

# Canned Fruits Levy Act 1979

No. 161 of 1979

An Act to impose a levy upon certain canned fruits produced in Australia.

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

1. This Act may be cited as the *Canned Fruits Levy Act 1979*.<sup>1</sup> Short title
2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commencement
3. The *Canned Fruits Levy Collection Act 1979* shall be read as one with this Act. Canned Fruits Levy Collection Act to be read as one with this Act
4. In this Act, unless the contrary intention appears— Interpretation
  - “authorized person” means a person who is an authorized person for the purposes of this Act by virtue of an appointment made by the Minister under section 9;
  - “canned fruits” has the same meaning as in the *Canned Fruits Marketing Act 1979*;
  - “Corporation” means the Australian Canned Fruits Corporation established by the *Canned Fruits Marketing Act 1979*;
  - “gross weight”, in relation to a container containing canned fruits, means the weight of the container and of the contents;
  - “levy” means levy imposed by this Act;
  - “season” means the period of 12 months commencing on 1 January 1980 and each succeeding period of 12 months.
5. (1) Subject to this Act, levy is imposed on canned fruits produced at a factory in Australia during a season. Imposition of levy
  - (2) Where an authorized person is satisfied, in respect of canned fruits in respect of which a person is liable to pay levy, that the canned fruits—
    - (a) were destroyed while in his possession;

- (b) were on production, or became while in his possession, unfit for human consumption; or
- (c) were, or are to be, used by him for his own domestic requirements,

the authorized person shall issue a certificate accordingly, but, if he is not so satisfied, he shall refuse to issue a certificate.

(3) Sub-section (1) does not apply, and shall be deemed never to have applied, in respect of canned fruits to which a certificate under sub-section (2) relates.

**Rate of levy**      **6.** (1) The regulations may, from time to time, fix rates of levy in respect of canned fruits by reference to the gross weight of containers containing canned fruits, being rates that do not exceed the maximum rates applicable in accordance with the Schedule.

(2) A rate of levy fixed under sub-section (1), applies in relation to canned fruits produced during the period that the rate is in force.

**By whom levy payable**      **7.** Levy in respect of any canned fruits is payable by the person who is, at the time of their production, the proprietor of the factory at which they are produced.

**Exemption from levy**      **8.** (1) Where, during a season, the quantity of canned fruits produced at a factory does not exceed the minimum leviable quantity in relation to that season, levy is not imposed on canned fruits produced at that factory during that season.

(2) In this section—

“basic carton” means a carton consisting of 24 containers of canned fruits each of which has a weight of 825 grams or any other carton of equivalent weight;

“minimum leviable quantity”, in relation to a season, means—

- (a) 50,000 basic cartons; or
- (b) where a number of basic cartons is prescribed, for the purposes of this section, as the minimum leviable quantity in relation to the season—the number of basic cartons so prescribed.

**Appointment of authorized persons**      **9.** The Minister may, by writing signed by him, appoint a person, or persons included in a class of persons, to be an authorized person or authorized persons, as the case may be, for the purposes of this Act.

**Regulations**      **10.** (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 section 6 or 8, the Governor-General shall take into consideration any relevant recommendation made by the Corporation under sub-section (2).

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**SCHEDULE**

Section 6

**MAXIMUM RATES OF LEVY**

Column 1 Gross weight of container	Column 2 Maximum rate of levy
Where the gross weight of the container does not exceed 150 grams	0.9375 cents per dozen containers
Where the gross weight of the container exceeds 150 grams but does not exceed 320 grams	1.875 cents per dozen containers
Where the gross weight of the container exceeds 320 grams but does not exceed 490 grams	3.75 cents per dozen containers
Where the gross weight of the container exceeds 490 grams but does not exceed 680 grams	5.625 cents per dozen containers
Where the gross weight of the container exceeds 680 grams	7.5 cents per dozen containers and, in addition, 4.5 cents per dozen containers for each 450 grams, or part of 450 grams, by which the gross weight of the container exceeds 900 grams

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**NOTE**

1. Act No. 161, 1979; assented to 29 November 1979.