

WINE EXPORT BOUNTY.

No. 44 of 1939.

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

[Assented to 6th December, 1939.]

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 :—

- 1.** This Act may be cited as the *Wine Export Bounty Act 1939*. Preamble.
Short title.
- 2.** This Act shall come into operation on the first day of March, One thousand nine hundred and forty. Commencement.
- 3.** After the date of commencement of this Act, bounty shall not be paid on fortified wine under the *Wine Export Bounty Act 1934*, unless the fortified wine was exported before that date, and the last-mentioned Act shall, by force of this section, be repealed upon the publication in the *Gazette* of a notice by the Minister that he is satisfied that all bounty payable under the last-mentioned Act has been paid. Repeal of *Wine Export Bounty Act 1934*.
- 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 has been fortified so as to contain not less than thirty-four per centum of proof spirit ;
- “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 a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901-1934*.

(2.) All moneys standing to the credit of the Trust Account established under the *Wine Export Bounty Act 1934* which are not required for the payment of bounty under that Act shall be paid into the Consolidated Revenue Fund.

(3.) 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.

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

(5.) If the amount standing to the credit of the Wine Export Encouragement Account is at any time insufficient to pay any bounty payable under this Act, the amount of the deficiency shall, subject to the next succeeding sub-section, be payable into that Account from the Consolidated Revenue Fund, which is hereby appropriated accordingly.

(6.) The total amount payable out of the Consolidated Revenue Fund in pursuance of the last preceding sub-section in any financial year shall not exceed Fifty thousand pounds and, for the purposes of that sub-section, any amounts paid out of the Consolidated Revenue Fund in pursuance of sub-section (7.) of section five of the *Wine Export Bounty Act 1934* during the financial year which commenced on the first day of July, One thousand nine hundred and thirty-nine, shall be deemed to have been paid out of the Consolidated Revenue Fund in pursuance of the last preceding sub-section.

(7.) 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 have been paid, shall be paid into the Consolidated Revenue Fund.

Specification of
bounty.

6. Bounty under this Act shall be payable in respect of fortified wine—

- (a) which is exported from the Commonwealth on or after the first day of March, One thousand nine hundred and forty, and on or before the twenty-eighth day of February; One thousand nine hundred and forty-five :
- (b) in respect of which the exporter satisfies the Minister that the wine, and the fortifying spirit, contained in the fortified wine, were produced from grapes grown on 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; and

- (c) in respect of which the exporter satisfies the Minister that the provisions of this Act and of the regulations have been complied with.

7. The rate of bounty payable under this Act shall be One shilling Rate of bounty.
per gallon :

Provided that, if it appears to the Minister that, in any financial year, there will not be sufficient money available in the Wine Export Encouragement 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.

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

9.—(1.) Every claimant 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, those grapes and that fortifying spirit. Certificate to
be furnished by
claimant.

(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 sub-section (1.) of this section as the Minister deems necessary.

10. No bounty shall be payable in respect of any fortified wine Wine to be of
good quality.
which—

- (a) is not sound ; or
(b) in the opinion of the Minister, is of such a quality that the reputation of Australian wine in the country to which the wine is exported would be harmed.

11.—(1.) No bounty shall be payable unless the Minister is Prices of
grapes or
fortifying
spirit used in
production.
satisfied that—

- (a) the price paid or to be paid to the grower for any grapes used in the production of the wine or fortifying spirit contained in the fortified wine in respect of which bounty is claimed is not less than the minimum price, and the grower has received, in cash, a payment of Two pounds per ton not later than the twenty-first day of the month next following the month of delivery of the grapes to the manufacturer

of the wine, or of the fortifying spirit contained in the fortified wine, and has received, or will receive, in cash, payment of the balance in full not later than the prescribed date, or payment of the balance by four equal quarterly instalments the first of which is payable on or before the thirtieth day of June next following the date of delivery of the grapes ;

(b) the distiller of any fortifying spirit contained in the fortified wine in respect of which bounty is claimed has received, or will receive, in cash, not later than a date from time to time fixed by the Minister, payment for the 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 fortified wine upon which bounty is claimed has been purchased in Australia by the claimant, the manufacturer of that fortified wine has received, or will receive, within six months from the date of delivery, in cash, payment for that fortified wine at a price which, in the opinion of the Minister, is sufficient to enable payment to be made to the growers of the grapes used in the production of the wine or fortifying spirit contained in that fortified wine at not less than the minimum price, and to enable payment to be made of such manufacturing costs as are deemed by the Minister to be reasonable.

