

CITRUS FRUITS BOUNTY.

No. 22 of 1938.

An Act to provide for the Payment of a Bounty on the Export of Citrus Fruits from the Commonwealth during the years One thousand nine hundred and thirty-eight, One thousand nine hundred and thirty-nine and One thousand nine hundred and forty.

[Assented to 5th July, 1938.]

[Date of commencement 2nd August, 1938.]

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 *Citrus Fruits Bounty Act 1938*.

Definitions.

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

“agent” means a person who, for and on behalf of any person has the control, receipt or disposal of any citrus fruits belonging to that person and is remunerated by payment of a commission only;

“approved co-operative organization” means an organization approved by the Minister as being an organization representative of the growers of citrus fruits;

“bounty” means bounty under this Act;

“citrus fruits” means oranges, lemons, grape-fruit or mandarins;

“export box”, in respect of any period specified in the first column of the Schedule to this Act, means any box of the dimensions specified in the second column of that Schedule in respect of that period;

“export case”, in respect of any period specified in the first column of the Schedule to this Act, means any case of the dimensions specified in the second column of that Schedule in respect of that period.

Bounty to be paid.

3. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, the bounty specified in this Act.

4. The bounty shall be payable in respect of citrus fruits exported from the Commonwealth to destinations other than New Zealand during the years One thousand nine hundred and thirty-eight, One thousand nine hundred and thirty-nine and One thousand nine hundred and forty in respect of which export permits have been issued under the regulations for the time being in force made under the *Customs Act* 1901-1936 and the *Commerce (Trade Descriptions) Act* 1905-1933 relating to the exportation of citrus fruits :

Specifications
of bounty.

Provided that the bounty shall not be payable in respect of—

- (a) navel oranges exported from the Commonwealth to the United Kingdom and the Continent of Europe after the thirty-first day of July in any of the years One thousand nine hundred and thirty-eight, One thousand nine hundred and thirty-nine or One thousand nine hundred and forty ;
- (b) navel oranges exported from the Commonwealth to any destination, other than the United Kingdom and the Continent of Europe, after the thirty-first day of August in any of the years One thousand nine hundred and thirty-eight, One thousand nine hundred and thirty-nine or One thousand nine hundred and forty ;
- (c) oranges described as " Plain " within the meaning of the regulations for the time being in force made under the *Customs Act* 1901-1936 and the *Commerce (Trade Descriptions) Act* 1905-1933 relating to the exportation of citrus fruits ; and
- (d) citrus fruits exported as gifts.

5. Bounty shall be payable for each export case or export box of citrus fruits at the rates specified in the Schedule to this Act.

Rate of
bounty.

6.—(1.) The bounty shall, subject to this section, be payable to the grower of the citrus fruits exported :

Payee of
bounty.

Provided that where citrus fruits are exported through an approved co-operative organization, the bounty may, at the direction of the grower, be paid to that organization which shall submit a claim for the bounty in accordance with the regulations.

(2.) Where the grower of the citrus fruits exports the citrus fruits through an agent, the bounty may be paid to the agent, who shall be liable to pay the amount thereof as a debt due from him to the grower.

(3.) The amount of bounty payable to a grower shall be calculated on the quantity of citrus fruits certified by a prescribed authority to be the quantity in respect of which the grower is entitled to bounty.

7. A person who exports or has exported citrus fruits during any of the years ending respectively on the thirty-first day of December, One thousand nine hundred and thirty-eight, One thousand nine

Returns by
exporters.

hundred and thirty-nine and One thousand nine hundred and forty shall, for the purposes of this Act, furnish such returns as are prescribed in relation to the citrus fruits exported by him.

Penalty : Fifty pounds or imprisonment for three months.

Condition of
payment.

8. A payment of bounty shall not be made under this Act unless the claimant for that bounty has, in accordance with the regulations, lodged an application therefor on or before the following dates:—

In respect of bounty for the year One thousand nine hundred and thirty-eight—the thirty-first day of March, One thousand nine hundred and thirty-nine ;

In respect of bounty for the year One thousand nine hundred and thirty-nine—the thirty-first day of March, One thousand nine hundred and forty ;

In respect of bounty for the year One thousand nine hundred and forty—the thirty-first day of March, One thousand nine hundred and forty-one :

Provided that where the Minister is satisfied that the circumstances of any case justify the payment of bounty for any year where the claimant has lodged an application after the date on or before which the application is to be lodged in respect of bounty for that year, payment of bounty may be made in respect of that application.

Offences.

9. A person shall not—

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

Penalty : One hundred pounds or imprisonment for one year.

Power to call
for information.

10.—(1.) The Minister, or any person thereto authorized in writing by him, may, by notice in writing, call upon any person to furnish to him within such time as is specified in the notice, such books and documents and such information as the Minister or that authorized person thinks necessary in relation to compliance with this Act or the regulations made thereunder or any suspected contravention thereof.

(2.) A person shall not, without reasonable excuse (proof whereof shall lie upon him) fail, after receipt of a notice under the last preceding sub-section, to comply with the requirements of the notice.

Penalty : One hundred pounds or imprisonment for one year.

(3.) Where any person who has so failed to furnish the books, documents or information is a claimant for bounty, the Minister may, if he thinks fit, withhold payment of any bounty payable to the claimant until he has furnished the required books, documents or information.

11. A report upon the working of this Act, and a return setting forth—

Return to be
laid before
Parliament.

(a) the amount of bounty paid under this Act ; and

(b) such other particulars as are prescribed,

shall be prepared in the month of November in each year following the year in respect of which bounty is payable, and shall be laid before each House of the Parliament within fifteen sitting days of that House after the thirtieth day of November in each of those years.

12. 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 offence against the regulations.

Regulations.

THE SCHEDULE.

Section 5.

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Description of Export Case or Export Box.	Inside measurement of Export Case or Export Box in inches.			Kind of Citrus Fruits for which Export Case or Export Box shall be used.	Rate of Bounty per Export Case or Export Box.		
	Length.	Depth.	Width.		Year 1938.	Year 1939.	Year 1940.
<i>From 1st January, 1938, to 14th March, 1938.</i>							
Orange case	24	11½	11½	Oranges or grape-fruit ..	Two shillings ..	..	..
Lemon case	25	10	13	Lemons	Two shillings ..	..	..
Australian bushel case ..	18	14½	8½-9	Oranges, lemons, grape-fruit or mandarins	One shilling and fourpence	..	..
Standard bushel case ..	18	10½	11½	Oranges, lemons, grape-fruit or mandarins	One shilling and fourpence	..	..
Half lemon case	25	5	13	Lemons or mandarins ..	One shilling ..	..	..
<i>From 15th March, 1938, to 30th June, 1938.</i>							
Citrus box	24	11½	11½	Citrus fruits	Two shillings ..	..	..
Australian bushel box ..	18	14½	8½-9	Oranges and mandarins ..	One shilling and fourpence	..	..
Standard bushel box ..	18	10½	11½	Oranges and mandarins ..	One shilling and fourpence	..	..
<i>From 1st July, 1938.</i>							
Citrus box	24	11½	11½	Citrus fruits	Two shillings ..	One shilling and sixpence	One shilling
Australian apple box ..	18	14½	8½-9	Oranges and mandarins ..	One shilling and fourpence	One shilling ..	Eightpence
Standard apple box ..	18	10½	11½	Oranges and mandarins ..	One shilling and fourpence	One shilling ..	Eightpence