and the *Financial Administration and Audit Act 1977*.

(5) If amounts in the trust fund are fully spent, the trustees must close the fund and, on closing the fund, go out of office.

(6) If the trust fund still exists 5 years after it is established—

- (a) any amounts in the fund are to be spent for the benefit of fruit growers and vegetable growers in such way as is approved by regulation; and
- (b) the trustees must close the fund and, on closing the fund, go out of office.

(7) If a regulation authorises the continuation, the fund is to continue for a specified further period, and subsection (6) does not apply until the further period ends.

(8) Before a regulation is made under subsection (7), the Minister must consult with the trustees and such other persons as the Minister considers appropriate.

Control of fruit marketing

7.(1) The committee of direction shall have power from time to time to issue a direction with respect to all or any of the matters following, namely—

- (a) that all or any of the things included in the marketing of fruit shall be done only by the committee of direction, its agents and servants, or only by such person or class of persons as the committee of direction may appoint;
- (b) that all fruit in the possession or coming into the possession of any person whomsoever in the course or for the purpose of marketing fruit and during such time as may be determined shall be handled and dealt with only under the instructions and with the authority of the committee of direction, or shall be consigned or delivered only to such persons as the committee of direction may appoint.

What direction to specify

(2) The following provisions shall be applicable to every such direction as aforesaid—

- (a) the direction shall specify the class of fruit to which the direction relates, namely—
 - (i) all or any of the varieties of citrus fruit; or
 - (ii) all or any of the varieties of deciduous fruit; or
 - (iii) all or any of the varieties of bananas; or
 - (iv) all or any of the varieties of pineapples; or
 - (v) all or any of the varieties of other fruits which the committee of direction considers should be the subject matter of one

and the same direction; or

- (vi) all or any of the varieties of vegetables;
- (b) the direction may comprise the whole State or it may comprise any part thereof or any locality or several localities therein, and in either of the latter cases the direction shall describe the boundaries of the part of the State or of the locality or several localities concerned, as the case may be;
- (c) the direction may extend to the complete marketing of the fruit or it may be limited to certain functions of such marketing, and in the latter case the direction shall set forth, so as to be generally understood, particulars of the functions proposed to be carried into effect;
- (d) the direction shall state the period of time during which the direction shall remain in force.

Publication of proposed direction

(3) The committee of direction shall give notice by public advertisement in at least 1 newspaper generally circulating throughout the State or part thereof or locality or localities concerned, as the case may require, of its intention to issue the direction, and such notification shall contain, so as to be generally understood, particulars of all the matters required as aforesaid to be set forth in the direction.

(3A) The last publication of such notice if more than 1, shall be on a day which is not later than 30 days before the date on which it is proposed that the direction shall come into effect, and the public notice aforesaid shall state the day on which the direction will come into effect subject to a poll being demanded and taken as hereinafter provided.

When chairperson may issue notice of direction

(3B) If in the opinion of the chairperson of the committee of direction a direction should be issued under the provisions of this section the chairperson may direct that the notice referred to in subsection (3) be published and the chairperson is hereby authorised to act in that behalf on behalf of the committee of direction and for and on behalf of the committee of direction to decide that it is the intention of the committee of direction to issue such direction, provided that such direction shall not be issued before or until the same has been approved by the committee of direction and

provided further that the committee of direction may so approve at any time after the date of the first public advertisement, if more than 1, referred to in subsection (3).

Poll

(4) Any 30 growers of the fruit to which the proposed direction relates, and being growers thereof either within the State or the part thereof or the locality or localities to which the direction relates, may by petition to the committee of direction request that a poll of the growers concerned be taken upon the question of the issue of the direction.

(4A) Thereupon the committee of direction shall take such poll of such growers accordingly, and if less than three-fifths of the votes polled at the poll are in favour of the issue of the direction, such direction shall not be given.

When direction becomes effective

(5) If within the period of 30 days aforesaid no petition for a poll is received by the committee of direction, or if after a poll has been taken the result of the poll is in favour of issuing the direction, the committee of direction may issue the direction and the direction shall forthwith come into effect according to its tenor and shall remain in force during the period limited by the direction, and shall be observed by the committee of direction and by the growers of the fruit to which the direction relates, and by all other persons concerned.

(5) Any person who—

- (a) fails to comply with or acts in contravention of any provisions of a direction duly issued under this section; or
- (b) offers by advertisement or otherwise to buy or to accept delivery of fruit or vegetables from any person who, upon accepting such offer and selling or delivering such fruit or vegetables to such firstmentioned person, would act in contravention of such a direction;

shall be guilty of an offence against this Act.

Publication of direction

(6) The committee of direction shall publish every such direction in at least one newspaper generally circulating throughout the State or part

thereof or locality or localities to which the direction relates, as the case may require.

(6A) Thereupon and thereafter the growers of the fruit to which the direction relates and all other persons concerned shall be deemed to have full notice and knowledge of the issue of the direction and of the terms thereof.

Meaning of newspaper

(7) For the purposes of this section—

“**newspaper**” means and includes any newspaper or journal registered at the general post office, Brisbane, for transmission by post as a newspaper.

Authorisation of general manager to issue direction

(7A) The committee of direction may by resolution either generally or in any particular case authorise its general manager to issue on its behalf any such direction as and when the same may be issued pursuant to the provisions of this section, and the issue of such direction on behalf of the committee of direction by such general manager so authorised shall be as effective as if the same had been issued by the committee of direction.

(7B) For the purposes of subsection (7A)—

“**general manager**” includes any person for the time being performing the duties of general manager.

Committee of direction may issue instructions

(7C) The committee of direction may issue instructions or give authority or appoint persons under and for the purposes of subsection (1) from time to time and either by the direction itself or by subsequent notice or notices served or delivered or published in such manner as to the committee of direction shall seem expedient.

(7D) Any direction may be rescinded or amended by a subsequent direction.

Direction to be read subject to legislative power

(7E) Any direction issued under this section shall be read and construed so as not to exceed the legislative power of the State to the intent that, where any provision thereof would but for this subsection have been construed as

being in excess of that power, it shall nevertheless be a valid provision to the extent to which it is not in excess of that power.

Entry of authorised officer

(8) Every person carrying on the business of the processing, manufacture, or treatment of fruit or vegetables shall at all reasonable times permit any officer of the Department of Agriculture and Stock duly authorised in writing by the Minister to enter upon the premises of such person wherein the person shall be carrying on such business and to inspect all fruit or vegetables in, on or about such premises and being of any class or classes of fruit or vegetables subject for the time being to a direction issued under this section affecting the selling or consigning or delivery of such class or classes of fruit or vegetables to any such person, and to inspect and examine such of the books, accounts and records of such person as may be necessary in the opinion of such officer to ascertain whether any person is guilty in relation to such direction of any offence against this Act, and any such person who obstructs, hinders or prevents any such authorised officer entering upon such premises or inspecting such fruit or vegetables or inspecting and examining such books, accounts and records shall thereby be guilty of an offence against this Act.

Committee of direction a permanent body corporate

(8A) The provisions of this Act shall continue to have and it is hereby declared always have had full force and effect after the said 31 December 1944, until repealed by statute, and the committee of direction as constituted by this Act shall, subject as aforesaid, continue to perform its duties and to exercise its functions under this Act as a permanent body corporate.

Power to exempt etc.

