

# DRIED VINE FRUITS STABILIZATION.

No. 42 of 1964.

An Act relating to the Stabilization of Returns to  
Growers of Certain Dried Vine Fruits.

[Assented to 28th May, 1964.]

**B**E 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 Stabilization Act* 1964. Short title.

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

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

“ a Stabilization Fund ” means the Currants Stabilization Fund, the Sultanas Stabilization Fund or the Raisins Stabilization Fund;

“ charge ” means contributory charge imposed by the *Dried Vine Fruits Contributory Charges Act* 1964;

- “ currants ” means dried currant grapes of a season to which this Act applies;
- “ fruit ” means currants, sultanas or raisins;
- “ packed ” means packed at a packing house, whether before or after the commencement of this Act;
- “ packing house ” means any premises or place registered as a packing house or packing shed under a law of the Commonwealth or of a State relating to dried fruits;
- “ raisin grapes ” means White Muscatel or Waltham Cross (sometimes called Malaga) grapes;
- “ raisins ” means raisin grapes of a season to which this Act applies that have been dipped and dried;
- “ received for packing ”, in relation to fruit, means received into a packing house (whether before or after the commencement of this Act);
- “ season ” means a period of twelve months commencing on the first day of January and, when used in relation to fruit, means the season in which the fruit was harvested;
- “ sultanas ” means dried sultana grapes of a season to which this Act applies;
- “ the average return ”, in relation to currants, sultanas or raisins of a particular season, means the amount determined by the Minister in respect of currants, sultanas or raisins, as the case may be, of that season under section seven of this Act;
- “ the cost of production ”, in relation to currants, sultanas or raisins of a particular season, means the cost per ton of production and delivery for packing of currants, sultanas or raisins, as the case may be, as declared by, or determined under, section six of this Act in respect of that season;
- “ the grower ”, in relation to fruit received for packing, means the person in whose name that fruit was delivered to the packer, and includes, where that person is deceased, his legal personal representative;

“ the guaranteed price ”, in relation to currants, sultanas or raisins of a particular season, means an amount equal to the cost of production of currants, sultanas or raisins, as the case may be, of that season, less Five pounds;

“ the guaranteed quantity ” means—

- (a) in relation to currants—thirteen thousand five hundred tons of currants received for packing;
- (b) in relation to sultanas—seventy-five thousand tons of sultanas received for packing; and
- (c) in relation to raisins—eleven thousand tons of raisins received for packing;

“ the packer ” means—

- (a) in relation to fruit received for packing—the proprietor of the packing house into which the fruit was received; and
- (b) in relation to packed fruit—the proprietor of the packing house in which the fruit was packed.

4. This Act applies only in relation to the season that commenced on the first day of January, One thousand nine hundred and sixty-four, and the next four succeeding seasons.

Seasons to which Act applies.

5.—(1.) The regulations may prescribe standards of quality for currants, sultanas or raisins for the purposes of this Act.

Standards may be prescribed.

(2.) Fruit delivered for packing that does not comply with a relevant prescribed standard that is in force at the time of the receipt of the fruit into the packing house shall be deemed not to be currants, sultanas or raisins within the meaning of this Act.

(3.) The standards referred to in this section may be prescribed by reference to the provisions of a law of the Commonwealth or of a State relating to dried fruit, as in force at the time when the regulations are made.

6.—(1.) In respect of the season that commenced on the first day of January, One thousand nine hundred and sixty-four—

Cost of production.

- (a) the cost of production and delivery for packing of currants is declared to be One hundred and thirteen pounds ten shillings per ton;
- (b) the cost of production and delivery for packing of sultanas is declared to be One hundred and nine pounds five shillings per ton; and
- (c) the cost of production and delivery for packing of raisins is declared to be One hundred and one pounds per ton.

(2.) The Minister shall, as early as practicable in each season in relation to which this Act applies after the first such season, determine, and notify in the *Gazette*, the cost per ton of production and delivery for packing of currants, sultanas and raisins respectively of that season.

(3.) In making a determination under this section, the Minister shall—

- (a) take as a basis the relevant cost of production and delivery for packing specified in sub-section (1.) of this section; and
- (b) make such increase or decrease as he considers appropriate by reason of increases or decreases in relevant costs.

Ascertainment  
of average  
return.

7.—(1.) When the Minister is satisfied that the packed currants, packed sultanas or packed raisins of a season have been completely, or almost completely, sold or otherwise disposed of, the Minister shall determine, in accordance with this section, and notify in the *Gazette*, in relation to currants, sultanas or raisins, as the case may be, of that season, the average return per ton of fruit received for packing.

(2.) The amount referred to in the last preceding sub-section shall be determined by—

- (a) deducting from the total proceeds of the original sales of all packed currants, packed sultanas or packed raisins, as the case may be, of the season that have been sold such amount as the Minister considers appropriate in order to convert those proceeds to the corresponding proceeds for the fruit received for packing from which the packed fruit so sold was derived; and
- (b) dividing the resultant amount by a number equal to the number that, in the opinion of the Minister, is the number of tons of currants, sultanas or raisins, as the case may be, received for packing from which the packed fruit that has been sold was derived.

