
APPLE AND PEAR MARKETING AMENDMENT ACT 1980

TABLE OF PROVISIONS

- | | |
|---|---|
| 1. Short title. | 5. Amendment of section 7 of Principal Act (Appointment of officers). |
| 2. Principal Act. | 6. Insertion in Principal Act of new section 8A.
8A—Power of Minister to give directions to Authority. |
| 3. Amendment of section 2 of Principal Act (Interpretation). | 7. Amendment of section 22 of Principal Act (Indemnity). |
| 4. Amendment of section 3 of Principal Act (Establishment of the Tasmanian Apple and Pear Marketing Authority). | 8. Transitional provisions. |



APPLE AND PEAR MARKETING AMENDMENT

No. 22 of 1980

AN ACT to amend the Apple and Pear Marketing Act 1977 with respect to the constitution of the Tasmanian Apple and Pear Marketing Authority, for the purpose of empowering the Minister to give directions to the Authority, and for other purposes.

[Royal Assent 21 May 1980]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Apple and Pear Marketing Amendment Act* 1980. Short title.

2—In this Act, the *Apple and Pear Marketing Act 1977** is referred to as the Principal Act. Principal Act.

3—Section 2 (1) of the Principal Act is amended by omitting the definitions of “Executive Director” and “Secretary”. Amendment of section 2 of Principal Act (Interpretation).

* No. 7 of 1977. For this Act, as amended to 1st September 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 109 of 1977.

Amendment of section 3 of Principal Act (Establishment of the Tasmanian Apple and Pear Marketing Authority).

4—Section 3 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (3) “ 9 ” and substituting “ 8 ”;
- (b) by omitting from subsection (4) (d) “ State;” and substituting “ State; and ”;
- (c) by omitting from subsection (4) (e) “ State; and ” and substituting “ State.”;
- (d) by omitting paragraph (f) of subsection (4);
- (e) by omitting the following:—
 - (6) The Executive Director shall be paid such salary as is specified in the instrument of his appointment.
- (f) by omitting from subsection (7) “(other than the Executive Director)”.

Amendment of section 7 of Principal Act (Appointment of officers).

5—Section 7 of the Principal Act is amended as follows:—

- (a) by omitting subsection (1) and substituting the following subsections:—
 - (1) Subject to this section, the Authority may appoint and employ such officers (including a registrar) as it considers necessary for the purposes of the administration of this Act, and, subject to any relevant award or industrial agreement under or in accordance with any law in force in this State that relates to industrial relations, shall pay to those officers such remuneration as the Authority, with the approval of the Minister, determines.
 - (1A) A person appointed as an officer under subsection (1) holds office on such other terms and conditions as the Authority determines, subject to any relevant award or industrial agreement of a kind referred to in subsection (1).
- (b) by omitting from subsection (2) “ the Secretary or any other officer ” and substituting “ an officer ”.

6—After section 8 of the Principal Act the following section is inserted:—

Insertion in
Principal Act
of new
section 8A.

8A—(1) The Minister may, after consultation with the Authority, give to the Authority such written directions with respect to the performance of its functions and the exercise of its powers as appear to the Minister to be necessary in the public interest.

Power of
Minister to
give directions
to Authority.

(2) A direction under subsection (1) is sufficiently given if it is delivered to the chairman, and the Authority shall comply with the direction from the time that it is delivered to the chairman.

(3) The Minister shall publish a direction given under subsection (1) in the *Gazette* within 7 days after it is delivered in accordance with this section.

(4) The Minister may, at any time, by notice in writing given to the Authority, revoke a direction given under subsection (1).

(5) The fact that the Minister has power to give a direction to the Authority under subsection (1) or gives such a direction does not have the effect of—

- (a) making the Authority the servant or agent of the Crown for the purposes of this or any other Act; or
- (b) conferring on the Authority any status, privilege, or immunity of the Crown.

7—Section 22 of the Principal Act is amended by omitting “ the Secretary, or any other officer ” and substituting “ an officer ”.

Amendment of
section 22 of
Principal Act
(Indemnity).

8—(1) The person holding office as the Executive Director of the Authority immediately before the commencement of this Act shall, on that commencement—

Transitional
provisions.

- (a) be deemed to have been appointed as an officer under section 7 (1) of the Principal Act at the same salary and allowances as those specified in the instrument of his appointment as Executive Director; and

(b) hold office for the remainder of the period specified in the instrument of appointment on the terms and conditions specified in it.

(2) Notwithstanding subsection (1) (b), the provisions for termination and non-continuation of the appointment made by the instrument referred to in subsection (1) shall, on the commencement of this Act, be read as if a reference in those provisions to the Minister for Primary Industry were a reference to the Authority.

(3) The person holding office as the Secretary of the Authority immediately before the commencement of this Act shall, on that commencement, continue to hold office as an officer appointed under section 7 (1) of the Principal Act—

- (a) on the same terms and conditions as those to which he is subject immediately before that commencement;
- (b) at the same remuneration and allowances as those payable to him immediately before that commencement;
- (c) without affecting or prejudicing his existing or accruing rights under a superannuation scheme to which he was contributing immediately before that commencement; and
- (d) without affecting or prejudicing his existing or accruing rights in respect of annual leave of absence, leave of absence on account of sickness, and long service leave.