

WINE EXPORT BOUNTY.

No. 33 of 1934:

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

[Assented to 4th August, 1934.]

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:—

Preamble.

1. This Act may be cited as the *Wine Export Bounty Act 1934*.

Short title.

2. This Act shall commence on the first day of March, One thousand nine hundred and thirty-five.

Commencement.

3. The *Wine Export Bounty Act 1930-1932* is hereby repealed:

Repeal of *Wine Export Bounty Act 1930-1932*.

Provided that, subject to the *Financial Emergency Act 1931*, bounty may be paid under that Act on fortified wine exported before the commencement of this Act, and for the purposes of this proviso that Act shall continue in force until the Minister declares, by notification in the *Gazette*, that he is satisfied that all bounty payable under that Act has been paid.

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

Definitions.

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

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

“minimum price” means, in relation to grapes or fortifying spirit, the minimum price determined by the Minister as the price to be paid for grapes or fortifying spirit, as the case may be, and, where payment in full is made upon delivery or within the prescribed time after delivery, means the price so determined less discount at such rate or rates as the Minister fixes, and, where payment is made by instalments or after the prescribed time after delivery, means the price so determined together with interest at such rate as is fixed by the Minister upon the amount for the time being remaining unpaid;

“the Wine Export Encouragement Account” means the Wine Export Encouragement Account established in pursuance of this Act.

Establishment
of Trust
Account and
payment of
bounty
therefrom.

5.—(1.) For the purposes of this Act there shall be a Trust Account, to be 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 A of the *Audit Act* 1901–1926.

(3.) All moneys standing to the credit of the Trust Account established under the *Wine Export Bounty Act* 1930–1932 which are not required for the payment of bounty under that Act shall be paid into the Trust Account established in pursuance of this section.

(4.) There shall be payable monthly out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, into the Wine Export Encouragement Account—

- (a) a sum equal to five shillings upon every proof gallon of spirit for fortifying Australian wine upon which spirit duty of excise is paid during the previous month; and
- (b) a sum equal to four-fifths of the amount paid during the previous month by way of excise duty on concentrated grape must for use in the manufacture of wine.

(5.) The bounty payable under this Act shall be payable from moneys standing to the credit of the Wine Export Encouragement Account.

(6.) There shall also be payable from the moneys standing to the credit of the Wine Export Encouragement 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 six 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.

(7.) If the amount standing to the credit of the Wine Export Encouragement 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 that Account from the Consolidated Revenue Fund, which is hereby appropriated accordingly:

Provided that the total amount payable out of the Consolidated Revenue Fund in pursuance of this sub-section in any financial year shall not exceed ninety-six thousand pounds, and, for the purposes of this proviso, any amounts paid out of the Consolidated Revenue Fund in pursuance of sub-section (6.) of section four of the *Wine Export Bounty Act* 1930–1932 during the financial year commencing on the first day of July One thousand nine hundred and thirty-four shall be deemed to have been paid out of the Consolidated Revenue Fund in pursuance of this sub-section.

(8.) The surplus in the Wine Export Encouragement Account, after all claims for bounty in respect of fortified wine exported from the Commonwealth during the period specified in section six of this Act, and all payments of drawback in pursuance of sub-section (6.)

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 of Australian wines and the encouragement of the export of Australian wines.

6. The bounty under this Act shall be payable in respect of fortified wine which is exported from the Commonwealth on or after the first day of March, One thousand nine hundred and thirty-five, and on or before the twenty-ninth day of February One thousand nine hundred and forty, and in respect of which the exporter furnishes proof, to the satisfaction of the Minister, that the requirements of this Act and the Regulations have been complied with.

Specification of bounty.

7. The rate of bounty payable under this Act shall be as follows—

Rate of bounty.

- (a) On fortified wine exported during the period from the first day of March One thousand nine hundred and thirty-five to the twenty-eighth day of February One thousand nine hundred and thirty-seven (both dates inclusive)—One shilling and threepence per gallon ;
- (b) On fortified wine exported during the period from the first day of March One thousand nine hundred and thirty-seven to the twenty-eighth day of February One thousand nine hundred and thirty-eight (both dates inclusive)—One shilling and twopence per gallon ;
- (c) On fortified wine exported during the period from the first day of March One thousand nine hundred and thirty-eight to the twenty-eighth day of February One thousand nine hundred and thirty-nine (both dates inclusive)—One shilling and one penny per gallon ;
- (d) On fortified wine exported during the period from the first day of March One thousand nine hundred and thirty-nine to the twenty-ninth day of February One thousand nine hundred and forty (both dates inclusive)—One shilling per gallon :

Provided that, if, notwithstanding the payment into the Wine Export Encouragement Account of the total amount specified in the proviso to sub-section (7.) of section five of this Act, it appears to the Minister that, in any financial year there will not be sufficient money available in that Account to pay full bounty in respect of all claims, the rate of bounty payable under this section shall be reduced proportionately and the bounty may be paid by progress payments as determined by the Minister :

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 fifth day of June, One thousand nine hundred and thirty.

To whom
bounty payable.

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

Certificate to
be furnished by
claimant.

9. —(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 and evidence as to the correctness or otherwise of the certificates supplied in accordance with the last preceding sub-section as the Minister deems necessary.

Wine to be of
good quality.

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

Prices of
grapes or
fortifying
spirit used in
production.

