



HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 2 September 1999

APPLE AND PEAR INDUSTRY RESTRUCTURING BILL

Proposed Amendments

Hon JOHN LUXTON, in Committee, to move the following amendments:

Clause 24: To omit from line 24 on page 9 the words “, from 1 April 2000,”.

Clause 25 (1): To insert after paragraph (e) (line 9 on page 10) the following paragraph:

- (ea) Requiring the point of acquisition of title to apples and pears purchased for export to be at FAS or later in the supply chain than FAS:

To omit paragraph (v) (lines 22 to 26 on page 12), and substitute the following paragraph:

- (v) Providing for transitional provisions, including provisions relating to the Board in respect of the season commencing on 1 October 1999:

Clause 28: To omit this clause from page 14, and substitute the following clause:

28. Transitional provisions—(1) This section applies to the period commencing on 1 October 1999 and ending on 31 March 2000 (the “transitional period”), in respect of apples and pears harvested during that period.

(2) In the event that there is any conflict between the Apple and Pear Marketing Act 1971 and the regulations, the provisions of the regulations prevail.

(3) The following provisions of the Apple and Pear Marketing Act 1971 do not apply in respect of the transitional period:

- (a) Section 3B (application of Part II of Commerce Act 1986 to the Board);
- (b) Part IA (standards);
- (c) Part II (growers may require the Board to acquire apples and pears);
- (d) Part III (prices);
- (e) Section 31 (levies) and section 32B (capital charge).

(4) The separate independent body appointed by the new Board under regulations made under this Act may grant export permits in respect of the season commencing 1 October 1999, and a person may export in accordance with the export permit as if the Board had consented to the export for the purpose of section 44 of the Apple and Pear Marketing Act 1971.

(5) **Subsections (3) and (4)** are for the avoidance of doubt and do not limit **subsection (2)**.

EXPLANATORY NOTE

The proposed amendments are transitional provisions relating to the period from 1 October 1999 to 31 March 2000. The effect is to apply the new regime, including the shift to FAS as the point of acquisition of title, in respect of that transitional period. This would avoid the need for a change of purchasing regime mid-way through the season, which would otherwise have occurred under the Bill as introduced.