

Western Australia

**Pig, Potato and Poultry Industries  
(Compensation Legislation) Repeal Act  
2004**

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## **Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004**

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Western Australia

## **Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004**

**An Act to —**

- **repeal the —**
    - *Pig Industry Compensation Act 1942*;
    - *Potato Growing Industry Trust Fund Act 1947*; and
    - *Poultry Industry (Trust Fund) Act 1948*,
  - **make transitional provisions with respect to accounts under those Acts and other matters; and**
  - **consequentially amend other Acts,**
- and for related purposes.**

## **Part 1 — Preliminary**

**1. Short title**

This Act may be cited as the *Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004*.

**2. Commencement**

This Act comes into operation on a day fixed by proclamation.

## **Part 2 — Repeal of Acts**

**3. *Pig Industry Compensation Act 1942* repealed**

The *Pig Industry Compensation Act 1942* is repealed.

**4. *Potato Growing Industry Trust Fund Act 1947* repealed**

The *Potato Growing Industry Trust Fund Act 1947* is repealed.

**5. *Poultry Industry (Trust Fund) Act 1948* repealed**

The *Poultry Industry (Trust Fund) Act 1948* is repealed.

### Part 3 — Transitional provisions

#### 6. Definitions

In this Part —

*Agricultural Produce Commission Account* means the account referred to in section 7(2) of the *Agricultural Produce Commission Act 1988*;

*commencement day* means the day on which this Act comes into operation;

*Commission* means the Agricultural Produce Commission established under section 4 of the *Agricultural Produce Commission Act 1988*;

*former accounts* means —

- (a) the Pig Industry Compensation Fund established under section 13 of the *Pig Industry Compensation Act 1942*;
- (b) the Potato Growing Industry Trust Fund established under section 19 of the *Potato Growing Industry Trust Fund Act 1947*; and
- (c) the Poultry Industry Trust Fund established under section 15 of the *Poultry Industry (Trust Fund) Act 1948*;

*former committees* means —

- (a) the Potato Growing Industry Trust Fund Advisory Committee constituted under section 6 of the *Potato Growing Industry Trust Fund Act 1947*; and
- (b) The Poultry Industry Trust Fund Committee constituted under section 5 of the *Poultry Industry (Trust Fund) Act 1948*;

*repealed Acts* means the Acts repealed under Part 2.

#### 7. Interpretation Act not affected

Nothing in this Act is to be construed so as to limit the operation of the *Interpretation Act 1984*.



**8. Members cease to hold office**

On the commencement day the members of the former committees cease to hold office.

**9. Compensation claims made before repeals**

Despite Part 2, an application for compensation under a repealed Act not fully dealt with before the commencement day is to be dealt with by the Commission —

- (a) under that Act as if the Act had not been repealed; and
- (b) for that purpose, any reference in that repealed Act to a former committee is to be read and have effect on and after the commencement day as if it were a reference to the Commission.

**10. Funds in former accounts**

- (1) Any moneys standing to the credit of a former account immediately before the commencement day are to be credited to the Agricultural Produce Commission Account to be applied in the payment of —

- (a) compensation payable on an application referred to in section 9 made under the Act which established the former account; and
- (b) any liabilities of the former account which arose before the commencement day,

and any balance remaining is to be applied by the relevant producers' committee for the purposes of carrying out its functions under the *Agricultural Produce Commission Act 1988*.

- (2) In this section —

***relevant producers' committee***, in relation to a former account, means the producers' committee, as defined in section 3(1) of the *Agricultural Produce Commission Act 1988*, established in relation to the agricultural produce relevant to the former account.

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**11. Moneys payable to Agricultural Produce Commission Account**

The Agricultural Produce Commission Account is to be credited with any money that became payable to a former account before the commencement day and that is paid after that day.

**12. References to former committees and former accounts**

If in an agreement, instrument or other document there is a reference to —

- (a) a former account, that reference is, unless the context otherwise requires, to be read and have effect on and after the commencement day as if it were a reference to the Agricultural Produce Commission Account; or
- (b) a former committee, that reference is, unless the context otherwise requires, to be read and have effect on and after the commencement day as if it were a reference to the Commission.

