**APPLE AND PEAR STABILIZATION AMENDMENT ACT 1977**

**No. 17 of 1977**

An Act to amend the *Apple and Pear Stabilization Act* 1971.

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

**Short title, &c.**

**1.** (1) This Act may be cited as the *Apple and Pear Stabilization Amendment Act* 1977.

(2) The *Apple and Pear Stabilization Act* 1971 is in this Act referred to as the Principal Act.

**Commencement.**

**2.** (1) Subject to sub-section (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Paragraph 3(c), section 5 and paragraphs 7(a) and (b) shall be deemed to have come into operation on 2 June 1976.

**Interpretation.**

**3.** Section 3 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “reputed box” and substituting the following definition:—

“‘reputed box’ means—

(a) in relation to apples—18 kilograms; and

(b) in relation to pears—20 kilograms;

(b) by omitting from sub-section (1) the definition of “stabilization payment” and substituting the following definition:—

“‘stabilization payment’ means a stabilization payment under section 10, and, except in sections 10 and 11, includes an advance under section 13a in respect of a stabilization payment;”; and

(c) by omitting from paragraph (c) of sub-section (4) the word “bushels” and substituting the word “boxes”.

**Seasons to which Act applies.**

**4.** Section 5 of the Principal Act is amended by omitting from sub-section (1) the words “the next 5 succeeding seasons” and substituting the words “the next 6 succeeding seasons”.

**Average export return.**

**5.** Section 6 of the Principal Act is amended by omitting from paragraph (c) of sub-section (2) the word “bushels” and substituting the word “boxes”.

**Stabilization payment.**

**6.** Section 10 of the Principal Act is amended by inserting in sub-section (4), after the word and figures “1 October 1975”, the words “or during the next succeeding season”.

**Rate of a stabilization payment.**

**7.** Section 11 of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (2) the word “bushels” and substituting the word “boxes”;

(b) by omitting from paragraph (b) of sub-section (2a) the word “bushels” and substituting the word “boxes”;

(c) by inserting in sub-sections (2b) and (2c), after the word and figures “1 October 1975”, the words “or during the next succeeding season”;

(d) by omitting from paragraph (b) of sub-section (2b) the words “that season” (first occurring) and substituting the words “the season concerned”;

(e) by omitting from sub-paragraph (i) of paragraph (b) of sub-section (2b) the words “(whether before or after the commencement of this sub-section)”;

(f) by omitting from paragraph (b) of sub-section (2c) the words “that season” (first occurring) and substituting the words “the season concerned”; and

(g) by omitting from sub-paragraph (i) of paragraph (b) of sub-section (2c) the words “(whether before or after the commencement of this sub-section)”.

**8.** After section 13 of the Principal Act the following section is inserted:—

**Advances in respect of stabilization payments.**

“13a. (1) The Minister may, in his discretion, authorize the payment of advances in respect of stabilization payments.

“(2) The payment of an advance under this section shall be on such terms and conditions as are approved by the Minister.

“(3) Where—

(a) a person has received an amount by way of an advance or advances under this section in respect of a stabilization payment; and

(b) the stabilization payment does not become payable or the amount of the stabilization payment is less than the amount so received,

the person is liable to repay to the Commonwealth, upon demand being made by the Treasurer, the amount so received or so much of that amount as exceeds the amount of the stabilization payment, as the case may be.

“(4) An amount payable by a person to the Commonwealth under sub-section (3) is recoverable by the Commonwealth from the person in a court of competent jurisdiction as a debt due to the Commonwealth.

**Application.**

**9.** The amendment made by paragraph 3(a) has effect in relation to fruit picked on or after 1 October 1976.