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**CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) –
REPEAL BILL 1998**

COMMITTEE NOTES

Hon MURRAY CRIDDLE MLC

CLAUSE 1: THE SHORT TITLE OF THE ACT IS THE *CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) REPEAL ACT 1998*

CLAUSE 2: THE ACT COMES INTO OPERATION ON THE DAY OR DAYS FIXED BY PROCLAMATION. THIS WILL ENABLE THE ORGANISATION TO BE PUT IN PLACE FOR SUBSEQUENT ARRANGEMENTS.

CLAUSE 3: THIS CLAUSE PROVIDES INTERPRETATION OF TERMS USED THROUGHOUT THE ACT.

CLAUSE 4: THIS CLAUSE REPEALS THE *CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) ACT 1961*.

CLAUSE 5: THIS CLAUSE DESCRIBES THE APPLICATION OF THE
FUND MONEY FROM THE PREVIOUS CARNARVON
BANANA INDUSTRY (COMPENSATION TRUST FUND) ACT
1961.

SUBCLAUSE 5(1) ESTABLISHES FOR THE PURPOSES OF
THIS ACT AN ACCOUNT AT TREASURY TO BE KNOWN AS
THE CARNARVON BANANA INDUSTRY TRUST FUND
ACCOUNT.

SUBCLAUSE 5(2) PROVIDES THAT THE ACCOUNT
ESTABLISHED UNDER 5(1) IS REGULATED BY THE
FINANCIAL ADMINISTRATION AUDIT AND REPORTING
SECTIONS OF THE FINANCIAL ADMINISTRATION AND
AUDIT ACT 1985 APPLYING TO DEPARTMENTS.

SUBCLAUSE 5(3) PROVIDES THAT THE ACCOUNT
ESTABLISHED UNDER 5(1) IS TO BE CONTROLLED BY
THE DEPARTMENT KNOWN AS THE DEPARTMENT OF
AGRICULTURE UNDER THE REPEALED ACT. THIS
DEPARTMENT IS NOW KNOWN AS AGRICULTURE
WESTERN AUSTRALIA.

SUBCLAUSE 5(4) PROVIDES INSTRUCTION ON WHAT
MONEY WILL BE PAID INTO THE ACCOUNT
ESTABLISHED UNDER 5(1). THIS WILL BE :

UNDER 5(4)(a) - THE BALANCE OF MONEY IN THE CARNARVON BANANA INDUSTRY COMPENSATION TRUST FUND AT THE COMMENCEMENT OF THIS ACT.

UNDER 5(4)(b) - ANY MONEY PAYABLE TO THE CARNARVON BANANA INDUSTRY COMPENSATION TRUST FUND.

UNDER 5(4)(c) - ANY OTHER MONEY THAT BECOMES PAYABLE TO THE CARNARVON BANANA INDUSTRY COMPENSATION TRUST FUND AFTER THE COMMENCEMENT OF THIS ACT.

SUBCLAUSE 5(5) PROVIDES INSTRUCTION ON WHERE THE MONEY PAID INTO THE ACCOUNT ESTABLISHED UNDER 5(1) WILL BE APPLIED.

UNDER 5(5)(a) - MONEY MAY BE APPLIED IN A WAY THE MINISTER THINKS FIT FOR THE PURPOSES OF PROMOTING AND ENCOURAGING THE BANANA INDUSTRY. IT IS INTENDED TO BE FOR THE BANANA INDUSTRY IN THE CARNARVON AREA.

UNDER 5(5)(b) - MONEY MAY BE APPLIED TO MEET EXPENSES AND COSTS INCURRED UNDER THE REPEALED ACT.

UNDER 5(5)(c) - MONEY MAY BE APPLIED TO MEET EXPENSES INCURRED IN THE IMPLEMENTATION OF THIS ACT.