**13. Proceedings and remedies**

On and after the commencement day —

- (a) the Commission is a party to any proceedings by or against a former committee commenced before that day; and
- (b) any proceedings or remedy that might have been commenced by, or available against or to, a former committee may be commenced by, and are available against or to, the Commission.

**14. Records to be delivered to Commission**

On the commencement day the Commission is to take delivery of all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to the operations of —

- (a) the former accounts; and

- (b) the former committees.

**15. Financial reporting**

- (1) Section 65A of the FAA Act applies in relation to the preparation and submission of a final report in respect of a former committee as if —
- (a) references in that section to a department were references to the former committee; and
  - (b) references in that section to provisions of sections 62 to 65 of the FAA Act were references to the equivalent provisions of sections 66 to 70 of that Act,

except that the period to which the final report is to relate is the final period, the references in sections 66(1), 68, and 70(1) to the end of the financial year are to be read as references to the end of the final period and the former committee is to be taken to be appointed as the reporting officer under section 65A(2).

- (2) If at the commencement day, any duty imposed by Part II Division 14 of the FAA Act on the accountable authority of a former committee has not been complied with for any financial year that expired before the commencement day, that duty subsists and is to be performed by the former committee.
- (3) The time within which the former committee is to perform a duty referred to in subsection (2) is extended until the end of the day that is 2 months after the commencement day, but this subsection does not prevent the time from being extended again under section 70 of the FAA Act.
- (4) Despite the repeals effected under Part 2, each former committee continues in existence for the purposes of this section and is entitled to receive from the Commission and its staff such assistance as it may require for that purpose.
- (5) In this section —
- FAA Act* means the *Financial Administration and Audit Act 1985*;

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***final period*** in relation to the former committee —

- (a) under the *Potato Growing Industry Trust Fund Act 1947*, means the period starting on 1 July last preceding the commencement day;
- (b) under the *Poultry Industry (Trust Fund) Act 1948*, means the period starting on 1 August last preceding the commencement day.

## **Part 4 — Consequential amendments**

### **16. *Constitution Acts Amendment Act 1899* amended**

- (1) The amendments in this section are to the *Constitution Acts Amendment Act 1899*\*.

[\* *Reprint 12 as at 3 Oct 2003.*]

- (2) Schedule 5 Part 3 is amended as follows:

- (a) by deleting the item commencing “The Potato Growing Industry Trust Fund Advisory Committee”;
- (b) by deleting the item commencing “The Poultry Industry Trust Fund Committee”.

### **17. *Financial Administration and Audit Act 1985* amended**

- (1) The amendments in this section are to the *Financial Administration and Audit Act 1985*\*.

[\* *Reprinted as at 16 September 2002.*

*For subsequent amendments see 2002 Index to Legislation of Western Australia, Table 1, p. 139 and Acts Nos. 31 and 35 of 2003.*]

- (2) Schedule 1 is amended as follows:

- (a) by deleting the item commencing “The Potato Growing Industry Trust Fund Advisory Committee”;
- (b) by deleting the item commencing “The Poultry Industry Trust Fund Committee”.

### **18. *Sentencing Act 1995* amended**

- (1) The amendments in this section are to the *Sentencing Act 1995*\*.

[\* *Reprinted as at 4 May 2001.*

*For subsequent amendments see 2002 Index to Legislation of Western Australia, Table 1, p. 353 and Acts Nos. 35 and 50 of 2003.*]

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- (2) Schedule 1 is amended as follows:
- (a) by deleting the item commencing “*Potato Growing Industry Trust Fund Act 1947*”;
  - (b) by deleting the item commencing “*Poultry Industry (Trust Fund) Act 1948*”.

## Part 5 — General

### 19. Repeal of this Act

When the Treasurer is satisfied that there is —

- (a) no money in any former account under this Act; and
- (b) no money to be paid into the Agricultural Produce Commission Account under this Act,

the Treasurer is to make an order to that effect, and on publication of that order in the *Gazette* this Act is repealed.

**Notes**

<sup>1</sup> This is a compilation of the *Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004*. The following table contains information about that Act.

**Compilation table**

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<b>Short title</b>	<b>Number and Year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004</i>	40 of 2004	3 Nov 2004	1 Feb 2005 (see s. 2 and <i>Gazette</i> 7 Jan 2005 p. 53)

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