



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 33]

THURSDAY, JANUARY 29.

[1942

NATIONAL SECURITY (EMERGENCY POWERS) ACTS.

At Government House, Melbourne, the twenty-ninth day of January, 1942.

PRESENT:

His Excellency the Governor of Victoria.

Mr. Lind

Mr. Tuckett.

REGULATIONS RELATING TO THE SALE OF CERTAIN TOMATOES.

IN pursuance of the powers conferred by the National Security (Emergency Powers) Acts His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof doth make the following Regulations, that is to say:—

1. (1) These Regulations may be cited as the National Security Citation. (Tomatoes) Regulations.
- (2) These Regulations shall commence on the day on which they are published in the *Government Gazette*. Commencement.
2. In these Regulations unless inconsistent with the context or Interpretation subject matter—
 - “Grower” means a person by whom or on whose behalf tomatoes are actually grown in Victoria, and, where tomatoes are so grown pursuant to any written share-farming or partnership agreement, includes any party or parties to such agreement.
 - “Purchaser” includes any person purchasing tomatoes as agent for any other person. Purchaser.
3. (1) No person shall buy or agree to buy and no person shall sell or agree to sell tomatoes intended for processing or manufacture except upon terms that— Terms and minimum prices for tomatoes sold for processing or manufacture.
 - (a) the purchaser provides packing cases to the grower for the packing of such tomatoes free of cost at the point of production; or
 - (b) the grower provides the cases for the packing of such tomatoes and sells the cases with the tomatoes; or
 - (c) the grower provides the cases for packing such tomatoes and the purchaser returns the cases to the point of production free of cost to the grower. In addition to above.
- (2) Where tomatoes are bought and sold upon the terms—
 - (a) referred to in paragraph (a) of the last preceding sub-clause—the minimum price which shall be paid by the purchaser to the grower shall be Two shillings and threepence per forty-eight pounds net weight of tomatoes packed at the point of production;
 - (b) referred to in paragraph (b) of the last preceding sub-clause—the minimum price which shall be paid by the purchaser to the grower shall be Three shillings per forty-eight pounds net weight of tomatoes packed at the point of production;

(c) referred to in paragraph (c) of the last preceding sub-clause—the minimum price which shall be paid by the purchaser to the grower shall be Two shillings and five pence per forty-eight pounds net weight of tomatoes packed at the point of production.

(3) For the purposes of this clause tomatoes bought by or by any person for resale to or as agent for a processor of tomatoes or a manufacturer of tomato products shall be deemed to be intended for processing or manufacture.

(4) Any agreement or contract for the sale of tomatoes made before the commencement of these Regulations which is inconsistent with the foregoing provisions of this clause shall be void and of no effect.

(5) Nothing in this clause shall apply with respect to any contract or agreement for the sale of tomatoes to the extent to which such sale has been completed by delivery before the commencement of these Regulations.

Inspection.

4. (1) For the purposes of the administration of these Regulations any inspector of the Department of Agriculture or any person authorized by the Minister in that behalf may at any reasonable time—

- (a) enter upon and search any land or premises;
- (b) inspect any documents books or papers therein and take any copies of or abstracts from any such documents books or papers;
- (c) inspect any tomatoes therein and take samples of any such tomatoes.

(2) Any person who prevents or attempts to prevent or hinders any such inspector or person in the execution of any of his powers under this clause of these Regulations shall be guilty of a contravention of these Regulations.

Returns.

5. (1) The Minister may by notice in writing require any grower to furnish to him within a specified time and in a specified form a return setting forth to the best of his knowledge and ability—

- (a) the particulars specified in the notice relating to the sale by him of any tomatoes to any processor of tomatoes or manufacturer of tomato products during any specified period; and
- (b) such further particulars as are specified in the notice.

(2) The Minister may by notice in writing require any processor of tomatoes or manufacturer of tomato products to furnish to him within a specified time and in a specified form a return setting forth to the best of his knowledge and ability—

- (a) the particulars specified in the notice relating to the purchase by him of any tomatoes during any specified period; and
- (b) such further particulars as are specified in the notice.

(3) Any such notice may be either—

- (a) a notice to a grower or a processor or a manufacturer individually by a prepaid letter through the post addressed to his last known address; or
- (b) a notice to growers or processors or manufacturers generally or to a class of growers or processors or manufacturers by advertisement in the *Government Gazette* and in a daily newspaper generally circulating throughout Victoria.

(4) Any return furnished by any person pursuant to this clause of these Regulations shall in any proceedings under these Regulations be admissible in evidence against that person.

(5) Any person who—

- (a) fails to comply with any requirements of any such notice; or
- (b) wilfully furnishes any false or misleading return—

shall be guilty of a contravention of these Regulations.

Duration of Regulations.

6. These Regulations shall expire on the first day of May, One thousand nine hundred and forty-two.

And the Honorable Albert Arthur Dunstan, His Majesty's Premier for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.

No. 62.