

# Canned Fruit (Sales Promotion) Amendment Act 1979

No. 163 of 1979

An Act to amend the *Canned Fruit (Sales Promotion) Act 1959*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

1. (1) This Act may be cited as the *Canned Fruit (Sales Promotion) Amendment Act 1979*.<sup>1</sup> Short title,  
&c.

(2) The *Canned Fruit (Sales Promotion) Act 1959*<sup>2</sup> is in this Act referred to as the Principal Act.

2. (1) Subject to sub-section (2), this Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commence-  
ment

(2) Sections 3, 4, 5 and 8 shall come into operation on 1 January 1980.

3. Section 6 of the Principal Act is amended by omitting from paragraph (b) of sub-section (1) "Board" and substituting "Corporation". Constitution  
of  
Committee

4. Section 11 of the Principal Act is amended by omitting from paragraph (c) of sub-section (1) "Board" and substituting "Corporation". Executive  
Sub-  
committee

5. Section 14 of the Principal Act is amended by omitting from sub-section (2) "Board" (wherever occurring) and substituting "Corporation". Powers

6. Section 17 of the Principal Act is amended by omitting sub-section (2). Payments  
out of  
Consolidated  
Revenue  
Fund

7. Sections 18, 19, 20 and 21 of the Principal Act are repealed and the following sections substituted:

"18. (1) It is hereby declared that the Committee is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies. Application  
to  
Committee  
of Division 3  
of Part XI of  
Audit Act

"(2) In the application to and in relation to the Committee of Division 3 of Part XI of the *Audit Act 1901*, section 63M of that Act is modified by omitting sub-section (1) and substituting the following sub-section:

‘(1) The authority shall, by 30 June in the year 1980 and in each succeeding year, prepare and submit to the appropriate Minister a report of its operations during the year that ended on the preceding 31 December, together with financial statements in respect of that year in such form as the Minister administering this Act approves.’

Application  
of moneys of  
Committee

“19. (1) Subject to sub-section (2), the moneys of the Committee may be applied only—

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Committee in or in connection with the performance of its function, or the exercise of its powers, under this Act;
- (b) in payment of any remuneration or allowances, or reimbursement of expenses, payable under this Act; and
- (c) in making any other payments that the Committee is authorized or required to make under this Act.

“(2) Moneys of the Committee not immediately required for the purposes of the Committee may be invested—

- (a) in securities of, or guaranteed by, the Commonwealth or a State;
- (b) on deposit with an approved bank; or
- (c) in any other manner approved by the Treasurer.

“(3) In this section, ‘approved bank’ means a trading bank as defined in sub-section 5 (1) of the *Banking Act* 1959 or another bank approved by the Treasurer.

Liability to  
taxation

“20. (1) The Committee is subject to taxation (other than income tax) under the laws of the Commonwealth.

“(2) Subject to sub-section (3), the Committee is not subject to taxation under a law of a State or Territory.

“(3) The regulations may provide that sub-section (2) does not apply in relation to taxation under a specified law.”

Continuation  
of certain  
appointments

8. (1) The persons who, immediately before the commencement of this section, were members of the Australian Canned Fruit Sales Promotion Committee referred to in paragraph 6 (1) (b) of the Principal Act continue, after the commencement of this section, to be members of that Committee notwithstanding the amendment made by section 3, and those members shall, after the commencement of this section, be deemed, for the purposes of the *Canned Fruit (Sales Promotion) Act* 1959, to be members representing, and nominated by, the Australian Canned Fruits Corporation.

(2) A person who, immediately before the commencement of this section, was the deputy of a member of the Australian Canned Fruit Sales Promotion Committee referred to in paragraph 6 (1) (b) of the Principal Act continues, after the commencement of this section, to be the deputy of that member notwithstanding the amendment made by section 3.

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#### NOTES

1. Act No. 163, 1979; assented to 29 November 1979.
2. Act No. 83, 1959, as amended. For previous amendments *see* Act No. 216, 1973 (as amended by No. 20, 1974).