

DRIED VINE FRUITS EQUALIZATION ACT 1978

No. 195 of 1978

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DRIED VINE FRUITS EQUALIZATION ACT 1978

No. 195 of 1978

An Act to provide for an equalization scheme in respect of the proceeds of sales of dried vine fruits, and for related purposes.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

1. This Act may be cited as the *Dried Vine Fruits Equalization Act* Short title 1978.¹

2. This Act shall come into operation on 1 January 1979.

Commence-
ment

3. (1) In this Act, unless the contrary intention appears—

Interpret-
ation

“assessed export return”, in relation to any dried fruit to which a separate account relates, means the assessed export return determined under section 16 with respect to that dried fruit;

“authorized person” means, for the purposes of a provision of this Act, or of the Levy Act, in which the expression occurs, a person who is, by virtue of an appointment under section 30 of this Act, an authorized person for the purposes of that provision;

“average export return”, in relation to any dried fruit to which a separate account relates, means the amount per tonne calculated under section 17 to be the average export return in respect of all export sales of that dried fruit;

“Corporation” means the Australian Dried Fruits Corporation constituted under the *Australian Dried Fruits Corporation Act* 1978;

“currants” means dried grapes of the following varieties:

- (a) Carina;
- (b) Corinth;
- (c) Zante;
- (d) any other variety prescribed for the purposes of this definition;

“dried fruit” means—

- (a) currants;
- (b) sultanas; and
- (c) raisins;

“equalization payment” means an equalization payment under section 21;

“export sale”, in relation to exported dried fruit, means—

- (a) in the case of exported dried fruit to which paragraph (a) of the definition of “exported dried fruit” in this subsection applies—the sale referred to in whichever of subparagraphs (i) and (ii) of that paragraph is applicable; and
- (b) in the case of exported dried fruit to which paragraph (b) of that definition applies—the sale referred to in that paragraph, not being a re-sale referred to in subparagraph (i) or (ii) of that paragraph;

“exported dried fruit” means—

- (a) packed dried fruit other than packed dried fruit to which paragraph (b) applies that—
 - (i) has, as dried fruit for human consumption, been sold in Australia for delivery to a place outside Australia or for delivery to a ship or aircraft for export from Australia, and has been exported from Australia in accordance with the terms of the contract of sale; or
 - (ii) has, as dried fruit for human consumption, been exported from Australia for the purposes of sale outside Australia and has been so sold; or
- (b) packed dried fruit that has, as dried fruit for human consumption, been sold in Australia—
 - (i) for re-sale in Australia for delivery to a place outside Australia, or for delivery to a ship or aircraft for export from Australia; or
 - (ii) for export from Australia for the purpose of re-sale outside Australia;

“Fund” means the Dried Vine Fruits Equalization Fund;

“levy” means an amount of levy imposed by the Levy Act, and includes a penalty under section 12 of this Act;

“Levy Act” means the *Dried Vine Fruits Equalization Levy Act* 1978;

“month” means a month of the year;

“packer” includes the personal representatives of a deceased packer;

“producer” includes the personal representatives of a deceased producer;

“raisins” means dried grapes other than currants or sultanas;

“season” means the period of 12 months commencing on 1 January 1979 and each succeeding period of 12 months;

“separate account” means a separate account kept in the Fund in accordance with sub-section 6(1);

“sultanas” means dried grapes of the following varieties:

- (a) Sultana;
- (b) any other variety prescribed for the purposes of this definition.

(2) A reference in Parts II, IV and V to dried fruit does not include a reference to dried fruit that is, by virtue of section 8 of the Levy Act, exempt from levy.

(3) Where—

- (a) any dried fruit, being raisins packed for human consumption, is supplied by the person who packed the dried fruit to another person; and
- (b) that other person acquires the dried fruit for the purpose of removing the seeds from the dried fruit before it is supplied for human consumption,

then, for the purposes of this Act and of the Levy Act—

- (c) the supply of the dried fruit by the first-mentioned person to that other person shall be deemed not to be a supply to that other person of packed dried fruit for human consumption;
- (d) the first-mentioned person shall be deemed not to be the packer of the dried fruit; and
- (e) that other person shall be deemed to be the packer of the dried fruit.

PART II—EQUALIZATION FUND

4. (1) A fund is hereby established to be known as the Dried Vine Fruits Equalization Trust Fund.

Dried Vine
Fruits
Equalization
Trust Fund

(2) The Fund is vested in the Corporation.

