



## APPLE INDUSTRY (ASSISTANCE)

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No. 41 of 1974

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### ANALYSIS

1. Short title.
2. Interpretation.
3. Application of Act.
4. Deficiency grants.
5. Payment of deficiency grants.
6. Proper books and accounts to be kept.
7. Expenses of Act.

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**AN ACT to provide for the making of grants in respect of apples produced in the 1974 season and exported overseas.**

[14 October 1974]

**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. 1974.

## Interpretation.

**2** In this Act, unless the contrary intention appears—

“apples” has the meaning assigned to that expression by section 3;

“Board” means the Board of Management of the Agricultural Bank of Tasmania;

“Commonwealth Act” means the *Apple and Pear Stabilization Act* 1971-1972 of the Commonwealth or any Act of the Commonwealth amending or enacted in substitution for that Act;

“prescribed area” means the British Isles and all other parts of Europe;

“property” means an area of land, all parts of which are in the same occupation;

“stabilization payment” means payment made in respect of apples under section 10 of the Commonwealth Act;

“support price” means the price per reputed bushel of apples determined under section 7 of the Commonwealth Act.

## Application of Act.

**3** This Act applies to apples of the varieties specified under the heading of “Apples” in column I of the First Schedule to the Commonwealth Act that have been produced on any property in the State during the period of twelve months ending on 30th June 1974 and exported at risk through Tasfruit Pty. Ltd. to the prescribed area (in this Act referred to as “apples”).

## Deficiency grants.

**4—(1)** Where the average f.o.b. price obtained for a variety of apples is less than the support price of that variety, the Board may, subject to this Act, make a deficiency grant in respect of that variety of apples.

(2) Subject to this section, the rate of a deficiency grant in respect of apples of any variety is an amount per reputed bushel equal to the amount by which the average f.o.b. price obtained for that variety is less than the support price in respect of that variety.

(3) Subject to subsection (4), the deficiency grant shall not exceed \$2 per reputed bushel of apples.

(4) If the total quantity of apples exceeds 2 000 000 reputed bushels the maximum deficiency grant shall bear such proportion to \$2 per bushel as 2 000 000 bears to the total quantity.

(5) Where a stabilization payment is made in respect of apples under the Commonwealth Act that payment shall, for the purposes of this Act, be deemed to form part of the f.o.b. price of the apples.

**5—**(1) After stabilization payments have been made in respect of apples the Board shall, upon obtaining such information as is necessary from the Australian Apple and Pear Board constituted under the *Apple and Pear Organization Act 1938-1971* or from such other source as it thinks fit, determine the amount of the deficiency grant to be made in respect of the apples and make payment to Tasfruit Pty. Ltd. of the amount so determined for distribution to the owners of the apples in the same manner as the stabilization payments are distributed. Payment of deficiency grants.

(2) Any person receiving payment of any deficiency grant under subsection (1) shall hold that grant on trust for the owner of the apples in respect of which the grant is made and that person may, subject to any directions given him by the Board, hold and apply that grant or any part thereof in or towards the discharge of any debts or obligations incurred to him by the owner in relation to dealings with the apples.

**6—**(1) Any person receiving payment of any deficiency grant under section 5 or who is entitled to receive such payment, other than the owner of apples, shall— Proper books and accounts to be kept.

- (a) maintain proper books and accounts in respect of his operations, receipts, and expenditure in relation to apples, and enter promptly in those books and accounts full and correct particulars of all such operations, receipts, and expenditure;
- (b) retain those books and accounts for a period of three years commencing on 30th June 1974; and
- (c) upon demand by any person authorized by the Board at any time during the period referred to in paragraph (b), produce to that person all or any of those books or accounts.

Penalty: \$200.

(2) A prosecution for an offence against this section may be commenced at any time within three years after the commission of the offence.

Expenses of  
Act.

**7** 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.