

DRIED FRUITS ADVANCES.

No. 13 of 1926.

An Act to amend the *Dried Fruits Advances Act*
1924.

[Assented to 26th March, 1926.]

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

Short title and
citation.

1.—(1) This Act may be cited as the *Dried Fruits Advances Act* 1926.

(2.) The *Dried Fruits Advances Act* 1924* 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 Fruits Advances Act* 1924–1926.

Repayment of
advances.

2. Section ten of the Principal Act is amended—

- (a) by inserting in sub-section (2.) thereof after the word “ shall ” the words “ , subject to this section,” ;
- (b) by inserting in sub-section (3.) thereof after the word “ shall ” the words “ , subject to this section,” ;
- (c) by inserting therein, after sub-section (3.), the following sub-section :—

“ (3A.) Where, in the opinion of the Minister, it is undesirable or impracticable that the amount of any advance made under this Act should be repaid out of the proceeds of the sale of the dried fruits produced in the year One thousand nine hundred and twenty-five by the grower to whom the advance was made, he may, upon such terms and conditions as he thinks fit, release the proceeds of the sale of those dried fruits from the charge imposed by sub-section (2.) of this section, and notify the grower that the repayment of half the amount of the advance shall be a charge upon the proceeds of the sale of the dried fruits produced by that grower during the year

* Act No. 20, 1924.

One thousand nine hundred and twenty-six and the repayment of the remainder of the advance shall be a charge upon the proceeds of the sale of the dried fruits produced by that grower during the year One thousand nine hundred and twenty-seven, and thereupon the repayment of the advance shall to the extent so notified become a charge upon the proceeds of those dried fruits after the costs of production and marketing (not exceeding such amount as the Minister determines) of those dried fruits have been provided for.

“(3B.) Where, in pursuance of the last preceding sub-section, the proceeds of the sale of the dried fruits produced by a grower in the year One thousand nine hundred and twenty-five are released from the charge imposed by sub-section (2.) of this section, and dried fruits produced by the grower during the years One thousand nine hundred and twenty-six and One thousand nine hundred and twenty-seven are delivered to a packing organization or export merchant approved by the Minister, the organization or merchant shall repay to the Commonwealth, or where the advance has been made by a banking corporation in pursuance of an arrangement made 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 under the last preceding sub-section, the amount of the advance paid to the grower with interest in accordance with the provisions of this Act.”;

- (d) by omitting from sub-section (4.) thereof the words “ preceding sub-section ”, and inserting in their stead the words “ three preceding sub-sections ”; and
- (e) by inserting in sub-section (5.) thereof, after the word and number “ sub-section (3.) ”, the word and number “ or (3B.) ”.

3. After section ten of the Principal Act the following sections are inserted :—

“10A.—(1.) For the purpose of this Act there shall be a Board consisting of three members who shall be appointed by the Minister and shall hold office during his pleasure.

Board to deal with applications for release.

“(2.) The Minister shall appoint one member of the Board to be the Chairman and another member to be the Deputy Chairman.

“(3.) Two members of the Board shall form a quorum.

“(4.) The Chairman shall preside at meetings of the Board.

“(5.) In the absence of the Chairman from any meeting the Deputy Chairman shall preside.

“10B. The members of the Board appointed under this Act shall receive such remuneration as is fixed by the Governor-General, and the Consolidated Revenue Fund is to the necessary extent hereby appropriated accordingly.

Remuneration of members of the Board.

Power to send
for witnesses
and documents.

“ 10c. The Chairman of the Board may by writing under his hand summon any person to attend the Board at a time and place named in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which he is required by the summons to produce.

Duty of witness
to continue in
attendance.

“ 10d. Every witness who has been summoned to attend the Board shall appear and report himself from day to day unless excused by the Chairman or Deputy Chairman or until he is released from further attendance by the Chairman or Deputy Chairman.

Power to
examine upon
oath.

“ 10e. The Chairman or Deputy Chairman of the Board may administer an oath to any person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath.

Affirmation in
lieu of oath.

“ 10f.—(1.) Where any witness to be examined by the Board conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions put to him.

“(2.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

Penalty for
failing to
attend or
produce
documents.

“ 10g. If any person served with a summons to attend the Board, when the summons is served personally, fails without reasonable excuse to attend the Board, or to produce any documents, books or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence.

Penalty: Fifty pounds.

Penalty for
refusing to be
sworn or
to give
evidence.

“ 10h. If any person appearing as a witness before the Board refuses to be sworn or to make an affirmation or to answer any question relevant to the investigation or proceeding put to him by any member of the Board he shall be guilty of an offence.

Penalty: Fifty pounds.

Giving false
testimony.

“ 10i. Any witness before the Board who knowingly gives false testimony touching any matter material to any investigation or proceeding before the Board shall be guilty of an indictable offence.

Penalty: Imprisonment for two years.

Applications
for release.

“ 10j. A grower who has not received from the proceeds of the sale of his dried fruits produced in the year One thousand nine hundred and twenty-five an amount sufficient to repay any advance made to him under this Act and provide for the maintenance of himself and his family, may apply to the Board in the form prescribed, on or before the first day of September One thousand nine hundred and twenty-six, for release, either wholly or in part, from his indebtedness in respect of the advance.

Duties of
Board.

“ 10k.—(1.) The Board shall consider applications made under the last preceding section from growers to whom advances have been made under this Act and shall report to the Minister thereon.

“(2.) The Board may, if it thinks fit, defer the making of a report under the last preceding sub-section in respect of any grower until the proceeds of the sale of the dried fruits produced by that grower during the years One thousand nine hundred and twenty-six and One thousand nine hundred and twenty-seven are ascertained.

“10L. Notwithstanding anything contained in this Act the Minister may, upon receipt of a report from the Board appointed under this Act, release any grower either wholly or in part from his indebtedness in respect of an advance made to him under this Act.”.

Release by
Minister.

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

“14. A return setting forth the total amount of advances respectively paid under this Act in the case of dried currants, dried sultanas and dried lexias, shall be laid before both Houses of the Parliament within thirty days after the commencement of this section.”.

Return to be
laid before
Parliament.