

WINE EXPORT BOUNTY.

No. 10 of 1930.

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

[Assented to 5th June, 1930.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, 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 :—

Short title.

1. This Act may be cited as the *Wine Export Bounty Act 1930*.

Repeal of Wine Export Bounty Act 1924-1928.

2. The *Wine Export Bounty Act 1924-1928* is hereby repealed.

Definition.

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

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

Establishment of Trust Account and payment of bounty therefrom.

4.—(1.) For the purposes of this Act there shall be a Trust Account, known as the Wine Export Encouragement Account, which shall be kept in the books of the Treasury.

(2.) The account established in pursuance of this section shall be a Trust Account within the meaning of section sixty-two of the *Audit Act 1901-1926*.

(3.) There shall be payable monthly out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, into the Trust Account established in pursuance of this section, a sum equal to five shillings upon every gallon of spirit for fortifying Australian wine upon which spirit duty of excise is paid, or has, since the twelfth day of March One thousand nine hundred and thirty, been paid at a rate in excess of the rates of duty in force on the said twelfth day of March.

(4.) The bounty payable under this Act shall be payable from moneys standing to the credit of the Trust Account established in pursuance of this section.

(5.) There shall also be payable from the moneys standing to the credit of the Trust Account the amount by which the drawback payable under the *Excise Act* 1901-1923 upon spirit used for fortifying Australian wine exported during the period specified in section five of this Act exceeds the amount of drawback which would have been payable thereon at the rates of Excise Duty in force immediately prior to the thirteenth day of March One thousand nine hundred and thirty.

(6.) If the amount standing to the credit of the Trust Account is at any time insufficient to pay any bounty and drawback payable under this Act, the amount of the deficiency shall be payable into the Trust Account from the Consolidated Revenue Fund, which is hereby appropriated accordingly.

(7.) The surplus in the Trust Account, after all claims for bounty in respect of fortified wine exported from the Commonwealth during the period specified in section five of this Act, and all payments of drawback in pursuance of sub-section (5.) of this section, have been paid and after repayment to the Consolidated Revenue Fund of any amount which has been paid from that Fund into the Trust Account in pursuance of the last preceding sub-section, shall be applied in the prescribed manner in the marketing overseas and the encouragement of the export of Australian wines.

5. The bounty under this Act shall be payable in respect of fortified wine exported from the Commonwealth on or after the thirteenth day of March One thousand nine hundred and thirty and on or before the twenty-eighth day of February One thousand nine hundred and thirty-five. Specification of bounty.

6. The rate of bounty payable under this Act shall be one shilling and ninepence per gallon : Rate of bounty.

Provided that, in the case of fortified wine in respect of which bounty has been paid or is payable under the *Wine Export Bounty Act* 1924-1928, the rate of bounty payable under this Act shall be ninepence per gallon :

Provided further that in no case shall the total bounty payable under this or any other Act exceed one shilling and ninepence per gallon :

Provided further that no bounty shall be payable in respect of wine which is not shown, to the satisfaction of the Minister, to be the product of areas planted with vines on or before the thirty-first day of March One thousand nine hundred and twenty-eight, or, in the case of an irrigation area planted with vines with the assistance of the Government of a State, before the commencement of this Act.

7. The bounty shall be payable to the exporter of the fortified wine. To whom bounty payable.

Conditions of
payment of
bounty.

8.—(1.) Every claimant of bounty under this Act shall supply with his claim a certificate stating the quantity of grapes and fortifying spirit purchased by him from each supplier thereof during the two years immediately preceding the date of exportation of the fortified wine in respect of which bounty is claimed, and the name of each supplier of, and the amount paid to each supplier for, such grapes and fortifying spirits.

(2.) Before any claim for bounty is paid, the Minister may require the claimant to furnish, and the claimant shall thereupon furnish, such information as to the correctness or otherwise of the certificates supplied in accordance with the last preceding sub-section as the Minister deems necessary.

Bounty not
payable unless
Act complied
with.

9. No bounty shall be authorized to be paid unless the exporter of the fortified wine furnishes proof to the satisfaction of the Minister that the requirements of this Act and the regulations have been complied with.

Wine to be of
good quality.

10. No bounty shall be payable in respect of any fortified wine which is not of good and merchantable quality.

Price of grapes
or fortifying
spirit used in
production.

11.—(1.) No bounty shall be payable unless the Minister is satisfied that—

(a) the grower of any grapes used in the production of the wine, or in the production of the fortifying spirit contained in the wine, in respect of which bounty is claimed, has received or will receive a price or an amount for those grapes which in the opinion of the Minister is a reasonable price or amount; and

(b) the distiller of any fortifying spirit contained in the wine, in respect of which bounty has been claimed, has received or will receive a price for that spirit which in the opinion of the Minister is a reasonable price, and that no arrangement or understanding affecting the price of the spirit has been or will be made or entered into between the buyer and the seller or by anyone on behalf of either of them by way of discount, rebate, compensation or in any manner whatever other than as fully shown in the contract for the sale of the spirit.