(3.) The Minister may, from time to time after the commencement of a season, by notice published in the *Gazette*, declare the minimum prices, or the manner of ascertaining the minimum prices, for the original sale for consumption in Australia of packed currants, packed sultanas or packed raisins of that season that he will take into account for the purposes of determining the average return.

(4.) Where the original sale (not being a sale for export or a sale after export) of any packed currants, packed sultanas or packed raisins of a season is made at a time when a notice under the last preceding sub-section is in force in relation to packed

currants, packed sultanas or packed raisins, as the case may be, of that season, and the sale is made at a price less than the appropriate minimum price calculated in accordance with the notice, the sale shall, for the purposes of determining the average return, be deemed to have been made at the appropriate minimum price so calculated.

8.—(1.) Where the average return for currants of a season is less than the guaranteed price, a bounty is payable on the production of currants of that season received for packing. Bounties.

(2.) Where the average return for sultanas of a season is less than the guaranteed price, a bounty is payable on the production of sultanas of that season received for packing.

(3.) Where the average return for raisins of a season is less than the guaranteed price, a bounty is payable on the production of raisins of that season received for packing.

9.—(1.) Subject to this section, the bounty in respect of any fruit received for packing is payable to the grower of that fruit. To whom  
bounty  
payable.

(2.) Where the grower of any fruit received for packing has made an arrangement or assignment by virtue of which a company or other organization performing functions in relation to the proceeds of the marketing of packed fruit is authorized or entitled to receive bounty payable to the grower in respect of that fruit received for packing, the Commonwealth may pay the bounty to that company or organization.

(3.) Subject to the last preceding sub-section, an assignment of bounty is void as against the Commonwealth.

10.—(1.) If, when the Minister has determined the average return in respect of currants, sultanas or raisins of a season, bounty is found to be payable in respect of currants, sultanas or raisins, as the case may be, of that season, the Minister shall determine in accordance with the next succeeding sub-section, and notify in the *Gazette*, the rate of that bounty, and the rate so notified shall be the rate of that bounty, notwithstanding any defect or irregularity in any determination of the Minister. Rates of  
bounties.

(2.) The rate per ton of fruit received for packing of a bounty in respect of a season shall be determined in accordance with the formula:—

$$\frac{A (B - C)}{D}$$

where—

“A” is a number equal to—

- (a) the number of tons that is the guaranteed quantity of currants, sultanas or raisins, as the case may be; or

(b) the number that, in the opinion of the Minister, is the number of tons of currants, sultanas or raisins, as the case may be, received for packing from which were derived the packed currants, packed sultanas or packed raisins of the season that have been, or will be, sold, whichever is the less;

“ B ” is the guaranteed price for currants, sultanas or raisins, as the case may be, of the season;

“ C ” is the average return for currants, sultanas or raisins, as the case may be, of the season; and

“ D ” is a number equal to the number of tons of currants, sultanas or raisins, as the case may be, of the season received for packing.

Stabilization  
Funds.

11.—(1.) There is hereby established a Currants Stabilization Fund, into which shall be paid out of the Consolidated Revenue Fund amounts equal to the amounts from time to time collected by way of charge (including provisional charge) imposed in respect of currants by the *Dried Vine Fruits Contributory Charges Act 1964*.

(2.) There is hereby established a Sultanas Stabilization Fund, into which shall be paid out of the Consolidated Revenue Fund amounts equal to the amounts from time to time collected by way of charge (including provisional charge) imposed in respect of sultanas by the *Dried Vine Fruits Contributory Charges Act 1964*.

(3.) There is hereby established a Raisins Stabilization Fund, into which shall be paid out of the Consolidated Revenue Fund amounts equal to the amounts from time to time collected by way of charge (including provisional charge) imposed in respect of raisins by the *Dried Vine Fruits Contributory Charges Act 1964*.

(4.) Each Stabilization Fund established by this section is a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901-1962*.

(5.) Bounty in respect of currants shall be paid out of the Currants Stabilization Fund.

(6.) Bounty in respect of sultanas shall be paid out of the Sultanas Stabilization Fund.

(7.) Bounty in respect of raisins shall be paid out of the Raisins Stabilization Fund.

(8.) In the event of the amount standing to the credit of a Stabilization Fund being at any time insufficient to meet any payment under this section from that fund, there shall be paid into that fund out of the Consolidated Revenue Fund the amount necessary to meet the deficiency.

(9.) Moneys standing to the credit of a Stabilization Fund may be invested in securities of the Commonwealth or on deposit with the Reserve Bank of Australia, and income derived from such investments forms part of the fund.

(10.) Where, by reason of the provisions of section five of the *Dried Vine Fruits Contributory Charges (Collection) Act 1964* or by reason of error, an amount paid as charge or provisional charge by any person is repayable to that person, the moneys required for the purposes of the repayment shall be paid out of the Consolidated Revenue Fund.

(11.) Where an amount has been paid into a Stabilization Fund in respect of an amount paid as charge or provisional charge that is later repaid in accordance with the last preceding subsection, an amount equal to the amount repaid shall be—

- (a) deducted from further amounts otherwise payable into that fund; or
- (b) paid out of that fund into the Consolidated Revenue Fund.