(2.) The provisions of paragraph (a) of sub-section (1.) of this section shall not apply with respect to any grapes grown by the producer of the wine or of the fortifying spirit and the provisions of paragraph (b) of that sub-section shall not apply with respect to fortifying spirit distilled and used by the manufacturer of the fortified wine.

Wine made
from grapes
purchased
before
commencement
of Act.

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—

(a) the grapes used in the production of the wine, or of the fortifying spirit, contained in the fortified wine, were purchased before the commencement of this Act ; and

(b) the provisions of the Act and of the 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 fortified 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 of 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 manufacture of fortified wine in respect of which bounty is claimed.

Minimum prices.

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

Accounts to be kept.

- (a) the quantity of grapes, wine, fortifying spirit and fortified wine purchased by him, together with the amount paid to each supplier therefor, 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, and all documents in the possession of, or under the control of, the claimant, relating to the grapes, wine, fortifying spirit or fortified wine 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 1934* to which, by reason of the fact that he had not complied with the provisions of the Act or of the regulations relating to the payment of bounty on the export of fortified wine then in force, he was not entitled ;
- (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, to the persons and in the manner specified in section eleven of this Act ; or
- (c) the manufacturer of the fortified wine upon which the bounty is claimed has received bounty under this Act or under the *Wine Export Bounty Act 1934* to which, by reason of the fact that he had not complied with the provisions of the Act or of the regulations relating to the payment of bounty on the export of fortified wine in force at the time when the bounty was received, he was not entitled.

Rates of wages
and conditions
of employment.

18.—(1.) Where in the locality where—

- (a) fortified wine, in respect of which bounty is claimed, is manufactured ;
- (b) wine contained in fortified wine, in respect of which bounty is claimed, is manufactured ;
- (c) fortifying spirit contained in fortified wine, in respect of which bounty is claimed, is manufactured ; or
- (d) grapes are produced from which wine or fortifying spirit contained in fortified wine, in respect of which bounty is claimed, is made,

any standard rates of wages or conditions of employment to be paid in respect of any persons employed in any such manufacture or production have been—

- (e) prescribed by any award, order or determination of the Commonwealth Court of Conciliation and Arbitration or of any other industrial authority of the Commonwealth or of a State or Territory or in any industrial agreement registered under any law of the Commonwealth or of a State or Territory ; or
- (f) declared to be fair and reasonable in pursuance of sub-section (2.) of this section.

any person making a claim for bounty under this Act shall furnish to the Minister such evidence as the Minister requires as to the rates of wages and conditions of employment observed in respect of the persons employed in the manufacture of the fortified wine, in the manufacture of the wine and of the fortifying spirit contained in the fortified wine and in the production of the grapes from which the wine and fortifying spirit contained in the fortified wine were made.

(2.) If, in any locality referred to in sub-section (1.) of this section, the rates of wages and conditions of employment to be paid and observed in respect of any persons employed in any class of manufacture or production specified in that sub-section have not been so prescribed, the Minister may make application to the Chief Judge or a Judge of the Commonwealth Court of Conciliation and Arbitration, for a declaration as to what rates of wages and conditions of employment are fair and reasonable for persons employed in any such class of manufacture or production.

(3.) If the Minister finds that the rates of wages paid to, or the conditions of employment, or any of them, observed in respect of, persons employed in the manufacture of the fortified wine upon which bounty is claimed, or in the manufacture of the wine or of the fortifying spirit contained in that fortified wine, or in the production of grapes from which that wine or fortifying spirit was made, were less favorable to those persons than the rates and conditions prescribed or declared as specified in paragraph (e) or paragraph (f), as the case may be, of sub-section (1.) of this section, he may direct that the whole or any part of any bounty shall not be payable and that whole or part, as the case may be, shall thereupon not be payable.

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.—(1.) A return shall be prepared, not later than the thirty-first day of August in each year, and shall be laid before each House of the Parliament within fifteen sitting days of that House after the preparation of the return.

Returns to be laid before Parliament.

(2.) The return shall set forth in respect of the preceding financial year—

- (a) the names of all persons to whom bounties were paid under this Act;
- (b) the amounts of all such bounties;
- (c) the amount standing to the credit of the Wine Export Encouragement Account; and
- (d) such other particulars (if any) as are prescribed.

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.

Regulations.

SHIP BOUNTY.

No. 45 of 1939.

An Act to provide for the Payment of a Bounty on the Construction of Ships and Parts of Ships.

[Assented to 8th December, 1939.]

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 *Ship Bounty Act 1939*.

Short title.