

WESTERN AUSTRALIA

**FRUIT GROWING INDUSTRY
(TRUST FUND) REPEAL ACT 1996**

No. 15 of 1996

AN ACT to repeal the *Fruit Growing Industry (Trust Fund) Act 1941*, to make provision for the moneys in the Fund, and for related purposes.

[Assented to 28 June 1996.]

The Parliament of Western Australia enacts as follows:

Short title

- 1.** This Act may be cited as the *Fruit Growing Industry (Trust Fund) Repeal Act 1996*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Interpretation

3. In this Act —

“**Account**” means the Fruit Growing Industry Promotion Account established under section 5;

“**Fund**” has the same meaning as in the repealed Act;

“**repealed Act**” means the Act repealed by section 4.

Repeal

4. The *Fruit Growing Industry (Trust Fund) Act 1941* is repealed.

Application of Fund moneys

5. (1) For the purposes of this Act there is to be established at the Treasury an account to be called the “Fruit Growing Industry Promotion 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* regulating the financial administration, audit and reporting of departments apply to and in relation to the Account and the administration of the Account is, for the purposes of section 52 of the *Financial Administration and Audit Act 1985*, to be regarded as a service of the Department of Agriculture.

(3) Moneys standing to the credit of the Fund immediately before the commencement of this Act are to be transferred, and moneys that are payable to the Fund after the commencement are to be paid, into the Account.

- (4) Moneys referred to in subsection (3) are to be applied —
- (a) in such manner as the Minister thinks fit for the purposes of promoting and encouraging the fruit growing 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 - (b) in payment of expenses and costs incurred under the repealed Act; and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.

Contributions payable before repeal of Act

6. Despite section 4, section 17 of the repealed Act continues to apply to and in relation to contributions payable before the commencement of this Act under the repealed Act and for that purpose section 17 is to be read as if —

- (a) a reference to the Committee is a reference to the Minister; and
- (b) a reference to the Fund is a reference to the Account.

Reporting

7. (1) Despite section 4, the Fruit Growing Industry Trust Fund Committee as constituted under the repealed Act immediately before the commencement of this Act continues in existence for the purpose of preparing, as soon as practicable after that commencement, reports on its operations in respect of —

- (a) the financial year ending on 30 June 1996; and
- (b) the period commencing on 1 July 1996 and ending on the commencement of this Act.

(2) The reports prepared under subsection (1) are to comply, with any necessary modifications, with the provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities.

(3) A report under subsection (1) (b) is deemed to be an annual report for the purposes of section 69 of the *Financial Administration and Audit Act 1985*.

Consequential amendments

8. (1) The *Constitution Acts Amendment Act 1899** is amended in Part 3 of Schedule V by deleting “The Fruit Growing Industry Trust Fund Committee constituted by the *Fruit Growing Industry (Trust Fund) Act 1941*”.

[* Reprinted as at 17 May 1995.
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 44-7.]

(2) The *Financial Administration and Audit Act 1985** is amended in Schedule 1 by deleting “The Fruit Growing Industry Trust Fund Committee”.

[* Reprinted as at 1 July 1991.
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 77-9 and
Gazette 9 January 1996.]

Repeal of this Act

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