5. (1) There shall be paid to the Corporation to be credited to the Fund, out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to the levy received by the Commonwealth from time to time.

Payments
into Fund

(2) There shall be credited to the Fund—

- (a) moneys paid by any person to the Corporation for the purposes of the Fund, including moneys paid by virtue of an arrangement under section 18;
- (b) moneys repaid to, or recovered by, the Corporation under sub-section 19 (2) or 22 (6); and
- (c) interest received by the Corporation from the investment of moneys of the Fund.

Separate
accounts to
be kept in
Fund

6. (1) The following separate accounts shall be kept in the Fund:
- (a) an account in respect of currants produced during each season;
 - (b) an account in respect of sultanas produced during each season;
 - (c) an account in respect of raisins produced during each season.

(2) There shall be credited to a separate account any moneys credited to the Fund under sub-section 5 (1) that were paid by the Commonwealth to the Corporation by reason of the receipt by the Commonwealth, from time to time, of levy in respect of the dried fruit to which the account relates.

(3) Where moneys referred to in sub-section 5 (2) are credited to the Fund, the Corporation shall direct the crediting of the moneys to the appropriate separate account or accounts.

(4) Where moneys of the Fund have been invested, the Corporation shall direct the crediting of any amount of interest paid to the Corporation in respect of the moneys so invested among each of the separate accounts having regard to the proportion of the moneys so invested that is credited to that account.

Application
of Fund

7. (1) Subject to this section, moneys standing to the credit of the Fund may be expended in making—

- (a) equalization payments or advances on account of equalization payments;
- (b) payments under sub-section 14 (3);
- (c) payments of a kind referred to in paragraph 18 (2) (c); and
- (d) payments by the Corporation for the purposes of sub-section 19 (4).

(2) A payment or advance referred to in sub-section (1) shall be debited to the separate account that relates to the dried fruit to which the payment relates.

Moneys of
Fund to be
kept in
separate
bank
account

8. The Corporation shall open and maintain a separate bank account for the purposes of the Fund and shall pay into that bank account all moneys received by the Corporation that are to be credited to the Fund and shall draw from that bank account all moneys that are expended from the Fund.

Investment
of moneys of
Fund

9. Moneys of the Fund may be invested by the Corporation—

- (a) in interest-bearing deposits with an approved bank;
- (b) in any securities of, or guaranteed by, the Commonwealth or a State;
- (c) by way of loan to a corporation, being a corporation declared by the Reserve Bank for the purposes of regulations in force under the *Banking Act* 1959 to be an authorized dealer in the short-term money market, upon the security of securities of the Commonwealth; or

- (d) in any other manner approved by the Minister for Finance.

PART III—COLLECTION OF LEVY

10. (1) Levy imposed on any dried fruit becomes due and payable— Time for
payment of
levy

- (a) in the case of dried fruit that, in the course of being supplied to a person as packed dried fruit for human consumption, has ceased to be in the custody of the packer before the expiration of the period that is the prescribed period after the end of the season in which that dried fruit was produced—on the expiration of 14 days after the last day of the month immediately following the month in which the dried fruit so ceased to be in the custody of the packer; or
- (b) in the case of any other dried fruit—on the expiration of 14 days after the last day of the period that is the prescribed period after the end of the season in which that dried fruit was produced.

(2) In this section—

“levy” does not include a penalty under section 12;

“prescribed period” means—

- (a) in relation to dried fruit of a class in respect of which a period is prescribed for the purposes of this definition (whether that period is prescribed in respect of dried fruit generally or a prescribed class or prescribed classes of dried fruit)—the period so prescribed; or
- (b) in relation to dried fruit of a class in respect of which a period is not prescribed for the purposes of this definition—6 months.

11. (1) For the better securing of the payment of levy, the packer of any packed dried fruit is liable to pay to the Commonwealth, on behalf of the producer, an amount equal to any levy on the dried fruit that has become payable by the producer but has not been paid to the Commonwealth by or on behalf of the producer or recovered from the producer by the Commonwealth. Liability of
packer

(2) Notwithstanding any law of a State or Territory or any agreement to the contrary, the packer of any packed dried fruit may, for the purpose of providing the packer with the funds necessary for the due payment by the packer, on behalf of the producer, of an amount (in this sub-section referred to as the “amount of the packer’s liability”) that may become payable by the packer under sub-section (1) in respect of levy payable on the dried fruit, deduct from any moneys payable by him to the producer, or received by him on behalf of the producer, in respect of the sale of that dried fruit an amount equal to the amount of, or the amount that may reasonably be expected to be the amount of, the

packer's liability and, if an amount is so deducted, the producer is, upon that levy becoming payable, discharged from liability to pay that levy to the extent of the amount so deducted, but the liability of the packer under sub-section (1) is not affected.

