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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

CANNED FRUITS LEVY BILL 1979

EXPLANATORY MEMORANDUM

(Circulated by the Minister for Primary Industry,
the Hon. P.J. Nixon, M.P.)

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This Bill provides for the payment of a levy on the production of canned fruits. Revenue collected in respect of this Bill is to be credited to the proposed Australian Canned Fruits Corporation to enable it to perform its functions.

This Bill should be read in conjunction with the Canned Fruits Levy Collection Bill 1979.

Short Title

Clause 1 provides for the Act to be cited as the Canned Fruits Levy Act 1979.

Commencement

Clause 2 relates to sub-section 5(1A) of the Acts Interpretation Act 1901 which provides that every Act shall come into operation on the 28th day after the day on which the Act receives Royal Assent unless the contrary intention appears in the Act, as with this Bill. It is proposed the date of operation be 1 January 1980.

It is proposed that this Act will commence to operate at the same time as the enactment of the Canned Fruits Levy Collection Bill and the Canned Fruits Marketing Bill.

Canned Fruits Levy Collection Act to be read as one with this Act

Clause 3 is self explanatory.

Interpretation

Clause 4 defines terms in the Bill and is self explanatory.

Imposition of levy

Clause 5 imposes a levy on all canned fruits produced in a factory in a season. In respect of canned fruits destroyed, being unfit for human consumption or to be used for a canner's own domestic requirements, provision is made for the issue of a certificate of exemption.

Rate of levy

Clause 6 provides for the fixing of a rate of levy by regulation, but so as not to exceed the maximum rate prescribed in the Schedule to the Bill. This rate is 15 cents per basic carton (24 x 825 gram cans) or its equivalent.

By whom payable

Clause 7 specifies that the proprietor of the factory at the time of production of the canned fruits is liable to pay the levy.

Exemptions from levy

Provides for the exemption from levy payment of canned fruit produced in a factory which does not produce more than a minimum quantity in that season - exemptions will apply on production not exceeding 50,000 basic cartons (24 x 825 gram cans or equivalent) or a minimum quantity to be prescribed by regulation.

Appointment of authorised persons

Clause 9 provides for the Minister to appoint an authorised person for the purposes of the Act.

Regulations

Clause 10 provides for the Governor-General to make regulations under the Act. Regulations will be required in respect of the rate of levy and the minimum quantity of canned fruits produced by a factory to be exempted from levy liability.

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