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AUSTRALIAN APPLE AND PEAR CORPORATION AMENDMENT BILL 1986

Date introduced: 12 February 1986
House: House of Representatives
Presented by: Hon. John Kerin, M.P., Minister for
Primary Industry

DIGEST OF BILL

Purpose

To give the Australian Apple and Pear Corporation (the Corporation) power to issue export licences, to require the Corporation to prepare corporate and operational plans and to make a number of formal and machinery amendments to the Australian Apple and Pear Corporation Act 1973 (the Principal Act).

Background

The Corporation was established in 1973 and replaced the Australian Apple and Pear Board which had operated since 1948. One of the Corporation's functions is to advise the Minister on who should be entitled to export apples or pears. The regulations made under the Principal Act require exporters to be licenced. Licences are issued by the Minister on the Corporation's recommendation. Exporters must satisfy certain eligibility criteria, such as marketing experience and financial standing.

Prior to September 1983, the Corporation restricted the number of recommendations made that licences be granted. However, following a successful appeal to the Administrative Appeals Tribunal[1] by an exporter refused a licence, licences are now issued to all who satisfy the eligibility criteria. This has led to an expansion in the number of exporters in recent years. In 1984 there were 64 licences in force compared with 34 in 1978.[2]

The role of the Corporation in export control was examined by the Industries Assistance Commission (IAC) in its 1985 report, Apples and Pears (No. 369). The IAC

recommended that the Corporation's power to licence exporters and control exports be removed.[3] The Government rejected this recommendation and decided to transfer the power to issue licences from the Minister to the Corporation.

Main Provisions

Section 7 of the Principal Act is to be amended to give the Corporation power, from 20 January 1987, to control exports by determining who should be permitted to export apples or pears and the conditions under which such exports will be permitted (clause 4).

Clause 5 will insert a new Part IIIA into the Principal Act. The new Part will require the Corporation to prepare a corporate plan, have that plan approved by the Minister and to prepare annual operation plans which also must be approved.

Clause 10 will amend section 40 of the Principal Act to allow regulations to be made relating to the determine and issue licences.

For further information, if required, contact the Economics and Commerce Group.

5 March 1986

Bills Digest Service
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References

1. John Holman and Company Pty. Limited and Minister for Primary Industry and Australian Apple and Pear Growers Association, V82/235, Melbourne, 29 June 1983.
2. Industries Assistance Commission, Apples and Pears, Report No. 369, 27 August 1985, p.12.
3. Ibid., p.71.

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