(3) Where, under sub-section (1), an amount in respect of levy payable by the producer of any dried fruit is paid on behalf of the producer by, or is recovered by the Commonwealth from, the packer—

- (a) the producer is, to the extent of the amount so paid or recovered, discharged from so much of his liability to the Commonwealth to pay that levy as has not previously been discharged by virtue of sub-section (2); and
- (b) the packer may recover from the producer, by set-off or otherwise, the amount so paid by, or recovered from, the packer in respect of that levy to the extent that that amount exceeds the amount of moneys (if any) with which the packer has been provided for the purpose of providing the packer with funds for the payment by the packer, on behalf of the producer, of an amount in respect of the levy.

(4) Notwithstanding any law of a State or Territory or any agreement entered into before the commencement of this Act, a packer of dried fruit may refuse to pack any dried fruit on which levy may become payable unless the producer of the dried fruit provides the packer with the funds necessary for the due payment, on behalf of the producer, of that levy.

(5) Where the Minister is satisfied that, by reason of special circumstances, it would be unreasonable to require the packer of any dried fruit to pay, or to pay in full, an amount payable by him under sub-section (1), the Minister may release him in whole or in part from his liability, or, if the packer has been provided with funds necessary for the due payment by him of an amount in respect of his liability, the Minister may release him in whole or in part from his liability to the extent that the amount of that liability exceeds the amount of those funds, but, subject to sub-section (2), such a release does not affect any liability of the producer.

(6) In this section—

- (a) a reference to levy shall be read as including a reference to an amount that has become payable by way of penalty under sub-section 12 (1) by reason of default in payment of that levy; and
- (b) a reference to a packer shall be read as not including a reference to a packer of packed dried fruit who is also the producer of that dried fruit.

12. (1) Subject to this section, where the liability of the producer of any dried fruit to pay levy is not discharged at or before the time when that levy is due and payable, there is payable by him to the Commonwealth by way of penalty, in addition to that levy, an amount calculated at the rate of 10% per annum upon that levy or upon that part of that levy from time to time remaining unpaid, to be computed from the time when that levy became due and payable. Penalty for non-payment

(2) Where—

- (a) the packer of any packed dried fruit has, in pursuance to sub-section 11 (2), made a deduction, in respect of levy payable on the dried fruit, from an amount payable by the packer to the producer in respect of that dried fruit; and
- (b) the packer has not, at or before the time when, under section 10, the levy becomes due and payable by the producer, paid to the Commonwealth, on behalf of the producer, the whole or any part of the amount so deducted,

there is payable by the packer to the Commonwealth by way of penalty, in addition to the amount payable by the packer to the Commonwealth under sub-section 11 (1), an amount calculated at the rate of 10% per annum upon the amount of the deduction, or so much of that amount as has not been paid to the Commonwealth, to be computed from the time when the levy became due and payable.

(3) The Minister or, subject to sub-section (4), an authorized person may, in a particular case, for reasons that the Minister or the authorized person, as the case may be, in his discretion thinks sufficient, remit the whole or a part of an amount payable under this section.

(4) A remission granted under sub-section (3) by an authorized person shall not exceed \$500.

13. The following amounts may be recovered by the Commonwealth as debts due to the Commonwealth: Recovery of levy

- (a) levy that is payable;
- (b) an amount that is payable to the Commonwealth under section 11;
- (c) an amount that is payable by way of penalty under section 12.

14. (1) Where—

- (a) in respect of any dried fruit to which a certificate under sub-section 5 (2) of the Levy Act relates; or
- (b) in respect of any dried fruit that is, by virtue of section 8 of that Act, exempt from levy,

Refund of
levy

there has been paid to the Commonwealth an amount equal to the levy that, but for the operation of that sub-section, or but for the exemption, as the case may be, would be payable in respect of that dried fruit, an amount equal to that amount shall be refunded by the Commonwealth.

(2) Where any levy has been overpaid, the amount overpaid shall be refunded by the Commonwealth.

(3) Where—

- (a) an amount of levy has been refunded by the Commonwealth in accordance with sub-section (1) or (2); and
- (b) the amount so refunded has been taken into account in calculating the amount of a payment under sub-section 5 (1),

the Corporation shall pay to the Commonwealth an amount equal to the amount so refunded.

