



# **Canned Fruits Marketing Legislation Repeal and Amendment Act 1982**

**No. 19 of 1982**

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## **An Act relating to the marketing of canned fruits**

*[Assented to 28 April 1982]*

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

### **PART I—PRELIMINARY**

#### **Short title**

1. This Act may be cited as the *Canned Fruits Marketing Legislation Repeal and Amendment Act 1982*.

#### **Commencement**

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

### **PART II—AMENDMENTS OF THE CANNED FRUITS MARKETING ACT 1979**

#### **Interpretation**

3. The *Canned Fruits Marketing Act 1979*<sup>1</sup> is in this Part referred to as the Principal Act.

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**Repeal of certain Acts**

4. Section 56 of the Principal Act is amended by omitting from sub-section (1) “the Schedule” and substituting “Schedule 1”.

5. After Part IX of the Principal Act the following Part is added:

**“PART X—ABOLITION OF AUSTRALIAN CANNED FRUIT  
SALES PROMOTION COMMITTEE**

**Interpretation**

“63. In this Part—

‘Committee’ means the Australian Canned Fruit Sales Promotion Committee;

‘commencing date’ means the date of commencement of this Part.

**Repeal of certain Acts**

“64. (1) The Acts set out in Schedule 2 are repealed.

“(2) Notwithstanding the repeals effected by sub-section (1), the *Canning-Fruit Charge Act 1959* and the *Canning-Fruit Charge (Administration) Act 1959* continue to apply in relation to fruit—

- (a) delivered to a cannery before the commencing date; and
- (b) accepted at the cannery as of canning quality or taken into the cannery for use in the production of canned fruit.

**Rights, &c., of Committee to vest in Corporation, &c.**

“65. (1) Upon the commencing date—

- (a) any rights, property or assets that, immediately before that date, were vested in the Committee are, by force of this sub-section, vested in the Corporation; and
- (b) the Corporation becomes, by force of this sub-section, liable to pay and discharge any debts, liabilities or obligations of the Committee that existed immediately before that date.

“(2) An arrangement or contract entered into by or on behalf of the Committee as a party and in force immediately before the commencing date continues in force notwithstanding the repeal of the Acts specified in Schedule 2, but that arrangement or contract has effect, on and after the commencing date, as if—

- (a) the Corporation were substituted for the Committee as a party to the arrangement or contract; and
- (b) any reference in the arrangement or contract to the Committee were (except in relation to a matter that occurred before that date) a reference to the Corporation.

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“(3) Where, immediately before the commencing date, proceedings to which the Committee was a party were pending in any court, the Corporation is, by force of this sub-section, substituted for the Committee as a party to the proceedings and has the same rights in the proceedings as the party for which it was substituted.

**Application of moneys of Corporation**

“66. The moneys of the Corporation may be applied in payment or discharge of the debts, liabilities or obligations referred to in paragraph 65 (1) (b).

**Moneys to be paid to Corporation in respect of charge**

“67. There shall be paid to the Corporation out of the Consolidated Revenue Fund, which is appropriated accordingly, an amount equal to the aggregate of the following amounts:

- (a) any amount of charge received by the Commonwealth before the commencing date under the *Canning-Fruit Charge Act 1959* that has not been taken into account in making a payment to the Committee under section 17 of the *Canned Fruit (Sales Promotion) Act 1959*;
- (b) any amount of charge received by the Commonwealth after the commencing date under the *Canning-Fruit Charge Act 1959* as continued in force by sub-section 64 (2).

**Instrument, &c., not liable to stamp duty or other tax**

“68. An instrument or document that the Secretary to the Department of Primary Industry or an officer of that Department authorized by him in writing for the purposes of this section certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this Part is not liable to stamp duty or other tax under a law of the Commonwealth or of a State or Territory.

**Report of operations of Committee**

“69. (1) The Corporation shall, by 30 June 1983, prepare and submit to the Minister a report of the operations of the Committee during the year that commenced on 1 January 1982 together with financial statements in respect of that year in such form as the Minister for Finance approves.

“(2) Before submitting financial statements to the Minister under sub-section (1), the Corporation shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether, in his opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and, in his opinion, show fairly the financial transactions and the state of the affairs of the Committee;

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- (c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Committee during the year referred to in sub-section (1) were in accordance with the *Canned Fruit (Sales Promotion) Act 1959*; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

“(3) The Minister shall cause copies of the report and financial statements together with a copy of the report of the Auditor-General to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

“(4) The persons who, immediately before the commencing date, were members of the Committee shall supply to the Corporation such information as is necessary to enable the Corporation to prepare the reports and financial statements.”.

**Schedule**

6. The Schedule to the Principal Act is amended by omitting “SCHEDULE” and substituting “SCHEDULE 1”.

**Schedule 2**

7. The Principal Act is amended by adding at the end thereof the following Schedule:

**SCHEDULE 2**

Section 64

ACTS REPEALED

*Canned Fruit (Sales Promotion) Act 1959*  
*Canned Fruit (Sales Promotion) Amendment Act 1979*  
*Canning-Fruit Charge Act 1959*  
*Canning-Fruit Charge Act 1973*  
*Canning-Fruit Charge (Administration) Act 1959*

**PART III—AMENDMENT OF APPLE AND PEAR LEVY ACT 1976**

**Principal Act**

8. In this Part the *Apple and Pear Levy Act 1976*<sup>2</sup> is referred to as the Principal Act.

**Exemptions**

9. Section 7 of the Principal Act is amended by omitting from sub-section (3) “*Canning-Fruit Charge Act 1959*” and substituting “*Canned Fruits Levy Act 1979*”.

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**NOTES**

1. No. 160, 1979.
2. No. 195, 1976, as amended. For previous amendments, see No. 146, 1981.