

South Australia

Primary Industry Funding Schemes (Citrus Growers Fund) Variation Regulations 2009

under the *Primary Industry Funding Schemes Act 1998*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Citrus Growers Fund) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 October 2009.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Primary Industry Funding Schemes (Citrus Growers Fund) Regulations 2005*

4—Variation of regulation 5—Contributions to Fund

Regulation 5(1)(a)—delete "\$1.15" and substitute:

65 cents

5—Insertion of Schedule 1

After regulation 8 insert:

Schedule 1—Transitional provisions for 2009 variation

1—Interpretation

In this Schedule—

prescribed period means 1 November 2008 to 30 September 2009;

prescribed proportion means 50/115.

2—Refund of prescribed contributions

- (1) A refund of the prescribed proportion of contributions paid by or on behalf of a citrus grower in respect of citrus fruit sold during the prescribed period may be claimed by the citrus grower by giving notice in writing to the Minister on or before 31 December 2009.
- (2) A person claiming a refund under subclause (1) must supply the Minister with—
 - (a) evidence acceptable to the Minister of the contributions made by the claimant in respect of which the claim for refund is made; and
 - (b) if the Minister so requires, verification of that evidence in the form of a statutory declaration.
- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the prescribed proportion of the contributions paid by the person in respect of citrus fruit sold during the prescribed period.

3—Deduction of prescribed contributions

If the prescribed proportion of contributions paid by or on behalf of a citrus grower in respect of citrus fruit sold during the prescribed period is refunded to the grower under this Schedule, any further claim under regulation 5 for a refund of contributions paid by or on behalf the grower in respect of citrus fruit sold during that period is limited to the remaining proportion of the contributions.

4—Application of Fund

The Fund may be applied by the Minister for repayment of contributions under this Schedule.

5—No default after refund or non-payment of prescribed proportion

For the purposes of regulation 7(2), a person is not to be taken to be in default only by virtue of the fact that—

- (a) the person has failed to pay an amount not exceeding the prescribed proportion of contributions liable to be paid under regulation 5 in respect of citrus fruit sold during the prescribed period; or
- (b) the person has been refunded the prescribed proportion of contributions under this Schedule.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 24 September 2009

No 241 of 2009

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