

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

DRIED VINE FRUITS LEGISLATION AMENDMENT BILL 1990

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1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 4 December 1990

(Minister for Primary Industries and Energy)

A BILL

FOR

An Act to amend the *Dried Sultana Production Underwriting Act 1982*, the *Dried Vine Fruits Equalization Act 1978* and the *Dried Vine Fruits Equalization Levy Act 1978*, and for related purposes

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

5 **1.** This Act may be cited as the *Dried Vine Fruits Legislation Amendment Act 1990*.

TMR

Commencement

2. (1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act commence, or are taken to have commenced, as the case requires, on 1 January 1991. 5

PART 2—AMENDMENT OF THE DRIED SULTANA PRODUCTION UNDERWRITING ACT 1982

Principal Act

3. In this Part, “**Principal Act**” means the *Dried Sultana Production Underwriting Act 1982*¹. 10

Interpretation

4. Section 3 of the Principal Act is amended by omitting “4” from the definition of “prescribed later season” in subsection (1) and substituting “7”.

PART 3—AMENDMENTS OF THE DRIED VINE FRUITS EQUALIZATION ACT 1978 15

Principal Act

5. In this Part, “**Principal Act**” means the *Dried Vine Fruits Equalization Act 1978*².

Interpretation 20

6. Section 3 of the Principal Act is amended:

(a) by omitting “, or of the Levy Act,” from the definition of “authorised person” in subsection (1);

(b) by omitting from subsection (1) the definitions of “export sale”, “exported dried fruit” and “Fund” and substituting the following definitions: 25

“**export sale**”, in relation to exported dried fruit, means the sale of that fruit that results in its becoming, or becoming on export, exported dried fruit;

“**exported dried fruit**” means: 30

(a) packed dried fruit that, having been sold in Australia for delivery to a place outside Australia or for delivery to a ship or aircraft for export, has been exported under the contract of sale; or

(b) packed dried fruit (not being packed dried fruit referred to in paragraph (a)) that has been exported for the purpose of sale outside Australia and has been so sold; 35

‘Fund’ means the Dried Vine Fruits Export Equalization Trust Fund;”;

(c) by omitting from subsection (1) the definitions of “assessed export return”, “equalization payment”, “levy”, “Levy Act” and “month”;

(d) by inserting in subsection (1) the following definitions:

“**‘export’** means export from Australia;

‘industry return’, in relation to any dried fruit to which a separate account relates, means the return calculated under section 16 with respect to that dried fruit;

‘sale’, in relation to packed dried fruit, means a sale of the packed dried fruit as dried fruit for human consumption or, if there are 2 or more such sales, the first of those sales;”;

(e) by omitting subsections (2) and (3).

15 **Dried Vine Fruits Export Equalization Trust Fund**

7. Section 4 of the Principal Act is amended by inserting in subsection (1) “Export” after “Dried Vine Fruits”.

8. Section 5 of the Principal Act is repealed and the following section is substituted:

20 **Payments into Fund**

“5. The following must be credited to the Fund:

(a) money paid by any person to the Corporation for the purposes of the Fund, including money paid under an arrangement under section 18;

25 (b) interest received by the Corporation from the investment of money of the Fund.”.

Separate accounts to be kept in Fund

9. Section 6 of the Principal Act is amended:

(a) by omitting subsection (2);

30 (b) by omitting from subsection (3) “subsection 5 (2)” and substituting “section 5”.

Application of Fund

10. Section 7 of the Principal Act is amended:

35 (a) by omitting subsection (1) and substituting the following subsections:

“(1) Subject to this section, money standing to the credit of the Fund, being money of the kind mentioned in paragraph 5 (a), may be expended in making payments of a kind mentioned in paragraph 18 (2) (c).

