



ANNO DECIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1965

No. 53 of 1965

An Act relating to the organization of the citrus industry and the marketing of citrus fruit and matters incidental thereto.

[Assented to 23rd December, 1965.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PRELIMINARY.

1. This Act may be cited as the "Citrus Industry Organization Act, 1965". Short title.

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation. Commencement.

3. The provisions of this Act are arranged as follows :— Arrangement.

PART I.—PRELIMINARY, ss. 1-7.

PART II.—THE CITRUS ORGANIZATION COMMITTEE OF SOUTH AUSTRALIA, ss. 8-25—

DIVISION I.—ESTABLISHMENT OF THE COMMITTEE, ss. 8-19 ;

DIVISION II.—POWERS OF THE COMMITTEE, ss. 20-25.

PART III.—SUPPLEMENTARY AND MISCELLANEOUS, ss. 26-39.

Repeal of
Citrus
Marketing
Act, 1931.

Interpretation.

4. The Citrus Marketing Act, 1931, is hereby repealed.

5. In this Act, unless the context otherwise requires—

“citrus fruit” means citrons, lemons, limes, grapefruit, mandarins, oranges, sevilles and tangerines :

“count” includes size :

“grower”—

(a) in Division I of Part II and in sections 34 and 36 of this Act, means any person who grows at least fifty trees for the production and sale of citrus fruit; and

(b) in the other provisions of this Act, means any person who carries on the business of producing citrus fruit for sale :

“licensee” means a person holding a licence under section 20 of this Act :

“marketing”, in relation to any citrus fruit or any product thereof, means the harvesting, preparation, processing and packing of citrus fruit or any product thereof for sale by wholesale and the sale thereof by wholesale and the shipping, transporting, storing and handling of citrus fruit or any product thereof for the purpose of any such sale and the transmission thereof from the producer to any person selling by wholesale and all actions or things connected therewith or incidental thereto :

“member” means member of the Committee and includes the Chairman :

“product”, in relation to citrus fruit, means any substance which, wholly or in part, is derived from any citrus fruit :

“representative member” means a member of the Committee referred to in paragraph (a) of subsection (2) of section 9 of this Act :

“sale” includes barter and exchange and “to sell” has a corresponding meaning :

“the Chairman” means the Chairman of the Committee :

“the Committee” means The Citrus Organization Committee of South Australia established under section 8 of this Act.

Application of
this Act.

6. Nothing in this Act shall apply in relation to the harvesting by a grower of his own crop of citrus fruit.

Act to apply
subject to
Common-
wealth
Constitution.

7. (1) If, by reason of the Constitution of the Commonwealth, a provision of this Act, or an order or notice under a provision

of this Act, cannot validly apply in relation to any citrus fruit, that provision, order or notice shall be construed as intended to operate in relation to all citrus fruit in relation to which it can validly apply and to which it purports to apply.

(2) Subsection (1) of this section is in addition to, and not in substitution for, any other provision relating to the construction of any law subject to the Constitution.

PART II.PART II.

THE CITRUS ORGANIZATION COMMITTEE OF
SOUTH AUSTRALIA.

DIVISION I.—ESTABLISHMENT OF THE COMMITTEE.

DIVISION I.

8. (1) A Committee by the name of "The Citrus Organization Committee of South Australia" is hereby established.

Establishment
of Committee.

(2) The Committee—

- (a) shall be a body corporate with perpetual succession ;
- (b) shall have a common seal ;
- (c) shall be capable of acquiring, holding and disposing of real and personal property ; and
- (d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Committee affixed to a document and shall presume that it was duly affixed.

9. (1) The Committee shall consist of seven members who shall be appointed by the Governor.

Members of
Committee.

(2) The members of the Committee shall be—

- (a) four growers who shall, subject to sections 10 and 11 of this Act, be elected in accordance with section 11 of this Act ;
- (b) two persons who, in the opinion of the Governor, have extensive knowledge of and experience in industry and commerce ; and
- (c) one other competent person who shall be appointed Chairman of the Committee,

the three members referred to in paragraphs (b) and (c) of this subsection being appointed after consultation by the Minister with the four members referred to in paragraph (a) of this subsection.

