

DRIED VINE FRUITS CONTRIBUTORY
CHARGES (COLLECTION).

No. 44 of 1964.

An Act relating to the Payment and Collection of the
Charges imposed by the *Dried Vine Fruits
Contributory Charges Act* 1964.

[Assented to 28th May, 1964.]

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. This Act may be cited as the *Dried Vine Fruits Contributory* Short title.
Charges (Collection) Act 1964.

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Commence-
ment.

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

Definition.

3. In this Act, "the Secretary" means the Secretary to the Department of Primary Industry.

Provisional
charge.

4.—(1.) This section applies only so long as provisional charge is imposed by section nine of the *Dried Vine Fruits Contributory Charges Act 1964*.

(2.) The purpose of this section is to secure the collection of charge that may become payable, and the powers of the Minister under this section shall be exercised only to such extent and in such manner as appear to him to be necessary for that purpose.

(3.) At any time after the commencement of a season and before a notice in relation to currants, sultanas or raisins of that season has been published in the *Gazette* under section seven or eight of the *Dried Vine Fruits Contributory Charges Act 1964*, the Minister may, by notice published in the *Gazette*—

(a) declare that provisional charge is payable in respect of currants, sultanas or raisins, as the case may be, of that season received for packing; and

(b) declare that the rate per ton of the provisional charge is a specified amount (not being more than Ten pounds), and thereupon provisional charge is payable in accordance with the notice by any packer or grower who will be liable to pay the charge, if any, that becomes payable in respect of any fruit to which the notice is applicable (whether received into the packing house before or after the publication of the notice).

(4.) The Minister may, by notice published in the *Gazette*, vary or revoke a notice under the last preceding sub-section.

(5.) Subject to the next succeeding sub-section, provisional charge is due and payable at the expiration of thirty days after—

(a) the date on which the fruit in respect of which it is payable was received into a packing house; or

(b) the date of publication of the relevant notice under sub-section (3.) of this section,

whichever is the later.

(6.) The Secretary may extend the time for payment of provisional charge in respect of any fruit in order that the proceeds of the sale of the fruit may be available for payment of the provisional charge or for any other reason that appears to him to be sufficient.

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(7.) Where a person has made arrangements that, in the opinion of the Minister or of a person authorized by the Minister to grant exemptions under this section, are adequate to ensure that any charge that may become payable by that person in respect of a season will be duly paid, the Minister or authorized person may, by writing under his hand, exempt that person from liability to pay provisional charge in respect of fruit of that season.

(8.) The Minister may, by writing under his hand, cancel an exemption under the last preceding sub-section.

5.—(1.) After a notice has been published in relation to currants, sultanas or raisins of a season under section seven or eight of the *Dried Vine Fruits Contributory Charges Act 1964*—

Adjustment
at end of
season.

- (a) if charge is not payable on currants, sultanas or raisins, as the case may be, of that season, any provisional charge paid in respect of currants, sultanas or raisins of that season shall be refunded;
- (b) if charge is payable on currants, sultanas or raisins, as the case may be, of that season, and a person liable to pay any such charge has paid provisional charge in respect of currants, sultanas or raisins, as the case may be, of that season—
 - (i) if that provisional charge exceeds the charge so payable by that person—the charge shall be deemed to have been paid and the excess shall be refunded; or
 - (ii) in any other case—the charge so payable shall be deemed to have been paid to the extent of the amount of the provisional charge; and
- (c) unpaid provisional charge in respect of currants, sultanas or raisins, as the case may be, of that season ceases to be payable, but without prejudice to any liability accrued under section nine of this Act at the date of publication of that notice.

(2.) Where an amount paid by a packer as provisional charge in respect of any fruit is refunded to him under this section, the packer is liable to pay the amount so refunded to the grower of the fruit, but may set off against that liability any outstanding liability of the grower to him in respect of the payment of provisional charge.

6. The charge on any fruit is due and payable upon the expiration of seven days after the date of publication of the notice under section eight of the *Dried Vine Fruits Contributory Charges Act 1964* determining the rate of the charge.

Time for
payment.

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Charge a
debt to the
Commonwealth.

7.—(1.) An amount of charge or provisional charge due and payable, and any additional amount payable under section nine of this Act, is a debt due to the Commonwealth by the person liable to pay the amount and is recoverable by the Commonwealth in a court of competent jurisdiction.

(2.) In proceedings for the recovery of an amount referred to in the last preceding sub-section, an averment or statement in the complaint, claim or declaration of the plaintiff is evidence of the matter so averred or stated.

Packer may
recover charge
from grower.