“(1A) Subject to this section, money standing to the credit of the Fund, being money of the kind mentioned in paragraph 5 (b), may be expended in making payments of a kind mentioned in section 19.”;

- (b) by omitting from subsection (2) “or advance referred to in subsection (1)” and substituting “under subsection (1) or (1A)”. 5

Repeal of Part III

11. Part III of the Principal Act is repealed.

12. Section 16 of the Principal Act is repealed and the following section is substituted: 10

Industry return

“16. The Corporation must, as soon as practicable after the end of a season, calculate the amount per tonne that is the industry return in respect of all export sales of exported dried fruit (being dried fruit to which a separate account relating to that season relates) using the formula: 15

$$\frac{TA - AD}{TQ}$$

where:

‘TA’ (total amount) means the total amount, free of all deductions, receivable in respect of all those sales; 20

‘AD’ (amount of deductions) means the total amount of all deductions that may be made from TA;

‘TQ’ (total quantity) means the total quantity, in tonnes, of the dried fruit that is the subject of those sales.”.

Average export return 25

13. Section 17 of the Principal Act is amended by adding at the end of subsection (2) “and the amount of the industry return in respect of those sales”.

Arrangements

14. Section 18 of the Principal Act is amended: 30

(a) by omitting from paragraph (2) (b) “assessed export return” and substituting “industry return”;

(b) by omitting from paragraph (2) (c) “assessed export return” and substituting “industry return”;

(c) by omitting from paragraph (2) (c) “within the period of 30 days after the calculation of that average export return” and substituting “as soon as practicable”. 35

15. Section 19 of the Principal Act is repealed and the following section is substituted:

Interest to be divided between exporters

“19. (1) The Corporation must within:

(a) such period (not longer than 12 months) after the end of each season as is determined in writing by the Corporation; or

5 (b) if no such determination is made—6 months after the end of each season;

pay to each exporter of dried fruit (being dried fruit to which a separate account relating to that season relates) an amount worked out using the formula:

10
$$\frac{IA \times QS}{TQ}$$

where:

‘IA’ (interest amount) means the amount of interest received by the Corporation during that season from the investment of money of the Fund and directed to that account;

15 ‘QS’ (quantity sold) means the total quantity, in tonnes, of the dried fruit that was calculated for the purpose of working out the average export return in relation to the exporter for that season;

20 ‘TQ’ (total quantity) means the total quantity, in tonnes, of the dried fruit that was calculated for the purpose of working out the industry return relating to the dried fruit for that season.

“(2) Where the Corporation makes a determination for the purposes of subsection (1), the Corporation must cause a copy of the determination to be sent as soon as practicable to each exporter.

“(3) In this section:

25 ‘exporter’ means a person who has entered into an arrangement with the Corporation under section 18.”.

Repeal of section 20

16. Section 20 of the Principal Act is repealed.

Repeal of Part V

30 17. Part V of the Principal Act is repealed.

Repeal of section 29

18. Section 29 of the Principal Act is repealed.

Appointment of authorised persons

35 19. Section 30 of the Principal Act is amended by omitting “or of the Levy Act”.

Repeal of section 31

20. Section 31 of the Principal Act is repealed.

Regulations

21. Section 32 of the Principal Act is amended:

- (a) by omitting “or for facilitating the collection or recovery of amounts of levy”;
- (b) by omitting paragraphs (a) and (d).

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Saving

22. In spite of anything in this Act, the Principal Act, and the regulations made under that Act, continue to apply in relation to dried fruit (within the meaning of that Act) produced before 1 January 1991.

PART 4—AMENDMENT OF THE DRIED VINE FRUITS EQUALIZATION LEVY ACT 1978 10

Principal Act

23. In this Part, “Principal Act” means the *Dried Vine Fruits Equalization Levy Act 1978*³.

Imposition of levy

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24. Section 5 of the Principal Act is amended by adding at the end of subsection (1) “but before 1 January 1991”.

NOTES

- 1. No. 6, 1982, as amended. For previous amendments, see No. 31, 1985.
- 2. No. 195, 1978, as amended. For previous amendments, see No. 80, 1982; No. 39, 1983; No. 147, 1984; No. 186, 1986; and No. 51, 1988.
- 3. No. 194, 1978, as amended. For previous amendments, see No. 32, 1985.