(3) If a casual vacancy occurs in the office of a member of the Committee, the Governor may, subject to subsection (2) of this section and to section 11 of this Act, appoint a suitable person to the vacant office.

(4) The performance of the functions or the exercise of the powers of the Committee shall not be affected by reason only of there being a vacancy in the membership of the Committee.

(5) All acts and proceedings of the Committee shall, notwithstanding any defect in the appointment of any member thereof, or that any member was disqualified or not entitled to act, be as valid and effectual as if the member had been duly appointed and was qualified and entitled to be, and to act as, a member of the Committee, and as if the Committee had been properly and fully constituted.

Appointment
of first
representative
members of
Committee.

10. (1) The four persons appointed as representative members of the Committee as first constituted after the commencement of this Act shall be selected by the Minister after being nominated in accordance with this section.

(2) As soon as practicable after the commencement of this Act the Minister shall by public notice call for nominations to be made of growers for appointment as members of the Committee.

(3) Each nomination shall be in writing and signed by not less than twenty growers.

(4) From all such nominations received by him within three weeks after calling for nominations, the Minister shall select four growers, who shall be appointed as provided by section 9 of this Act.

Election of
representative
members.

11. (1) Representative members (other than those appointed to the Committee as first constituted after the commencement of this Act) shall be elected by growers as provided by this Act, after nomination in writing signed by not less than twenty registered growers and furnished to the Committee not less than twenty-eight days preceding the election.

(2) An election shall be held whenever a vacancy occurs in the office of a representative member by reason of effluxion of time or for any other cause.

(3) Each election shall, subject to this Act, be held and conducted by the Assistant Returning Officer for the State by post in such manner as he deems proper.

(4) Each registered grower shall be entitled to vote at any election.

(5) The expenses incurred in relation to any election shall be paid out of the funds of the Committee.

(6) Where the number of growers nominated as provided by subsection (1) of this section is less than or is equal to the number of growers required to be elected under this section, no election shall be necessary and the growers so nominated may be appointed as if elected under this section.

12. (1) For the purposes of this Division and section 36 of this Act, a grower which is a body corporate, in lieu of having its own name included in the register of growers, may, by notice in writing given to the Committee, nominate a person whose name shall be so included as nominee of the body corporate in lieu of the name of the body corporate. Grower companies.

(2) A person so nominated shall, by virtue of such nomination, be deemed to be a grower for the purposes of this Division and section 36 of this Act.

(3) Any such nomination may, by notice in writing given to the Committee be revoked by the body corporate and thereupon the person nominated shall cease to be the nominee of the body corporate and, while such revocation is in force, his name shall not be included in the register of growers as such nominee.

(4) Where the name of a person is included in the register of growers both as the nominee of a body corporate and as a grower in his own right, such person shall be entitled to vote in each capacity, but a person shall not otherwise be entitled to vote more than once at any election or poll under this Act.

13. The Committee shall keep a register of growers for the purposes of this Act, and shall from time to time revise the register in accordance with the regulations, so that as far as possible it shall at all times contain the names of all persons who are for the time being growers. Register of growers.

14. (1) Subject to this section, each member of the Committee shall hold office for two years. Term of office.

(2) The Chairman shall hold office for such period as is specified by the Governor in the instrument of his appointment.

(3) Two of the four representative members of the Committee as first constituted after the commencement of this Act, who shall be determined by lot, shall hold office for a period of one year.

(4) A member appointed to fill a casual vacancy on the Committee shall hold office for the balance only of the term of the member in whose place he was appointed.

(5) A member whose term of office has expired before his successor is appointed shall, subject to this Act, remain in office until his successor is appointed.

(6) A retiring member shall be eligible for re-appointment.

Casual
vacancies.

15. The office of any member shall become vacant if—

- (a) he dies ;
- (b) he resigns by written notice given to the Minister ;
- (c) he is removed from his office by the Governor for neglect of his duties, misbehaviour or mental or physical incapacity to perform his duties as a member ;
- (d) he is absent without leave granted by the Committee from more than three consecutive meetings of the Committee ;
- (e) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors for less than twenty shillings in the pound ;
- (f) he is convicted of an offence involving fraud or dishonesty punishable on conviction by imprisonment for three months or more ; or
- (g) being a person whose name was, at the time of his election, included in the register of growers as the nominee of a body corporate pursuant to section 12 of this Act but not as a grower in his own right, he ceases to be the nominee of the body corporate pursuant to subsection (3) of that section.

