

Queensland



*Fruit Marketing Organisation Act 1923*

# **FRUIT MARKETING (COMMITTEE OF DIRECTION LEVIES) REGULATION 1992**

**Reprinted as in force on 7 August 1998  
(includes amendments up to SL No. 27 of 1998)**

**Reprint No. 4**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This regulation is reprinted as at 7 August 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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## **FRUIT MARKETING (COMMITTEE OF DIRECTION LEVIES) REGULATION 1992**

[as amended by all amendments that commenced on or before 7 August 1998]

### **PART 1—PRELIMINARY**

#### **Short title**

1. This regulation may be cited as the *Fruit Marketing (Committee of Direction Levies) Regulation 1992*.

#### **Definitions**

3. In this regulation—

“**avocados**” means all avocados grown in Queensland.

“**bananas**” means all bananas grown in Queensland.

“**bulk bin**” means a bulk bin container of a kind ordinarily used in the Australian horticultural industry.

“**citrus fruit**” means all citrus fruit grown in Queensland, including pomelos and cumquats.

“**custard apples**” means all custard apples grown in Queensland.

“**exotic fruit**” means all abius, ambarellos, babacos, bell fruit, black sapotes, boysenberries, breadfruit, carambolas, chempedaks, durians, feijoas, jaboticabas, jackfruit, jambus, mabolos, mamey sapotes, mangosteens, miracle fruit, monsteras, pomegranates, rambutans, rollinias, salaks, sapodillas, soursops, tamarillos, uvillas and white sapotes grown in Queensland.

“**grapes**” means all grapes grown in Queensland.

“**gross sales**” means the amount received for the sale of produce without any deductions for costs.

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**“grower”** means a grower of produce.

**“heavy produce”** means all potatoes, sweet potatoes, swede turnips, onions, garlic and pumpkins grown in Queensland.

**“intermediary”** means a person, who in the course of carrying on business—

- (a) sells produce on behalf of a grower and holds money to the credit of the grower; or
- (b) purchases produce from a grower and holds money to the credit of the grower.

**“longans”** means all longans grown in Queensland.

**“lychees”** means all lychees grown in Queensland.

**“mangoes”** means all mangoes grown in Queensland.

**“melons”** means all melons grown in Queensland, including rockmelons, watermelons, preserving melons, horned melons and honeydew melons.

**“other fruit”** means all cape gooseberries, coconuts, currants, figs, gooseberries, granadillas, kiwi fruit, loganberries, loquats, macadamia nuts, mulberries, passionfruit, pecan nuts, raspberries, rosellas and exotic fruit grown in Queensland.

**“package”** means a container of a kind ordinarily used in the Australian horticultural industry for packing produce.

**“papaws”** means all papaws grown in Queensland, including papayas.

**“persimmons”** means all persimmons grown in Queensland.

**“pineapples”** means all pineapples grown in Queensland.

**“pome fruit”** means all pome fruit grown in Queensland, including apples, pears, nashis and quinces.

**“produce”** means fruit or vegetables mentioned in the categories listed in column 1 of schedule 1.

**“stone fruit”** means all apricots, cherries, nectarines, peaches and plums grown in Queensland.

**“strawberries”** means all strawberries grown in Queensland.

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“**tomatoes**” means all tomatoes grown in Queensland.

“**vegetables**” means all vegetables, other than heavy produce, grown in Queensland.

## **PART 2—LEVIES**

### **COD empowered to make a levy**

4. The COD is empowered to make—
- (a) a general levy; and
  - (b) a promotion levy; and
  - (c) a research and development levy;

on growers up to the maximum rate mentioned in section 5 and in compliance with this regulation.

### **Rate of levy**

5. In relation to each category of produce mentioned in column 1 of schedule 1, the corresponding maximum general levy is mentioned in column 2, the corresponding maximum promotion levy is mentioned in column 3 and the corresponding maximum research and development levy is mentioned in column 4.

### **Procedure for making a levy**

6.(1) To make a levy, the COD must publish a notice in the gazette and in the Queensland Fruit and Vegetable News.

- (2) The notice must refer to this regulation and specify—
- (a) the nature and purpose of the levy; and
  - (b) the rate of the levy; and
  - (c) the persons who must pay an amount of levy; and

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- (d) the time within which each amount of levy must be paid; and
- (e) the persons who must lodge returns under this regulation; and
- (f) the time within which a return must be lodged; and
- (g) the day, being at least 7 days after publication of the notice in the gazette or the Queensland Fruit and Vegetable News, whichever is the later, on which the requirement to pay the levy starts.

