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Apple and Pear Levy Bill 1976

Introduced by the Minister for Primary Industry, Hon. I. Sinclair, House of Representatives, 18 November, 1976.

Brief Digest of Bill

Purpose

– To impose a levy on the sale or use in Australia of apples and pears.

Related Legislation.

This is one of five companion Bills which, as a whole, provide for the imposition and collection of levies on local and export sales of apples and pears as part of new arrangements for financing the Australian Apple and Pear Corporation. They are:

Apple and Pear Levy Bill – imposition of levy on domestic sales of apples and pears.

Apple and Pear Levy Collection Bill – collection of levy imposed by above Bill.

Apple and Pear Export Charge Bill – imposition of charge on exports of apples and pears.

Apple and Pear Export Charge Collection – collection of charge imposed by above Bill.

Australian Apple and Pear Corporation Amendment Bill – authorises payment of the levy and export charges to the Corporation.

The separate Bills for imposition and collection are required by section 55 of the Constitution which says that laws imposing taxation shall deal only with the imposition of taxation.

The new levy will replace the previous levy which was on exports only, imposed under the Apple and Pear Export Charges Act 1938 to finance the Australian Apple and Pear Board. The charge on exports only had become too burdensome and inequitable after the steep fall in export sales. The Board was replaced by the Australian Apple and Pear Corporation which was established by the Australian Apple and Pear Corporation Act 1973 and began operations in 1974. The Board was concerned mainly with export promotion but the Corporation's functions also encompass promotion of domestic sales, research and export control. The Corporation, like the Board, also administers payments to and from growers under the Apple and Pear Stabilization Scheme.

The Labor Government had introduced a different Apple and Pear Levy Bill on 5 June 1975. The purpose of this was also to finance the Corporation but it was to be by way of a levy based on the grower's area of fruit trees. The Bill was not opposed by the Liberal–NCP Opposition although Mr. Sinclair expressed reservations about the area basis of the levy. The Bill lapsed when the Parliament was dissolved in November 1975. In these new Bills, the new Liberal–NCP Government has changed the basis of

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the levy from area to sales, with the agreement of the Australian Apple and Pear Growers' Association.

Provisions

The Apple and Pear Levy Bill provides for the imposition on growers of a levy on fruit produced after 1 January 1977 and sold in Australia or used by the grower in production of fruit juice or other goods. (Clause 5)

The rate of the levy will be as prescribed by the Government, taking into account any recommendations of the Growers Association, but will not exceed

- for juicing fruit, 60 cents per tonne,
- for processing fruit, \$1.40 per tonne,
- for other fruit, 6 cents per box. (clause 6)

Exemptions are provided for small amounts of fruit (500 boxes per annum or less) retailed or used for processing by the grower himself, (clause 7) and for canning pears which are already levied under the Canning-Fruit Charge Act 1959.

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