

EXPLANATORY STATEMENT

STATUTORY RULES 1988 No. 22

Issued by the Authority of the Minister for Primary Industries and
Energy

HORTICULTURAL LEVY ACT 1987

HORTICULTURAL LEVY (APPLE AND PEAR) REGULATIONS (AMENDMENT)

Subsection 14 (1) of the Horticultural Levy Act 1987 (the Act) provides that the Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Subsection 13(2) of the Act provides that the regulations may exempt from levy:

(a) leviable horticultural products produced by specified classes of producers; or

(b) specified subclasses of a class of leviable horticultural products.

Subsection 14(5) of the Act requires that before making regulations for the purposes of section 13 (exemptions from levy), the Governor-General shall take into consideration any relevant recommendation made to the Minister by the Australian Horticultural Corporation (AHC) or the Horticultural Research and Development Corporation (HRDC).

Subsection 14 (6) of the Act requires that before making a recommendation to the Minister for the purposes of subsection 14(5), the AHC shall consult with the body that, under the regulations, is the eligible industry body for:

(a) the relevant leviable horticultural products; or

(b) the relevant class or subclass of leviable horticultural products;

as the case requires.

The AHC and the HRDC have consulted with the Australian Apple and Pear Growers' Association, the eligible industry body for apples and pears prescribed under regulation 6 of the Horticultural Levy (Apple and Pear) Regulations, and have made representations to the Minister.

The Regulations continue the exemption from the levy of processing or juicing pears used in the production of canned fruit. This exemption ceased upon the repeal of the Canned Fruits Levy Act 1979 on 1 December 1988. In order to minimize any inconvenience and confusion in the industry the date of commencement of the amending Regulations was made retrospective to 1 December 1988.

Details of the Regulations are given in Attachment A.

The Regulations became effective 1 December 1988

S.R. No. /89

Details of Horticultural Levy (Apple and Pear) Regulations (Amendment)

Regulation 1 provides that the Regulations shall be taken to have come into operation on 1 December 1988. The date of commencement was chosen in order to continue the exemption of processing or juicing pears from the levy from the date on which the previous exemption ceased.

Regulation 2 provides for processing or juicing pears used in the production of canned fruit to be exempt from levy under section 13 of the Act.