

# APPLE AND PEAR EXPORT CHARGE ACT 1976

## No. 197 of 1976

An Act to impose a Charge on the Export of Apples and Pears.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Apple and Pear Export Charge Act* 1976.<sup>1</sup> Short title.

2. This Act shall come into operation on 1 January 1977. Commence-  
ment.

3. (1) The Acts set out in the Schedule are repealed. Repeal.

(2) Notwithstanding the repeal effected by sub-section (1), the provisions of the *Apple and Pear Export Charges Act* 1938 continue to apply in respect of apples and pears exported before the commencement of this Act.

4. The *Apple and Pear Export Charge Collection Act* 1976 shall be read as one with this Act. Collection  
Act.

5. (1) In this Act, unless the contrary intention appears— Definitions.

“Association” means the association known as the Australian Apple and Pear Growers’ Association that was formed at a meeting in Melbourne on 5 and 6 December 1945;

“box” means—

- (a) in relation to apples—a box of a kind ordinarily used for the packing of apples and known as a bushel box; and
- (b) in relation to pears—a box of a kind ordinarily used for the packing of pears and known as a bushel box;

“fruit” means apples or pears.

(2) In the application of this Act to fruit that is not packed in boxes, the reference in sub-section 7 (2) to a box of fruit shall be read as a reference to—

- (a) in the case of apples—18 kilograms of apples or, if the apples are of a variety in respect of which another weight is specified in the regulations for the purposes of this paragraph, that other weight of apples; or
- (b) in the case of pears—20 kilograms of pears or, if the pears are of a variety in respect of which another weight is specified in the

regulations for the purposes of this paragraph, that other weight of pears.

Imposition  
of charge.

6. (1) Subject to this Act, a charge is imposed on fruit that is exported from Australia after the commencement of this Act and is payable at the rate in force when the goods are exported.

(2) The charge is payable—

(a) if the fruit is exported by or on behalf of the grower of the fruit or is sold by the grower of the fruit for export and is exported—by the grower; and

(b) in any other case—by the person who is the owner of the fruit at the time it is exported.

Rate of  
charge.

7. (1) Subject to sub-section (2), the rate of the charge imposed by this Act is such rate as is prescribed.

(2) The rate of the charge shall not exceed 6 cents per box of fruit.

(3) Before making regulations for the purposes of sub-section (1), the Governor-General shall take into consideration any recommendations made to the Minister by the Association with respect to the rate of the charge imposed by this Act.

Exemptions.

8. (1) Charge is not payable in respect of fruit included in a prescribed class of fruit.

(2) Before making regulations for the purposes of sub-section (1), the Governor-General shall take into consideration any recommendations with respect to the proposed regulations made to the Minister by the Association.

Regulations.

9. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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## SCHEDULE

Section 3 (1)

*Apple and Pear Export Charges Act 1938*  
*Apple and Pear Export Charges Act 1947*  
*Apple and Pear Export Charges Act 1957*  
*Apple and Pear Export Charges Act 1960*  
*Apple and Pear Export Charges Act 1968*  
*Apple and Pear Export Charges Act 1973*

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## NOTE

1. Act No. 197, 1976; assented to 20 December 1976.