(9) The committee of direction may, for such time as they may deem advisable, and subject to such terms and conditions as they think fit, exempt from the operation of this Act such classes of fruit or such districts of the State or such methods of transportation, handling, or sale as they deem fit, and may make such other exemptions as they deem necessary.

Acquisition of fruit by committee of direction

7A.(1) At any time any 30 growers of any particular class of fruit of those classes of fruit specified in section 7(2)(a) may by petition to the

committee of direction request that a poll of growers concerned be taken that a regulation be made declaring that the whole of that particular class of fruit produced in Queensland or in any part or parts thereof shall be acquired by the committee of direction as the owners thereof under the provisions of this section.

(2) Notice of such petition shall be published in at least 1 newspaper generally circulating throughout the State or the said part or parts thereof.

(3) The committee of direction may take (or may refuse to take) such poll of such growers accordingly, and if on the taking of such poll less than three-fifths of the votes polled are in favour of the making of the regulation, the regulation must not be made.

(4) If the result of the poll is in favour of the making of a regulation, the Governor in Council may by regulation provide and declare that such fruit shall be acquired by the committee of direction as the owners thereof, either forthwith upon the making of the regulation or on and from a date to be fixed by regulation, or upon the fulfilment of such conditions as are therein mentioned, so that the property in such fruit shall be divested from the growers thereof and become vested in and be the property of the committee of direction as the owners thereof under and for the purposes of this Act and the regulation, and may by the regulation confer and impose upon the committee of direction all such powers and duties as are deemed necessary or convenient for the purposes of enabling the committee of direction effectively to carry out the marketing of such fruit as the owners thereof for and on behalf of such growers.

(5) However, a regulation under this section shall not have effect so as to prejudice any interstate contract with respect to such fruit which has been entered into prior to the date of the acquisition by the committee of direction of such fruit under the regulation.

Functions of COD

8.(1) The functions of the COD are to—

- (a) provide opportunities for growers to be informed about matters affecting the horticultural industry; and
- (b) provide opportunities for growers to participate in discussions before the COD makes decisions on matters of policy concerning

- the horticultural industry; and
- (c) disseminate the views of growers on matters affecting the horticultural industry to persons and organisations whose operations involve the production, marketing or consumption of horticultural produce; and
 - (d) promote horticulture and the adoption of improved methods of producing and marketing horticulture; and
 - (e) provide financial assistance for research into producing and marketing of horticulture; and
 - (f) cooperate with agencies concerned with the efficiency, and promotion, of the horticultural industry; and
 - (g) provide grower services.

Power of committee of direction to act in proceedings

(2) Whenever any grower has or claims to have any right of action against any person or authority or whenever any grower is threatened with proceedings against the grower civilly or criminally or such proceedings are commenced against the grower, and the committee of direction is of opinion that there is involved some question which is of common interest to all growers or to any section or class of growers, the committee of direction shall have power and authority to act on behalf of such grower in the prosecution of such right of action or in the defence of such proceedings and to apply the funds of the committee of direction towards the payment of all costs and expenses incurred in the prosecution of such right of action or in the defence of such proceedings and any damages or costs that may be awarded in such proceedings.

(2A) However, in the event of costs or expenses being awarded to such grower in any such action or proceedings, the committee of direction shall be entitled to claim from such grower the amount of costs or expenses incurred by it but not exceeding the amount so awarded less the costs or expenses (if any) incurred by such grower in respect of such action or proceedings.

Additional powers and functions of committee of direction

(3) It is hereby declared that, in addition to all its other functions, powers, and authorities under this Act, the committee of direction has, and always has had—

Fruit Marketing Organisation Act 1923

- (a) the functions, powers, and authorities prescribed by regulation made on 23 June 1938, under the provisions of this Act then in force and published in the gazette of 25 June 1938; and
- (b) the power to make for the purposes of this Act the levy prescribed by regulation made on 23 June 1938, under the provisions of this Act then in force and published in the gazette of 25 June 1938; and
- (c) the power to do all such things as were approved by the Governor in Council by order in council made on 23 June 1938, under the provisions of this Act then in force and published in the gazette of 25 June 1938; and
- (d) the following functions, powers, and authorities, namely as the holder of shares in Queensland Canneries Proprietary Limited to carry on or to unite with the other shareholder or shareholders of that company in carrying on at the cannery situated at Dath Street, Bulimba, Brisbane, the manufacture or processing of any other fruit or vegetables or such other business (whether manufacturing or otherwise) in addition to pineapple canning as may seem to the committee of direction capable of being conveniently carried on in connection with pineapple canning at the said cannery or calculated directly or indirectly to enhance the value of or render profitable the said cannery, including any plant, machinery, or equipment thereof; and
- (e) such other functions, powers and authorities as may be prescribed by regulation for the purpose of enabling the committee of direction to process, manufacture, prepare or treat any fruit or vegetables, and either alone or in conjunction with any other person or body corporate, and of enabling the doing of all such acts, matters and things as may be necessary or expedient for the processing, manufacture, preparation or treatment of any fruit or vegetables or for the sale of any treated fruit or vegetables or any product derived from the processing, manufacture or preparation of any fruit or vegetables.

Minister's power to direct COD

8A.(1) The COD must exercise its powers and carry out its functions

under this Act—

- (a) to the satisfaction of the Minister; and
- (b) in accordance with any written direction given to it by the Minister.

(2) The Minister may issue written directions to the COD—

- (a) on any matter concerning the functions and powers of the COD under this Act; and
- (b) on any matter concerning the performance by the COD of its functions and powers under this Act.

(3) Without limiting the Minister's power of direction under subsection (2), the Minister may—

- (a) direct the COD that it is, or is not, to exercise its functions and powers under this Act in a specified way; and
- (b) direct the COD to exercise its functions and powers under this Act at a specified time or in respect of specified matters; and
- (c) direct the COD that it must not exercise its functions and powers under this Act at a specified time or in respect of a specified matter; and
- (d) require the COD to report to the Minister on any matter concerning the operations of the COD or the performance by the COD of its functions or the exercise of its powers; and
- (e) require the COD to supply documentary information to the Minister in respect of the operations of the COD and the performance by the COD of its functions or the exercise of its powers; and
- (f) direct the way in which the COD may continue to conduct any business that it may continue under section 13; and
- (g) require the COD to report to the Minister at such times as the Minister specifies in respect of—
 - (i) its business mentioned in section 13; or
 - (ii) any other matter under this Act that is within the functions or powers of the COD; and

(h) revoke or amend a direction.

(4) A direction under this section may—

- (a) direct that the direction, or any requirement contained in the direction, must be complied with within a specified period; or
- (b) specify the period for which the direction is to apply; or
- (c) specify that the direction is to expire on a specified day, or at the end of a specified period, if anything specified to be done has been done to the satisfaction of the Minister.

(5) If the COD contravenes a direction under this section, it commits an offence against this Act.

Maximum penalty—1 000 penalty units.

(6) Section 17(2) so far as it provides for persons who are to make complaints does not apply to an offence against this section.

Constitution of committee of direction

9.(1) The committee of direction shall be constituted by the appointment by the Minister of not more than 2 representatives of each and every sectional group committee elected by the sectional group committees respectively.

(2) In addition to the representatives specified in subsection (1) of this section, the director of marketing shall be ex officio a member of the committee of direction.