PART IV—EXPORT SALES

Export, &c.,
of dried fruit
prohibited
unless
arrangement
in force

15. (1) A person other than the Corporation shall not export, or cause to be exported, packed dried fruit from Australia unless—

- (a) the person is a party to an arrangement with the Corporation entered into under section 18; or
- (b) the person has purchased that dried fruit from a person who is a party to such an arrangement.

(2) A person other than the Corporation shall not sell packed dried fruit to another person—

- (a) for re-sale by that other person in Australia for delivery to a place outside Australia, or for delivery to a ship or aircraft for export from Australia; or
- (b) for export by that other person from Australia for the purpose of re-sale outside Australia,

unless the first-mentioned person is a party to an arrangement with the Corporation under section 18.

Penalty: \$1,000.

Assessed
export return

16. (1) For the purposes of this Act, the Minister may, by instrument in writing, determine, with respect to dried fruit to which a separate account relates, an assessed export return, being an amount per tonne that, in his opinion, will be the average return in respect of all export sales of that dried fruit.

(2) A determination, under sub-section (1), of an assessed export return with respect to dried fruit to which a separate account relates may be made at any time during the season to which that account relates, but, before making such a determination, the Minister shall take into account any recommendations made by the Corporation with respect to the determination.

17. (1) The Corporation shall, as soon as practicable after the end of a season, calculate the amount per tonne that is the average export return in respect of all export sales by or on behalf of a person of exported dried fruit, being dried fruit to which a separate account relating to that season relates, in accordance with the formula $\frac{a-b}{c}$ where—

Average
export return

- a* is the total amount, free of all deductions, receivable by the person in respect of all those sales;
- b* is the total amount of all deductions that may, with the approval of the Corporation, be made from the amount ascertained as the value of factor *a* in relation to all those export sales; and
- c* is the total quantity, in tonnes, of the dried fruit the subject of all those sales.

(2) The Corporation shall, as soon as practicable after it has, under sub-section (1), calculated the average export return in respect of all export sales of any exported dried fruit, send by post to the person by whom or on whose behalf those sales were made, a notice, in writing, to that effect specifying the amount of that return.

18. (1) The Corporation may enter into an arrangement with a person (in this section referred to as the “exporter”) for the purposes of section 15.

Arrange-
ments

(2) The arrangement shall provide that—

- (a) the exporter shall, within the period of 30 days, or within such further period (if any) as the Corporation, upon application made to it before the expiration of that period of 30 days, allows, after an export sale by him or on his behalf of exported dried fruit, being dried fruit to which a separate account relates, furnish the Corporation with particulars, in writing, of that sale;
- (b) where the average export return in respect of all export sales of exported dried fruit made by or on behalf of the exporter, being dried fruit to which a separate account relates, exceeds the assessed export return in respect of dried fruit to which that account relates, the exporter shall, within the period of 30 days after the receipt by him of a notice under sub-section 17 (2) with

respect to the amount of that average export return, pay to the Corporation, for crediting to that account, an amount ascertained by multiplying the excess by the number of tonnes of the dried fruit the subject of those sales; and

- (c) where the assessed export return in respect of dried fruit to which a separate account relates exceeds the average export return in respect of all export sales made by or on behalf of the exporter of exported dried fruit, being dried fruit to which that account relates, the Corporation shall, within the period of 30 days after the calculation of that average export return, pay to the exporter an amount ascertained by multiplying the excess by the number of tonnes of the dried fruit the subject of those sales.

(3) The exporter may, at any time during a season, by notice in writing to the Corporation, revoke the arrangement but, notwithstanding the revocation, this Act and the arrangement continue to apply to and in relation to him in respect of dried fruit produced before the end of that season and sold by him or on his behalf.

(4) Where the exporter does not pay to the Corporation an amount that he is, by virtue of the arrangement, required to pay to the Corporation within the period within which he is, under the arrangement, required to pay the amount, the amount shall be deemed to be a debt due and payable to the Corporation.

Certain
amounts to
be passed on
to producers

19. (1) Where, by virtue of an arrangement under section 18, the Corporation makes to the other party to the arrangement a payment of a kind referred to in paragraph 18(2)(c) in respect of exported dried fruit, being dried fruit to which a separate account relates, that other party shall take such action as is necessary to ensure that the benefit of that payment is passed on, in an equitable manner, to the producers of that dried fruit.

