

**BANANA INDUSTRY (AMENDMENT) ACT, 1981, No. 72**

**New South Wales**



ANNO TRICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 72, 1981.**

An Act to amend the Banana Industry Act, 1969, to provide that the maximum charge that the Banana Marketing Control Committee may impose on banana growers shall be such charge as is prescribed by regulation instead of 10 cents per bushel; to increase the penalties which may be imposed under that Act; and for the purpose of statute law revision. [Assented to, 28th May, 1981.]

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*Banana Industry (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Banana Industry (Amendment) Act, 1981".

**Principal Act.**

2. The Banana Industry Act, 1969, is referred to in this Act as the Principal Act.

**Schedules.**

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION.

**Amendment of Act No. 38, 1969.**

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

**Savings.**

5. An amendment made to the Principal Act by section 4 and Schedule 1 (1), (3) or (4) does not affect any penalty which may be imposed in respect of an offence committed against a provision of that Act or the regulations under that Act before the commencement of the amendment.

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*Banana Industry (Amendment).*

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SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 6 (4)—

Omit "four dollars", insert instead "\$10".

(2) Section 11 (1)—

Omit "ten cents per bushel", insert instead "the charge for the time being prescribed for the purposes of this subsection".

(3) Section 24—

Omit "four hundred dollars", insert instead "\$1,000".

(4) Section 27 (2)—

Omit "two hundred dollars", insert instead "\$500".

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SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) (a) Section 4, definition of "banana grower" or "grower"—

Omit "one", insert instead "1".

(b) Section 4, definition of "Federation"—

Omit "Co-operation, Community Settlement, and Credit Act, 1923, as subsequently amended", insert instead "Co-operation Act, 1923".

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*Banana Industry (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—*continued.*

- (c) Section 4, definition of “prescribed”—  
Omit the definition.
- (2) (a) Section 5 (2) (a)—  
Omit the paragraph.
- (b) Section 5 (2) (b)—  
Omit “five”, insert instead “5”.
- (c) Section 5 (2) (b)—  
Omit “one hundred”, insert instead “100”.
- (d) Section 5 (2) (c)—  
Omit “thirty”, insert instead “30”.
- (3) (a) Section 7 (2)—  
Omit “one” wherever occurring, insert instead “1”.
- (b) Section 7 (2) (a)—  
Omit “five”, insert instead “5”.
- (c) Section 7 (4)—  
Omit “paragraph (b) of subsection (2)”, insert instead “sub-  
section 2 (b)”.
- (d) Section 7 (8)—  
Omit “Public Service Act, 1902, as subsequently amended”,  
insert instead “Public Service Act, 1979”.

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*Banana Industry (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—*continued.*

(e) Section 7 (8)—

Omit “as so amended.”.

(f) Section 7 (9) (b)—

Omit the paragraph, insert instead:—

(b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(g) Section 7 (9) (c)—

Omit “four” wherever occurring, insert instead “4”.

(h) Section 7 (9) (d)—

Omit the paragraph, insert instead—

(d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(i) Section 7 (9) (e)—

Omit “twelve”, insert instead “12”.

(4) Section 8 (3), (10)—

Omit “two” wherever occurring, insert instead “2”.

(5) Section 9 (1)—

Omit “six”, insert instead “6”.

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*Banana Industry (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—*continued.*

## (6) (a) Section 11 (2) (b), (3)—

Omit “thirty” wherever occurring, insert instead “30”.

## (b) Section 11 (2) (b)—

Omit “one hundred”, insert instead “100”.

## (c) Section 11 (5)—

Omit “fourteen”, insert instead “14”.

## (7) (a) Section 12 (4) (b), (5)—

Omit “thirty” wherever occurring, insert instead “30”.

## (b) Section 12 (4) (b)—

Omit “one hundred”, insert instead “100”.

## (8) Section 14—

Omit “the thirtieth day of June”, insert instead “30th June”.

## (9) Section 15 (1)—

Omit “as subsequently amended,”.

## (10) Section 16—

Omit “the thirtieth day of June” wherever occurring, insert instead “30th June”.

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*Banana Industry (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—*continued.*

(11) Section 21—

Omit “two”, insert instead “2”.

(12) Section 25—

Omit “as subsequently amended,”.

(13) Section 27 (4), (5)—

Omit the subsections, insert instead:—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

*In the name and on behalf of Her Majesty I assent to this Act.*

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 28th May, 1981.*





## **BANANA INDUSTRY (AMENDMENT) BILL, 1981**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are to amend the Banana Industry Act, 1969—

- (a) to provide that the maximum charge that the Banana Marketing Control Committee may impose on banana growers shall be such charge as is prescribed by regulation instead of 10 cents per bushel (Schedule 1 (2));
  - (b) to increase the penalties which may be imposed under the Act (Schedule 1 (1), (3) and (4)); and
  - (c) by way of statute law revision (Schedule 2).
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## BANANA INDUSTRY (AMENDMENT) BILL, 1981

No. , 1981.