(2.) The Minister may require security by bond, or guarantee, or cash deposit, or by all or any of these methods, to the effect that a price which, in the opinion of the Minister, is a reasonable price will be paid, within a time to be specified by the Minister, for any grapes used in the production of the wine or in the production of the fortifying spirit contained in the wine or for any fortifying spirit contained in the wine in respect of which bounty is claimed.

12. A claimant for bounty shall keep proper and separate books of account showing in detail— Accounts to be kept.

- (a) the quantity of grapes and fortifying spirit purchased by him ;
- (b) the amount paid to each supplier of the grapes and fortifying spirit ;
- (c) the name and address of the supplier ; and
- (d) such other particulars as the Minister from time to time requires.

13. All books of account kept by a claimant for bounty under this Act and all documents in the possession of, or under the control of, the claimant relating to grapes and fortifying spirit shall at all reasonable times be open to inspection and audit by any person authorized in that behalf by the Minister, and that person may, upon inspection or audit, make and take away extracts from those books of account and documents. Audit of accounts, &c., of claimants for bounty.

14.—(1.) The Minister may make application to the Chief Judge or a Judge of the Commonwealth Court of Conciliation and Arbitration or to any Commonwealth authority established for the purpose of determining wages and conditions of employment, for a declaration as to what wages and conditions of employment are fair and reasonable for labour employed in the manufacture of fortified wine, and in the production of grapes, and in the manufacture of fortifying spirit, used in the manufacture of fortified wine. Conditions of employment and rates of wages.

(2.) On the hearing and determination of the application, the Chief Judge, Judge or Commonwealth authority, as the case may be, shall have all the powers which under the *Excise Procedure Act 1907* are conferred on the Commonwealth Court of Conciliation and Arbitration, and all witnesses and persons summoned to appear or appearing before the Chief Judge, Judge or Commonwealth authority, as the case may be, shall be entitled to the same privileges and protection, and be subject to the same liabilities and penalties, as witnesses or persons summoned to appear or appearing before the President on an application within the meaning of that Act, and the provisions of that Act shall, so far as they are applicable, apply accordingly, *mutatis mutandis*, as if the application were an application within the meaning of that Act.

(3.) For the purposes of this section, any reference in the *Excise Procedure Act 1907* to the President of the Commonwealth Court of Conciliation and Arbitration shall be read as a reference to the Chief Judge or a Judge of that Court or to such Commonwealth authority.

(4.) Every person who claims the bounty payable on fortified wine under this Act shall undertake to observe any determinations as to the conditions of employment and the rates of wages paid to any labour employed by him, and he shall, if required by the Minister, certify to the Minister as to the conditions of employment and the rates of wages paid to any labour employed by him in respect of any period, covered by this Act, which is specified by the Minister.

(5.) Every person who claims the bounty payable on fortified wine under this Act shall, in making such claims, furnish to the Minister such evidence as the Minister requires as to the conditions of employment observed, and the rates of wages paid, in respect of any labour employed in the manufacture of the fortified wine on which the bounty is claimed and in the production of grapes, and in the manufacture of fortifying spirit, used in the manufacture of that fortified wine.

(6.) If the Minister finds that the conditions of employment or rates of wages, or any of them, observed or paid in respect of any labour employed in the manufacture of any fortified wine upon which bounty is claimed or in the production of grapes, or in the manufacture of fortifying spirit, used in the manufacture of that fortified wine under this Act—

- (a) are below the rates and conditions declared, as in the first sub-section of this section mentioned, to be fair and reasonable ; or
- (b) are below the standard rates and conditions of employment prescribed by the Commonwealth Court of Conciliation and Arbitration, or by any other industrial authority of the Commonwealth or a State,

the Minister may withhold the whole or any part of the bounty which would otherwise have been payable on that fortified wine.

Offences.

15. 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, any document, or make to any such officer or person any statement, which is false in any particular.

Penalty : One hundred pounds or imprisonment for twelve months.

Returns to be laid before Parliament.

16. A return setting forth—

- (a) the names of all persons to whom bounties are paid under this Act ;
- (b) the amounts of all such bounties ;
- (c) the amount standing to the credit of the Trust Account constituted under this Act ;
- (d) the amount of any deficiency paid into such Trust Account from the Consolidated Revenue Fund ;
- (e) the precise purposes to which any surplus in such Trust Account has been applied and the amounts applied to each of such purposes respectively ; and
- (f) such other particulars as are prescribed,

shall be prepared in the month of July in each year, and shall be laid before both Houses of the Parliament within thirty days after its preparation if the Parliament is then sitting, and, if not, then within thirty days after the next meeting thereof.

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 for prescribing penalties not exceeding Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations. Regulations.

DEVELOPMENT AND MIGRATION.

No. 11 of 1930.

An Act to amend the *Development and Migration Act 1926* and for other purposes.

[Assented to 23rd June, 1930.]

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.—(1.) This Act may be cited as the *Development and Migration Act 1930*. Short title and citation.

(2.) The *Development and Migration Act 1926** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Development and Migration Act 1926–1930*.

2. This Act shall commence on a date to be fixed by Proclamation. Commencement.

3. Section three of the Principal Act is amended by omitting the definitions of "Commissioner", "the Chairman", "the Commission", "the Minister" and "the Vice-Chairman". Definitions.

* Act No. 29 of 1926.