

WESTERN AUSTRALIA

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# FRUIT GROWING INDUSTRY (TRUST FUND) AMENDMENT ACT

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No. 22 of 1989

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AN ACT to amend the *Fruit Growing Industry (Trust Fund) Act 1941* and for connected purposes.

[Assented to 1 December 1989]

The Parliament of Western Australia enacts as follows:

## Short title

1. This Act may be cited as the *Fruit Growing Industry (Trust Fund) Amendment Act 1989*.

## Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

## Principal Act

3. In this Act, the *Fruit Growing Industry (Trust Fund) Act 1941*\* is referred to as the principal Act.

[\*Reprinted as approved 8 January 1970 and amended by Acts Nos. 63 of 1981 and 98 of 1985.]

## Section 3 amended

4. Section 3 of the principal Act is amended—

- (a) in paragraphs (c) and (d) of the definition of “Dealer” by deleting “two hundred and fifty bushels” and substituting in each case the following—

“ 9 000 litres ”;

- (b) in the definition of “Fruit” by deleting “apples, pears,” and substituting the following—

“ apples *Malus pumila*, pears *Pyrus communis* ”;

- (c) by deleting the definition of “Minister”; and

- (d) by inserting after the definition of “Sale” the following definition—

“ “Year”, except in section 6, means financial year. ”.

## Section 4 amended

5. Section 4 of the principal Act is amended by deleting “Permanent Head” and substituting the following—

“ chief executive officer of the Department of Agriculture ”.

## Section 5 amended and saving

**6. (1)** Section 5 of the principal Act is amended—

- (a) in subsection (2) by deleting—

- (i) “Governor” and substituting the following—

“ Minister ”:

(ii) “and approved by the Minister”; and

(iii) “and nominated by the Minister”;

and

(b) by repealing subsection (4).

(2) Notwithstanding subsection (1) (a), a member of the Committee holding office under section 5 of the principal Act immediately before the commencement of this section shall, subject to section 52 of the *Interpretation Act 1984*, continue to hold office as such a member for the remainder of the period for which he would, but for subsection (1) (a), have continued so to hold office.

### **Section 10 amended and saving**

7. (1) Section 10 of the principal Act is amended by deleting “Governor” and substituting the following—

“ Minister ”.

(2) Notwithstanding subsection (1), a person holding office as a deputy member of the Committee under section 10 of the principal Act immediately before the commencement of this section shall, subject to section 52 of the *Interpretation Act 1984*, continue to hold office as such a deputy member for the remainder of the period for which he would, but for subsection (1), have continued so to hold office.

### **Section 11 amended**

8. Section 11 of the principal Act is amended in subsections (1) and (3) by deleting “Permanent Head” and substituting in each case the following—

“ chief executive officer of the Department of Agriculture ”.

### **Section 12 amended**

9. Section 12 of the principal Act is amended by inserting after—

(a) “12.” the following—

“ (1) ”; and

(b) the existing section the following subsection—

“ (2) Regulations made under section 27 as read with subsection (1) may adopt or incorporate, wholly or in part and with or without modifications, the provisions of—

(a) any subsidiary legislation; or

(b) any award or industrial agreement within the meaning of the *Industrial Relations Act 1979*,

whether as amended from time to time or as that subsidiary legislation or award or industrial agreement existed at the time of its adoption or incorporation. ”.

### **Section 17 amended**

**10.** Section 17 of the principal Act is amended—

(a) by repealing subsections (1), (2) and (3) and substituting the following subsections—

“ (1) Subject to this Act, every grower shall in every year pay contributions to the Committee in relation to each kind of fruit produced by him for sale in that year.

(2) The Committee shall pay all contributions paid to it under subsection (1) to the credit of the Fund. ”;

(b) in subsection (4) by deleting the passage beginning with “After the said National Security” and ending with “, the amount of the contribution” and substituting the following—

“ The amount of the contribution to be made by growers under this section ”;

(c) in subsection (5) by deleting—

(i) “The rate” and substituting the following—

“ Subject to subsections (5a) and (5b), the rate ”; and

(ii) the passage beginning with “, on the recommendation of the Committee—” and ending with “for the purposes of this Act.” and substituting the following—

“ on the recommendation of the Committee in relation to each kind of fruit by notice published in the *Gazette*. ”;

(d) by inserting after subsection (5) the following subsections—

“ (5a) The Minister shall not declare under subsection (5) a rate of contribution in respect of any kind of fruit that exceeds the rate of 1 cent for every 1.8 litres of fruit of that kind.

(5b) The liability of growers to contribute to the Fund under this section may be suspended at any time and from time to time by the Minister by notice published in the *Gazette* whenever the Committee is satisfied that the moneys in the Fund for the time being are sufficient for the purposes of this Act. ”;

(e) by repealing subsection (6);

(f) in subsection (7) by deleting the passage beginning with “After the said National Security (Apple and Pear) Regulations” and ending with “Board, every dealer” and substituting the following—

“ Every dealer ”;

(g) in subsection (10) by deleting “from the Australian Apple and Pear Marketing Board, or”; and

(h) by repealing subsection (12).

### **Section 26 amended**

**11.** Section 26 of the principal Act is amended by deleting “, 1902-1936” and substituting the following—

“ 1902 ”.

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