



Western Australia

Carnarvon Banana Industry (Compensation Trust Fund) Repeal Act 1998

No. 45 of 1998

An Act to repeal the *Carnarvon Banana Industry (Compensation Trust Fund) Act 1961*, to make provision for the money in the Fund, and for related purposes.

[Assented to 19 November 1998]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Carnarvon Banana Industry (Compensation Trust Fund) Repeal Act 1998*.

2. Commencement

This Act comes into operation on such day as is, or days as are respectively, fixed by proclamation.

3. Interpretation

In this Act —

“**Account**” means the account established under section 5;

“**Fund**” means the Carnarvon Banana Industry Compensation Trust Fund established under the repealed Act;

“**repealed Act**” means the Act repealed by section 4.

4. Repeal

The *Carnarvon Banana Industry (Compensation Trust Fund) Act 1961* is repealed.

5. Application of Fund money

- (1) For the purposes of this Act there is to be established at the Treasury an account to be called the “Carnarvon Banana Industry (Compensation Trust Fund) Account”, which is to form part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*.
- (2) The provisions of the *Financial Administration and Audit Act 1985* that regulate the financial administration, audit and reporting of departments apply to and in relation to the Account.
- (3) For the purposes of section 52 of the *Financial Administration and Audit Act 1985*, the administration of the Account is to be regarded as a service under the control of the Department within the meaning of the repealed Act.

- (4) The following money is to be paid into the Account —
 - (a) the money standing to the credit of the Fund immediately before the commencement of this Act;
 - (b) any money payable to the Account under section 6;
 - (c) any other money that became payable to the Fund under the repealed Act and that is paid after the commencement of this Act.

- (5) The money in the Account is to be applied —
 - (a) in such manner as the Minister thinks fit for the purposes of promoting and encouraging the banana industry;
 - (b) in payment of expenses and costs incurred under the repealed Act; and
 - (c) in payment of the costs of, and related to, the implementation of this Act.

6. Contributions payable before repeal of Act

- (1) Sections 19, 20, 21 and 22 of the repealed Act continue to apply, as if the Act had not been repealed, to any contributions that became payable before it was repealed but that remained unpaid at the time of its repeal.

- (2) For the purposes of applying section 19, 20, 21 or 22 of the repealed Act—
 - (a) a reference in the section to the Committee is to be read as a reference to the Minister; and
 - (b) a reference in the section to the Fund is to be read as a reference to the Account.

7. Reporting requirements

- (1) The Carnarvon Banana Industry Compensation Committee, as constituted under the repealed Act immediately before its repeal, continues in existence as if it had not been repealed for the purpose of preparing a report on its operations for the period beginning on 1 July 1998 and ending when the Act was repealed.
- (2) The report —
 - (a) is to be prepared as soon as practicable after the commencement of this Act;
 - (b) is to comply, with any necessary modifications, with the provisions of the *Financial Administration and Audit Act 1985* that regulate the financial administration, audit and reporting of statutory authorities; and
 - (c) is taken to be an annual report for the purposes of section 69 of the *Financial Administration and Audit Act 1985*.

8. Consequential amendments

- (1) The *Constitution Acts Amendment Act 1899** is amended in Part 3 of Schedule V by deleting “The Carnarvon Banana Industry Compensation Committee constituted under the *Carnarvon Banana Industry (Compensation Trust Fund) Act 1961*.”.

[* Reprinted as at 22 January 1997.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, pp. 46-50 and Acts Nos. 4, 10, 13, 23 and 30 of 1998.]

- (2) The *Financial Administration and Audit Act 1985** is amended in Schedule 1 by deleting “The Carnarvon Banana Industry Compensation Committee”.

[* *Reprinted as at 10 January 1997.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, pp. 83-4 and Acts Nos. 22 of 1997 and 4, 23 and 30 of 1998 and Gazettes 12 May 1998 and 7 August 1998.]

9. Repeal of this Act

When the Minister is satisfied that there is no money in the Account, and no money to be paid into the Account, the Minister is to make an order to that effect, and on publication of that order in the *Gazette* this Act is repealed.

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