Public Service
Act not to
apply to
members of
Committee.

16. The provisions of the Public Service Act, 1936-1959, shall not extend or apply to a person by reason only of his holding the office of a member of the Committee.

Meetings of
Committee.

17. (1) The Chairman may convene meetings of the Committee and, subject to this Act, the business of the Committee shall be conducted in such manner as the Committee determines.

(2) The Chairman shall preside at all meetings of the Committee at which he is present.

(3) If the Chairman is absent from a meeting of the Committee, the members present shall elect one of their number to act as chairman at the meeting and while so acting such member shall have all the powers and duties of the Chairman.

(4) At a meeting the Chairman shall not have a deliberative vote but, in the event of an equality of votes, may exercise a casting vote.

(5) Four members of the Committee shall constitute a quorum thereof.

18. (1) The members of the Committee shall be entitled to be paid such remuneration and expenses as are approved by the Governor.

Remuneration
of members.

(2) Such remuneration and expenses shall be paid out of the funds of the Committee.

19. The Committee shall not, except in relation to any matter in which the Committee is specially authorized by the Governor to act on behalf of the Crown, be the agent or servant or the representative of the Crown.

Committee not
to represent
Crown.

DIVISION II.—POWERS OF THE COMMITTEE.

DIVISION II.

20. (1) For the purposes of this Act but subject to section 6 of this Act, the Committee may licence suitable persons to do any act, matter or thing which is included in the marketing of citrus fruit and specified in the licence.

Power to
grant licences.

(2) Where an applicant for a licence under this section—

- (a) makes application to the Committee in the prescribed form ;
- (b) furnishes to the Committee such information relevant to the application as the Committee requires ;
- (c) pays the prescribed fee (if any) ; and
- (d) satisfies the Committee that he has suitable premises, facilities and equipment and complies with such other requirements (if any) as are prescribed,

the Committee shall grant a licence in accordance with the application, but the Committee may refuse the application if it is satisfied that in the interests of the citrus industry it is undesirable that the licence should be granted.

(3) A licence under this section—

- (a) may be subject to such terms and conditions relating to the marketing of citrus fruit as the Committee thinks fit ;

- (b) shall not be transferable ;
- (c) shall, subject to paragraph (d) of this subsection, remain in force for a period of twelve months after the issue thereof, but shall, upon compliance with the provisions of subsection (2) of this section, be renewed for a further such period ; and
- (d) shall cease to be in force if surrendered or otherwise terminated or if the licensee dies or, in the case of a company, is dissolved.
- (4) The Committee may, by giving a licensee two weeks' notice in writing, cancel or suspend for such period as it thinks fit any licence granted under this section—
- (a) if the licensee has failed in any way to comply with any provision of this Act or of an order made under this Act or if he has contravened any condition to which the licence is subject ; or
- (b) if the licensee has become bankrupt or has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors or has compounded with his creditors for less than twenty shillings in the pound or has assigned his remuneration for their benefit.
- (5) The licensee may, according to the tenor of his licence, do any act, matter or thing included in the marketing of citrus fruit.
- (6) A person whose application to be licensed has been refused under this section may, within one month after receiving notice of the refusal, appeal to the Supreme Court against the refusal, and the Court may refuse the appeal, or, if it is of the opinion that the application was refused without good and sufficient cause, allow the appeal and order the Committee to grant him a licence.
- (7) A licensee shall not contravene or fail to comply with any term or condition to which his licence is subject.
- Penalty for breach of this subsection : Two hundred pounds.

General
powers of
Committee.

