

APPLE AND PEAR STABILIZATION AMENDMENT ACT 1976

No. 44 of 1976

An Act to amend the *Apple and Pear Stabilization Act 1971-1973*.

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

1. (1) This Act may be cited as the *Apple and Pear Stabilization Amendment Act 1976*.¹ Short title
and citation.

(2) The *Apple and Pear Stabilization Act 1971-1973*² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Apple and Pear Stabilization Act 1971-1976*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commence-
ment.

3. Section 3 of the Principal Act is amended by omitting from sub-section (1) the definition of “reputed bushel” and substituting the following definition:— Interpret-
ation.

“ ‘reputed box’ means—

- (a) in relation to apples—18.14 kilograms; and
- (b) in relation to pears—20.41 kilograms;”.

4. Section 5 of the Principal Act is amended by omitting from sub-section (1) the words “the first day of October, One thousand nine hundred and seventy, and to each of the next four succeeding seasons” and substituting the words “1 October 1970 and to each of the next 5 succeeding seasons”. Seasons to
which Act
applies.

5. Section 10 of the Principal Act is amended by adding at the end thereof the following sub-section:— Stabilization
payment.

“(4) A stabilization payment is not payable on the exportation of fruit during the season that commenced on 1 October 1975 unless—

- (a) in the case of apples, the fruit is or was exported to a country in Europe (including the United Kingdom of Great Britain and Northern Ireland); or
- (b) in the case of pears, the fruit is or was exported to a country in Europe (including the United Kingdom of Great Britain and Northern Ireland), the United States of America or Canada.”.

Rate of a
stabilization
payment.

6. Section 11 of the Principal Act is amended—

- (a) by omitting from sub-section (2) the words “during the season referred to in the next succeeding sub-section” and substituting the words “during a season referred to in sub-section (2A), (2B) or (2C)”;
- and
- (b) by inserting after sub-section (2A) the following sub-sections:—

“(2B) The rate of a stabilization payment in respect of apples picked during the season that commenced on 1 October 1975 shall not exceed an amount per reputed box, or part of a reputed box, in each container of apples equal to—

- (a) \$2; or
- (b) a number of dollars equal to the product of 2 and 2,000,000 divided by a number equal to the number of reputed boxes of apples picked during that season and—
 - (i) exported (whether before or after the commencement of this sub-section) on consignment to a country in Europe (including the United Kingdom of Great Britain and Northern Ireland) during that season; and
 - (ii) sold after exportation and before the end of that season,

whichever is the lesser amount.

“(2C) The rate of a stabilization payment in respect of pears picked during the season that commenced on 1 October 1975 shall not exceed an amount per reputed box, or part of a reputed box, in each container of pears equal to—

- (a) 80 cents; or
- (b) a number of cents equal to the product of 80 and 1,400,000 divided by a number equal to the number of reputed boxes of pears picked during that season and—
 - (i) exported (whether before or after the commencement of this sub-section) on consignment to a country in Europe (including the United Kingdom of Great Britain and Northern Ireland), the United States of America or Canada during that season; and
 - (ii) sold after exportation and before the end of that season,

whichever is the lesser amount.”.

Additional
amendments.

7. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 7

ADDITIONAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting the words “of this Act” and “of this section” (wherever occurring):—

Sections 3 (1) (definitions of “average export return”, “stabilization fund”, “stabilization payment” and “support price”), 6 (4), (6) and (7), 17 (2), (3), (9) and (10) and 22 (4) and (5).

2. The following provisions of the Principal Act are amended by omitting the words “reputed bushel” (wherever occurring) and substituting the words “reputed box”:

Sections 3 (1) (definitions of “average export return” and “support price”), 3 (4), 6 (1), (2) and (4), 7 (1) and (2) and 11.

3. The Act is further amended as set out in the following table:—

Provision	Amendment
Sub-section 3 (2)	Omit “the First Schedule” (wherever occurring), substitute “Schedule 1”.
Sub-section 3 (5)	Omit the sub-section.
Sub-section 5 (2)	Omit “the first day of October”, substitute “1 October”.
Sub-section 7 (1)	(a) Omit “the first day of October, One thousand nine hundred and seventy,”, substitute “1 October 1970”.
	(b) Omit “the Second Schedule”, substitute “Schedule 2”.
Sub-section 8 (1)	Omit “the First Schedule”, substitute “Schedule 1”.
Sub-section 9 (1)	Omit “the First Schedule”, substitute “Schedule 1”.
Paragraph 11 (2) (a)	Omit “Eighty”, substitute “80”.
Paragraph 11 (2A)	Omit “the first day of October, One thousand nine hundred and seventy-one,”, substitute “1 October 1971”.
Paragraph 11 (2A) (a)	Omit “Eighty”, substitute “80”.
Sub-section 15 (4)	Omit “of this Act” (first occurring).
Paragraph 15 (4) (a)	Omit “of this section”.
Sub-section 16 (1)	Omit “the First Schedule”, substitute “Schedule 1”.
Sub-section 17 (1)	Omit “the First Schedule”, substitute “Schedule 1”.
Section 20	Omit “Two hundred dollars”, substitute “\$200”.
Sub-section 21 (1)	Omit “One thousand dollars”, substitute “\$1,000”.
Sub-section 22 (5)	Omit “Two hundred dollars”, substitute “\$200”.
Sub-section 23 (1)	Omit “Two hundred dollars”, substitute “\$200”.
Paragraph 24 (c)	Omit “Two hundred dollars”, substitute “\$200”.
Heading to Schedules	(a) Omit “FIRST SCHEDULE”, substitute “SCHEDULE 1”.
	(b) Omit “SECOND SCHEDULE”, substitute “SCHEDULE 2”.

NOTES

1. Act No. 44, 1976; assented to 2 June 1976.

2. Act No. 81, 1971, as amended by No. 106, 1972; and No. 195, 1973.