

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 17 April 1985

(*Minister for Primary Industry*)

A BILL

FOR

An Act to amend the *Dried Sultana Production Underwriting Act 1982*

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

Short title, &c.

1. (1) This Act may be cited as the *Dried Sultana Production Underwriting Amendment Act 1985*.

(2) The *Dried Sultana Production Underwriting Act 1982*¹ is in this Act referred to as the Principal Act.

Heading to Part I

2. Before section 1 of the Principal Act the following heading is inserted:

“PART I—PRELIMINARY”.

Interpretation

3. Section 3 of the Principal Act is amended—

(a) by inserting after the definition of “dried sultanas” in sub-section (1) the following definitions:

“‘export’ means export from Australia;

‘exported packed dried sultanas’ means—

- (a) packed dried sultanas that, having been sold in Australia for delivery to a place outside Australia or for delivery to a ship or aircraft for export, have been exported in pursuance of the contract of sale; or
- (b) packed dried sultanas (not being packed dried sultanas referred to in paragraph (a)) that have been exported for the purpose of sale outside Australia and have been so sold;

‘export sale’, in relation to exported packed dried sultanas, means the sale of those sultanas by virtue of which they became, or became on export, exported packed dried sultanas;”;

- (b) by inserting after the definition of “packing house” in sub-section (1) the following definition:

“‘prescribed later season’ means the season commencing on 1 January 1986, or any of the next 4 succeeding seasons;”;

- (c) by omitting “4” from the definition of “prescribed season” in sub-section (1) and substituting “3”;

- (d) by inserting after the definition of “prescribed season” in sub-section (1) the following definition:

“‘published average export return rate’, in relation to dried sultanas with respect to a season, means the amount per tonne specified in the relevant determination published in the *Gazette* under section 9A;”;

- (e) by inserting after the definition of “published average return rate” in sub-section (1) the following definition:

“‘published guaranteed minimum export return rate’, in relation to dried sultanas with respect to a season, means the amount per tonne specified in the relevant determination published in the *Gazette* under section 9D;”;

- (f) by inserting “or 9G” after “section 9” in the definition of “underwriting payment” in sub-section (1); and

- (g) by inserting “or 9F” after “section 8” in the definition of “underwriting season” in sub-section (1).

Heading to Part II

4. Before section 4 of the Principal Act the following heading is inserted:

“PART II—UNDERWRITING FOR PRESCRIBED SEASONS”.

5. After section 9 of the Principal Act the following Part and heading are inserted:

“PART III—UNDERWRITING FOR PRESCRIBED LATER SEASONS

Average export return rate for season

“9A. (1) As soon as practicable after the end of a prescribed later season, the Minister shall, in accordance with section 9B, determine an amount per tonne that is to be the average export return rate for dried sultanas in respect of that season.

“(2) When the Minister has determined an amount per tonne that is to be the average export return rate for dried sultanas in respect of a prescribed later season, the Minister shall publish in the *Gazette* a notice setting out that determination.

Method of determination of average export return rate

“9B. For the purpose of determining an amount per tonne that is to be the average export return rate for dried sultanas in respect of a season, the Minister shall—

- (a) ascertain the aggregate of the amounts of the corrected proceeds of export sales of exported packed dried sultanas derived from dried sultanas received into packing houses during that season and exported; and
- (b) divide the amount so ascertained by a number equal to the number of tonnes of packed dried sultanas the subject of those sales.

Reduction factor for prescribed later season

“9C. (1) The Minister shall, at the time at which he or she determines under section 9A an amount per tonne that is to be the average export return rate for dried sultanas in respect of a prescribed later season, determine, in accordance with this section, the reduction factor for dried sultanas in respect of that season.

“(2) For the purpose of determining the reduction factor for dried sultanas in respect of a prescribed later season, the Minister shall—

- (a) ascertain the total number of tonnes of dried sultanas received into packing houses during that season;
- (b) ascertain the total number of tonnes of packed dried sultanas packed for sale at those packing houses that were derived from the dried sultanas referred to in paragraph (a); and
- (c) divide the number referred to in paragraph (b) by the number referred to in paragraph (a).

“(3) When the Minister has determined the reduction factor for dried sultanas in respect of a prescribed later season, the Minister shall publish in the *Gazette* a notice setting out that determination.

Guaranteed minimum export return rate for prescribed later season

“9D. (1) As soon as practicable after the commencement of this Act, the Minister shall, in accordance with this section, determine an amount per tonne that is to be the guaranteed minimum export return rate for dried sultanas in respect of the prescribed later season commencing on 1 January 1986. 5

“(2) As soon as practicable after the end of a prescribed later season (other than the season commencing on 1 January 1990), the Minister shall, in accordance with this section, determine an amount per tonne that is to be the guaranteed minimum export return rate for dried sultanas in respect of the next succeeding prescribed season. 10

“(3) For the purpose of determining an amount per tonne that is to be the guaranteed minimum export return rate for dried sultanas in respect of a prescribed later season, the Minister shall—

- (a) ascertain the aggregate of the amounts of the corrected proceeds of export sales of exported packed dried sultanas derived from dried sultanas received into packing houses during the 3 seasons immediately preceding that season and exported; 15
- (b) divide the amount so ascertained by a number equal to the number of tonnes of exported packed dried sultanas the subject of those sales; and
- (c) deduct from the amount calculated in accordance with paragraph (b) an amount equal to 20% of the amount so calculated. 20

“(4) Where the Minister has determined the guaranteed minimum export return rate for a prescribed later season, the Minister shall publish in the *Gazette* a notice specifying the rate so determined.