21. (1) Subject to this Act, the Committee may—

- (a) undertake or arrange for the marketing of citrus fruit or of any product thereof ;
- (b) regulate and control the delivery and sale of citrus fruit by growers to any licensee or other person nominated by the Committee and any other act, matter or thing included in the marketing of citrus fruit ;

- (c) arrange for the export of citrus fruit from the State ;
- (d) raise moneys by imposing charges as provided by section 23 of this Act ;
- (e) by order, exempt from the operation of this Act a grower who produces a small quantity of citrus fruit ;
- (f) by means of advertising or other appropriate means, take any steps it thinks fit to encourage the consumption of citrus fruit and to create a greater demand therefor ;
- (g) make payments, as the Committee thinks fit, to any licensee for the purpose of enabling him to carry on any business pursuant to his licence ;
- (h) appoint and employ a secretary to the Committee and employ such officers, inspectors, agents, servants and other persons as may be required for the purposes of this Act ;
- (i) make arrangements with any marketing authorities of citrus fruit (either within or outside Australia) for the transport, storing and handling of citrus fruit and for the sale or other disposal thereof ;
- (j) undertake or arrange for research into the citrus industry and extension services associated therewith and make payments to any person therefor ;
- (k) regulate and control the use of brands and trade-marks in the marketing of citrus fruit and may have its own brands and trade-marks ;
- (l) do any other act or thing or enter into and carry out any contract or transaction which is necessary or convenient to be done, entered into or carried out for giving effect to this Act or which is incidental to the exercise of the powers or the performance of the functions of the Committee ; and
- (m) delegate to any person, subject to any conditions specified in the instrument of delegation, any of its powers or functions under this Act (except this power of delegation and the powers conferred by paragraphs (d) and (h) of this section and by sections 20, 22 and 23 of this Act).

(2) Any power or function delegated under paragraph (m) of subsection (1) of this section may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) Any such delegation shall be revocable at will and shall not prevent the exercise of any power or the performance of any function by the Committee.

22. (1) The Committee may, by order, do all or any of the following things—

- (a) fix the quantity of citrus fruit or the proportion of his crop of citrus fruit which a grower may deliver or sell at any time, within any period or at any place specified in the order and prohibit the delivery or sale of citrus fruit in contravention of that order ;
- (b) prohibit either absolutely or except on such terms and conditions as the Committee thinks fit any person or class of persons from delivering or selling any citrus fruit to any person or class of persons other than the Committee or the class of persons nominated by it ;
- (c) give any directions to any grower or licensee which are necessary for the purpose of ensuring compliance with any order made under paragraph (a) or (b) of this subsection ;
- (d) fix the prices and the rate of commission at which any citrus fruit may be sold and prohibit the sale of any such citrus fruit except in accordance with such prices and upon such rate of commission ;
- (e) fix the terms and conditions on which citrus fruit may be sold by wholesale and prohibit the sale of citrus fruit otherwise than under those terms and conditions ;
- (f) vary any order or revoke any order wholly or in part, or revoke any order wholly or in part and substitute any other order for that which has been so revoked.

(2) Any order made under this section—

- (a) may apply in relation to any product of citrus fruit in like manner as it may apply in relation to any citrus fruit ;
- (b) may vary according to the place, time or conditions of sale of any citrus fruit or according to the type, variety, count, grade, quality or quantity thereof or according to any circumstances, rule or formula prescribed in the order ;
- (c) may contain such terms and conditions as the Committee thinks fit relating to—
 - (i) presentation for sale of citrus fruit and the containers thereof ;

- (ii) inspection of citrus fruit and the containers thereof ;
 - (iii) practices which, in the opinion of the Committee, are not in the best interests of the citrus industry ; and
 - (iv) advertising, promotion of sales and encouragement of consumption of citrus fruit ; and
- (d) may apply throughout the State or any part thereof or may apply only to persons or a class of persons named therein.

(3) If the order applies throughout the State or any part thereof, it shall be published in the *Gazette* or in a daily newspaper circulating throughout the State, or, if the order is applicable only to a person or class of persons named therein, it shall so apply only to the person or persons on whom a copy thereof is served personally or by registered post.

(4) A person shall not contravene or fail to comply with any direction contained in any order made under this section which is applicable to him.

Penalty for breach of this subsection : Two hundred pounds.

23. (1) The Committee may in any financial year, for the purposes of defraying the expenses of administering this Act and of carrying out its duties and functions under this Act impose a charge, not exceeding two shillings per bushel, in respect of all citrus fruit produced for sale by growers in that financial year.