(2A) The Governor in Council may also appoint a person as member of the committee of direction who shall represent the consumers thereon.

(3) The Minister may appoint another person with general authority to act as a member of the committee of direction in the room of the director of marketing during any absence of the said director or the Minister may appoint other persons with the general authority as aforesaid, any one of whom may so act during any absence of the said director.

(3A) The Minister shall likewise appoint any person to act as consumers' representative during the absence of such representative.

(3B) The fact that such person or persons so acts or act shall be conclusive evidence of the absence of the said director or, as the case may

be, the consumers' representative.

(4) Subject to this Act, the elected members of the committee of direction and the consumers' representative shall hold office for a period of 3 years, but every such member shall, subject in the case of any elective member to his re-election, be eligible for reappointment.

Constitution of cannery board

9A.(1) There shall be constituted in the manner and in accordance with the provisions of clause 17 of the cannery agreement a cannery board.

(2) The cannery board shall be a body corporate by the name of the cannery board and shall have perpetual succession and an official seal which shall be judicially noticed, and the cannery board shall be capable in law of suing and being sued.

(4) The cannery board shall not be deemed to represent the Crown for any purpose whatsoever.

(4A) The cannery board is authorised to transfer its incorporation under this Act to the Corporations Law.

(4B) For the purposes of subsections (4A) and (5)(h), and despite the provisions of the cannery agreement, the cannery board may by resolution adopt any memorandum and articles of association (not inconsistent with this Act or the cannery agreement) which are to be its memorandum and articles of association under the Corporations Law upon the registration of the cannery board under that law.

(5) Subject to this Act and to the provisions of the cannery agreement the cannery board shall have power in respect of the matters and things following namely—

- (a) to purchase, sell, exchange, lease, and hold land, machinery, plant, goods, chattels, securities and any other property whatsoever in the State or elsewhere;
- (b) to contract for the use of, erect or otherwise provide any buildings, structures, machinery, plant, goods, chattels or other property whatsoever and to repair, equip, furnish and maintain the same;
- (c) to appoint, engage, employ, and pay such officers, servants,

Fruit Marketing Organisation Act 1923

employees, agents and other persons as are deemed necessary;

- (d) to arrange for financial accommodation with any bank or banks or with the Government of the State or of the Commonwealth and to borrow or raise money on the security of any land buildings structures goods chattels or other security or otherwise and to create and to issue in favour of any person or corporation mortgages of any kind, charges, guarantees, securities and other obligations;
 - (e) to enter into any agreements and contracts and to give guarantees and indemnities in favour of any person or corporation contracting with the cannery board or that may enter into any contract at the request of or under the authority or direction of the cannery board;
 - (f) to enter upon and carry into execution and either alone or in conjunction with any other person or body corporate the processing, manufacture, preparation or treatment of any fruit or vegetables and the doing of all such acts matters and things (including the purchase of fruit and vegetables) as may be necessary or expedient for the processing, manufacture, preparation, or treatment of any fruit or vegetables or for the sale of any treated fruit or vegetables or any product derived from the processing, manufacture, preparation or treatment of any fruit or vegetables;
 - (g) to do all such other acts, matters and things as are deemed necessary to enable the cannery board to perform its functions and as are approved by the Governor in Council or as may be prescribed;
 - (h) to make application for the cannery board to be registered as a company under the Corporations Law, part 2.2, division 3 if—
 - (i) transfer of its incorporation has been consented to by the holders of not less than 60%, in value, of certificates of subscription (as defined in the cannery agreement) in a ballot for the cannery board to be so registered; and
 - (ii) the Minister approves the making of the application.
- (5A)** This Act ceases to apply to the cannery board on the day it is

registered as a company under the Corporations Law, part 2.2, division 3.

(6) The cannery board is authorised and is deemed always to have been authorised to establish or participate in a provident scheme or arrangement or a scheme or arrangement that secures superannuation benefits, for such employees of the cannery board as are not required by any other Act to contribute to a scheme or arrangement of that kind under that Act.

(7) On or after the passing of the *City of Brisbane Market Act and Other Acts Amendment Act 1985* it shall not be competent to the cannery board—

- (a) to establish or to commenced to participate in a scheme or arrangement such as is referred to in and authorised by subsection (6); or
- (b) to amend a scheme or arrangement such as is referred to in and authorised by subsection (6) established by the cannery board; or
- (c) to continue to participate in a scheme or arrangement such as is referred to in and authorised by subsection (6) that is amended subsequently to the passing of that Act and subsequently to the board's commencing to participate therein;

unless the approval of the Minister has first been obtained to the establishment, participation, amendment or, as the case may be, continued participation.

(8) The Minister may grant the approval referred to in subsection (7) subject to such conditions as the Minister sees fit including a condition that the terms and conditions of a scheme or arrangement established or participated in by the cannery board on or after the date of commencement of the *City of Brisbane Market Act and Other Acts Amendment Act 1985* shall include a provision authorising the auditor-general or a person authorised by the auditor-general for that purpose to audit the accounts and records of the financial transactions of the cannery board in respect of that scheme or arrangement.

(8A) When the auditor-general is so authorised the auditor-general shall have with respect to such audit all the powers and authorities conferred on the auditor-general by the *Financial Administration and Audit Act 1977*.

(9) A reference to a scheme or arrangement in subsection (7)(b) or (c) includes a reference to any such scheme or arrangement which the cannery board has established before or in which the cannery board was

participating immediately before the commencement of the *City of Brisbane Market Act and Other Acts Amendment Act 1985*.

Constitution of local associations and their functions

10.(1) In every fruit growing district declared by the committee of direction, there shall be constituted as prescribed a local association or local associations of fruit growers, membership in which shall be open to every fruit grower in such district; but no person other than a person growing fruit for sale shall be eligible for membership.

(2) The committee of direction shall and may from time to time fix the boundaries of the district in which a local association or local associations shall operate.

(2A) In the event of any dispute or complaint to the Minister concerning the boundaries fixed or proposed to be fixed by the committee of direction for any such district or in the event of the Minister being of the opinion that the boundaries fixed or proposed to be fixed by the committee of direction for any such district are not fair, the Minister may appoint a person to recommend the manner of fixing such boundaries and, in that case, the boundaries shall be fixed by the committee of direction according to the recommendation of such person.

(3) A local association may, at the discretion of the committee of direction, be a local producers' association constituted under the *Primary Producers' Organisation Act 1922* or an association registered under the *Primary Producers' Co-operative Associations Act 1923* or any organisation in existence at the passing of this Act as the committee of direction may approve.

(4) Local associations shall have as their common object the preparation, packing, grading and inspection of fruit for market, and such other objects as may be prescribed.

(6) Every local association shall elect a committee of the local association, consisting of such number of members and in the manner and with such powers, duties, and tenure of office as may be prescribed.

Sectional group committees

11.(1) In this section—

“heavy produce” means garlic, onions, potatoes, pumpkins, sweet potatoes or swede turnips.

“the Stanthorpe fruit and vegetable area” means the local government areas of the following shires—

- (a) Inglewood;
- (b) Stanthorpe;
- (c) Warwick, other than the area of the former Shire of Allora, as described in the order in council published in the gazette on 13 November 1954 at page 1281.

“vegetable” does not include heavy produce.