(12.) The Consolidated Revenue Fund is appropriated to the extent necessary for the purposes of any payment required by this section to be made out of that Fund.

12.—(1.) For the purposes of this section, “the maximum amount” means—

Refunds from Funds.

- (a) in relation to the Currants Stabilization Fund—Five hundred thousand pounds;
- (b) in relation to the Sultanas Stabilization Fund—Two million pounds; and
- (c) in relation to the Raisins Stabilization Fund—Five hundred thousand pounds.

(2.) Subject to sub-section (9.) of this section, if the moneys standing to the credit of a Stabilization Fund at any time exceed the maximum amount, an amount equal to the excess shall be paid out of that fund by the Treasurer in accordance with this section.

(3.) Subject to sub-section (10.) of this section, after the expiration of a period of three months from the end of the last season in relation to which this Act applies, and after the making, in respect of a Stabilization Fund, of all payments into the fund and all payments out of the fund apart from this sub-section, any moneys standing to the credit of that fund shall be paid out of that fund by the Treasurer in accordance with this section.

(4.) The payments out of a Stabilization Fund under the preceding provisions of this section shall be made by way of—

- (a) repayment to the Consolidated Revenue Fund, so far as the amounts so payable out of that Stabilization Fund permit, of any moneys paid into that Stabilization Fund under sub-section (8.) of the last preceding section; and
- (b) subject to the last preceding paragraph, the making of refunds of charge to the persons who have paid charge in respect of which moneys have been paid into that Stabilization Fund, but so that charge paid by persons in respect of fruit of a season shall not be refunded before charge paid by persons in respect of fruit of every earlier season has been fully refunded.

(5.) For the purposes of this section, where a packer has recovered from a grower, or been recouped by a grower in respect of, an amount of charge paid by the packer, the grower shall be deemed to have paid that amount of charge.

(6.) For the purposes of this section, a person who has paid charge in respect of fruit of a season shall be deemed to have also paid as charge in respect of that season such portion as the Treasurer thinks just of any money credited to the relevant Stabilization Fund as income from investments.

(7.) An amount payable to a grower under this section shall be deemed to be duly paid if it is paid in a manner in which it could lawfully be paid as if it were bounty due to that grower under this Act.

(8.) For the purposes of this section, payment of bounty in respect of fruit of a season shall not be taken to be a refund of any charge paid in respect of fruit of an earlier season.

(9.) The Treasurer is not obliged to make payments under sub-section (2.) of this section out of a Stabilization Fund by way of refund of charge paid in respect of fruit of a season if the payments will not be sufficient to refund in full, or to complete the refund in full of, the charge paid in respect of fruit of that season of the kind to which the Stabilization Fund relates.

(10.) The Treasurer is not obliged to make payments under sub-section (3.) of this section out of a Stabilization Fund by way of refund of charge if, before the expiration of the period referred to in that sub-section, the Minister has informed the Treasurer that a scheme for the stabilization of returns to growers of currants, sultanas or raisins of a season or seasons subsequent to the last season to which this Act applies has been approved at a poll of growers conducted by the Commonwealth and that the scheme so approved requires or may require the carrying forward of the moneys in that Stabilization Fund.



13. Where any regulations for the time being in force under the *Dried Fruits Export Control Act 1924-1953* authorize the Dried Fruits Control Board constituted by that Act to determine, or to determine the manner of calculation of, minimum prices that may be required by the Board to be observed in respect of the sale of packed fruit to be exported or for the sale overseas of exported packed fruit, the Board—

Export prices  
to be approved  
by Minister.

- (a) shall comply with any direction of the Minister with respect to the making of any such determination in respect of packed fruit of a season to which this Act applies; and
- (b) shall, except as otherwise approved by the Minister, take all action that the Board can lawfully take with a view to ensuring—
  - (i) that packed fruit of such a season is not exported after having been sold at a price less than the price applicable under such a determination of the Board; and
  - (ii) that packed fruit of such a season is not sold overseas at a price less than the price applicable under such a determination of the Board.

14.—(1.) A person shall not—

Offences.

- (a) obtain bounty that is not payable;
- (b) obtain payment of bounty to himself or another person by means of a statement that is false or misleading in a material particular; or
- (c) 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.

(2.) Where a person is convicted under the last preceding sub-section, the court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Commonwealth the amount of any bounty paid to him or to any other person as a result of the offence.

(3.) Where a court has made an order under the last preceding sub-section, a certificate under the hand of the clerk or other appropriate officer of the court, specifying the amount ordered to be refunded and the person by whom the amount is payable, may be filed in a court having civil jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgment of that court.

Power to  
call for  
returns.

15. 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.

Offences in  
relation to  
returns, &c.

16. 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.

Packer to  
keep books  
and accounts.

17. 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.

18. 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.

19. 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.

20. 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) prescribing the manner in which, and the time within which, a claim for bounty must be made;
- (b) requiring persons to furnish returns or information, including returns or information verified by statutory declaration; and
- (c) prescribing penalties, not exceeding a fine of One hundred pounds, for offences against the regulations.