Export sales 25

“9E. For the purpose of determining an amount per tonne under section 9B or sub-section 9D (3), the Minister may, if the Minister considers it appropriate, have regard only to export sales of exported packed dried sultanas exported by persons selected by the Minister having regard to their representative character in relation to the industry as a whole. 30

Amount of corrected proceeds of export sale

“9F. For the purposes of paragraphs 9B (a) and 9D (3) (a), the amount of the corrected proceeds of an export sale of exported packed dried sultanas shall be taken to be the amount of the proceeds of that sale less an amount equal to the amount of any costs, charges or expenses that, in the opinion of the Minister, were necessarily incurred in respect of that sale by reason of the carriage of the sultanas from the port or airport of export to a place outside Australia, including— 35

- (a) the insuring of the sultanas in respect of any period after they were placed on board a ship or aircraft for export; and 40
- (b) any moving, handling or processing of, or any dealing in, the sultanas after they were placed on board a ship or aircraft for export.

Underwriting seasons—prescribed later seasons

5 “9G. Where the published average export return rate for dried sultanas in respect of a prescribed later season is less than the published guaranteed minimum export return rate for dried sultanas in respect of that season, that season is an underwriting season for the purposes of this Act.

Underwriting payments to producers—prescribed later season

“9H. (1) Where—

- (a) a prescribed later season is an underwriting season; and
 - 10 (b) dried sultanas produced by a producer were received into a packing house during that season,
- an underwriting payment is payable to that producer in respect of those dried sultanas.

15 “(2) The rate of an underwriting payment under sub-section (1) is an amount per tonne equal to the amount by which the amount per tonne that constitutes the published average export return rate for dried sultanas in respect of the underwriting season is less than the amount per tonne that constitutes the published guaranteed minimum export return rate for dried sultanas in respect of the underwriting season.

20 “(3) The amount of an underwriting payment under sub-section (1) is an amount equal to the product of—

- (a) the amount per tonne that is the rate of the underwriting payment;
- (b) the number of tonnes of the dried sultanas; and
- (c) the reduction factor, calculated in accordance with section 9C, for dried sultanas in respect of the underwriting season.

25 **“PART IV—MISCELLANEOUS”.**

Amendments relating to sexist language

6. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 6

AMENDMENTS RELATING TO SEXIST LANGUAGE

Section 4—

Omit “he” (wherever occurring), substitute “the Minister”.

Sub-section 5 (2)—

Omit “he”, substitute “the Minister”.

Sub-section 6 (1)—

Insert “or she” after “he”.

Sub-section 6 (3)—

Omit “he”, substitute “the Minister”.

Sub-section 7 (4)—

Omit “him”, substitute “the Minister”.

Sub-section 7 (6)—

Omit “he”, substitute “the Minister”.

Sub-section 11 (2)—

Omit “he”, substitute “the person”.

Paragraph 13 (4) (c)—

Omit “him”, substitute “the packer”.

Sub-section 16 (2)—

- (a) Omit “he”, substitute “the person”.
- (b) Omit “him”, substitute “the person”.

Sub-section 16 (3)—

- (a) Omit “he”, substitute “the person”.
- (b) Omit “him” (wherever occurring), substitute “the person”.

Sub-section 16 (4)—

Omit “his knowledge”, substitute “the knowledge of the person”.

Sub-section 17 (1)—

- (a) Omit “his knowledge”, substitute “the knowledge of the person”.
- (b) Omit “him” (wherever occurring), substitute “the person”.

Section 18—

Omit “him” (wherever occurring), substitute “the person”.

Paragraph 19 (1) (a)—

- (a) Omit “him”, substitute “the packer”.
- (b) Omit “his operations”, substitute “the operations of the packer”.

SCHEDULE—continued

Sub-section 20 (3)—

Omit “he”, substitute “the authorized person”.

Sub-section 20 (5)—

Omit “he”, substitute “the authorized person”.

Section 22—

Insert “or her” after “him”.

NOTES

1. No. 6, 1982.
2. On the commencement of this Act, the heading of section 6 of the Principal Act is altered to “Reduction factor for prescribed season”.
3. On the commencement of this Act, the heading of section 8 of the Principal Act is altered to “Underwriting seasons—prescribed seasons”.
4. On the commencement of this Act, the heading to section 9 of the Principal Act is altered to “Underwriting payments to producers prescribed seasons”.