(1A) The following sectional group committees may be elected with the following functions—

- (a) in the Stanthorpe fruit and vegetable area—the deciduous group committee with functions for fruit, vegetables and heavy produce grown in the area;
- (b) for fruit, vegetables and heavy produce grown outside the Stanthorpe fruit and vegetable area—
 - (i) the banana group committee with functions for bananas;
 - (ii) the citrus group committee with functions for citrus fruit;
 - (iii) the tomato group committee with functions for tomatoes;
 - (iv) the heavy produce group committee with functions for heavy produce;
 - (v) the other fruits group committee with functions for other fruits, deciduous fruit and, if there is no elected tomato group committee, tomatoes;
 - (vi) the vegetable group committee with functions for vegetables and, if there is no elected heavy produce committee, heavy produce.

Powers of deciduous group committee in granite belt

(2) Subject to this subsection the deciduous group committee shall have and may exercise all of the powers and functions of—

- (a) the vegetable group committee with respect to vegetables; and
- (b) the other fruits group committee with respect to tomatoes;

grown within the part of the State comprised by the Shires of Glengallan, Inglewood, Rosenthal and Stanthorpe and the City of Warwick.

(2A) Subject to subsections (2B) to (2H) the other fruits group committee shall have and may exercise all of the powers and functions of the deciduous group committee with respect to deciduous fruits grown without the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal and Stanthorpe and the city of Warwick.

(2B) The Governor in Council may, by regulation, direct that the deciduous group committee shall cease to have and exercise the powers and functions of the vegetable group committee with respect to vegetables or any class or classes of vegetables grown within the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal and Stanthorpe and the city of Warwick and, on and after the day prescribed by regulation, all of the powers and functions under this Act or a sectional group committee shall, as respects vegetables grown in the said part of the State or, as the case may be, the class or classes of vegetables so grown as specified by regulation, be had and exercised by the vegetable group committee.

(2C) The Governor in Council may by regulation direct that the deciduous group committee shall cease to have and exercise the powers and functions of the other fruits group committee with respect to tomatoes grown within the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal and Stanthorpe and the city of Warwick and, on and after the day prescribed by regulation, all of the powers and functions under this Act of a sectional group committee shall, as respects tomatoes grown in the said part of the State, be had and exercised by the other fruits group committee.

(2D) The Governor in Council may by regulation direct that the other fruits group committee shall cease to have and exercise the powers and functions of the deciduous group committee with respect to deciduous fruits

Fruit Marketing Organisation Act 1923

grown without the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal, and Stanthorpe and the city of Warwick and, on and after the day prescribed by regulation, all of the powers and functions under this Act of a sectional group committee shall, as respects deciduous fruits grown without the said part of the State, be had and exercised by the deciduous group committee.

(2E) The vegetable group committee shall not have or exercise any power or function under this Act with respect to any vegetables grown within the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal and Stanthorpe and the city of Warwick, unless authorised by regulation under subsections (2B) to (2D).

(2F) The other fruits group committee shall not have or exercise any power or function under this Act with respect to any tomatoes grown within the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal and Stanthorpe and the city of Warwick, unless authorised by regulation under subsections (2B) to (2D).

(2G) The deciduous group committee shall not have or exercise any power or function under this Act with respect to any deciduous fruits grown without the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal and Stanthorpe and the city of Warwick, unless authorised by regulation under subsections (2B) to (2D).

(2H) The provisions of subsections (2) to (2G) shall be read and construed and shall have operation and effect so as not to prejudice any power or function had by the committee of direction under this Act with respect to deciduous fruits or vegetables or tomatoes, whether grown within or without the part of the State comprised by the shires of Glengallan, Inglewood, Rosenthal, and Stanthorpe and the city of Warwick.

(3) Each local association shall be entitled to nominate representatives to 1 or more sectional group committees as may be prescribed.

(4) Sectional group committees may advise the committee of direction so far as concerns their respective sections, and shall have such other powers and functions as may be prescribed.

(5) After the passing of the *Primary Producers' Organisation and Marketing Act Amendment Act 1928*, the number of the members hereafter constituting the sectional group committees, as set forth in subsection (1), shall not, in respect of any such sectional group committee, exceed 12.

Validity of acts and proceedings of committees

11A.(1) No act or proceedings of the committee of direction or of the cannery board or of any sectional group committee, whether done or taken before or after the enactment of this section, shall be, or be deemed to be or ever to have been, invalid or illegal in consequence only of the number of the members of the committee of direction or of the cannery board or of the sectional group committee not being complete at the time of the act or proceeding.

(2) All acts and proceeding of the committee of direction or of the cannery board or of any sectional group committee, whether done or taken before or after the enactment of this section, shall, notwithstanding any failure or defect in the appointment, election, or nomination of any member, or that any member was disqualified or disentitled to act, be as valid as if every member had been duly appointed, elected, or nominated, and was qualified and entitled to act, as a member of the committee of direction or of the cannery board or of the sectional group committee concerned, and as if the same had been properly and fully constituted.

Expenses of members of committee of direction and sectional group committees

12.(1) Subject to approval by the Minister, the committee of direction may fix the fees or allowances or travelling expenses payable to members thereof and (regard being had to any recommendation in that behalf from a sectional group committee) to the members of the several sectional group committees.

(2) However, a recommendation as aforesaid shall not be binding upon the committee of direction.

(3) The committee of direction shall pay to its members and to the members of each sectional group committee the fees or allowances or travelling expenses so fixed.

(4) Until the committee fixes fees or allowances or travelling expenses in pursuance of its powers under this section, the respective fees or allowances or travelling expenses payable under the regulations immediately prior to the passing of the *Fruit Marketing Organisation Acts Amendment Act 1945* shall continue to be payable to members of the committee of direction and of each sectional group committee.

COD to sell or otherwise dispose of businesses

13.(1) On the commencement of the *Fruit Marketing Organisation Amendment Act 1991*, the COD must immediately take steps to sell or otherwise dispose of any business (other than a business that is conducted under section 6(5)(f) or (h) that it was carrying on immediately before that commencement.

Maximum penalty—1 000 penalty units.

(2) Even though the COD is no longer authorised to carry on any business mentioned in subsection (1), it may—

- (a) with the approval of the Minister; and
- (b) during the time it takes to sell or otherwise dispose of the business;

continue to carry on the business.

(3) The COD, in carrying on a business authorised under subsection (2)—

- (a) must not start to engage in an activity that it is no longer empowered to do; but
- (b) may continue to engage in an activity if—
 - (i) immediately before the commencement of the *Fruit Marketing Organisation Amendment Act 1991*, it was engaging in the activity; and
 - (ii) the activity is such that the COD was empowered to engage in it; and
 - (iii) the Minister approves of the COD continuing to engage in it.

(4) The Minister, in giving approval under subsection (2)(a) or (3)(b)(iii), must ensure that the business or activity was being carried on, or the activity was being engaged in, immediately before the date of commencement of the *Fruit Marketing Organisation Amendment Act 1991*.

(5) Section 17(2) so far as it provides for persons who are to make complaints does not apply to an offence against subsection (1).

Powers under s 13

13A.(1) In exercising its powers under section 13(1), the COD may—

- (a) sell or otherwise dispose of a business as a going concern; or
- (b) cease carrying on a business and sell any property it acquired for the purpose of the business;

for such consideration as it considers appropriate.

(2) The consideration may include—

- (a) the acquisition of shares in a trading corporation or other body; or
- (b) any other property; or
- (c) a combination of anything mentioned in paragraphs (a) and (b);

in exchange for the business or property.

