

AG309

FRUIT GROWING INDUSTRY (TRUST FUND) ACT 1941

**FRUIT GROWING INDUSTRY (TRUST FUND) AMENDMENT
REGULATIONS 1991**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fruit Growing Industry (Trust Fund) Amendment Regulations 1991*.

Commencement

2. These regulations shall come into operation on the day on which they are published in the *Government Gazette*.

Principal regulations

3. In these regulations the *Fruit Growing Industry (Trust Fund) Regulations** are referred to as the principal regulations.

[* *Published in the Gazette of 2 February 1965.*
For subsequent amendments to 20 September 1991 see 1990 Index to Legislation of Western Australia p. 252.]

Regulation 2 amended

4. Regulation 2 of the principal regulations is amended by repealing paragraph (c) and substituting the following paragraph —

“ (c) A travelling allowance in respect of the distance travelled for attendance at a meeting of the Committee at the same rate as is payable to an officer of the Public Service of the State. ”

Regulation 4 inserted

5. After regulation 3 of the principal regulations the following regulations are inserted —

Time for payment of contribution

- “ 4. (1) Subject to these regulations a dealer who purchases or receives fruit from a grower shall remit by cheque payable to the Committee the amount of all contributions deducted by the dealer pursuant to section 17 (7) of the Act in respect of the fruit purchased or received by the dealer.
- (2) The remittance referred to in subregulation (1) shall be made to the Committee —
- (a) where only one payment is made to the grower in relation to the fruit received — within 28 days of the end of the month in which the payment is made;

- (b) where payment is made to the grower in relation to the fruit received by an advance payment followed by further payments — within 28 days of the end of the month in which the final payment is made.
- (3) Where a person —
 - (a) is a dealer by virtue of paragraph (c) of the definition of dealer in section 3 of the Act; and
 - (b) the amount of contributions payable under the Act in relation to the fruit sold by that person is not deducted by another dealer,

the person shall remit by cheque payable to the Committee the amount of all contributions payable in respect of the fruit so sold.

(4) The remittance referred to in subregulation (3) shall be made to the Committee within 28 days of the end of the month in which payment is received for the fruit sold by the person referred to in that subregulation.

(5) A person who is a dealer by virtue of paragraph (d) of the definition of "Dealer" in section 3 of the Act shall remit by cheque payable to the Committee the amount of all contributions payable in respect of the fruit sold by that person within a period of 28 days of the end of the month in which the fruit is sold.

Returns to be made

5. (1) A dealer shall forward any remittance referred to in regulation 4 to the Committee together with a return relating to that remittance in the form of Form 1 or Form 2 (whichever applies) in the Schedule.

(2) A dealer shall retain a copy of every return made under this regulation for a period of not less than 12 months.

(3) Where a person is a dealer in more than one of the capacities of dealer under the definition of "Dealer" in section 3 of the Act a return shall be made under this regulation in relation to each such capacity.

False statements prohibited

6. A person shall not in a return made under these regulations make a statement that is false in a material particular.

”.

Schedule repealed and substituted

7. The Schedule to the principal regulations is repealed and the following Schedule substituted —

SCHEDULE

FORM 1

(Reg. 5 (1))

FRUIT GROWING INDUSTRY (TRUST FUND) ACT 1941

No. _____

Name of Dealer _____

Address _____

Statement for the month of _____

Pack sizes	Trays	22 litre	36 litre	Bins (20 x 36 L)	Totals
<i>Pome fruit</i>					
Apples (rate)					
No. of packs					
Levy payable					
Pears (rate)					
No. of packs					
Levy payable					
Nashis (rate)					
No. of packs					
Levy payable					
<i>Citrus — including Commonwealth (DMR) lemons</i>					
Oranges (rate)					
No. of packs					
Levy payable					
Lemons (rate)					
No. of packs					
Levy payable					
Mandarins (rate)					
No. of packs					
Levy payable					
Grapefruit (rate)					
No. of packs					
Levy payable					
Other citrus (rate)					
No. of packs					
Levy payable					
<i>Stone fruit</i>					
Pack sizes	Trays	22 litre	36 litre	Bins (20 x 36 L)	Totals
Apricots (rate)					
No. of packs					
Levy payable					
Cherries (rate)					
No. of packs					
Levy payable					
Loquats (rate)					
No. of packs					
Levy payable					
Nectarines (rate)					
No. of packs					
Levy payable					
Peaches (rate)					
No. of packs					
Levy payable					
Plums (rate)					
No. of packs					
Levy payable					
<i>Total levies payable</i>					

The original of this return, together with remittance to cover the monthly total of the levy, must be forwarded within twenty eight (28) days of the end of the month to the Accountant, Department of Agriculture, Baron-Hay Court, South Perth, W.A. 6151

I certify that this return is a true and accurate statement for the month of _____
Name (Print) _____ Signature _____ Date _____

FORM 2

(Reg.5 (1))

FRUIT GROWING INDUSTRY (TRUST FUND) ACT 1941

Name of processor _____

Address _____

Postcode _____

Statement of fruit purchased for processing for the month of _____

Fruit	Tonnes	Levy rate/tonne	Total
Apples		\$	
Pears		\$	
Oranges†		\$	
Lemons†		\$	
Grapefruit†		\$	
Apricots		\$	
Peaches		\$	
Plums		\$	
Other††			
Grand total			

† Includes \$ per tonne Commonwealth (DPIE) citrus levy.

†† Apples and stone fruit levy rate \$ per tonne; citrus levy rate \$ per tonne

The original of this return, together with remittance to cover the monthly total of the levy, must be forwarded within twenty eight (28) days of the end of the month to the Accountant, Department of Agriculture, Baron-Hay Court, South Perth, W.A. 6151

I certify that this return is a true and accurate record of fruit bought and sold for the month of _____

Name (Print) _____ Signature _____ Date _____

Enquiries to:

Secretary

Fruit Growing Industry Trust Fund Committee

OFFICE USE ONLY

Receipt No. _____ Date _____

By His Excellency's Command,

L. M. AULD, Clerk of the Council.