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### A BILL FOR

An Act to amend the Banana Industry Act, 1969, to provide that the maximum charge that the Banana Marketing Control Committee may impose on banana growers shall be such charge as is prescribed by regulation instead of 10 cents per bushel; to increase the penalties which may be imposed under that Act; and for the purpose of statute law revision.

[MR DAY—18 *March*, 1981.]

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*Banana Industry (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**5 Short title.**

1. This Act may be cited as the "Banana Industry (Amendment) Act, 1981".

**Principal Act.**

2. The Banana Industry Act, 1969, is referred to in this Act as the  
10 Principal Act.

**Schedules.**

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
15 STATUTE LAW REVISION.

**Amendment of Act No. 38, 1969.**

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

**Savings.**

20 5. An amendment made to the Principal Act by section 4 and Schedule 1 (1), (3) or (4) does not affect any penalty which may be imposed in respect of an offence committed against a provision of that Act or the regulations under that Act before the commencement of the amendment.

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*Banana Industry (Amendment).*

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## SCHEDULE 1.

(Sec. 4.)

## AMENDMENTS TO THE PRINCIPAL ACT.

## (1) Section 6 (4)—

5 Omit “four dollars”, insert instead “\$10”.

## (2) Section 11 (1)—

Omit “ten cents per bushel”, insert instead “the charge for the time being prescribed for the purposes of this subsection”.

## (3) Section 24—

10 Omit “four hundred dollars”, insert instead “\$1,000”.

## (4) Section 27 (2)—

Omit “two hundred dollars”, insert instead “\$500”.

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SCHEDULE 2.

(Sec. 4.)

## 15 AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

## (1) (a) Section 4, definition of “banana grower” or “grower”—

Omit “one”, insert instead “1”.

## (b) Section 4, definition of “Federation”—

20 Omit “Co-operation, Community Settlement, and Credit Act, 1923, as subsequently amended”, insert instead “Co-operation Act, 1923”.

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*Banana Industry (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—*continued.*

- 5 (c) Section 4, definition of “prescribed”—  
Omit the definition.
- (2) (a) Section 5 (2) (a)—  
Omit the paragraph.
- (b) Section 5 (2) (b)—  
Omit “five”, insert instead “5”.
- 10 (c) Section 5 (2) (b)—  
Omit “one hundred”, insert instead “100”.
- (d) Section 5 (2) (c)—  
Omit “thirty”, insert instead “30”.
- (3) (a) Section 7 (2)—  
15 Omit “one” wherever occurring, insert instead “1”.
- (b) Section 7 (2) (a)—  
Omit “five”, insert instead “5”.
- (c) Section 7 (4)—  
20 Omit “paragraph (b) of subsection (2)”, insert instead “sub-  
section 2 (b)”.
- (d) Section 7 (8)—  
Omit “Public Service Act, 1902, as subsequently amended”,  
insert instead “Public Service Act, 1979”.

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*Banana Industry (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—*continued.*

- (e) Section 7 (8)—  
5 Omit “as so amended,”.
- (f) Section 7 (9) (b)—  
Omit the paragraph, insert instead:—  
10 (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (g) Section 7 (9) (c)—  
Omit “four” wherever occurring, insert instead “4”.
- (h) Section 7 (9) (d)—  
15 Omit the paragraph, insert instead—  
(d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 20 (i) Section 7 (9) (e)—  
Omit “twelve”, insert instead “12”.
- (4) Section 8 (3), (10)—  
Omit “two” wherever occurring, insert instead “2”.
- (5) Section 9 (1)—  
25 Omit “six”, insert instead “6”.

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*Banana Industry (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—*continued.*

- (6) (a) Section 11 (2) (b), (3)—  
5 Omit “thirty” wherever occurring, insert instead “30”.
- (b) Section 11 (2) (b)—  
Omit “one hundred”, insert instead “100”.
- (c) Section 11 (5)—  
Omit “fourteen”, insert instead “14”.
- 10 (7) (a) Section 12 (4) (b), (5)—  
Omit “thirty” wherever occurring, insert instead “30”.
- (b) Section 12 (4) (b)—  
Omit “one hundred”, insert instead “100”.
- (8) Section 14—  
15 Omit “the thirtieth day of June”, insert instead “30th June”.
- (9) Section 15 (1)—  
Omit “as subsequently amended”.
- (10) Section 16—  
20 Omit “the thirtieth day of June” wherever occurring, insert instead  
“30th June”.



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*Banana Industry (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—*continued.*

(11) Section 21—

5 Omit “two”, insert instead “2”.

(12) Section 25—

Omit “as subsequently amended,”.

(13) Section 27 (4), (5)—

Omit the subsections, insert instead:—

10 (4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

SCHEDULE 2—continued

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION  
—continued—

(11) Section 21—

Omit "two" insert instead "3".

(12) Section 22—

Omit "as subsequently amended".

(13) Section 23 (4), (5)—

Omit the subsections in each instance.—

(4) Section 41 of the Interception Act 1959, applies in respect of a regulation as if this Act had been passed after the commencement of the Interception (Amendment) Act 1969.