(3) If the COD, in respect of the proceeds of any sale or other disposition of a business, acquires shares in a trading corporation or other body it may, in addition to any other power it may exercise under this Act, make gifts of the shares to one or both of—

- (a) fruit growers and vegetable growers who are on the rolls of local associations on a day fixed by regulation; or
- (b) a trust established by the COD for the purpose of holding the shares for the benefit of growers mentioned in paragraph (a).

(4) If the COD makes gifts under subsection (3)(a) it must ensure, as far as practicable, that each of the growers referred to in that subsection, receives the same number of shares.

Impeding committee

14. Any person who obstructs or impedes the committee of direction in exercising any of the functions, powers, authorities, duties, and responsibilities vested in or imposed upon them by this Act shall be subject to such penalty as may be prescribed.

Accounts of the committee of direction

14A.(1) The committee of direction shall cause books to be provided and

kept, and true and regular accounts to be entered therein—

- (a) of all moneys received and paid by the committee of direction, and of all moneys owing to and by the committee of direction, and of the several purposes for which such moneys shall have been received and paid and owing; and
- (b) of all the assets and liabilities of the committee of direction.

Books may be inspected

(2) All such books shall be open to the inspection of the auditor-general, and any person authorised by the auditor-general to inspect the same.

Accounts to be balanced

(3) The committee of direction shall cause its accounts to be balanced every year on the last Friday in June.

Annual statements of account

14AA.(1) As soon as practicable after the last Friday in June in each year statements of account as prescribed shall be prepared in respect of the financial year then concluded by—

- (a) the committee of direction;
- (b) the trustees of any superannuation or provident scheme, plan or trust established pursuant to section 14C.

(2) When the annual statements of account have been prepared and certified they shall forthwith thereafter be transmitted to the auditor-general by the committee of direction or, as the case may be, the trustees referred to in subsection (1).

(3) Until the annual statements of account have been audited and duly certified by the auditor-general pursuant to section 14AB they shall not be sold or made available to any person other than a member of the committee of direction or, as the case may be, the trustees referred to in subsection (1), the Minister or the auditor-general or a person acting in aid of the committee of direction, the trustees, the Minister or the auditor-general.

Audit

14AB.(1) The books and accounts of—

- (a) the committee of direction;
- (b) the trustees of any superannuation or provident scheme, plan or trust established pursuant to section 14C;

shall be audited by the auditor-general who shall have, with respect to such audit, all the powers and authorities conferred on the auditor-general by the *Financial Administration and Audit Act 1977*.

(2) The auditor-general shall certify whether the annual statements of account prepared and transmitted to the auditor-general in accordance with section 14AA—

- (a) are in the form prescribed; and
- (b) are in agreement with the respective books and accounts; and
- (c) in the auditor-general's opinion have been properly drawn up so as to present a true and fair view of transactions for the financial year in question and the financial position at the end of that year on a basis consistent with that applied in respect of the financial year last preceding.

(3) The auditor-general shall at least once in each year report the results of each audit to the committee of direction or, as the case may be, trustees referred to in subsection (1) and the committee of direction or, as the case may be, trustees shall give due consideration to all recommendations made in the respective reports.

(4) Where the auditor-general considers that any such recommendations are of major significance, the auditor-general shall forward a copy of them to the Minister.

Annual report

14AC.(1) The committee of direction shall, as soon as practicable after the last Friday in June in each year, prepare and furnish to the director of marketing Department of Primary Industries, a report on the operations of the committee of direction during the year ended on that date and shall include therein—

- (a) reports on the operation of any superannuation or provident scheme, plan or trust established in pursuance of section 14C;
- (b) copies of the annual statements of account referred to in section 14AA(1) certified by the auditor-general pursuant to section 14AB(2).

(2) The reports referred to in subsection (1)(a) shall be prepared and forwarded to the committee of direction as soon as practicable after the last Friday in June in each year by the trustees in question.

Accounts of other bodies

14AD.(1) All bodies other than the committee of direction (but including any sectional group committee) functioning under this Act, shall cause true and regular books and accounts to be kept of all sums of money received and paid for or on account of this Act or pursuant thereto, and of the several purposes for which sums of money have been received and paid.

(2) Statements of account shall be submitted to and accepted at such places and at such times as may be prescribed.

(3) The books and accounts of the bodies referred to in subsection (1) shall be audited by the auditor-general who shall have with respect to those books and accounts all the powers conferred on the auditor-general by the *Financial Administration and Audit Act 1977*.

Funds

14B.(1) The funds of the committee of direction shall consist of—

- (a) moneys derived from general activities not directly conducted for and on behalf of any sectional group committee or sectional group committees; and
- (b) moneys derived from levies and activities conducted directly on behalf of any specific sectional group committee or sectional group committees.

(2) All funds derived in manner referred to in subsection (1)(b) shall so far as practicable be allocated in the books of the committee of direction between the different sectional group committees according to the extent to which the different sections have respectively contributed thereto, and all

expenses being the general administrative and business expenses of the committee of direction including all fees, allowances, and travelling expenses to members of the committee of direction and of the sectional group committees shall be debited to and allocated between the different sectional group committees and the funds derived in manner referred to in subsection (1)(a) as determined by the committee of direction from time to time.

(3) Moneys derived from levies shall be applied in accordance with the purposes for which they were imposed.

Superannuation schemes

14C.(1) The committee of direction may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

(2) The auditor-general may audit the schemes.

(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.¹

Regulations

15.(1) The Governor in Council may make such regulations providing for all or any purposes, whether general or to meet particular cases, as may be convenient for the administration of this Act or as may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

(2) Without limiting the generality of subsection (1), such regulations may provide for all or any of the following matters—

- (a) any matter that is required or permitted to be prescribed by this Act;

¹ Part 6 (Audit of public accounts and public sector entities)

Elections

- (b) elections of members and chairpersons of the committee of direction, of sectional group committees, and of local committees;
- (c) tenure of office of members and chairpersons of the committee of direction, of sectional group committees, and of local committees, and the filling of casual vacancies in any of them;
- (d) enrolment of members of local associations;
- (e) grouping of local associations for the purpose of electing a member or members of any sectional group committee;
- (f) registration of fruitgrowers for purposes of this Act;
- (g) conduct by post or otherwise of elections;
- (h) compilation and revision of rolls of fruit growers entitled to vote at elections;
- (i) method of determining the qualification of voters;
- (j) settlement of disputed elections and questions arising out of or in connection with any election;

Business and procedure

- (k) general control and management of local associations;
- (l) interpretation, definition, or enlargement of the duties, powers, functions, objects, or responsibilities of local associations, sectional group committees, or the committee of direction;
- (m) delegation of powers to an executive committee or committees or subcommittees of any local association, sectional group committee, or the committee of direction;
- (n) rules and regulations governing the convening of meetings of those bodies;
- (o) conduct of business and quorum at such meetings;
- (p) annual conference of delegates from local associations;

Exemptions

- (q) exemptions from the operation of this Act;

Penalties

- (r) penalties for breaches of this Act;

