**DRIED VINE FRUITS EQUALIZATION LEVY ACT 1978**

**No. 194 of 1978**

An Act to impose a levy upon certain dried vine fruits for the purposes of an equalization scheme in respect of the proceeds of sales of dried vine fruits.

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

**Short title**

**1.** This Act may be cited as the *Dried Vine Fruits Equalization Levy Act* 1978.

**Commencement**

**2.** This Act shall come into operation on 1 January 1979.

**Dried Vine Fruits Equalization Act to be read as one with this Act**

**3.** The *Dried Vine Fruits Equalization Act* 1978 shall be read as one with this Act.

**Interpretation**

**4.** In this Act, unless the contrary intention appears, “levy” means levy imposed by this Act.

**Imposition of levy**

**5.** (1) Subject to this Act, levy is imposed on dried fruit produced in Australia on or after 1 January 1979.

(2) Where an authorized person is satisfied, in respect of any dried fruit, that the dried fruit—

(a) has not been supplied by one person to another as packed dried fruit for human consumption and—

(i) has been destroyed;

(ii) has been used otherwise than for human consumption as dried fruit;

(iii) is not suitable, or capable of being made suitable, to be so supplied; or

(iv) has been, or is to be, used by the producer for his own domestic requirements; or

(b) has been exported from Australia,

the authorized person shall issue a certificate accordingly and, thereupon, sub-section (1) shall be deemed not to have applied in respect of that dried fruit.

**Rate of levy**

**6.** The regulations may, at any time during a season, fix a rate of levy in respect of dried fruit of a specified kind produced during that season.

**By whom levy payable**

**7.** Levy in respect of any dried fruit is payable by the producer.

**Exemptions from levy**

**8.** (1) Where the Minister, after consultation with the Corporation, is satisfied that the quantity of dried fruit of a particular kind produced during a season (excluding dried fruit of that kind that is exempt from levy by virtue of regulations in force under sub-section (3)) will not exceed the minimum quantity, the Minister shall, by notice in the *Gazette,* exempt from levy dried fruit of that kind produced during that season.

(2) In sub-section (1), “minimum quantity” means—

(a) in relation to currants—4,000 tonnes;

(b) in relation to sultanas—20,000 tonnes; and

(c) in relation to raisins—3,000 tonnes.

(3) The regulations may exempt from levy dried fruit of a specified class.

**Regulations**

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

(2) The Corporation may make recommendations to the Minister with respect to regulations to be made for the purposes of section 6 or 8.

(3) Before making regulations for the purposes of a provision referred to in sub-section (2), the Governor-General shall take into consideration any relevant recommendation made by the Corporation under that sub-section.