

entitled to be credited with war gratuity to the date of entitlement, and the amount of interest so credited shall be added to the war gratuity and be deemed to be part of it.”.

9. After section thirty-two of the Principal Act the following section is inserted :—

“ 33.—(1.) The Minister may, by writing under his hand, delegate Delegation. to any person all or any of his powers and functions under this Act (except this power of delegation) so that the delegate may exercise the powers and functions specified in the instrument of delegation.

“(2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Minister.”.

WINE EXPORT BOUNTY.

No. 42 of 1947.

An Act to provide for the Payment of Bounty
on the Export of certain Fortified Wine,
and for other purposes.

[Assented to 12th June, 1947.]

BE it enacted by the King'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 *Wine Export Bounty Act 1947*. Short title.

2.—(1.) This Act, except section sixteen, shall be deemed to have come into operation on the first day of March, One thousand nine hundred and forty-seven. Commencement.

(2.) Section sixteen of this Act shall come into operation on the day on which this Act receives the Royal Assent.

3. After the commencement of this Act, bounty shall not be paid on fortified wine under the *Wine Export Bounty Act 1939–1944* unless the fortified wine was exported on or before the twenty-eighth day of Repeal of *Wine Export Bounty Act 1939–1944*.

February, One thousand nine hundred and forty-seven and the *Wine Export Bounty Act 1939*, the *Wine Export Bounty Act 1940* and the *Wine Export Bounty Act 1944* shall, by force of this section, be repealed upon the publication in the *Gazette* of a notice by the Minister that he is satisfied that all bounty payable under the *Wine Export Bounty Act 1939-1944* has been paid.

Definitions.

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

“authorized agent” means a person appointed in accordance with section thirteen of this Act to be an authorized agent for the purpose of this Act ;

“authorized person” means a person appointed in writing by the Minister to be an authorized person for the purposes of this Act ;

“bounty” means bounty under this Act ;

“claimant” means a person who claims bounty under this Act ;

“Collector” means the Collector of Customs for a State ;

“fortified wine” means wine, the produce of Australia, which is the fermented juice of fresh grapes and has been fortified so as to contain not less than thirty-four per centum of proof spirit ;

“officer” means an officer of Customs ;

“the Wine Industry Assistance Account” means the Wine Industry Assistance Account established in pursuance of this Act.

Specification of bounty.

5. Bounty shall be payable in respect of fortified wine—

(a) which was sold to an overseas purchaser prior to the thirtieth day of October, One thousand nine hundred and forty-six and is exported from the Commonwealth after the twenty-eighth day of February, One thousand nine hundred and forty-seven ; and

(b) in respect of which the exporter satisfies the Minister that—

(i) the price at which the wine was sold did not return a reasonable profit, or that, for some other reason, the payment of bounty is justified ; and

(ii) the provisions of this Act have been complied with.

Payment of bounty.

6. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, the bounty payable under this Act and under the *Wine Export Bounty Act 1939-1944*.

Rate of bounty.

7. The rate of bounty shall be One shilling per gallon..

To whom bounty payable.

8. The bounty shall be payable to the exporter of the fortified wine.

9. A person who intends to claim bounty in respect of any fortified wine shall forward to the Collector at the port of export at least seven days before shipment of that fortified wine a notice in accordance with Form A in the First Schedule to this Act and such samples of the wine specified in the notice as the Collector requires.

Notice of
intention to
export and
claim bounty.

10.—(1.) To ascertain the quantity in gallons of any fortified wine in respect of which it is intended to claim bounty, the weight of the wine in pounds shall be ascertained by the exporter or his representative in the presence of an officer, and the specific gravity of the wine shall be taken by an officer by means of a Baumé instrument graduated from 0 to 10 degrees and having each degree divided into ten equal parts.

Method of
ascertaining
quantity of
fortified wine.

(2.) The quantity of fortified wine shall then be calculated in accordance with the table in the Second Schedule to this Act.

(3.) Parts of a gallon less than four-tenths shall be disregarded, parts of a gallon from four-tenths to eight-tenths shall be regarded as half a gallon, and parts of a gallon exceeding eight-tenths of a gallon shall be regarded as a gallon.

11. Claims for bounty shall be lodged with the Collector for the State from which the fortified wine was exported and shall be in accordance with Form B in the First Schedule.

Claims for
bounty.