Levies

- (s) empowering the committee of direction to make levies for the purposes of this Act on fruit growers, either generally or in sections of industries or in particular districts or localities, and prescribing the manner and method of making such levies and fixing the amounts of such levies, whether on the same or on different bases, in respect of the different sections, operations, districts, or localities;
- (t) providing, if deemed necessary, for the expenditure of the sums raised by any particular levies only in the interests of the particular section of industry or district or locality upon the fruit growers in which such levies were made;
- (u) providing methods of recovery or collection of any such levies or fines, including the recovery or collection of such levies from persons holding moneys to the credit of the fruit growers liable to pay such levies;
- (v) imposing fines not exceeding \$40 for nonpayment of such levies or moneys by fruit growers or persons holding moneys to the credit of the fruit growers;

Forms

- (w) prescribing forms of returns and of statistics to be made and furnished to the Minister or the committee of direction, or any sectional group committee, and the contents thereof, and the persons (whether fruit growers or not) by whom the same shall be made and the time and mode of making and furnishing the same; provided that the Governor in Council may make regulations prescribing the making and furnishing of such forms of returns and of statistics to the Minister as aforesaid, or such other returns and statistics as may be prescribed, whether on the recommendation of the committee of direction or not;

Ballot for continuance of Act

- (x) procedure in connection with the taking of a ballot for continuance of the operations of this Act as provided herein;

Agents

- (y) the standardisation of agents' accountancy methods;

Commissions

- (z) the amounts of any rate of commission to be charged by the committee of direction;

Other expenses

- (za) expenses and disbursements and allowances to be deducted from the price realised in the marketing of fruit by the committee of direction in cases where a direction under section 7 has been duly issued, and in cases where an order in council under section 7A has been duly issued;

Evidence

- (zb) the mode or proof of matters required to be proved under and for the purposes of this Act and for facilitating such proof;
- (zc) for the purpose of any proceedings under this Act, dispensing with proof of any formal matters or of handwriting or of documents or of authority;

Polls under ss 7 and 7A

- (zd) defining the person or classes of persons who shall be deemed to be growers concerned for the purposes of any poll under section 7 or 7A;
- (ze) the preparation of a roll or list of such growers, and making such roll or list conclusive evidence of the title to vote at the poll;
- (zf) procedure in connection with the taking of any such poll;

Expenses of polls

- (zg) prescribing by what means and out of what funds the costs and expenses of the taking of any poll or ballot under this Act shall be met.

General penalty

17. Any person who commits a breach of this Act shall, unless otherwise provided, be liable to a penalty not exceeding 2 penalty units.

Offences are summary offences

18. An offence against this Act is a summary offence.

Powers of the cannery board as respects the cannery at Northgate

20. Notwithstanding anything in any other Act contained the ownership control and operation subject to this Act and to the provisions of the cannery agreement of the cannery at Northgate Brisbane by the cannery board shall not constitute the cannery board a company, association or partnership and the cannery board, subject to this Act and the provisions of the cannery agreement, has and shall have the power and authority acting as principal to engage in processing, manufacture, preparation or treatment of any fruit or vegetables or the sale of any treated fruit or vegetables or any product derived from the processing, manufacture, preparation or treatment of any fruit or vegetables in conjunction with all those growers who pursuant to the cannery agreement shall have subscribed or shall subscribe to the capital required for the establishment, operation or otherwise for the purposes of the said cannery.

Period of office of elected members and consumers' representative on COD

21.(1) Despite section 9(1) and (4), the period of office of the following persons is extended to 31 August 1996—

- (a) the elected members of COD (other than the representatives of the pineapple group committee);
- (b) the consumers' representative appointed to COD;
- (c) a person filling a casual vacancy in an office mentioned in paragraph (a) or (b).

(2) However, the period of office mentioned in subsection (1) may be further extended until a day declared by regulation.

(3) A regulation under subsection (2) must be notified on or before 31 August 1996.

(4) The day mentioned in subsection (2) must be not later than 31 December 1996.

(4A) A person is not entitled to be paid compensation because the person's period of office is not extended under this section.

(5) This section expires on—

- (a) 31 August 1996; or
- (b) if a day is declared by regulation under subsection (2)—that day.

Dissolution of pineapple group committee

22.(1) *The pineapple group committee is dissolved and the period of office of its members ends.²*

(2) *A person is not entitled to be paid compensation because the person's period of office ends under subsection (1).*

(3) *This section expires on the day it commences.*

Vesting of assets and liabilities of pineapple group committee

23.(1) *On the commencement, the assets, rights and liabilities of the pineapple group committee vest in the other fruits committee.*

(2) *A legal proceeding by or against the pineapple group committee that has not been finished before the commencement may be continued and finished by or against the other fruits committee.*

(3) *This section expires on the day it commences.³*

² The pineapple group committee was established under section 11 (Constitution of sectional group committees).

³ These provisions have expired and are included in this reprint for informational purposes only. They will be omitted in the next reprint.

SCHEDULE

C/T or D/G number	Volume	Folio	County	Parish	City	Parcels	Area
							A. R. P.
1. 582091	2861	81	Stanley	Toombul	Brisbane	Portions 325 and 326	26 3 8
2. 736060	3500	50	Stanley	Toombul	Brisbane	Resubdivisions 1 and 3 of subdivision C of portion 165; resubdivisions 1, 2 and 4 of subdivision A of portion 175; resubdivisions 1 and 2 of subdivision C of portion 176; subdivisions 1 to 20, 23 to 64 and 75 to 120 of portion 187; resubdivisions 1 to 18, 24 to 33 and subdivisions 3 and 4 of resubdivisions 19 to 23, 34 to 37 and 58 to 61 of subdivision C of portion 186; and subdivision 2 of portion 610	35 2 17.89
3. 688762	3301	2	Stanley	Toombul	Brisbane	Subdivisions 65 to 74 of portion 187	1 0 12

Together with the benefit of easement number B746727, and subject to all mortgages encumbrances liens and interests registered thereover.

ENDNOTES**1 Index to endnotes**

	Page
2 Date to which amendments incorporated	58
3 Key	59
4 Table of earlier reprints	59
5 Tables in earlier reprints	59
6 List of legislation	60
7 List of annotations	61
8 Provisions that have not commenced and are not incorporated into reprint . .	67

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 30 July 1996. Future amendments of the Fruit Marketing Organisation Act 1923 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 36 of 1995	10 November 1995

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Fruit Marketing Organisation Act 1923 14 Geo 5 No. 39

date of assent 15 November 1923

commenced on date of assent

as amended by—

Fruit Marketing Organisation Act Amendment Act 1925 16 Geo 5 No. 23

date of assent 12 November 1925

commenced on date of assent

Primary Producers' Organisation and Marketing Act 1926 17 Geo 5 No. 20 s 35(1)

date of assent 20 November 1926

commenced 1 December 1926 (proc pubd gaz 27 November 1926 p 2370)

