



APPLE INDUSTRY (ASSISTANCE)

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 No. 93 of 1977
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ANALYSIS

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AN ACT to provide for the making of grants in respect of apples produced in the 1977 season and exported overseas.

[30 November 1977]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Apple Industry (Assistance) Act* Short title. 1977.

Interpretation.

- 2**—(1) In this Act, unless the contrary intention appears—
- “apples” has the meaning assigned to that expression by section 3;
 - “approved market” means a market approved by the Minister and the Commonwealth Minister;
 - “Authority” means the Tasmanian Apple and Pear Marketing Authority established under the *Apple and Pear Marketing Act 1977*;
 - “Board” means the Board of Management of the Agricultural Bank of Tasmania;
 - “Commonwealth Export Regulations” means the *Exports (Fresh Fruit) Regulations* made under the *Commerce (Trade Descriptions) Act 1905* and the *Customs Act 1901* of the Commonwealth;
 - “Commonwealth Minister” means the Minister for Primary Industry of the Commonwealth;
 - “Corporation” means the Australian Apple and Pear Corporation established under the *Australian Apple and Pear Corporation Act 1973* of the Commonwealth;
 - “deficiency grant” means a deficiency grant under section 4 or section 5;
 - “market” means an overseas export market;
 - “owner”, in relation to apples, means a person who was the owner of any apples immediately before their vesting in, and becoming the property of, the Authority pursuant to section 11 (1) of the *Apple and Pear Marketing Act 1977*;
 - “property” means an area of land all parts of which are in the same occupation;
 - “reputed bushel unit”, in relation to apples, means a filled bushel package of apples that complies with the appropriate provisions of the Commonwealth Export Regulations.

(2) In this Act, a reference to a Commonwealth Act includes a reference to that Act as amended from time to time and any Commonwealth Act passed in substitution for that Act.

Application of Act.

3 This Act applies to apples that have been produced on any property in the State during the period of 12 months ended on 30th June 1977 and exported to a market (in this Act referred to as “apples”).

4—(1) Where the Minister and the Commonwealth Minister are satisfied that apples have been sold by or on behalf of their owner at a loss on an approved market, the Board may, subject to this Act, make a deficiency grant in respect of those apples to the owner.

Deficiency grants in respect of apples sold on approved markets.

(2) The rate of a deficiency grant in respect of apples sold at a loss on an approved market is an amount per reputed bushel unit determined by the Minister and the Commonwealth Minister in accordance with subsection (3).

(3) The amount that is required to be determined by the Minister and the Commonwealth Minister for the purposes of subsection (2) shall be determined by them—

- (a) on the basis of the average price received for all the apples sold on the relevant approved market by or on behalf of their owners;
- (b) on the basis of different prices received for different varieties of apples so sold on the relevant approved market; or
- (c) on such other basis as those Ministers consider appropriate, after having considered any recommendations made to them by the Corporation with respect to that amount.

(4) The Minister shall, after the determination of the amount is made for the purposes of subsection (2), give to the Board a notice specifying the amount and such other particulars (if any) relating to the amount as the Minister considers appropriate.

5—(1) Where there is a surplus of moneys appropriated under section 6 after payment by the Board of all deficiency grants payable under section 4 and the Minister is satisfied that apples have been sold by or on behalf of their owner at a loss on a market other than an approved market, the Board may, subject to this Act, make a deficiency grant in respect of those apples to the owner.

Deficiency grants in respect of apples sold on markets other than approved markets.

(2) The rate of a deficiency grant in respect of apples sold at a loss on a market other than an approved market is an amount per reputed bushel unit determined by the Minister on a basis such as is specified in paragraph (a) or paragraph (b) of section 4 (3) or on such other basis as the Minister considers appropriate.

(3) The provisions of subsection (4) of section 4 apply to a deficiency grant under this section as they apply to a deficiency grant under that section.

Authorization of payment of \$327 500 out of Consolidated Revenue.

6 For the purposes of enabling the Board to make deficiency grants under sections 4 and 5, the Treasurer may pay out of the Consolidated Revenue a maximum sum of \$327 500 (which, to the necessary extent, is appropriated accordingly).

Payment of deficiency grants.

7—(1) Where the Board makes a deficiency grant to the owner of apples, the Board shall pay the amount of the grant to the Authority on behalf of the owner.

(2) The following provisions apply to a deficiency grant the payment of which is received by the Authority pursuant to subsection (1):—

(a) If the grant is made under section 4—

- (i) the Authority shall pay the whole of the grant to the owner of the apples in respect of which the grant is made; and
- (ii) until the grant is paid as provided in sub-paragraph (i), the money received by the Authority for the purpose of paying that grant shall be deemed to be money held in trust for the Commonwealth and the State; or

(b) If the grant is made under section 5—

- (i) the Authority shall, as provided in paragraph (a) of section 13 (7) of the *Apple and Pear Marketing Act* 1977, apply the whole or any part of the grant in or towards the payment of any persons who have rights of payment under that Act by virtue of encumbrances affecting the apples in respect of which the grant is made;
- (ii) the Authority shall then pay to the owner of those apples the balance (if any) of that grant; and
- (iii) until the grant is paid as provided by the foregoing provisions of this paragraph, the money received by the Authority for the purpose of paying the grant shall be deemed to be money held in trust for the persons referred to in sub-paragraph (i) and for the owner of those apples.

Expenses of Act.

8 The expenses of the Board under this Act in so far as they are not otherwise met under the *Public Account Act* 1957 shall be defrayed out of moneys provided by Parliament for the purpose.