

No. 4199.

An Act to apply for the Benefit and Assistance of necessitous Fruit Growers in Victoria certain Moneys paid to the State pursuant to the Commonwealth Act known as the *Fruit Growers' Relief Act 1933*.

[29th December, 1933.]

WHEREAS the Constitution of the Commonwealth of Australia provides that the Parliament of the Commonwealth may grant financial assistance to any State on such terms and conditions as the said Parliament thinks fit: And whereas by the Commonwealth Act known as the *Fruit Growers Relief Act 1933* it is provided that subject to that Act there shall be granted to each State out of moneys appropriated by the Parliament of the Commonwealth for the purpose, by way of financial assistance to that State, the amount specified in the said Act: And whereas the amount so granted to the State of Victoria is the sum of Thirty-six thousand three hundred and twenty-one pounds: And whereas it is further provided in the said Act that any money granted to a State under the said Act shall be so granted upon condition that it is applied by the State for the benefit and assistance of certain necessitous fruit growers: And whereas it is expedient to make provision for the application of moneys so granted to the State of Victoria under the said Act for the benefit and assistance of the said necessitous fruit growers as provided in this Act and with respect to certain matters relating thereto: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Preamble.
See
Commonwealth
Constitution
s. 96.

(Comm). 1933
No. 39.

1. This Act may be cited as the *Fruit Growers Relief* Short title.
(*Commonwealth Payment*) Act 1933.

2. In this Act unless inconsistent with the context or Interpretation.
subject-matter—

“ Authority ” means the authority appointed under “ Authority.”
this Act.

“ Fruit

“Fruit
growers.”

“Fruit growers” means growers of apples or pears.

“Prescribed.”

“Prescribed” means prescribed by this Act or the regulations.

“Regulations.”

“Regulations” means regulations made under this Act.

The “said
Commonwealth
Act”.

(Comm.) 1933
No. 39.

The “said Commonwealth Act” means the hereinbefore recited Commonwealth Act known as the *Fruit Growers’ Relief Act 1933*.

Establishment
of Fruit
Growers Relief
(Commonwealth
Payment)
Fund.

3. (1) For the purposes of this Act there shall be established and kept in the Treasury an account to be called the Fruit Growers Relief (Commonwealth Payment) Fund (hereinafter referred to as “the Fund”).

Payments to
credit of Fund.

(2) Any money granted by the Commonwealth to the State of Victoria pursuant to the said Commonwealth Act shall be carried to the credit of the Fund.

Nomination of
authority by
State.

4. For the purposes of the said Commonwealth Act the authority nominated by the State of Victoria shall be a committee consisting of three members appointed by the Governor in Council on the nomination of the Minister and called the Fruit Growers Relief Committee.

Application
of Fund.

5. (1) The moneys to the credit of the Fund shall be applied for the benefit and assistance of necessitous fruit growers who satisfy the authority that they have suffered losses in the export from Australia of apples or pears grown by them during the 1932–1933 season: Provided that the Minister may subject to this section at such time or times as he thinks fit make progress payments out of the Fund to such fruit growers, such progress payments to be made on such terms and conditions as are prescribed: Provided further that in the case of apples and pears grown by parties to share-farming agreements the payments or progress payments distributed or made under this section shall subject to this section be apportioned between the said parties in proportion to the interest of the parties under such agreements.

As to
operation of
Nos. 3962 &c.

(2) In the case of a fruit grower to whom a protection certificate under the Farmers Relief Acts has been issued nothing in this section shall affect the operation of the said Acts.

(3) A payment

(3) A payment or progress payment under this section shall not be made to a fruit grower unless he makes a claim therefor within two months from and after the coming into operation of this Act.

Payment to claimants only.

(4) All such claims shall be made in the prescribed form containing the prescribed particulars accompanied by such certificates or other documents as are prescribed, and all such claims certificates and documents shall be verified by statutory declaration or in such other manner as is prescribed.

Form &c. of claims.

(5) The payment of the said payments or progress payments in pursuance of this section shall discharge the Crown and the Minister and all persons acting for or on behalf of the Crown or the Minister from all claims to the said payments or progress payments and it shall not be necessary in any case for the Minister to see to the application of any payments or progress payments made hereunder or to see to the performance of any trusts :

Effect of payment on other claims &c.

Provided that nothing in this sub-section shall affect any claim which may be made against any person who has received such payments or progress payments or any part thereof, and if any payment or progress payment is paid by the Minister to any person not entitled to the same it may be recovered from such person by the person who but for such payment would have been entitled to such payment or progress payment.

(6) (a) Any person who knowingly—

- (i) obtains from the Minister any payment or progress payment hereunder which is not payable to such person ; or
- (ii) obtains any payment or progress payment hereunder by means of any false or misleading statement whether in a claim or certificate or document or otherwise—

Fraudulent claims &c.

shall be guilty of an offence and shall be liable for every such offence to a penalty of One hundred pounds or double the amount of such payment or progress payment (whichever penalty is the greater) or to imprisonment for a term of not more than one year or to both such penalty and imprisonment.

(b) Any person who knowingly gives or sends to the authority or to any person on behalf of the authority a claim certificate or other document containing any statement

statement which is false in any particular shall be guilty of an offence and shall be liable for every such offence to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than one year or to both such penalty and imprisonment.

Recovery of
payments &c.
made in error
&c.

(7) Any payment or progress payment or part thereof made under this section by or on behalf of the Minister to any fruit grower or other person in error or by reason of any fraud on the part of such fruit grower or person shall be recoverable from such fruit grower or person in any court of petty sessions (consisting of a police magistrate sitting without any other justice or justices) as a civil debt recoverable summarily or in any court of competent jurisdiction.

Wholesale fruit
merchants and
exporter to
furnish
authority with
information
relating to
apples and
pears purchased
or exported
in 1933.

(8) Every person who carries on the business of purchasing by wholesale or of exporting fruit (whether on his own behalf or as agent for some other person) shall when so required by the authority furnish the authority in writing with such information relating to the purchase sale or export of apples or pears purchased or exported by him in the year One thousand nine hundred and thirty-three as is so required, and any such person who fails or refuses to furnish such information as aforesaid shall be guilty of an offence against this Act.

Power to officer
authorized by
authority to
inspect books.

(9) Any officer authorized in that behalf by the authority may at all reasonable times inspect the books (so far as the same relate to the purchase sale or export of apples or pears purchased or exported in the said year) of any such person, and any such person who prevents or attempts to prevent such officer from inspecting the books as aforesaid shall be guilty of an offence against this Act.

Penalties.

6. (1) Every person guilty of an offence against this Act or the regulations shall for every such offence be liable, if no other penalty or punishment is expressly provided in this Act or the regulations for such offence, to a penalty of not more than Fifty pounds.

Aiders and
abettors.

(2) Every person who in Victoria aids abets counsels procures or is in any way knowingly concerned in the commission of an offence against this Act or the regulations shall be deemed to have committed that offence and shall be punishable accordingly.

(3) Subject

(3) Subject to this Act, any penalties imposed by this Act or any regulation may, without prejudice to any other method of recovery (whether by civil or criminal proceedings or otherwise), be recovered before a court of petty sessions consisting of a police magistrate sitting without any other justice or justices.

Recovery of penalties.

7. (1) The Governor in Council may make regulations 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 of not more than Fifty pounds or imprisonment for a period of not more than three months for any breach of the regulations.

Power to make regulations.

(2) All regulations under this Act shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Publication of regulations.