(2) Where, in relation to a particular payment to which sub-section (1) relates, a person fails to comply with that sub-section, the amount of that payment is repayable to the Corporation on demand in writing by the Corporation and, if not paid within 3 months after the demand, shall be deemed to be a debt due to the Corporation.

(3) Where the Minister has reason to believe that a person who is in receipt of payments to which sub-section (1) relates is not complying with that sub-section with respect to those payments, he may, by writing signed by him, direct that the person is not to be paid any further payments while the direction is in force.

(4) Where—

- (a) the amount of a payment to which sub-section (1) relates is repaid to, or recovered by, the Corporation under sub-section (2); or

- (b) but for a direction in force under sub-section (3), the Corporation would be liable to make a payment of that kind,

the Corporation shall take such action as is necessary to ensure, as far as practicable, that the benefit of an amount equal to that payment is passed on, in an equitable manner, to the producers of the dried fruit to which the payment relates.

20. Where, after an arrangement has been entered into under section 18 in respect of exported dried fruit produced during a season, dried fruit of the kind or class in which that exported dried fruit is included that is produced during that season is exempted from levy under section 8 of the Levy Act, the arrangement ceases to have effect in relation to that exported dried fruit.

Arrange-
ments to
cease to have
effect in
certain
circum-
stances

PART V—EQUALIZATION PAYMENTS

21. Subject to this Act, an equalization payment is payable in respect of the production of dried fruit to which a separate account relates.

Equalization
payments

22. (1) The Minister shall, at the time that he thinks appropriate, determine, in accordance with this section, a rate of equalization payment in respect of dried fruit to which a separate account relates.

Rates of
equalization
payments

(2) The rate of an equalization payment is the amount per tonne ascertained in accordance with the formula $\frac{a-b}{c}$, where—

a is the aggregate of the amounts credited to the separate account in accordance with section 6;

b is the aggregate of payments referred to in paragraphs 7 (1) (b), (c) and (d) that have been debited to the separate account; and

c is the number of tonnes of eligible dried fruit to which the separate account relates.

(3) In sub-section (2), “eligible dried fruit” means dried fruit that has been—

(a) packed in Australia before the end of the period that is, for the purposes of section 10, the prescribed period in relation to the season to which the relevant account relates; and

(b) supplied, after packing, by one person to another as packed dried fruit for human consumption.

(4) The Minister may, from time to time, fix an interim rate of equalization payment in respect of dried fruit to which a separate account relates, having regard to—

(a) the anticipated amount of levy to be collected in respect of that dried fruit;

- (b) the anticipated amounts (if any) to be credited or debited to that separate account as the result of export sales of exported dried fruit;
- (c) the anticipated level of production in Australia of that dried fruit;
- (d) any recommendation with respect to an interim rate of equalization payment for that dried fruit that is made to the Minister by the Corporation; and
- (e) any other matters that the Minister considers relevant.

(5) Advances on account of an equalization payment may be paid at the appropriate interim rate fixed by the Minister under sub-section (4).

(6) Where the advance, or the aggregate of the advances, paid to a person on account of an equalization payment exceeds the amount of that equalization payment, the amount of the excess is repayable to the Corporation on demand in writing by the Corporation and, if not paid within 3 months after the demand, shall be deemed to be a debt due and payable to the Corporation.

Equalization
payments
payable to
producers

23. (1) Subject to this Act, an equalization payment in respect of any dried fruit is payable to the producer of the dried fruit.

(2) A producer of dried fruit is not entitled to receive payment of an equalization payment in respect of the dried fruit unless the dried fruit—

- (a) was packed in Australia before the end of the period that is, for the purposes of section 10, the prescribed period in relation to the season during which it was produced; and
- (b) was supplied, after packing, by one person to another as packed dried fruit for human consumption.

Assignment
of
equalization
payment
void

24. An assignment of an equalization payment in respect of any dried fruit, otherwise than to the packer of the dried fruit, is void as against the Corporation.

Payments to
packer for
payment to
producer

25. (1) For the purposes of making equalization payments in respect of dried fruit, the Corporation may arrange for the packer of the dried fruit to pay, as agent of the Corporation, to each of the producers of the dried fruit the equalization payment payable to that producer, and payment may be made by the Corporation to the packer in accordance with the arrangement.

(2) Money paid to a packer under this section shall, until it is distributed in accordance with the arrangement under which it is paid, be deemed to be money held in trust for the Corporation.