Powers to
impose charges.

(2) The Committee may in any financial year impose a charge (additional to any charge imposed under subsection (1) of this section), not exceeding two shillings per bushel, in respect of all citrus fruit produced for sale by growers in that financial year.

(3) All amounts received by the Committee pursuant to subsection (2) of this section shall be paid by the Committee into a special fund to be called "The Export Compensation Fund", and the moneys in such fund shall be expended by the Committee at its discretion for the purpose of making payment to any grower in any case where any citrus fruit grown by the grower has, pursuant to this Act, been exported from Australia and the Committee is of opinion that by reason of such export the grower should receive compensation.

(4) A charge under this section may be deducted from any amount payable to any grower for any citrus fruit which he has delivered for sale pursuant to this Act at such times and in such instalments as are fixed by the Committee.

(5) The amount payable by any grower in respect of any charge under this section shall become due when the Committee gives him notice of the amount due by him and, if that amount remains unpaid for fourteen days after it becomes due it shall, unless deducted pursuant to subsection (4) of this section, be recoverable by the Committee from the grower in any court of competent jurisdiction.

(6) The Committee may, where it considers that any of the provisions of this section should not apply to any specified citrus fruit or to any citrus fruit of any specified type, variety, count, grade, quality or quantity declare that the whole or any portion of any charge imposed under this section shall not be payable in respect of any such citrus fruit, and thereupon, according to the tenor of the declaration, such charge or such portion thereof, as the case may be, shall not be payable.

Power to
require returns.

24. (1) The Committee may, by notice in writing—

- (a) published in the *Gazette* or in a daily newspaper circulating throughout the State ; or
- (b) served either personally or by registered post on any person to whom the notice relates,

require all growers and licensees or any class of grower or licensee to whom the notice relates, as the case may be, to furnish in writing to the Committee within the time specified in the notice such information in relation to citrus fruit and any product thereof as is specified in the notice.

(2) Any such notice may require—

- (a) particulars of citrus fruit by reference to type, variety, count, grade, quality and quantity ; and
- (b) in the case of a grower—
 - (i) particulars of the number of trees by reference to age, type and variety which he is growing for the production and sale of citrus fruit ; and
 - (ii) an estimate of citrus fruit by reference to type, variety, count, grade, quality and quantity which he expects to produce for marketing within any period specified in the notice.

(3) A person shall not without reasonable excuse—

- (a) refuse or fail to comply with a requirement under this section ; or

- (b) furnish to the Committee any information which to his knowledge is false or misleading in a material particular.

Penalty : One hundred pounds.

25. The Committee, in exercising any powers or performing any functions under this Act, shall act to the best advantage of the citrus industry.

Committee to act in best interests of industry.

PART III.

PART III.

SUPPLEMENTARY AND MISCELLANEOUS.

26. (1) A licensee shall not refuse to accept delivery from any grower of any citrus fruit which is delivered to him pursuant to this Act, unless such citrus fruit fails to comply with such requirements (if any) as are prescribed.

Duties of Licensees.

Penalty : Two hundred pounds.

(2) Where a licensee refuses to accept delivery of any such citrus fruit, he shall issue to the grower a certificate of refusal in the prescribed form in respect of such citrus fruit.

Penalty : Fifty pounds.

27. (1) For the purposes of this Act, an inspector may, at all reasonable times, enter upon any land on which any trees are grown for the production and sale of citrus fruit or into any building used for any purpose in connection with the marketing of citrus fruit or citrus products and may—

Powers of Inspectors to enter upon lands.

- (a) inspect and take stock of such trees, citrus fruit or citrus products ;
- (b) inspect the accounts, books and documents relating to the marketing of such citrus fruit or citrus products ; and
- (c) make copies of or take extracts from any such accounts, books or documents and retain those copies or extracts.

(2) The occupier of any such land or building shall provide the inspector with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty : Fifty pounds.

(3) A person shall not obstruct, interfere with or hinder an inspector in the exercise of his powers under this section.

Penalty : Fifty pounds.

(4) In this section—

“inspector” includes a member of the Committee and any person authorized by the Committee for the purposes of this section.