8. Where the packer of any fruit received for packing has paid charge or provisional charge payable on that fruit, he is entitled to recover the amount of that charge or provisional charge from the grower of the fruit as a debt due to the packer from the grower.

Penal charge.

9.—(1.) If any charge or provisional charge is not paid at or before the time at which it becomes due and payable, the person liable to pay the charge or provisional charge is liable to pay to the Commonwealth an additional amount at the rate of ten per centum per annum upon the amount unpaid, to be computed from the time the amount unpaid became due and payable.

(2.) The Minister may, in any particular case, for reasons that he thinks sufficient, remit the additional amount or any part of that amount.

Refund of
charge
overpaid.

10.—(1.) Subject to this section, where the Minister finds that any charge or provisional charge has been overpaid, he shall refund the amount found to be overpaid.

(2.) A refund of an amount shall not be made to the packer of any fruit received for packing unless the Minister is satisfied that the packer has not recouped himself to the extent of that amount from the grower of the fruit or, if he has so recouped himself, that he has since paid the amount to the grower.

Commonwealth
may collect
charge from
person owing
money to
person liable
to charge.

11.—(1.) The Secretary may, by notice in writing (a copy of which shall be forwarded to the person liable to the charge at his address last known to the Secretary), require—

- (a) a person by whom any money is due or accruing or may become due to a person liable to pay any charge;
- (b) a person who holds or may subsequently hold money for or on account of a person liable to pay any charge;
- (c) a person who holds or may subsequently hold money for or on account of some other person for payment to a person liable to pay any charge; or

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(d) a person having authority from some other person to pay money to a person liable to pay any charge, to pay to the Commonwealth, either forthwith upon the money becoming due or being held, or at or within a time specified in the notice (not being a time before the money becomes due or is held)—

(e) so much of the money as is sufficient to pay the amount due in respect of charge by the person liable to pay the charge, or the whole of the money when it is equal to or less than that amount; or

(f) such amount as is specified in the notice out of each of any payments that the person so notified becomes liable from time to time to make to the person liable to pay the charge, until the amount due by that last-mentioned person in respect of charge is satisfied,

and may at any time, by further notice in writing, amend or revoke the first-mentioned notice, or extend the time for making any payment in pursuance of that notice.

(2.) A person shall not fail or neglect to comply with a notice under this section.

Penalty: Fifty pounds.

(3.) A person making a payment in pursuance of this section shall be deemed to have been acting under the authority of the person liable to pay the charge and of all other persons concerned and is hereby indemnified in respect of the payment.

(4.) If the Commonwealth receives a payment in respect of the amount due by the person liable to pay the charge before payment is made by the person so notified, the Secretary shall forthwith give notice of the payment to that person.

(5.) In this section—

“charge” includes provisional charge, any additional amount payable under this Act and any judgment debt or costs in respect of an amount payable under this Act;

“person” includes a company, a partnership, a State and a public authority constituted by or under a law of the Commonwealth, a State or a Territory of the Commonwealth.

12. For the purposes of this Act, the Minister, or a person authorized by the Minister to act under this section, may, by notice in writing, require a person to furnish to him, within the time specified in the notice, such return or information as is specified in the notice, including a return or information verified by statutory declaration.

Power to
call for
returns.

Offences in relation to returns, &c.

13.—(1.) A person shall not fail or neglect duly to furnish a return or information that he is required under this Act or the regulations to furnish.

Penalty: One hundred pounds.

(2.) A person shall not present to an officer or other person doing duty 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.

Penalty: Five hundred pounds or imprisonment for twelve months.

Packer to keep books and accounts.

14. A packer shall—

(a) keep proper books and accounts showing full and correct particulars of his operations, receipts and expenditure in relation to currants, sultanas and raisins respectively received for packing, and packed currants, packed sultanas and packed raisins respectively; and

(b) produce all or any of those books and accounts, upon demand, to a person authorized by the Minister under the next succeeding section.

Penalty: One hundred pounds.

Access to books, &c.

15. A person authorized by the Minister to act under this section shall at all times have full and free access to all buildings, places, books, accounts and documents for any of the purposes of this Act and for any such purpose may take extracts from or make copies of any such books, accounts or documents.

Obstructing officers.

16. A person shall not obstruct or hinder a person acting in the discharge of his duty under this Act or the regulations.

Penalty: One hundred pounds or imprisonment for six months.

Regulations.

17. 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—

(a) requiring persons to furnish returns or information, including returns or information verified by statutory declaration; or

(b) prescribing penalties, not exceeding a fine of One hundred pounds, for offences against the regulations.