
DRIED FRUITS ADVANCES.

No. 20 of 1924.

An Act to provide for the Payment of Advances to
Growers of Dried Fruits.

[Assented to 9th September, 1924.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Short title.

1. This Act may be cited as the *Dried Fruits Advances Act* 1924.

Definitions.

2. In this Act, unless the contrary intention appears—

“dried fruits” means dried currants, dried sultanas and dried
lexias.

Arrangement
for payment of
advances and
appropriation
thereof.

3.—(1.) The Minister may arrange with any banking corporation, carrying on business in the Commonwealth, for the making, by that corporation, of advances, in accordance with this Act, to growers of dried fruits, and may guarantee to that banking corporation the repayment of any advance made by the corporation in pursuance of the arrangement, with interest thereon at the rate of Six per centum per annum.

(2.) There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, the amounts necessary—

(a) to make advances in accordance with this Act; and

(b) to repay to a banking corporation any amount due to the corporation under a guarantee given to it in accordance with the last preceding sub-section.

4. The advances under this Act shall, subject to this Act, be payable— Specification of advances.

- (a) where a grower forwards, on or before the thirty-first day of December One thousand nine hundred and twenty-four, the dried fruits produced by him in the year One thousand nine hundred and twenty-four, to a packing organization or export merchant in pursuance of an export arrangement under which a proportion of those dried fruits forwarded by the grower is to be exported—in respect of that proportion of the dried fruits so forwarded; and
- (b) where a grower exports dried fruits otherwise than in pursuance of an export arrangement mentioned in the last preceding paragraph—in respect of the actual quantity of dried fruits produced by the grower during the year One thousand nine hundred and twenty-four and exported by him on or before the thirty-first day of December One thousand nine hundred and twenty-four.

5.—(1.) An advance under this Act shall not be paid in respect of dried fruits to which paragraph (a) of the last preceding section applies unless the packing organization or export merchant, to which or to whom, and the export arrangement, in pursuance of which, the dried fruits are forwarded by the grower for export, has been approved by the Minister. Conditions of advances.

(2.) An advance under this Act shall not be paid in respect of dried fruits to which paragraph (b) of the last preceding section applies unless the grower exports at least such proportion of the dried fruits produced by him during the year One thousand nine hundred and twenty-four as is approved by the Minister.

6. Where the Minister is satisfied that, owing to the adversity of the season, the whole or any portion of the dried fruits, produced in the year One thousand nine hundred and twenty-four by a grower who is a party to an export arrangement approved by the Minister, is below the standard required by law in connexion with the export of dried fruits, and has not been forwarded to a packing organization or export merchant in pursuance of the export arrangement, the Minister may, if such proportion of the dried fruits as he approves is sold for distillation purposes on or before the thirty-first day of December One thousand nine hundred and twenty-four, authorize the payment of an advance upon that proportion of those dried fruits. Advances upon fruit not of export standard.

7.—(1.) The rates of advances payable under this Act shall be— Rates and payment of advances.

- (a) in the case of dried currants, Thirty shillings per ton; and
- (b) in the case of dried sultanas and dried lexias, Nine pounds per ton.

(2.) One-third of the amount of any advance shall be payable during the month of September One thousand nine hundred and twenty-four and the remaining portion of the advance shall be

payable in four equal monthly instalments commencing on the first day of October One thousand nine hundred and twenty-four.

To whom
advances
payable.

8.—(1.) Subject to the next succeeding sub-section, the advances shall be payable to the growers of the dried fruits.

(2.) Where the Minister is satisfied that the grower has ceased cultural operations on the orchard on which dried fruits in respect of which advances are payable under this Act were produced, and that cultural operations are being carried on on that orchard by another person with the object of protecting the orchard from damage or depreciation, the Minister may authorize the payment of the advances to that person, and that person shall, for the purposes of the payment and repayment of the advances, be deemed to be the grower.

Undertakings
by growers.

9. An advance shall not be paid to a grower unless he makes an application in the prescribed form furnishing the prescribed information, and undertakes—

- (a) to expend the advance entirely on material and labour (including the maintenance of the grower and his family) in connexion with cultural operations on the orchard of the grower ;
- (b) to repay the advance with interest in accordance with the provisions of this Act ;
- (c) to deliver the dried fruits produced by him in the year One thousand nine hundred and twenty-five to a packing organization or export merchant approved by the Minister ;
- (d) to permit any person, firm or company (authorized in writing by the Minister) to supervise the cultural operations on his orchard and to examine all books and documents in connexion therewith ; and
- (e) to comply with such other conditions as the Minister determines.

Repayment of
advances.

10.—(1.) The grower shall repay the advance with interest at the rate of Six per centum per annum.

(2.) The repayment of the advance and the payment of interest thereon shall be a charge on the proceeds of the sale of the dried fruits produced by the grower in the year One thousand nine hundred and twenty-five after the costs of production and marketing (not exceeding such amount as the Minister determines) of those dried fruits have been provided for.

(3.) A packing organization or export merchant to which or to whom the dried fruits produced by a grower in the year One thousand nine hundred and twenty-five are delivered by the grower under this Act shall repay to the Commonwealth, or, where the advance has been made by a banking corporation in pursuance of an arrangement under section three of this Act, to that banking corporation out of the

proceeds of the sale of those dried fruits which are subject to the charge created by the last preceding sub-section, the amount of the advance paid to the grower with interest in accordance with the provisions of this Act.

(4.) Any repayment made by an organization or merchant in pursuance of the last preceding sub-section shall be deemed to be a repayment made by the grower under this Act and to be authorized by the grower.

(5.) If a packing organization or export merchant fails or refuses to comply with the provisions of sub-section (3.) of this section when required so to do by the Minister or by the banking corporation making the advance (as the case may be), the amount which he is required to repay under that sub-section shall be deemed to be a debt due from the organization or merchant to the King on behalf of the Commonwealth or to that banking corporation.

11.—(1.) The Minister may appoint such packing organizations or export merchants as he thinks fit to be the agents of the Commonwealth to pay, on behalf of the Commonwealth, the advances to growers in accordance with such terms and conditions as are prescribed.

Appointment
of agents by
Minister.

(2.) Every organization or merchant appointed to be an agent in pursuance of the last preceding sub-section shall undertake to export from the Commonwealth on or before the thirty-first day of December One thousand nine hundred and twenty-four a prescribed quantity of dried fruits.

(3.) If any packing organization or export merchant pays any advance which is not payable, the amount so paid shall be recoverable from the organization or merchant, as the case may be, as a debt due to the King on behalf of the Commonwealth.

12. Where any question arises under this Act as to who is the grower of any particular dried fruits the question shall be determined by the Minister and the determination of the Minister shall be final and conclusive.

Determination
of question as
to who is the
grower.

13. No person shall—

- (a) obtain any advance which is not payable ;
- (b) obtain payment of an advance by means of any false or misleading statement ; or
- (c) present to any officer or other person, firm or company doing duty in relation to this Act or the regulations, any book or document, or make to any such officer or person any statement, which is false in any particular.

Offences against
Act.

Penalty : One hundred pounds or imprisonment for twelve months.

14. A return setting forth—

- (a) the names of all persons to whom advances are paid under this Act ;
- (b) the amounts of all such advances ; and
- (c) such other particulars as are prescribed,

Return to be
laid before
Parliament.

shall be laid before both Houses of the Parliament within thirty days after the expiration of the present financial year, if the Parliament is then sitting, and, if not, then within thirty days after the next meeting of the Parliament.

Regulations.

15. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations.
