

WESTERN AUSTRALIA

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# **CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) AMENDMENT ACT**

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**No. 21 of 1989**

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**AN ACT to amend the *Carnarvon Banana Industry  
(Compensation Trust Fund) Act 1961.***

*[Assented to 1 December 1989]*

The Parliament of Western Australia enacts as follows:

## **Short title**

**1.** This Act may be cited as the *Carnarvon Banana Industry  
(Compensation Trust Fund) Amendment Act 1989.*

## **Commencement**

**2.** This Act shall come into operation on such day as is fixed by proclamation.

### **Principal Act**

3. In this Act the *Carnarvon Banana Industry (Compensation Trust Fund) Act 1961\** is referred to as the principal Act.

*[\*Reprinted as approved 17 March 1971 and amended by Acts Nos. 94 of 1972 (as amended by No. 19 of 1973), 31 of 1975, 59 of 1980, 50 of 1982 and 98 of 1985.]*

### **Section 3 repealed**

4. Section 3 of the principal Act is repealed.

### **Section 5 amended**

5. Section 5 of the principal Act is amended—

(a) in the definition of “carton” by deleting “sixteen kilogram capacity” and substituting the following—

“ capacity prescribed under section 19 (1a) (a), ”; and

(b) by deleting the definition of “Director”.

### **Section 6 amended**

6. Section 6 of the principal Act is amended by deleting “Director” and substituting the following—

“ chief executive officer of the Department ”.

### **Section 19 amended**

7. Section 19 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection—

“ (1a) For the purposes of this Act, there shall be prescribed—

(a) a mass in kilograms (in this section referred to as the “prescribed capacity”) which shall constitute the capacity of a carton; and

- (b) a sum per carton (in this section referred to as the “prescribed sum”) that does not exceed 3 cents per kilogram of the prescribed capacity. ”;

and

- (b) by repealing subsection (2) and substituting the following subsection—

“ (2) The rate of the contribution to be made by growers under this section shall be—

- (a) in respect of every carton of bananas sold or exported for sale by a wholesaler, the prescribed sum; and
- (b) in respect of every container of bananas, other than a carton, sold or exported for sale by a wholesaler, a sum, calculated to the nearest cent, that bears the same proportion to the prescribed sum, as the mass of the container bears to the prescribed capacity. ”.

### **Section 25 amended**

8. Section 25 of the principal Act is amended in subsection (3) by deleting “the rate of one dollar seventy-five cents” and substituting the following—

“ a prescribed rate ”.

### **Section 26 amended**

9. Section 26 of the principal Act is amended in subsection (1) by deleting “Director” and substituting the following—

“ chief executive officer of the Department ”.

### **Section 29 amended**

10. Section 29 of the principal Act is amended in subsection (1) by deleting “in any year during the period of 28 years immediately following the coming into operation of this Act”.

### **Section 30 amended**

**11.** (1) Section 30 of the principal Act is amended in subsection (1) by deleting “Director” and substituting the following—

“ chief executive officer of the Department ”.

(2) Notwithstanding subsection (1), a person holding office as a secretary to the Committee, inspector or other officer under section 30 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 for the remainder of the period for which that person would, but for subsection (1), have continued so to hold office.

### **Section 31 amended**

**12.** Section 31 of the principal Act is amended by deleting “Director” and substituting the following—

“ chief executive officer of the Department ”.

### **Section 41 repealed and a section substituted**

**13.** Section 41 of the principal Act is repealed and the following section is substituted—

#### **Review of the Act**

“ 41. (1) Within a period of 12 months commencing on the 5th anniversary of the day on which the *Carnarvon Banana Industry (Compensation Trust Fund) Amendment Act 1989* comes into operation, the Minister shall cause an investigation and review to be conducted, and a report to be prepared as to—

- (a) the operation of this Act;
- (b) the operation of the Committee; and
- (c) the need for this Act to continue in operation.

(2) The Minister shall cause a copy of the report prepared for the purposes of subsection (1) to be laid before each House of Parliament as soon as is practicable after it is completed. ”.