**DRIED FRUITS ACT AMENDMENT BIL 1941**

**Legislative Assembly, 11 November 1941, pages 1379-80**

Second reading

**The Hon. T. PLAYFORD (Gumeracha— Premier and Treasurer)** This Bill deals solely with the fees of the Dried Fruits Board. The dried fruits legislation has at no time contained any express provision for payment of fees to members of the board, although it does contain a provision for defraying the general expenditure incurred in administering the Act. Such fees have, however, been constantly paid, the board believing that they were a proper administrative charge against its revenue. Recently a member of the board raised the question whether the fees were properly payable and the Crown Solicitor expressed the following opinion:— There is no express power conferred by the Dried Fruits Act, 1934-1938, to pay fees and allowances for expenses to members of the board, and no express power to make regulations authorizing such payments. Section 18 gives the board authority to make a levy on the occupiers of registered packing houses to be applied to the payment of the expenditure incurred by the board in the administration of the Act, and in carrying out the powers and duties of the board under the Act. The payments of fees and allowances to members of the board which have been made regularly for the past 16 years have been paid out of the board’s annual levies in the bona fide belief that the expenditure was authorized by section 18, and a court of law might hold that it was so authorized. On the other hand, a court might hold that section 18 authorized only expenditure which the board was bound by law to make, in payment of liabilities incurred by the board, by contract or otherwise, in carrying the Act into effect, and that there was no legal liability on the board to pay fees and allowances to its members, because the members had entered into no contract with the board to serve in consideration of fees and allowances, they being bound to serve for nothing. The answer to this may be that every member of the board appointed since 1924 by the Governor in Council pursuant to section 7 has been appointed to a paid office, i.e., one in fact remunerated by fees and allowances, and it cannot have been intended by Parliament that the members appointed should serve for nothing; indeed, it is not likely that anyone would be willing to serve on the board without fees and allowances. However, there is a real doubt about the legality of these payments, and the present situation ought not to be allowed to continue indefinitely.

This Bill is intended to put the legal position beyond doubt. It provides that the members of the board will be entitled to be paid out of the revenue of the board such fees and allowances as are prescribed by regulation. The Bill also validates the payments of fees and allowances to the members of the board in the past. I move the second reading.

The Hon. R. S. RICHARDS secured the adjournment of the debate