

Legislative Council—No 70A

As reported with an amendment, report adopted, Standing Orders suspended and passed remaining stages, 17 July 2012

South Australia

**Citrus Industry (Winding up) Amendment
Bill 2012**

A BILL FOR

An Act to amend the *Citrus Industry Act 2005*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Citrus Industry (Winding up) Amendment Act 2012*.

2—Commencement

- 5 This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Citrus Industry Act 2005*

4—Insertion of Part 6, 7 and 8

After Part 5 insert:

Part 6—Winding up

28—Winding up

- (1) Despite the other provisions of this Act—
 - 15 (a) the Board is constituted of an administrator appointed by the Minister (and accordingly the offices of all members of the Board are vacated); and

(b) the Board's only functions are to do all such things as are necessary for winding up its affairs and the Citrus Industry Fund; and

(c) no further contributions are payable to the Fund.

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(2) Any assets and money in the Fund remaining after the winding up are to be applied for the benefit of the citrus industry as directed by the Minister.

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(3) The Board must deliver to the Minister a winding up report on its operations since the period to which its last annual report relates (and the Board is not required to prepare an annual report in relation to the operations of the Board or the Fund during any period after 30 June 2012).

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(4) The report must include accounts presenting fairly the results of the Board's operations (including operations affecting the Fund), audited by the Auditor-General, for the period to which the report relates.

(5) The Minister must, within 12 sitting days after receiving the winding up report, have copies of the report laid before both Houses of Parliament.

Part 7—Powers of Minister to gather information

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29—Powers of Minister to gather information

(1) The Minister may, by written notice to a citrus industry participant, require the participant to provide a return or periodic returns of information relating to the citrus industry.

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(2) The information required may include, for example—

(a) particulars of citrus trees planted or removed or otherwise lost or destroyed, or of the area planted with citrus trees, by reference to age, type or variety, within a specified period or at a specified date;

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(b) particulars of citrus fruit by reference to type, variety, size, grade, quality, quantity or any other factor, produced, delivered for sale, purchased, sold or processed within a specified period;

(c) an estimate of citrus fruit or citrus fruit product that a person expects to produce for marketing within a specified period.

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(3) The Minister may provide information provided in a return to a body that, in the opinion of the Minister, represents citrus industry participants or a class of citrus industry participants.

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(4) A citrus industry participant who contravenes or fails to comply with a requirement of the Minister under this section is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Part 8—Expiry of Act

30—Expiry of Act

- (1) The Governor may, by proclamation, fix a day on which this Act will expire.
- (2) The day fixed under subsection (1) must not be earlier than 1 January 2014.
- (3) If a proclamation is made under subsection (1)—
 - (a) this Act expires on the day fixed by the proclamation; and
 - (b) immediately before the expiry, any remaining liabilities of the Board vest in the Crown.

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