Primary Producers' Organisation and Marketing Act Amendment Act 1928 19 Geo 5 No. 8 s 3

date of assent 11 October 1928

commenced on date of assent

Primary Producers' Organisation and Marketing, Fruit Marketing Organisation, Wheat Pool, and Diseases in Plants Acts Amendment Act 1930 21 Geo 5 No. 22 pt 3

date of assent 13 November 1930

commenced on date of assent

Fruit Marketing Organisation Acts Amendment Act 1934 25 Geo 5 No. 23

date of assent 29 November 1934

commenced on date of assent

Fruit Marketing Organisation Acts Amendment Act 1940 4 Geo 6 No. 12

date of assent 31 October 1940

commenced on date of assent

Primary Producers' Organisation and Marketing Acts and Other Acts Amendment Act 1941 5 Geo 6 No. 14 s 4

date of assent 20 November 1941

commenced on date of assent

Fruit Marketing Organisation Acts Amendment Act 1945 10 Geo 6 No. 9

date of assent 18 December 1945

commenced on date of assent

Fruit Marketing Organisation Acts Amendment Act 1956 5 Eliz 2 No. 10

date of assent 5 November 1956

commenced on date of assent

Fruit Marketing Organisation Acts Amendment Act 1964 No. 16

date of assent 6 April 1964

commenced 23 April 1964 (proc pubd gaz 18 April 1964 p 1423)

- Fruit Marketing Organisation Acts Amendment Act 1964 (No. 2) No. 52**
 date of assent 10 December 1964
 commenced on date of assent
- Fruit Marketing Organisation Acts Amendment Act 1980 No. 4**
 date of assent 10 April 1980
 commenced 17 May 1980 (proc pubd gaz 17 May 1980 p 384)
- Farm Produce Agents Act and Another Act Amendment Act 1982 No. 77 pt 3**
 date of assent 16 December 1982
 commenced 1 July 1984 (proc pubd gaz 16 June 1984 p 1241)
- Primary Producers' Organisation and Marketing Act and Other Acts Amendment Act 1984 No. 62 pt 4**
 date of assent 29 May 1984
 commenced 1 July 1984 (proc pubd gaz 23 June 1984 p 1353)
- City of Brisbane Market Act and Other Acts Amendment Act 1985 pt 4**
 date of assent 9 December 1985
 commenced 20 February 1986 (proc pubd gaz 22 February 1986 p 679)
- Fruit Marketing Organisation Amendment Act 1991 No. 69**
 date of assent 6 November 1991
 commenced on date of assent
- Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3 sch 1**
 date of assent 10 May 1994
 commenced on date of assent
- Fruit Marketing Organisation Amendment Act 1995 No. 31**
 date of assent 14 June 1995
 ss 1–2 commenced on date of assent
 remaining provisions commenced 31 August 1995 (see s 2)
- Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 pt 1, 9 sch 2**
 date of assent 16 June 1995
 commenced on date of assent
- Primary Industries Legislation Amendment Act 1996 No. 13 pts 1, 7**
 date of assent 23 May 1996
 s 20(2) not yet proclaimed into force
 remaining provisions commenced on date of assent

7 List of annotations

Long title amd 1991 No. 69 s 3

Interpretation of Act

s 1A ins 1945 10 Geo 6 No. 9 s 2

Definitions

- s 2** def “**approved association**” ins 1991 No. 69 s 4(2)
 def “**approved corporation**” ins 1991 No. 69 s 4(2)
 def “**cannery agreement**” ins 1964 No. 16 s 2(a)
 def “**cannery board**” ins 1964 No. 16 s 2(a)
 def “**citrus fruit**” amd 1994 No. 15 s 3 sch 1
 def “**COD**” ins 1991 No. 69 s 4(2)
 def “**deciduous fruit**” amd 1994 No. 15 s 3 sch 1
 def “**fruit**” amd 1994 No. 15 s 3 sch 1; 1995 No. 31 s 4(1); 1996 No. 13 s 18(1)
 def “**grower service**” ins 1991 No. 69 s 4(2)
 def “**Marketing**” sub 1925 16 Geo 5 No. 23 s 2; 1945 10 Geo 6 No. 9 s 3(a)
 amd 1964 No. 16 s 2(b)
 om 1991 No. 69 s 4(1)
 def “**Minister**” om 1991 No. 69 s 4(1)
 def “**other fruits**” amd 1994 No. 15 s 3 sch 1; 1995 No. 31 s 4(2); 1996 No. 13 s 18(2)
 def “**Prescribed**” om 1994 No. 15 s 3 sch 1
 def “**sectional group committee**” amd 1945 10 Geo 6 No. 9 s 3(b)
 def “**This Act**” om 1994 No. 15 s 3 sch 1
 def “**vegetables**” sub 1945 10 Geo 6 No. 9 s 3(c)
 amd 1980 No. 4 s 3
 sub 1994 No. 15 s 3 sch 1

Extension of operation of Primary Products Pools Act

- s 3** om R1 (see RA s 39)

Establishment of organisation for the marketing of Queensland fruit

- s 4** amd 1928 19 Geo 5 No. 8 s 3(a); 1964 No. 16 s 3

Constitution of vegetable group committee

- s 5** amd 1926 17 Geo 5 No. 20 s 35(1)
 sub 1945 10 Geo 6 No. 9 s 4
 amd R1 (see RA s 38)

Constitution of committee of direction

- s 6** amd 1925 16 Geo 5 No. 23 s 3; 1928 19 Geo 5 No. 8 s 3(b); 1945 10 Geo 6 No. 9 s 5; 1964 No. 52 s 2; 1980 No. 4 s 4; 1991 No. 69 s 5; 1994 No. 15 s 3 sch 1

Appointment of administrator

- s 6A** prev s 6A ins 1945 10 Geo 6 No. 9 s 6
 amd 1982 No. 77 s 41
 om 1991 No. 69 s 6
 pres s 6A ins 1991 No. 69 s 7
 amd 1994 No. 15 s 3 sch 1

Persons who are not to act as administrators

- s 6B** prev s 6B ins 1945 10 Geo 6 No. 9 s 6
 om 1991 No. 69 s 6
 pres s 6B ins 1991 No. 69 s 7

Power of administrator

- s 6C** prev s 6C ins 1945 10 Geo 6 No. 9 s 6
amd 1980 No. 4 s 5
om 1991 No. 69 s 6
pres s 6C ins 1991 No. 69 s 7
amd 1994 No. 15 s 3 sch 1

Duties of administrator with respect to bank accounts and accounting records

- s 6D** prev s 6D ins 1945 10 Geo 6 No. 9 s 6
om 1991 No. 69 s 6
pres s 6D ins 1991 No. 69 s 7

Reports by administrator

- s 6E** prev s 6E ins 1945 10 Geo 6 No. 9 s 6
om 1991 No. 69 s 6
pres s ins 6E 1991 No. 69 s 7

Administrator has qualified privilege in certain circumstances

- s 6F** prev s 6F ins 1945 10 Geo 6 No. 9 s 7
amd 1980 No. 4 s 6
om 1991 No. 69 s 6
pres s 6F ins 1991 No. 69 s 7

Chairperson and secretary to submit report

- s 6G** ins 1991 No. 69 s 7

Administrator may inspect books

- s 6H** ins 1991 No. 69 s 7

Vacation of office

- s 6I** ins 1991 No. 69 s 7

Completion of winding-up referred to in s 6A(1)(a)

- s 6J** ins 1991 No. 69 s 7

COD not to act

- s 6K** ins 1991 No. 69 s 7

COD may be wound-up

- s 6L** ins 1991 No. 69 s 7
amd 1994 No. 15 s 3 sch 1

Poll of growers

- s 6M** ins 1991 No. 69 s 7
amd 1994 No. 15 s 3 sch 1

Approved association or corporation may acquire COD property

- s 6N** ins 1991 No. 69 s 7
amd 1994 No. 15 s 3 sch 1

Duty to facilitate transfer of property etc.