### **Payment of a levy by growers**

**7.(1)** A grower who sells produce, other than through or to an intermediary, must pay the amount of the levy payable on the produce—

- (a) direct to the COD; and
- (b) by the 15th day of the month following the month in which the produce was sold.

Maximum penalty—1 penalty unit.

**(2)** If an intermediary fails to pay an amount of a levy in accordance with section 9, the grower must pay the levy within 1 month of the receipt of a written notice from the COD requiring the payment of the unpaid amount.

Maximum penalty—1 penalty unit.

**(3)** Subsection (2) does not apply while an intermediary holds money to the credit of the grower for the levy.

### **Filing of returns by growers**

**8.(1)** If, in a month, a grower sells produce other than through or to an intermediary, the grower must file a return for the month in compliance with this section.

**(2)** The return must specify—

- (a) the grower's name; and
- (b) the month and year to which the return relates; and
- (c) the type and amount of produce sold by the grower in the month; and

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(d) the amount of the levy payable on the produce.

(3) The grower must file the return with the COD at the same time as the grower pays the amount of the levy payable on the produce mentioned in the return.

Maximum penalty—1 penalty unit.

**Payment of a levy by intermediaries**

9.(1) If an intermediary sells or purchases produce, the intermediary must pay the levy payable by the grower in relation to the produce—

- (a) direct to the COD; and
- (b) by the 15th day of the month following the month in which the produce was sold or purchased by the person.

Maximum penalty—1 penalty unit.

(2) Subsection (1) does not apply to an intermediary to the extent that an amount payable has already been paid.

**Filing of returns by intermediaries**

10.(1) If, in a month, a person acts as an intermediary, the person must file a return for the month in compliance with this section.

(2) The return must specify—

- (a) the person's name; and
- (b) the month and year to which the return relates; and
- (c) the type and amount of produce sold or bought by the person as an intermediary in the month; and
- (d) the amount of the levy payable on the produce.

(3) The person must file the return with the COD at the same time as the person pays the amount of the levy payable on the produce mentioned in the return.

Maximum penalty—1 penalty unit.

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**Recovery of an unpaid amount of a levy**

**11.** If an amount of a levy is not paid by a person in compliance with this regulation, the amount is recoverable by the COD as a debt due to the COD in a court of competent jurisdiction.

**Application of levies**

**12.** The COD may spend the amount of—

- (a) the general levy only in relation to administration, promotion, research and development; and
- (b) the promotion levy only in relation to promotion; and
- (c) the research levy only in relation to research and development;

in relation to the categories from which the levy was raised and that it considers will be in the interests of growers.

## SCHEDULE 1

### LEVIES

section 5

Column 1 Category	Column 2 General levy	Column 3 Promotion levy	Column 4 Research levy
Avocados	7c per package	—	10c per package
Bananas	5.5c per package or 85c per bulk bin	15c per package or \$2.25 per bulk bin	4c per package or 60c per bulk bin
Citrus	15c per package or \$3 per bulk bin	15c per package or \$3 per bulk bin	—
Custard apples	8c per package	14c per package	—
Grapes	12c per package	18c per package	5c per package
Heavy produce	1c per \$1 gross sales	0.5c per \$1 gross sales	—
Longans	8c per package	5c per package	25c per package
Lychees	11c per package	—	29c per package
Mangoes	8c per package	18c per package	2c per package
Melons			
—packaged	7c per package	9c per package	4c per package
—bulk	\$1.26 per tonne	\$1.99 per tonne	60c per tonne

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SCHEDULE 1 (continued)

Other fruit	8c per package	14c per package	10c per package
Papaws	9c per package	15c per package	20c per package
Persimmons	8c per package	14c per package	15c per package
Pineapples			
—fresh	0.75c per \$1 gross sales	1c per \$1 gross sales	—
—processed	90c per tonne	—	—
Pome fruit	0.75c per \$1 gross sales	1c per \$1 gross sales	—
Stone fruit	6c per package	8c per package	3c per package
Strawberries	12c per package	20c per package	18c per package
Tomatoes	3c per package	4c per package	5c per package
Vegetables	0.25c per \$1 gross sales	0.85c per \$1 gross sales	0.15c per \$1 gross sales

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 August 1998. Future amendments of the Fruit Marketing (Committee of Direction Levies) Regulation 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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### 3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

### 4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	1 January 1993
2	to SL No. 400 of 1993	16 November 1993
3	to SL No. 360 of 1994	15 November 1994
3A	to SL No. 157 of 1996	26 July 1996
3B	to SL No. 314 of 1997	14 November 1997
3C	to SL No. 27 of 1998	9 March 1998

