
FLAX AND LINSEED BOUNTIES.

No. 45 of 1930.

An Act to provide for the payment of Bounties on
the Production of Flax and Linseed.

[Assented to 18th August, 1930.]

BE it enacted by the King's Most Excellent Majesty, the Senate, Preamble.
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 :—

1. This Act may be cited as the *Flax and Linseed Bounties Act* Short title.
1930.

Definitions.

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

“appointed place” means a place appointed by the Minister, by writing under his hand, to be a place where flax may be manufactured or linseed may be extracted from the flax plant, and such flax or linseed may be weighed, examined and otherwise dealt with for the purposes of this Act;

“flax” means the cleaned, combed fibre of the flax plant prepared by retting, or by mechanical or other processes;

“flax plant” means a flax plant of the genus *Linum Usitatissimum*;

“linseed” means the seed of the flax plant;

“production,” in relation to flax, means the manufacture of flax from flax plants and, in relation to linseed, means the extraction of linseed from such plants, but does not include the growing of such plants.

Appropriation.

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

Specification of bounties.

4. The bounties under this Act shall be payable on the production of either flax or linseed which—

(a) has been produced from flax plants grown in Australia from seed of varieties approved by the Minister; and

(b) has been delivered from an appointed place, on or after the first day of March, One thousand nine hundred and thirty and on or before the twenty-eighth day of February, One thousand nine hundred and thirty-five.

Limit of annual amount of bounties.

5.—(1.) The total amount of bounties authorized to be paid under this Act in any one financial year shall not exceed the sum of Twenty thousand pounds.

(2.) When the maximum amount of bounty which may be paid in any financial year has not been paid in that financial year, the unpaid balance, or any part thereof, may be paid in any subsequent financial year at the rate applicable to that year, in addition to the maximum amount for that year.

Rates of bounty.

6.—(1.) The bounties payable under this Act shall be—

(a) on flax and linseed produced on or after the first day of March, One thousand nine hundred and thirty, and on or before the twenty-ninth day of February, One thousand nine hundred and thirty-two—fifteen per centum of the market value of the flax or linseed;

(b) on flax and linseed produced on or after the first day of March, One thousand nine hundred and thirty-two, and on or before the twenty-eighth day of February, One thousand nine hundred and thirty-four—ten per centum of the market value of the flax or linseed; and

(c) on flax and linseed produced on or after the first day of March, One thousand nine hundred and thirty-four, and on or before the twenty-eighth day of February, One thousand nine hundred and thirty-five—seven and one-half per centum of the market value of the flax or linseed.

(2.) For the purposes of this Act, the market value of flax or linseed shall be the net cash selling value, exclusive of the value of casing and packing, of the flax or linseed at the time and place of delivery from an appointed place, and shall be ascertained and determined in the prescribed manner.

7. The bounties shall, subject to this Act, be payable to the producer of flax or linseed.

To whom bounties payable.

8.—(1.) Every claimant of bounties under this Act shall supply with his claim a certificate stating the quantity of flax plants purchased by him from each grower thereof during the twelve months immediately preceding the date of such claim, and the name and address of each grower of, and the amount per ton paid to each grower for, such flax plants.

Conditions of payment of bounties.

(2.) Before any claim for bounty is paid, the Minister may require the claimant to furnish, and the claimant shall thereupon furnish, such information as to the correctness or otherwise of the certificates supplied in accordance with the last preceding sub-section as the Minister deems necessary.

9. No bounties shall be payable unless the Minister is satisfied that the grower of any flax plants used in the production of the flax or linseed in respect of which bounties are claimed has received or will receive a price or an amount for such flax plants which in the opinion of the Minister is a reasonable price or amount.

Prices of flax plants used in production.

10. No bounty shall be paid on any flax or linseed unless it is of good and merchantable quality.

Flax or linseed to be of good quality.

11. No bounties shall be authorized to be paid unless the producer furnishes proof to the satisfaction of the Minister that the requirements of this Act and the regulations have been complied with.

Bounties not payable unless Act complied with.

12. If, after inquiry and report by the Tariff Board, the Minister is of opinion that flax or linseed on the production of which bounty has been paid to any person, is not being sold at a reasonable price having regard to the costs of production and sale, and to the fact that bounty on the production of flax or linseed is provided by this Act, the Minister may withhold payment of any further bounty claimed by that person or as much thereof as he thinks fit or may require that person to refund the amount of bounty so paid which shall thereupon become a debt due and payable by that person to the Commonwealth.

Reasonable selling prices.

Reduction of
bounties where
profits exceed
ten per
centum.

13.—(1.) Where bounty has been paid under this Act to any person on the production of flax or linseed, and the net profits derived by that person from the production and sale of that flax or linseed, together with the bounty so paid exceed, in the year in respect of which the bounty was paid, ten per centum of the capital employed in such production and sale, the Minister may, after inquiry and report by the Tariff Board—

- (a) withhold such further bounty claimed by that person as is equivalent to the amount of the bounty paid in respect of the year in which the profits were derived, or where those profits, without taking into account the bounty so paid, are less than ten per centum of such capital, such further bounty as is equivalent to the amount by which those profits together with the bounty so paid exceed ten per centum of such capital; or
- (b) require that person to refund an amount equivalent to the amount which may be withheld under the last preceding paragraph, and that amount shall thereupon become a debt due and payable by that person to the Commonwealth.

