



## Statutory Rules

1977 No. 131

### REGULATIONS UNDER THE APPLE AND PEAR LEVY COLLECTION ACT 1976.\*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Apple and Pear Levy Collection Act 1976*.

Dated this tenth day of August, 1977.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

IAN SINCLAIR  
Minister of State for Primary Industry.

---

#### APPLE AND PEAR LEVY COLLECTION REGULATIONS

- |                                |  |
|--------------------------------|--|
| Citation.                      | 1. These Regulations may be cited as the Apple and Pear Levy Collection Regulations.   |
| Repeal.                        | 2. Statutory Rules 1976, No. 297 are repealed.   |
| Definitions.                   | 3. In these Regulations, unless the contrary intention appears—<br>"authorized agent" means a person appointed under regulation 8;<br>"the Act" means the <i>Apple and Pear Levy Collection Act 1976</i> .   |
| Manner of payment of levy, &c. | 4. Payment of levy and other moneys payable to the Commonwealth under the Act shall be made to the Collector of Public Moneys at the office of the Department of Primary Industry in Canberra.   |
| Monthly returns.               | 5. (1) Where, in any month—<br>(a) a person who is a quantity purchaser or dealer has purchased fruit from a grower;<br>(b) a person who is a dealer has sold fruit on behalf of a grower; or<br>(c) a person who is a grower has used fruit in the production of fruit juice or other goods,<br>that person shall, on or before the twenty-eighth day of the next succeeding month, furnish to the Secretary a return containing such of the particulars specified in sub-regulation (3) as are applicable. |

---

\* Notified in the *Commonwealth of Australia Gazette* on 17 August 1977.

### *Apple and Pear Levy Collection Regulations*

(2) A quantity purchaser or dealer who has not, in any month, purchased fruit from a grower, or a dealer who has not, in any month, sold fruit on behalf of a grower, shall, on or before the twenty-eighth day of the next succeeding month, furnish a statement to the Secretary to that effect by lodging it at the office of the Department of Primary Industry in Canberra.

(3) The following are the particulars to be included in a return referred to in sub-regulation (1):—

- (a) the full name and address of the quantity purchaser, dealer or grower furnishing the return;
- (b) the month in which the fruit was purchased, sold or used;
- (c) the quantity of each kind of fruit purchased for use in, sold for use in, or used in, the production of fruit juice in that month;
- (d) the quantity of each kind of fruit purchased for use in, sold for use in, or used in, the production of other goods in that month;
- (e) the quantity of each kind of fruit purchased or sold in that month for purposes other than for use in the production of fruit juice or other goods;
- (f) the levy payable in respect of each kind of fruit referred to in paragraph (c), (d) or (e).

(4) A return referred to in sub-regulation (1) shall contain a declaration, signed by the quantity purchaser, dealer, grower or his authorized agent, that the information in the return is true and correct.

6. (1) Where a grower has, in any year, sold fruit by retail sale and the quantity of the fruit so sold by him in that year, together with the quantity of any fruit used by him in the production of fruit juice or other goods in that year, is 500 boxes of fruit or more, the grower shall, on or before 28 February in the next succeeding year, furnish to the Secretary a return containing the following particulars:—

Annual returns.

- (a) the full name and address of the grower;
- (b) the year in which the fruit was so sold;
- (c) the quantity of each kind of fruit so sold;
- (d) the levy payable in respect of each kind of fruit so sold.

(2) A return referred to in sub-regulation (1) shall contain a declaration, signed by the grower or his authorized agent, that the information in the return is true and correct.

7. A return referred to in sub-regulation 5 (1) or 6 (1) shall be furnished to the Secretary by lodging it at the office of the Department of Primary Industry in Canberra.

Lodging of returns.

8. (1) A person may appoint a person to be his authorized agent for the purpose of signing on his behalf the declaration contained in a return referred to in sub-regulation 5 (1) or 6 (1) required to be furnished by the first-mentioned person.

Authorized agent.

(2) An appointment of an authorized agent shall be substantially in accordance with the form in the Schedule and shall be lodged at the office of the Department of Primary Industry in Canberra.

9. Where these Regulations provide that a declaration or appointment shall be signed by a person and that person is a company, the declaration or appointment may be signed on behalf of the company by a director or the secretary of the company.

Execution of documents by a company.

False or misleading information.

(b) other information for the purposes of the Act or these Regulations, that, to his knowledge, is false or misleading in a material particular.

Proper  
records  
to be kept.

- (a) the quantity of each kind of fruit so purchased or so sold in each month for use in the production of fruit juice;
- (b) the quantity of each kind of fruit so purchased or so sold in each month for use in the production of other goods; and
- (c) the quantity of each kind of fruit so purchased or so sold in each month for purposes other than for use in the production of fruit juice or other goods.

(2) A grower shall keep records showing the quantity of each kind of fruit sold by him by retail sale, or used by him in the production of fruit juice or other goods, in each year.

### Regulation 8

To the Secretary to the Department of Primary Industry.

appoint—

(full name, address and occupation)

to be my authorized agent for the purpose of signing on my behalf any declaration contained in a return referred to in sub-regulation 5 (1) or 6 (1) of the Apple and Pear Levy Collection Regulations required to be furnished by me.

Dated at                      this                      day of                      19                      .

(Signature of person appointing authorized agent or, where the person is a company, the signature of a director or the secretary of the company and his designation)

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Signature of authorized agent)