- s 6O** ins 1991 No. 69 s 7
amd 1994 No. 15 s 3 sch 1

Winding-up of COD

s 6P ins 1991 No. 69 s 7
amd 1994 No. 15 s 3 sch 1

Liquidation

s 6Q ins 1991 No. 69 s 7

Custody and vesting of COD's property on winding-up

s 6R ins 1991 No. 69 s 7

Report as to COD's affairs to be submitted to liquidator

s 6S ins 1991 No. 69 s 7

Powers of liquidator

s 6T ins 1991 No. 69 s 7

Release of liquidator and dissolution of COD

s 6U ins 1991 No. 69 s 7

Orders for release or dissolution

s 6V ins 1991 No. 69 s 7

Application of amounts remaining after winding-up

s 6W ins 1991 No. 69 s 7
amd 1994 No. 15 s 3 sch 1

Control of fruit marketing by committee of direction

s 7 amd 1925 16 Geo 5 No. 23 s 4; 1926 17 Geo 5 No. 20 s 35(1); 1928 19
Geo 5 No. 8 s 3(c); 1930 21 Geo 5 No. 22 s 11; 1934 25 Geo 5 No. 23
s 2; 1945 10 Geo 6 No. 9 s 8; 1994 No. 15 s 3 sch 1

Acquisition of fruit by committee of direction

s 7A ins 1925 16 Geo 5 No. 23 s 5
amd 1928 19 Geo 5 No. 8 s 3(d)
sub 1930 21 Geo 5 No. 22 s 12
amd 1994 No. 15 s 3 sch 1

Committee of Direction may function under voluntary agreement

s 7B ins 1925 16 Geo 5 No. 23 s 5
om 1991 No. 69 s 8

Functions of COD

prov hdg sub 1996 No. 13 s 19

s 8 amd 1925 16 Geo 5 No. 23 s 6; 1928 19 Geo 5 No. 8 s 3(e); 1941 5 Geo 6
No. 14 s 4(1)(i); 1945 10 Geo 6 No. 9 s 9; 1991 No. 69 s 9; 1994 No. 15
s 3 sch 1

Minister's power to direct COD

s 8A ins 1991 No. 69 s 10

Constitution of committee of direction

s 9 sub 1925 16 Geo 5 No. 23 s 7; 1945 10 Geo 6 No. 9 s 10
amd 1956 5 Eliz 2 No. 10 s 2; 1980 No. 4 s 7; R1 (see RA s 38)

Constitution of cannery board

s 9A ins 1964 No. 16 s 4
amd 1985 No. 84 s 12; 1991 No. 69 s 11; R1 (see RA s 38)

Constitution of local associations and their functions

s 10 amd 1940 4 Geo 6 No. 12 s 3; 1991 No. 69 s 12

Sectional group committees

prov hdg sub 1996 No. 13 s 20(1)

s 11 amd 1928 19 Geo 5 No. 8 s 3(f); 1945 10 Geo 6 No. 9 s 11; 1964 No. 52 s 3; 1991 No. 69 s 13; 1994 No. 15 s 3 sch 1; 1995 No. 31 s 5; R1 (see RA s 38); 1996 No. 13 s 20(1); 1996 No. 13 s 20(2)

Validity of acts and proceedings of committees

s 11A ins 1956 5 Eliz 2 No. 10 s 3
amd 1964 No. 16 s 5

Expenses of members of committee of direction and sectional group committees

s 12 pres s 12 om 1928 19 Geo 5 No. 8 s 3(g)
pres s 12 ins 1945 10 Geo 6 No. 9 s 12

COD to sell or otherwise dispose of businesses

s 13 prev s 13 om 1928 19 Geo 5 No. 8 s 3(h)
pres s 13 ins 1991 No. 69 s 14

Powers under s 13

s 13A ins 1991 No. 69 s 14
amd 1994 No. 15 s 3 sch 1

Accounts of the committee of direction

s 14A ins 1930 21 Geo 5 No. 22 s 13
sub 1982 No. 77 s 42

Annual statements of account

s 14AA ins 1982 No. 77 s 42

Audit

s 14AB ins 1982 No. 77 s 42

Annual report

s 14AC ins 1982 No. 77 s 42

Accounts of other bodies

s 14AD ins 1982 No. 77 s 42

Funds

s 14B ins 1945 10 Geo 6 No. 9 s 13

Superannuation schemes

s 14C prev s 14C ins 1945 10 Geo 6 No. 9 s 13
om 1984 No. 62 s 14
pres s 14C ins 1985 No. 84 s 13
sub 1995 No. 36 s 9 sch 2

Regulations

s 15 amd 1925 16 Geo 5 No. 23 s 8; 1926 17 Geo 5 No. 20 s 35(1); 1928 19 Geo 5 No. 8 s 3(i); 1945 10 Geo 6 No. 9 s 14(1); 1991 No. 69 s 15; 1994 No. 15 s 3 sch 1

Orders in Council

s 16 om 1994 No. 15 s 3 sch 1

General penalty

s 17 amd 1925 16 Geo 5 No. 23 s 9; 1994 No. 15 s 3 sch 1

Devolution of functions of Committee of Direction

hdg prec s 17A ins 1928 19 Geo 5 No. 8 s 3(j)
om 1945 10 Geo 6 No. 9 s 15

Application of Primary Producers' Organisation and Marketing Acts

s 17A ins 1928 19 Geo 5 No. 8 s 3(j)
amd 1941 5 Geo 6 No. 14 s 4(1)(ii)
om 1945 10 Geo 6 No. 9 s 15

Offences are summary offences

s 18 ins 1964 No. 16 s 6
sub 1994 No. 15 s 3 sch 1

Transfer of cannery at Northgate

s 19 ins 1964 No. 16 s 6
om 1994 No. 15 s 3 sch 1

Powers of the cannery board as respects the cannery at Northgate

s 20 ins 1964 No. 16 s 6

Period of office of elected members and consumers' representative on COD

s 21 ins 1994 No. 15 s 3 sch 1
amd 1995 No. 31 s 6; 1996 No. 13 s 21
exp 31 August 1996 (see s 21(5), 1996 SL No. 28)

Dissolution of pineapple group committee

s 22 ins 1995 No. 31 s 7
exp 31 August 1995 (see s 22(3))

Vesting of assets and liabilities of pineapple group committee

s 23 ins 1995 No. 31 s 7
exp 31 August 1995 (see s 23(3))

SCHEDULE

ins 1964 No. 16 s 7

8 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Primary Industries Legislation Amendment Act 1996 s 20(2) reads as follows—

(2) Section 11(2) to (2H)—

omit, insert—

‘**(2)** The deciduous group committee must not exercise powers outside the Stanthorpe fruit and vegetable area.

‘**(2A)** A sectional group committee other than the deciduous group committee must not exercise powers in the Stanthorpe fruit and vegetable area.

‘**(2B)** However, the Governor in Council may by regulation—

- (a) direct the deciduous group committee not to exercise powers for a stated fruit (other than a deciduous fruit), vegetable, or heavy produce; or
- (b) direct the other fruits committee not to exercise powers for deciduous fruits grown outside the Stanthorpe fruit and vegetable area; or
- (c) authorise a sectional group committee to exercise powers of another sectional group committee, either in the Stanthorpe fruit and vegetable area or elsewhere.

‘**(2C)** Subsections (2) to (2B) do not apply to the COD.’.