

# APPLE AND PEAR BOUNTY.

## No. 36 of 1937.

An Act to provide for the Payment of a Bounty on the Export of Apples and Pears from the Commonwealth.

[Assented to 16th September, 1937.]

**B**E 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 *Apple and Pear Bounty Act 1937*. Short title.

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

“apples and pears” means fresh apples and pears ;

“bushel case” means—

(a) in relation to apples, a case of the dimensions of either the Australian bushel case or the Standard bushel case as specified in the regulations with respect to the exportation of apples and pears ; and

(b) in relation to pears, a case of the dimensions of any case specified in those regulations in respect of pears.

For the purposes of this definition—

(a) two cases of the dimensions of either the Australian half-bushel case or the Standard half-bushel case, as specified in those regulations, shall be deemed to constitute a bushel case in respect of apples ; and

(b) three trays of any dimensions specified in those regulations shall be deemed to constitute a bushel case in respect of pears ;

“the regulations with respect to the exportation of apples and pears” means the regulations made under the *Customs Act 1901-1936* and the *Commerce (Trade Descriptions) Act 1905-1933* relating to the exportation of apples and pears, and in force—

(a) in relation to apples—at the date of the export of the apples ; and

(b) in relation to pears—at the date of the export of the pears.

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

Specification  
of bounty.

4. The bounty under this Act shall, subject to this Act, be payable to growers of apples and pears in respect of apples and pears grown by them and exported from the Commonwealth during the year ending the thirty-first day of December, One thousand nine hundred and thirty-seven, in respect of which the regulations with respect to the exportation of apples and pears have been complied with.

Rate of  
bounty.

5. The rate of bounty payable under this Act shall be Two pence half-penny per bushel case of apples or pears.

To whom  
bounty  
payable.

6.—(1.) Bounty shall be payable in the prescribed manner to the grower of the apples or pears.

(2.) The amount of bounty payable to a grower shall be calculated on the quantity of apples and pears certified by a prescribed authority to be the quantity in respect of which the grower is entitled to bounty.

Condition of  
bounty.

7. A payment of bounty shall not be made under this Act unless the claimant for that bounty has, on or before the thirtieth day of June, One thousand nine hundred and thirty-eight, lodged an application therefor with the prescribed officer of the Commonwealth, or, in the event of an arrangement being made under section twelve of this Act in relation to any State, with the prescribed officer of that State :

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

Offences  
against Act.

8. 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 made under this Act any document, or make to any such officer or person any statement, which is false in any particular.

Penalty : Five hundred pounds. or imprisonment for two years.

Power to call  
for information.

9.—(1.) The Minister, or any person thereto authorized in writing by the Minister or by or under any arrangement made in pursuance of section twelve of this Act, 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 under this Act or any suspected contravention thereof.

(2.) Any person who, without reasonable excuse (proof whereof shall lie upon him) fails, after receipt of a notice under the last preceding sub-section, to comply with the requirements of the notice, shall be guilty of an offence.

Penalty : Five hundred pounds, or imprisonment for two years.

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

**10.** A person who exports or has exported apples or pears during the year ending the thirty-first day of December, One thousand nine hundred and thirty-seven shall, for the purposes of this Act, furnish such returns as are prescribed in relation to the apples or pears or both exported by him.

Returns by  
exporters.

Penalty : Fifty pounds or imprisonment for three months.

**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 during the month of June, One thousand nine hundred and thirty-nine, and shall be laid before each House of the Parliament within fifteen sitting days of that House after the thirtieth day of that month.

**12.** The Governor-General may arrange with the Governor in Council of any State for the payment by the State on behalf of the Commonwealth of bounty under this Act to **growers** of apples or pears in that State, and for the carrying out, by officers of the State or other persons, of any powers or functions under this Act.

Arrangements  
for payments  
of bounty by  
States.

**13.** 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—

Regulations.

(a) for prescribing penalties not exceeding Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations ; and

(b) for conferring upon any officer or authority of the Commonwealth, or, in any case where there is an arrangement under the last preceding section with the Governor in Council of any State, upon any officer or authority of that State; any power or function incidental to the carrying out of this Act.