

1984

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

APPLE AND PEAR LEVY AMENDMENT BILL 1984

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary
Industry, the Hon. John Kerin, MP)

OUTLINE

Amendments proposed to be made to the Apple and Pear Levy Act 1976 are designed to correct certain anomalies relating to the imposition of the apple and pear levy. The levy is imposed on the production and sale of apples and pears and provides funds for the operation of the Australian Apple and Pear Corporation.

Under the present provisions of the Act, apples and pears distilled to produce beverage products such as pear brandy, are liable for levy at the processing rate rather than the lower juicing rate. This is considered inappropriate as the returns paid to growers by processors for fruit used in distillation are well below those paid for processing quality fruit and are more in line with the lower returns paid for juicing quality fruit. The Bill therefore provides for fruit used for distillation purposes to be levied at the juicing rate.

As an initial step to address the anomaly, apples and pears used for distillation purposes were made exempt from all levy payments by Regulation from 1 January 1984 pending enactment of this Bill.

The Bill also provides for fresh pears used for drying to be exempt from the apple and pear levy to take account of amendments proposed as part of the provisions of the concurrent Dried Fruits Levy Amendment Bill. Under the provisions of this Bill fresh pears delivered for drying purposes will now be subject to the dried fruits levy. It is not proposed to exempt fresh apples used for drying from the apple and pear levy as dried apples, unlike dried pears, are not defined as a dried tree fruit under the Dried Fruits Levy Act 1971.

Both the proposed amendments have the support of the Australian Apple and Pear Growers Association.

NOTES ON CLAUSES

Clauses 1 and 2

1. The first two clauses of the Bill provide for the title and commencement of the legislation. The provisions of the Bill will come into effect on 1 January 1985 prior to the 1985 apple and pear season.

Clause 3 : Interpretation

2. Provides for the interpretation of "fruit juice", for the purposes of the apple and pear levy, to include not only cider and perry but also distilled beverages such as pear brandy.

Clause 4

3. Provides for pears used in the production of dried fruit to be exempt from the payment of apple and pear levy (a concurrent amendment to the Dried Fruits Levy Act 1971 provides for pears delivered for drying to be leviable as dried fruit).

