

1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

DRIED VINE FRUITS EQUALIZATION AMENDMENT
BILL 1984

EXPLANATORY MEMORANDUM

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

OUTLINE

The amendments proposed in this Bill to be made to the Dried Vine Fruits Equalization Act 1978 are designed to expedite the payment of levy by packers, while ensuring that proceeds of sales are available before levy falls due. The amendment is expected to enable quicker redistribution of levy proceeds to the industry when a season's fruit has been completely sold.

Under the existing provisions of the Act levy imposed on any dried fruit supplied for human consumption becomes payable on the expiration of 14 days after the last day of the third month immediately following the month in which the dried fruit ceased to be in the custody of the packer. It was found in practice that this provision resulted in unnecessary delay in interim and final equalization payments to producers.

Accordingly, to ensure that proceeds of sales are available before payment of levy becomes due, the Bill provides for dried fruit to continue in the custody of the packer while it is in the custody of the packer's selling agent or the custody of a person who is to re-pack the fruit on behalf of the packer, or while it is in transit from the packer to that agent or that repacker. To expedite payment of levy, the Bill also provides for levy to become payable after the expiration of one month and 14 days after the end of the month in which the fruit leaves the custody of the packer.

Provision is made in the Bill for the amendments to commence to operate on 1 December 1984, and for them to apply only to dried fruit that was in the custody of the packer immediately before commencement or that comes into the packer's custody thereafter.

The amendments proposed expedite the payment of equalization levies into the Consolidated Revenue Fund, and the consequent payment of equal amounts from that Fund to the Australian Dried Fruits Corporation. The Corporation manages redistribution of equalisation monies to the industry. The amendments have no other effect on Government revenue and expenditure.

NOTES ON CLAUSES

Clause 1: Citation

1. Provisions concerning citation and the Principal Act are detailed below.

Sub-clauses 1(1) and (2)

2. These sub-clauses set out respectively the short title of the proposed amending Act, and specify the Dried Vine Fruits Equalization Act 1978 as the Principal Act.

Clause 2: Commencement

3. Commencement is to be on 1 December 1984. This will avoid any disturbance to the practice under the Principal Act that liability for levy is assessed in relation to movements of dried fruit in calendar monthly periods.

Clause 3: Time for Payment of Levy

4. The Bill, by providing for omission of "third" from paragraph (1)(a) of Section 10 of the Principal Act, will reduce the period allowed before levy becomes due and payable, from three months and 14 days after the month in which the fruit ceased to be in the custody of the packer, to one month and 14 days after that month.
5. By inserting a new subsection (1A) after subsection (1) of Section 10, the Bill extends the meaning of the term "the custody of the packer" to apply also to fruit in the custody of, or in the course of being sent by the packer to, the packer's selling agent or person to whom the fruit is sent by the packer for re-packing on behalf of the packer.

Clause 4: Application

6. Provisions concerning application are detailed below.

Sub-clause 4(1)

7. The Bill specifies that the amendments being made apply only to dried fruit that was in the packer's custody before commencement of the amending Act or comes into his custody thereafter. The Principal Act as in force immediately before that commencement will continue to apply to dried fruit that ceased to be in the packer's custody before that commencement.

Sub-clause 4(2)

8. Self-explanatory.