(2.) For the purposes of this section, the Minister may determine what amount of capital is or has been employed by any person in the production of flax or linseed and what amount of net profits is or has been derived by that person from such production.

Conditions of
employment
and rates of
wages.

14.—(1.) The Minister may make application to the Chief Judge or a Judge of the Commonwealth Court of Conciliation and Arbitration, or to any Commonwealth authority established for the purpose of determining conditions of employment and rates of wages, for a declaration as to what conditions of employment and rates of wages are fair and reasonable for labour employed in the production of flax or linseed, or in growing flax plants from which such flax and linseed are produced.

(2.) On the hearing and determination of the application, the Chief Judge, Judge or Commonwealth authority, as the case may be, shall have all the powers which under the *Excise Procedure Act 1907* are conferred on the Commonwealth Court of Conciliation and Arbitration, and all witnesses and persons summoned to appear or appearing before the Chief Judge, Judge or Commonwealth authority, as the case may be, shall be entitled to the same privileges and protection, and be subject to the same liabilities and penalties, as witnesses or persons summoned to appear or appearing before the President on an application within the meaning of that Act, and the provisions of that Act shall, so far as they are applicable, apply accordingly, *mutatis mutandis*, as if the application were an application within the meaning of that Act.

(3.) For the purposes of this section, any reference in the *Excise Procedure Act 1907* to the President of the Commonwealth Court of Conciliation and Arbitration shall be read as a reference to the Chief Judge or a Judge of that Court or to such Commonwealth authority.

(4.) Every person who claims the bounties payable on flax or linseed under this Act shall certify to the Minister the conditions of employment observed and the rates of wages paid in respect of any labour employed by him.

(5.) Every person who claims the bounties payable on flax or linseed under this Act shall in making such claims furnish to the Minister such evidence as the Minister requires as to the conditions of employment observed, and the rates of wages paid, in respect of any labour employed in growing flax plants from which such flax and linseed are produced.

(6.) If the Minister finds that the conditions of employment or rates of wages, or any of them, observed or paid in respect of any labour employed in the production of any flax or linseed upon which bounty is claimed, or in growing flax plants from which such flax and linseed are produced—

(a) are below the conditions and rates declared, as in the first sub-section of this section mentioned, to be fair and reasonable; or

(b) are below the standard conditions and rates prescribed by the Commonwealth Court of Conciliation and Arbitration, or by any other industrial authority of the Commonwealth or a State,

the Minister may withhold the whole or any part of the bounty payable.

(7.) If—

(a) the Chief Judge or a Judge of the Commonwealth Court of Conciliation and Arbitration has not declared, in accordance with sub-section (1.) of this section, what conditions of employment and rates of wages are fair and reasonable for labour employed in the production of flax or linseed, or for labour employed in growing flax plants from which such flax and linseed are produced; and

(b) there are not in force in the locality where the flax or linseed is produced, or the flax plants are grown, any standard conditions and rates relating to the labour employed in the production of flax or linseed, or in growing flax plants, prescribed by the Commonwealth Court of Conciliation and Arbitration or by an industrial authority of a State, or contained in an industrial agreement registered under any law of the Commonwealth or a State,

the Minister may appoint an authority or authorities for determining, for the purposes of this section, conditions of employment and rates of wages which are fair and reasonable for labour employed in the production of flax or linseed or in growing flax plants, and any authority so appointed shall be deemed to be a Commonwealth authority within the meaning of sub-section (1.) of this section.

(8.) An authority appointed by the Minister under the last preceding sub-section shall consist of a representative of employers engaged in the production of flax or linseed, or in growing flax plants, a representative of employees engaged in such production or growing, and a person, who shall act as Chairman, and who shall be appointed by the Minister on the joint nomination of the representatives of employers and employees :

Provided that, if the representatives of employers and employees fail to make a joint nomination of a Chairman within twenty days after being called upon by the Minister so to do, the Governor-General may appoint a person to act as Chairman.

Audit of
accounts, &c.

15. The accounts, books and documents of any person, firm or company claiming bounties under this Act shall be subject to examination and audit by an auditor appointed or authorized by the Minister.

Offences.

16. No person shall—

- (a) obtain any bounty which is not payable ;
- (b) 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 twelve months.

Return to be
laid before
Parliament.

17.—(1.) A return shall be prepared in each financial year not later than the thirty-first day of August, and shall be laid before both Houses of Parliament within thirty days after its preparation if the Parliament is then sitting, and, if not, then within thirty days after the next meeting thereof.

(2.) The return shall set forth—

- (a) the names and addresses of all persons to whom bounties were paid under this Act during the preceding financial year ;
- (b) the total amount of bounties paid to each such person during the preceding financial year ;
- (c) the number of persons employed in each place where flax or linseed is produced, the rates of wages paid and the hours observed in the production of the flax or linseed ; and
- (d) such other particulars as are prescribed.

Regulations.

18. 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 for any breach of the Regulations, and the proportion in which bounty shall be payable to claimants who have complied with the prescribed conditions, in cases where there is not sufficient money available to pay the full bounty in respect of all the claims.