CLAUSE 6: THIS CLAUSE PROVIDES INSTRUCTION ABOUT CONTRIBUTIONS PAYABLE BUT NOT RECEIVED BEFORE REPEAL OF THE CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) ACT 1961. IN CONJUNCTION CLAUSE 5 AND CLAUSE 6 PROVIDE FOR CONTINUITY FOR DEALING WITH ALL MONEY AND FUNDS IN THE TRANSITION FROM THE OLD CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND)ACT ACROSS TO ANY NEW ARRANGEMENTS FOR A COMPENSATION SCHEME FOR THE CARNARVON BANANA INDUSTRY.

SUBCLAUSE 6(1) INSTRUCT THAT THE SECTIONS 19, 20, 21 AND 22 OF THE REPEALED ACT DEALING WITH CONTRIBUTION OF FUNDS WILL REMAIN IN FORCE AS IF THE ACT HAD NOT BEEN REPEALED. CONTRIBUTIONS THAT WERE DUE BUT NOT PAID ARE REQUIRED TO BE MADE.

SUBCLAUSE 6(2) PROVIDES THAT IN THE CASE OF THE TRANSITIONAL APPLICATION OF SECTIONS 19, 20, 21 AND 22, THE MINISTER WILL ASSUME ANY RESPONSIBILITIES OF THE COMMITTEE. REFERENCE TO THE FUND WILL MEAN REFERENCE TO THE ACCOUNT ESTABLISHED UNDER SUBCLAUSE 5(1).

CLAUSE 7: THIS CLAUSE DIRECTS THE REPORTING REQUIREMENTS FOLLOWING THE COMMENCEMENT OF THIS ACT TO BE UNDERTAKEN BY THE CARNARVON BANANA INDUSTRY COMPENSATION COMMITTEE.

THE COMMITTEE IS TO CONTINUE IN EXISTENCE FOR THE PURPOSE OF PREPARING A REPORT FOR THE PERIOD FROM 1 JULY 1998 UNTIL THE REPEAL OF THE *CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) ACT*.

THE REPORT IS TO BE PREPARED AS SOON AS PRACTICABLE AFTER THE COMMENCEMENT OF THIS ACT. THE REPORT WILL COMPLY WITH REQUIREMENTS OF THE *FINANCIAL ADMINISTRATION AND AUDIT ACT 1985* AND WILL BE CONSIDERED AN ANNUAL REPORT FOR THE PURPOSES OF SECTION 69 OF THAT ACT.

CLAUSE 8: THIS CLAUSE IN 8(1) AMENDS THE SCHEDULE TO THE CONSTITUTION ACTS AMENDMENT ACT BY DELETING THE CARNARVON BANANA INDUSTRY COMPENSATION COMMITTEE.

SUBCLAUSE 8(2) AMENDS SCHEDULE 1 TO THE FINANCIAL ADMINISTRATION AND AUDIT ACT 1985 BY DELETING THE CARNARVON BANANA INDUSTRY COMPENSATION COMMITTEE.

CLAUSE 9: THIS CLAUSE PROVIDES FOR REPEAL OF THIS ACT.

WHEN THE MINISTER IS SATISFIED THAT ALL MONEY DUE HAS BEEN PAID INTO THE ACCOUNT AND ALL MONEY HAS BEEN PAID OUT THEN, THE MINISTER MAKES AN ORDER TO THAT EFFECT AND ON PUBLICATION OF THAT ORDER IN THE GAZETTE THIS ACT IS REPEALED.

THE ARRANGEMENTS PROVIDED BY THIS ACT ALLOW TIME FOR THE REPEAL OF THE PREVIOUS ACT, THE ESTABLISHMENT OF ARRANGEMENTS FOR TAKING OVER THE EXISTING TRUST FUNDS, TRANSFER OF THE TRUST FUNDS TO THE NEW ARRANGEMENTS AND FINALLY FOR REPEAL OF THIS ACT WHEN ALL NEW ARRANGEMENTS ARE IN PLACE. THE TIMING AND CONTROL OF ALL EVENTS WILL BE COORDINATED AND THIS ACT WILL COMMENCE ON THE DATE FIXED BY PROCLAMATION.