12. A claimant shall allow an authorized person to have access at all reasonable times to his premises for the purpose of inspecting accounts, books and documents in his possession relating to the manufacture or sale of the wine in respect of which bounty is claimed and an authorized person may make and take away extracts from those accounts, books or documents.

Inspection of
books, accounts,
&c.

13.—(1.) A person may appoint, in accordance with Form C in the First Schedule to this Act, an authorized agent to execute on his behalf any documents required for the purposes of this Act.

Authorized
agents.

(2.) An authorized agent may execute on behalf of his principal any document required under this Act in relation to a claim for bounty by the principal and a document so executed shall be as effective as if it had been executed by the principal.

14. The Minister may withhold the whole or part of the bounty which would otherwise be payable to a claimant if he is satisfied that at any time the claimant has received a payment of bounty under this Act, or under the *Wine Export Bounty Act 1939-1944*, to which the claimant was not entitled.

Power of
Minister to
withhold
bounty.

Offences.

15. A person shall not—

- (a) obtain or attempt to obtain any bounty which is not payable;
- (b) obtain or attempt to obtain payment of any bounty by means of a false or misleading statement; or
- (c) present to an officer or other person doing duty in relation to this Act a document which is false or misleading in any particular.

Penalty: One hundred pounds or imprisonment for twelve months.

Wine Industry Assistance Account.

16.—(1.) Of the amount standing, at the date of commencement of this section, to the credit of the Wine Export Encouragement Account established under the *Wine Export Bounty Act 1939-1944*—

- (a) Five hundred thousand pounds shall be transferred to a Trust Account to be known as the Wine Industry Assistance Account, which shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901-1934*; and
- (b) the balance shall be paid into the Consolidated Revenue Fund.

(2.) After the date of commencement of this section, no payments shall be made out of the Consolidated Revenue Fund into the Wine Export Encouragement Account in pursuance of sub-section (3.) of section five of the *Wine Export Bounty Act 1939-1944*.

Payments from Wine Industry Assistance Account.

17. The moneys standing to the credit of the Wine Industry Assistance Account may be expended at any time within ten years after the twenty-eighth day of February, One thousand nine hundred and forty-seven, for the assistance of the wine-making industry, subject to the following conditions:—

- (a) Requests for assistance shall be the subject of inquiry and report by the Tariff Board.
- (b) The Minister shall determine whether the assistance is necessary or desirable.
- (c) The Minister shall determine the amount to be expended at any time from the Account, the purpose for which that amount is to be used and the manner of its use.
- (d) At the expiration of ten years from the twenty-eighth day of February, One thousand nine hundred and forty-seven, the balance remaining in the Account shall be paid into the Consolidated Revenue Fund.

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.

THE SCHEDULES.

FIRST SCHEDULE.

FORM A.

Sec. 9.

COMMONWEALTH OF AUSTRALIA.

Wine Export Bounty Act 1947.

NOTICE OF INTENTION TO EXPORT FORTIFIED WINE.

State of

To the Collector of Customs.

I hereby give notice that I intend to export and claim bounty on fortified wine, particulars of which are set out hereunder :—

Date of Intended Export.	Name of Vessel.	Marks and Numbers.	Quantity.	Consignee.	Description and Strength.

Dated this _____ day of _____, 194 ____.

Signature of intending exporter. If the notice is signed by an authorized agent, insert name of intending exporter and add "per.....Authorized Agent".

FORM B.

Sec. 11.

COMMONWEALTH OF AUSTRALIA.

Wine Export Bounty Act 1947.

CLAIM FOR BOUNTY.

Dr. to (a)

No.

Financial year 194 -4 . State of

Pursuant to notice forwarded on the

Pursuant to notice forwarded on the _____, 194 _____,
I hereby claim bounty in respect of fortified wine exported by me on and after
the (b) _____ and up to the (c) _____

The particulars relating to the fortified wine are as follows :—

PARTICULARS.

Date of Export.	Description of Wine.	Rate of Bounty.	Quantity upon which Bounty claimed.		Amount of Bounty claimed.
			Bulk gals.	Btld. gals.	£ s. d.
		Total ..			

Total

pounds

shillings and

pence.

(a) Insert full name and address.

(b) Here insert date of first day of period during which fortified wine in respect of which claim is made was exported.

(c) Here insert date of last day of period during which fortified wine in respect of which claim is made was exported.