### 5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

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Changed names and titles	3

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## 6 List of legislation

**Fruit Marketing (Committee of Direction Levies) Regulation 1992 SL No. 424**

made by the Governor in Council on 17 December 1992  
notfd gaz 18 December 1992 pp 1988–96  
commenced on date of notification  
exp 17 December 2002 (see SIA s 54)

as amended by—

**Fruit Marketing (Committee of Direction Levies) Amendment Regulation (No. 1) 1993 SL No. 400**

notfd gaz 5 November 1993 pp 853–4  
commenced on date of notification

**Fruit Marketing (Committee of Direction Levies) Amendment Regulation (No. 1) 1994 SL No. 360**

notfd gaz 14 October 1994 pp 651–3  
commenced on date of notification

**Fruit Marketing (Committee of Direction Levies) Amendment Regulation (No. 1) 1995 SL No. 217**

notfd gaz 30 June 1995 pp 1475–6  
commenced on date of notification

**Fruit Marketing (Committee of Direction Levies) Amendment Regulation (No. 1) 1996 SL No. 157**

notfd gaz 28 June 1996 pp 1164–70  
commenced on date of notification

**Fruit Marketing (Committee of Direction Levies) Amendment Regulation (No. 1) 1997 SL No. 314**

notfd gaz 26 September 1997 pp 354–6  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 October 1997 (see s 2)

**Fruit Marketing (Committee of Direction Levies) Amendment Regulation (No. 1) 1998 SL No. 27**

notfd gaz 27 February 1998 pp 884–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 28 February 1998 (see s 2)

## 7 List of annotations

**Repeal of regulations**

s 2 om R1 (see RA s 40)

**Definitions**

prov hdg sub 1998 SL No. 27 s 4

s 3 def “avocados” sub 1998 SL No. 27 s 4

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- def “**bananas**” sub 1998 SL No. 27 s 4
- def “**bulk bin**” sub 1998 SL No. 27 s 4
- def “**citrus**” om 1998 SL No. 27 s 4
- def “**citrus fruit**” ins 1998 SL No. 27 s 4
- def “**custard apples**” ins 1995 SL No. 217 s 3  
sub 1998 SL No. 27 s 4
- def “**exotic fruit**” ins 1998 SL No. 27 s 4
- def “**grapes**” sub 1998 SL No. 27 s 4
- def “**gross sales**” sub 1998 SL No. 27 s 4
- def “**grower**” sub 1998 SL No. 27 s 4
- def “**heavy produce**” sub 1998 SL No. 27 s 4
- def “**intermediary**” sub 1998 SL No. 27 s 4
- def “**longans**” ins 1998 SL No. 27 s 4
- def “**lychees**” sub 1998 SL No. 27 s 4
- def “**mangoes**” sub 1998 SL No. 27 s 4
- def “**melons**” sub 1998 SL No. 27 s 4
- def “**other fruit**” amd 1995 SL No. 217 s 3  
sub 1998 SL No. 27 s 4
- def “**package**” sub 1998 SL No. 27 s 4
- def “**papaws**” ins 1998 SL No. 27 s 4
- def “**pawpaws**” om 1998 SL No. 27 s 4
- def “**persimmons**” ins 1995 SL No. 217 s 3  
sub 1998 SL No. 27 s 4
- def “**pineapples**” sub 1998 SL No. 27 s 4
- def “**pome fruit**” ins 1998 SL No. 27 s 4
- def “**produce**” sub 1998 SL No. 27 s 4
- def “**Stanthorpe fruit and vegetable area**” om 1998 SL No. 27 s 4
- def “**Stanthorpe fruit and vegetables**” om 1998 SL No. 27 s 4
- def “**stone fruit**” sub 1998 SL No. 27 s 4
- def “**strawberries**” sub 1998 SL No. 27 s 4
- def “**tomatoes**” sub 1998 SL No. 27 s 4
- def “**vegetables**” sub 1998 SL No. 27 s 4

**Savings and transitional**

**s 13** om R3 (see RA s 38)

**SCHEDULE 1—LEVIES**

- sub 1993 SL No. 400 s 3
- amd 1994 SL No. 360 s 3
- sub 1995 SL No. 217 s 4
- amd 1996 SL No. 157 s 3; 1997 SL No. 314 s 4
- sub 1998 SL No. 27 s 5

**SCHEDULE 2—REPEALED REGULATIONS**

om R1 (see s 40 RA)