

1982

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Canned Fruits Marketing Legislation
Repeal and Amendment Bill 1982

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary
Industry, the Hon. Peter Nixon, MP)

OUTLINE

This Bill proposes to amend and repeal existing legislation to allow for the termination of the operations of the Australian Canned Fruit Sales Promotion Committee and for the residual assets and liabilities of the Committee to vest with the Australian Canned Fruits Corporation.

NO. OF
CLAUSE

EXPLANATION

1. Citation.
2. Self explanatory.
3. Principal Act referred to in this Part is the Canned Fruits Marketing Act 1979. This Act established the Australian Canned Fruits Corporation with broad marketing, regulation and promotion powers.
4. Provides for the addition of a further Schedule to the Canned Fruits Marketing Act 1979 specifying the repeal of the legislation associated with the activities of the Australian Canned Fruit Sales Promotion Committee.
5. Provides for the addition of a further Part to the Canned Fruits Marketing Act 1979 to take account of the repeal provisions in respect of the Australian Canned Fruit Sales Promotion Committee.

"63 self explanatory.

"64 (1) provides for the repeal of the Committee's enacting legislation and the legislation funding the Committee's activities.

(2) provides for the Committee's funding legislation to operate up to the commencing date of this Act. Funding is derived from a charge on the intake of fruit for canning by a cannery up to a maximum of \$1.00/tonne.

"65 (1) (a) provides for any rights assets etc of the Committee to be vested with the Australian Canned Fruits Corporation

(b) provides for any debts and liabilities of the Committee to be vested with the Corporation.

(2) continues the legality of any arrangement or contract entered into by the Committee after the repeal of the Committee's legislation by:

2.

- (a) substituting the Corporation for Committee as the relevant party in the arrangement
 - (b) stating that any reference to the Committee is instead a reference to the Corporation.
 - (3) transfers any responsibility relating to the Committee to the Corporation in respect of any legal proceedings.
- "66 provides for the Corporation to use its money to discharge any debts etc previously liable to the Committee and transferred to the Corporation by this Act.
- "67 provides for the Corporation to be paid any moneys collected by way of the Committee's funding legislation
- (a) that has not already been passed to the Committee
 - (b) and that is owing in respect of canning quality fruit delivered to a cannery.
- "68 provides arrangements whereby any document executed in pursuance of this Bill may be exempted from Stamp Duty.
- "69 (1) provides for the Corporation to submit to the Minister for Primary Industry a report together with financial statements by 30 June 1983 on the activities of the Committee in 1982.
- (2) (a) (b) specifies that prior to submission to the
 - (c) (d) Minister the financial statements are to be submitted to the Auditor-General who is to report to the Minister that they are proper and meet all the specified requirements.
 - (3) provides for the Minister to table the report, financial statements and Auditor-General's report in Parliament under the usual requirements.

3.

(4) provides for former Committee members to supply any necessary information required in regard to the preparation of the report and financial statements.

6. inserts a second Schedule to the Canned Fruits Marketing Act 1979 repealing the legislation associated with the Committee.

7. & 8. specifies technical amendments to the Apple and Pear Levy Act 1976 consequent to the repeal of the Canning-Fruit Charge Act 1959 to ensure that canning pears continue to be exempt from the Apple and Pear Levy.