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

- (a) the price paid or to be paid to the grower for 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, is not less than the minimum price, and the grower has received, or will receive, in cash, payment in full within the prescribed time, or payment by four equal quarterly instalments the first of which is payable on or before the thirty-first day of July next following the date of delivery of the grapes;
- (b) the distiller of any fortifying spirit contained in the wine in respect of which bounty has been claimed has received, or will receive, in cash, within six months from the date of delivery of the fortifying spirit, payment for such fortifying spirit at a price not less than the minimum 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, as the result of which the price actually received by the distiller is or will be less than the minimum price; and
- (c) if the wine upon which the bounty is claimed has been purchased in Australia, the maker of the wine has received, or will receive, within six months from the date of delivery, in cash, payment for the wine at a price which, in the opinion of the Minister, is sufficient to enable him to pay to the growers of the grapes used in the production of the wine and in the production of the fortifying spirit contained in the wine not less than the minimum price, and to pay such manufacturing costs as are deemed by the Minister to be reasonable.

12. Notwithstanding anything contained in this Act, if any claimant for bounty on fortified wine exported after the commencement of this Act satisfies the Minister that—

Wine made from grapes purchased before commencement of Act.

- (a) the grapes used in the production of the wine, or in the production of the fortifying spirit contained in the wine, were purchased before the commencement of this Act; and
- (b) the requirements and conditions specified in the Act and regulations relating to the payment of bounty on the export of fortified wine, which were in force at the date of the purchase of the grapes, have been, or will be, complied with,

bounty may be paid under this Act in respect of the wine.

13. The Minister may require security by bond, guarantee, or cash deposit, or by all or any of these methods, for compliance with the provisions of this Act and the Regulations, and for the performance of any undertaking given in pursuance of this Act.

Security for compliance with Act.

14. The Minister may, from time to time, determine the minimum prices which may be paid for grapes and fortifying spirit used in the production of fortified wine in respect of which bounty is claimed.

Minimum prices.

15. A claimant for bounty shall keep proper and separate books of account showing in detail—

Accounts to be kept.

- (a) the quantity of grapes, wine and fortifying spirit purchased by him, together with the amount paid to each supplier for such grapes, wine and fortifying spirit, and the name and address of the supplier;
- (b) the quantity of grapes produced on areas owned by him or under his control which are used by him in the production of wine or fortifying spirit; and
- (c) such other particulars as the Minister from time to time requires.

16. 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 the grapes, wine or fortifying spirit purchased by the claimant, 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.

Inspection and audit of accounts, &c., of claimants.

17. The Minister may withhold the whole or part of the bounty which would otherwise be payable under this Act to any claimant if he is satisfied that—

Power of Minister to withhold bounty.

- (a) at any time during the financial year in which the claim is made or during any preceding financial year, the claimant has received a payment of bounty, under this Act or under the *Wine Export Bounty Act 1930-1932*, to which, by reason of the fact that he had not complied with the requirements of the law then in force, he was not entitled; or

- (b) the claimant has, at any time subsequent to payment to him of any bounty under this Act, refused or failed to make payments, at the time and in the manner specified in section eleven of this Act, to the grower of any grapes used in the production of the wine, or in the production of the fortifying spirit contained in the wine, or to the distiller of any fortifying spirit contained in the wine, in respect of which the bounty was claimed; or
- (c) the maker of the wine upon which the bounty is claimed has received bounty under this Act or under the *Wine Export Bounty Act 1930-1932* to which, by reason of the fact that he had not complied with the requirements of the law then in force, he was not entitled.

Conditions of
employment
and rates of
wages.

18.—(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.

(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 or 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 claim, 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 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 rates of wages or conditions of employment or any of them, paid or observed 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, in pursuance of sub-section (1.) of this section, 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 ; or
- (c) in cases where the rates and conditions of employment in any particular district have not been declared or prescribed in the manner specified in paragraph (a) or paragraph (b) of this sub-section, are below the rates and conditions usually paid or observed in the district and are not, in the opinion of the Minister, fair and reasonable,

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

19. No person shall—

Offences.

- (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 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.

20. A return setting forth—

Returns to be laid before Parliament.

- (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 Wine Export Encouragement Account ;
- (d) the amount of any deficiency paid into that Account from the Consolidated Revenue Fund ;
- (e) the precise purposes to which any surplus in that 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.

Regulations.

21. 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.

TRANSFERRED OFFICERS' PENSIONS.

No. 34 of 1934.

An Act to provide for the Payment of Allowances to certain Transferred Officers, the Rates of whose Pensions or Retiring Allowances are affected by Financial Emergency Measures.

[Assented to 4th August, 1934.]

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 *Transferred Officers' Pensions Act* 1934.

Definitions

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

“index-numbers” means the index-numbers published from time to time by the Commonwealth Statistician as indicating the purchasing power of money;

“transferred officer” or “officer” means a person who, having been transferred from the public service of a State to the public service of the Commonwealth, is entitled to retire, or has retired, from office on the pension or retiring allowance permitted by the law of the State as if his service with the Commonwealth were a continuation of his service with the State.

Allowances to transferred officers.

3.—(1.) Where the rate of the pension or retiring allowance payable by the Commonwealth to any transferred officer is calculated by reference to the salary received by that officer during a period prior to the date of his retirement, and the salary of that officer was, at any time during that period, reduced under or in accordance with