

Apple and Pear Stabilization Export Duty

No. 82 of 1971

**An Act to impose an Export Duty on the Exportation from
Australia of certain Apples and Pears.**

[Assented to 20 October 1971]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Apple and Pear Stabilization Export Duty Act 1971*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commencement.

3. The Export Duty Collection Act shall, for the purposes of the interpretation of that Act, be read as one with this Act.

Collection Act to be read as one with this Act.

4.—(1.) In this Act, unless the contrary intention appears, “ export duty ” means an amount of the export duty imposed by this Act.

Interpretation.

(2.) Section 3 of the *Apple and Pear Stabilization Act* 1971 shall, for the purposes of the interpretation of this Act, be read as one with this Act.

5. This Act binds the Crown in right of a State.

Act to bind Crown.

6.—(1.) Where the average export return for a season in respect of a variety of fruit exceeds the support price for that season in respect of that variety, export duty is, subject to this Act, imposed on the exportation (whether before or after the commencement of this Act) on consignment during that season of fruit picked during that season that is of that variety.

Imposition of export duty.

(2.) Export duty in respect of fruit shall be calculated separately in respect of the fruit contained in each container.

7.—(1.) In this section, “ the excess ”, in relation to fruit picked during a season, means the amount by which the amount per reputed bushel that constitutes the average export return for the season in respect of the variety of fruit in which the fruit is included exceeds the amount per reputed bushel that constitutes the support price for the season in respect of that variety.

Rate of export duty.

(2.) Subject to the next succeeding sub-section, the rate of export duty in respect of fruit picked during a season is an amount per reputed bushel, or part of a reputed bushel, in each container of the fruit equal to—

- (a) where the excess in relation to that fruit is not more than Twenty cents—one-quarter of the excess;
- (b) where the excess in relation to that fruit is more than Twenty cents but not more than Forty cents—the sum of Five cents and one-half of the amount by which the excess exceeds Twenty cents;
- (c) where the excess in relation to that fruit is more than Forty cents but not more than Sixty cents—the sum of Fifteen cents and three-quarters of the amount by which the excess exceeds Forty cents; or
- (d) in any other case—
 - (i) the sum of Thirty cents and the amount by which the excess in relation to that fruit exceeds Sixty cents; or
 - (ii) Eighty cents,whichever is the less.

(3.) Where a container of fruit contains one-half or three-quarters of a reputed bushel of the fruit, the export duty in respect of that fruit is an amount equal to one-half or three-quarters, as the case may be, of the amount forming part of the rate of export duty that would, but for this sub-section, be applicable in relation to the fruit under this section.

Export duty
payable by
exporter.

8. Export duty in respect of any fruit is payable by the exporter of the fruit.

Exemption.

9. Export duty imposed by this Act is not payable in respect of fruit that is not sold after it is exported and before the end of the season in which it is exported.

Imposition of
provisional
export duty.

10. For the purpose of securing the collection of export duty, a provisional export duty is imposed in accordance with the Export Duty Collection Act.
