

Dried Vine Fruits Stabilization

No. 74 of 1966

An Act to amend the *Dried Vine Fruits Stabilization Act 1964*.

[Assented to 29 October 1966]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Dried Vine Fruits Stabilization Act 1966*. Short title and citation.

(2.) The *Dried Vine Fruits Stabilization Act 1964** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Dried Vine Fruits Stabilization Act 1964–1966*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section 3 of the Principal Act is amended by inserting after the definition of “ the average return ” the following definition:— Definitions.

“ ‘ the Company ’ means The Dried Fruits Stabilization Committee Limited incorporated under the law of the State of Victoria relating to companies;”.

* Act No. 42. 1964.

Ascertainment
of average
return.

4.—(1.) Section 7 of the Principal Act is amended—

- (a) by omitting from sub-section (2.) the words “The amount” and inserting in their stead the words “Subject to the next succeeding sub-section, the amount”;
- (b) by omitting from paragraph (a) of that sub-section the words “total proceeds of” and inserting in their stead the words “net proceeds received from”;
- (c) by inserting after sub-section (2.) the following sub-section:—

“(2A.) The Minister may, in his discretion, determine the amount referred to in sub-section (1.) of this section by—

- (a) selecting such packing houses as, in his opinion, have packed between them a sufficient proportion of the packed currants, packed sultanas or packed raisins, as the case may be, of the season that have been sold to enable the average return per ton of fruit received for packing in relation to currants, sultanas or raisins, as the case may be, to be fairly ascertained by reference only to the operations of those packing houses; and
- (b) applying the provisions of the last preceding sub-section as if the packed currants, packed sultanas or packed raisins, as the case may be, of the season packed at those packing houses that have been sold were the whole of the packed fruit, of that kind, of the season that has been sold.”; and
- (d) by omitting from sub-section (4.) all the words from and including the words “the sale shall” to the end of the sub-section and inserting in their stead the words “the net proceeds received from the sale shall, for the purposes of determining the average return, be deemed to be such amount as the Minister determines would have been the net proceeds if the sale had been made at the appropriate minimum price so calculated”.

(2.) The amendments made by the last preceding sub-section shall be deemed to have come into operation on the day on which the Principal Act came into operation.

5. Section 9 of the Principal Act is repealed and the following section inserted in its stead:—

Payment of
bounty.

“9.—(1.) The bounty in respect of any fruit received for packing is payable to the grower of that fruit, and payment of the bounty may be effected in accordance with this section.

“(2.) The Minister may enter into an arrangement with the Company to perform the function of making payments of bounty on behalf of the Commonwealth in accordance with this section.

“(3.) Where an arrangement has been made under the last preceding sub-section, the total amount of all bounty payable under this Act in respect of currants, sultanas or raisins of a season received for packing shall be paid to the Company.

“(4.) Amounts received by the Company under the last preceding sub-section in respect of bounty on the production of fruit of any kind of a season—

- (a) shall be used only for the purpose of making payments to growers of bounty to which they are entitled in respect of fruit of that kind of that season; and
- (b) until so used shall be deemed to be money held in trust for the Commonwealth.

“(5.) For the purpose of making payments of bounty to growers in respect of any fruit, the Company may arrange for a packer to whom growers delivered any of that fruit to pay, as agent of the Company, to each of those growers the bounty payable to him, but payment of any moneys by the Company to a packer for the purposes of such an arrangement does not relieve the Company of its liability to account to the Commonwealth for so much of any moneys paid to the Company in accordance with sub-section (3.) of this section in respect of bounty to which the arrangement relates as exceeds the payments of that bounty that have been made to growers by the packer in accordance with the arrangement.

“(6.) An assignment of bounty is void as against the Commonwealth.

“(7.) Notwithstanding the last preceding sub-section, where—

- (a) an arrangement has been made between the Company and a packer in accordance with sub-section (5.) of this section;
- (b) moneys are paid by the Company to the packer in relation to bounty that is payable to a grower in respect of any fruit; and
- (c) the grower is indebted to the packer by reason of a loan or advance made to the grower by the packer and the grower has authorized the packer to retain moneys payable by him to the grower in respect of that fruit in or towards the discharge of that indebtedness,

the packer may apply the whole or a part of the moneys so paid by the Company to the packer in or towards the discharge of that indebtedness and, where the packer so applies an amount the

amount so applied shall, for the purposes of this Act, be deemed to have been received by the grower from the packer as bounty in respect of that fruit.

“(8.) The provisions of sub-sections (2.) to (7.) (inclusive) of this section apply in relation to the making of payments under section twelve of this Act as if an amount payable to a grower under that section in relation to charge paid in respect of any fruit were an amount of bounty payable to the grower in respect of that fruit.”.

Offences.

6. Section 14 of the Principal Act is amended—

(a) by omitting paragraph (c) of sub-section (1.) and inserting in its stead the following paragraph:—

“(c) in connexion with this Act, present to an officer or other person (including the Company) doing duty or performing functions in relation to this Act or the regulations an account, book or document, or make or furnish to such an officer or person a statement or return, that is false or misleading in a material particular.”; and

(b) by inserting in sub-section (2.), after the word “bounty”, the words “, or any moneys in respect of bounty,”.

**Amendments
in relation
to decimal
currency.**

7. The Principal Act is amended as set out in the Schedule to this Act.

THE SCHEDULE

Section 7.

AMENDMENTS IN RELATION TO DECIMAL CURRENCY

Provisions amended	Omit—	Insert—
Section 3	Five pounds	Ten dollars
Section 12 (1.) (a) ..	Five hundred thousand pounds	One million dollars
Section 12 (1.) (b) ..	Two million pounds	Four million dollars
Section 12 (1.) (c) ..	Five hundred thousand pounds	One million dollars
Section 14 (1.) ..	Five hundred pounds	One thousand dollars
Section 16	One hundred pounds	Two hundred dollars
Section 17	One hundred pounds	Two hundred dollars
Section 19	One hundred pounds	Two hundred dollars
Section 20 (c) ..	One hundred pounds	Two hundred dollars