

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 26 February 1981

(*Minister for Primary Industry*)

A BILL

FOR

**An Act to repeal certain legislation relating to dried vine fruits
and for related purposes**

5 BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Dried Vine Fruits Stabilization Legislation
Repeal Act 1981*.

10 **Commencement**

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

Repeal

3. The following Acts are repealed:

15 *Dried Vine Fruits Stabilization Act 1971*
Dried Vine Fruits Stabilization Amendment Act 1976
Dried Vine Fruits Stabilization Amendment Act 1978
Dried Vine Fruits Levy Act 1971
Dried Vine Fruits Levy Amendment Act 1976
20 *Dried Vine Fruits Levy Amendment Act 1978*
Dried Vine Fruits Levy Collection Act 1971.

Interpretation

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

“Company” means The Dried Fruits Stabilization Committee Limited, a body incorporated under the law of the State of Victoria relating to companies; 5

“grower”, in relation to sultanas, means the person in whose name the sultanas were delivered for packing, and includes, where that person is deceased, his legal personal representative;

“packer”, in relation to sultanas, means the proprietor of the premises at which the sultanas were delivered for packing. 10

Levy deemed not to have been imposed

5. Notwithstanding anything contained in the Acts repealed by section 3, levy imposed by section 5 of the *Dried Vine Fruits Levy Act 1971* on sultanas received for packing on or after 1 January 1979 shall be deemed not to have been imposed. 15

Payments out of the Sultanas Stabilization Fund

6. (1) Notwithstanding the repeal made by section 3, the Sultanas Stabilization Fund established under the *Dried Vine Fruits Stabilization Act 1971* continues in existence as a trust account for the purposes of section 62A of the *Audit Act 1901* and moneys standing to the credit of that trust account as so continued in existence may be expended in accordance with this section. 20

(2) As soon as practicable after 1 October 1981 the Minister shall—

(a) realize all investments of moneys standing to the credit of the trust account referred to in sub-section (1); and

(b) pay, out of that trust account, to each grower of sultanas in respect of which levy imposed by the *Dried Vine Fruits Levy Act 1971* has been paid an amount (disregarding fractions of cents) calculated in accordance with the formula $\frac{AB}{C}$, where— 25

C

A is the amount of levy imposed by that Act paid in respect of sultanas delivered for packing in the name of that grower; 30

B is the number of whole dollars in the amount of moneys standing to the credit of that trust account immediately after the investments of moneys standing to the credit of that trust account are realized; and 35

C is the number of whole dollars in the total of the amounts of levy imposed by that Act paid in respect of sultanas delivered for packing.

(3) The trust account referred to in sub-section (1) shall be closed on 30 June 1982 and any moneys standing to the credit of that trust account at the time when it is closed shall be paid into the Consolidated Revenue Fund. 40

(4) Where the Minister is satisfied that a person is entitled to any moneys paid into the Consolidated Revenue Fund in pursuance of sub-section (3), those moneys shall be paid to that person.

Appropriation

5 7. The Consolidated Revenue Fund and the Trust Fund are appropriated to the extent necessary for the purposes of section 6.

Arrangements with The Dried Fruits Stabilization Committee Limited

10 8. (1) The Minister may, on behalf of the Commonwealth, enter into an arrangement with the Company to perform the function of making payments of the kind referred to in sub-section 6 (2) to growers of sultanas.

(2) Without limiting the generality of sub-section (1), an arrangement under that sub-section may provide for—

15 (a) the keeping by the Company of accounts and records in relation to amounts received and distributed by the Company in accordance with the arrangement;

(b) the inspection and audit of the accounts and records referred to in paragraph (a); and

20 (c) the furnishing by the Company to the Minister of information with respect to anything done by the Company in pursuance of the arrangement.

(3) Amounts to be paid to growers of sultanas in accordance with an arrangement made under this section may be paid to the Company for distribution in accordance with the arrangement.

25 (4) The *Audit Act* 1901 does not apply in relation to moneys of the kind referred to in sub-section (3) in the hands of the Company.

(5) Moneys paid to the Company under this section shall, until they are distributed in accordance with the arrangement under which they are paid, be deemed to be moneys held in trust for the Commonwealth.

Arrangements with packers of sultanas

30 9. (1) For the purposes of making a payment to a grower of sultanas as mentioned in section 8, the Company may arrange for the packer of the sultanas to pay to that grower, as agent of the Company, the amount payable to that grower under sub-section 6 (2), and payment may be made by the Company to the packer in accordance with the arrangement.

35 (2) The *Audit Act* 1901 does not apply in relation to moneys of the kind referred to in sub-section (1) in the hands of a packer of sultanas.

(3) Moneys paid to a packer of sultanas under this section shall, until they are distributed in accordance with the arrangement under which they are paid, be deemed to be moneys held in trust for the Commonwealth.

*Dried Vine Fruits Stabilization
Legislation Repeal No. , 1981*

(4) Where—

- (a) an arrangement has been made between the Company and a packer of sultanas in accordance with sub-section (1);
- (b) moneys are paid by the Company to the packer in accordance with the arrangement for payment by the packer to a grower of sultanas; and 5
- (c) the grower is indebted to the packer and has authorized the packer to retain moneys payable by the packer to the grower in accordance with an arrangement under sub-section (1) in or towards the discharge of that indebtedness,

the packer may apply the whole or a part of the moneys so paid by the Company to the packer in or towards the discharge of that indebtedness and, when the packer so applies an amount, the amount so applied shall be deemed to have been an amount paid to the grower in accordance with this Act. 10