(3) Where—

- (a) an arrangement has been made between the Corporation and a packer in accordance with sub-section (1) of this section;
- (b) moneys are paid by the Corporation to the packer as an equalization payment that is payable to the producer of any dried fruit; and
- (c) the producer is indebted to the packer—

- (i) for any costs or charges payable by the producer to the packer in connection with the packing of that dried fruit;
 - or

- (ii) by reason of a loan or advance made to the producer by the packer,

and the producer has authorized the packer to retain moneys payable by him to the producer in respect of that dried 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 Corporation to the packer in or towards the discharge of that indebtedness and, when 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 producer from the packer as an equalization payment in respect of that dried fruit.

PART VI—MISCELLANEOUS

26. An authorized person may, by notice in writing, require a person to furnish to him, within the time specified in the notice, such return or information in relation to matters relevant to the operation of this Act as is specified in the notice, including a return or information verified by statutory declaration. Power to call
for returns,
&c.

27. (1) An authorized person may, with the consent of the occupier of any premises, enter the premises for the purpose of exercising the functions of an authorized person under this section. Access to
premises

(2) Where an authorized person has reason to believe that—

- (a) premises are premises in which dried fruit is produced or stored;
- or

- (b) there are on premises examinable documents,

the authorized person may make application to a Justice of the Peace for a warrant authorizing the authorized person to enter the premises for the purpose of exercising the functions of an authorized person under this section.

(3) If, on an application under sub-section (2), the Justice of the Peace is satisfied, by information on oath or affirmation—

- (a) that there is reasonable ground for believing that—

- (i) the premises to which the application relates are premises in which dried fruit is produced or stored; or
- (ii) there are on those premises any examinable documents; and

- (b) that the issue of the warrant is reasonably required for the purposes of this Act,

the Justice of the Peace may grant a warrant authorizing the authorized person, with such assistance as he thinks necessary, to enter the premises, during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the functions of an authorized person under this section.

(4) Where an authorized person has entered any premises in pursuance of sub-section (1) or in pursuance of a warrant granted under sub-section (3), he may exercise the functions of an authorized person under this section.

(5) A person shall not, without reasonable excuse, obstruct or hinder an authorized person acting in pursuance of sub-section (1) or in pursuance of a warrant granted under sub-section (3).

Penalty: \$1,000.

(6) The functions of an authorized person under this section are—

- (a) to search for, examine and take stock of any dried fruit; and
- (b) to search for, inspect, take extracts from and make copies of any examinable documents.

(7) In this section, “examinable documents” means—

- (a) any books, documents or papers relating to financial dealings between a packer and persons who supply dried fruit to the packer; or
- (b) any books, documents or papers relating to the production, packing, storage, supply (including sale), purchase or export of dried fruit.

Offences in
relation to
returns, &c.

28. (1) A person shall not fail or neglect duly to furnish a return or information that he is required to furnish under this Act, the regulations or an arrangement under section 18.

(2) A person shall not present to an officer or other person doing duty in relation to this Act, the regulations or an arrangement under section 18, 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.

Penalty: \$500.

Averments

29. In proceedings for the recovery by the Commonwealth of a debt referred to in section 13, a statement or averment in the complaint, claim

or declaration of the plaintiff is *prima facie* evidence of the matter so stated or averred.

30. The Minister may, by writing signed by him, appoint a person, or persons included in a class of persons, to be an authorized person or authorized persons, as the case may be, for the purposes of a specified provision of this Act or of the Levy Act. Appointment
of authorized
persons

31. Applications may be made to the Administrative Appeals Tribunal for review of— Review of
decisions

- (a) decisions made by the Minister for the purposes of sub-section 11 (5), 12 (3) or 19 (3);
- (b) decisions made by an authorized person for the purposes of sub-section 12 (3); and
- (c) decisions made by an authorized person for the purposes of sub-section 5 (2) of the Levy Act.

32. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act or for facilitating the collection or recovery of amounts of levy and, in particular— Regulations

- (a) providing for the manner of payment of levy;
- (b) requiring packers to keep records relating to the packing of dried fruit and to the production, storage, supply (including sale), purchase or export of dried fruit;
- (c) requiring persons to furnish returns for the purposes of this Act, including returns to the Corporation;
- (d) providing that an equalization payment is not to be payable, or that payment of an equalization payment may be withheld, where a provision of the regulations has not been complied with; and
- (e) prescribing penalties not exceeding a fine of \$500 for offences against the regulations.

NOTE

1. Act No. 195, 1978; assented to 6 December 1978.