



Statutory Rules 1989 No. 345<sup>1</sup>

## Horticultural Levy (Apple and Pear) Regulations<sup>2</sup> (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and having taken into consideration relevant recommendations made to the Minister by the Australian Horticultural Corporation and by the Horticultural Research and Development Corporation, hereby make the following Regulations under the *Horticultural Levy Act 1987* and the *Horticultural Levy Collection Act 1987*.

Dated 29 November 1989.

BILL HAYDEN  
Governor-General

By His Excellency's Command,

JOHN KERIN  
Minister of State for Primary Industries  
and Energy

### Commencement

1. These Regulations commence on 1 January 1990.

### Principal Regulations

2. In these Regulations, "Principal Regulations" means the Horticultural Levy (Apple and Pear) Regulations.

### Interpretation

3. Regulation 3 of the Principal Regulations is amended:
  - (a) by inserting in subregulation (1) the following definitions:
    - "nashi" means fruit of the species *Pyrus pyrifolia*;
    - "tray", in relation to nashi, means a container of a kind:
      - (a) ordinarily used in the Australian horticultural industry for packing nashi; and

- (b) ordinarily known in that industry as a single layer tray.”;
- (b) by omitting “1987.” from the definition of “the Levy Act” in subregulation (1) and substituting “1987.”;
- (c) by adding at the end the following subregulation:
- “(3) For the purposes of the application of these Regulations to nashi not packed in trays, a reference to a tray of nashi is a reference to 4 kilograms of nashi.”.

### **Rates of levy**

4. Regulation 4 of the Principal Regulations is amended:

- (a) by omitting from paragraph (a) “92.5%” and substituting “90%”;
- (b) by omitting from paragraph (b) “7.5%” and substituting “10%”.

5. Regulation 6 of the Principal Regulations is repealed and the following regulation substituted:

### **Eligible industry bodies**

“6. For the purposes of subsections 14 (6) and (7) of the Levy Act, the eligible industry body for the classes of leviable horticultural products specified in Column 2 in the Schedule is:

- (a) in respect of nashi, juicing nashi and processing nashi—the Australian Nashi Growers’ Association; and
- (b) in respect of all other classes—the Australian Apple and Pear Growers’ Association.”.

### **Schedule**

6. The Schedule to the Principal Regulations is repealed and the following Schedule substituted:

## **SCHEDULE**

Regulations 4, 6 and 7

### **RATES OF LEVY**

Column 1	Column 2	Column 3
Item No.	Class of leviable horticultural products	Rate
1	Apples excluding juicing apples or processing apples	16 cents per box
2	Pears excluding nashi, juicing pears, juicing nashi, processing pears or processing nashi	16 cents per box
3	Nashi excluding juicing nashi or processing nashi	40 cents per tray
4	Juicing apples	\$1.60 per tonne
5	Juicing pears excluding juicing nashi	\$1.60 per tonne
6	Juicing nashi	\$1.60 per tonne
7	Processing apples	\$3.20 per tonne
8	Processing pears excluding processing nashi	\$3.20 per tonne
9	Processing nashi	\$3.20 per tonne

**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 7 December 1989.
2. Statutory Rules 1988 No. 189 as amended by 1989 Nos. 22 and 44.