Registration
of brands and
trade marks.

28. (1) For the purposes of this section, the Committee shall keep a register of brands.

(2) A person who proposes to use any brand in the marketing of citrus fruit shall register such brand with the Committee.

(3) The Committee may in its discretion grant or refuse any application for registration of a brand under this section.

(4) In the marketing of citrus fruit, a person shall not, except with the approval in writing of the Committee—

(a) use any brand which he has not registered under this section ; or

(b) permit any brand which he has so registered to be used by some other person.

Penalty : One hundred pounds.

(5) In this section—

“brand” includes trade-mark.

Arrangements
to evade Act.

29. Any contract or arrangement whether oral or in writing the purpose or effect of which is either directly or indirectly to defeat, evade or prevent the operation of this Act shall be void and of no effect.

Offences in
connection
with the
marketing of
citrus fruit.

30. (1) Except as provided by section 6 of this Act, a person shall not do any act, matter or thing included in the marketing of citrus fruit unless he is duly licenced in that behalf pursuant to section 20 of this Act.

Penalty : Two hundred pounds.

(2) A person shall not sell, attempt to sell or offer for sale any citrus fruit unless such citrus fruit has, pursuant to this Act, first been delivered or sold to a licensee, the Committee or a person nominated by it.

Penalty : One hundred pounds.

(3) Notwithstanding the preceding provisions of this section, it shall be lawful for a grower to sell or attempt to sell or to offer for sale any citrus fruit or to do any other act, matter or thing included in the marketing of citrus fruit if he is exempted from the operation of this Act pursuant to an order made under paragraph (e) of subsection (1) of section 21 of this Act.

31. A member of the Committee shall not be personally liable for any act or default of the Committee done or omitted to be done in good faith in the administration or in the intended administration of this Act.

Exoneration of members of Committee for acts done in good faith.

32. (1) The Committee shall keep full accounts of all moneys received and paid by or on account of the Committee showing the purposes for which those moneys have been received or paid.

Accounts and audit.

(2) The Committee shall cause those accounts to be properly audited at least once a year by the Auditor-General and for this purpose the Audit Act, 1921-1959, shall apply and have effect as if the Committee were a department of the Public Service.

(3) The Committee shall pay to the Treasurer for each audit such reasonable sum as the Treasurer fixes.

(4) The Committee shall, as soon as possible after the close of each financial year, prepare a report of its proceedings during that financial year, including a statement showing its receipts and expenditure during that year, and shall present the report and statement to the Minister.

Annual report.

(5) The Minister shall, as soon as possible after receiving the report, cause it to be laid before both Houses of Parliament.

33. (1) All proceedings for offences against this Act shall be disposed of summarily.

Offences and penalties.

(2) Any such proceedings may, notwithstanding any other Act to the contrary, be commenced at any time within twelve months after the commission of the offence.

34. (1) The Governor may, on the recommendation of the Committee, make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular but without limiting the generality of the foregoing powers, such regulations may provide for all or any of the following matters :—

Regulations.

- (a) requiring growers to be registered, the forms to be used in connection with such registration and the procedure for determining disputed claims for registration ;
- (b) the manner of keeping the register of growers ;
- (c) polls of growers for the purposes of section 36 of this Act ;
- (d) enabling the Minister to make alterations to the register of growers for the purposes of any such poll or of any election under section 11 of this Act ;

- (e) the manner of voting at any such poll or election ;
- (f) requiring licensees to keep accurate records and accounts of all citrus fruit, by reference to type, variety, count, grade, quality and quantity, and of any product of citrus fruit in their possession from time to time ;
- (g) the methods of keeping accounts by licensees and the form of such accounts ;
- (h) the inspection, supervision and regulation of packing sheds and stores of any licensee and the machinery, appliances, implements and utensils used in connection therewith and the conditions under which the same shall be conducted ;
- (i) regulating the removal of citrus fruit from packing sheds ;
- (j) the manner of packing citrus fruit and presenting it for sale ;
- (k) the grading, sorting, classification and packing of citrus fruit in packing sheds ;
- (l) the inspection of citrus fruit ;
- (m) requiring persons or classes of persons by whom or on whose behalf or authority any citrus fruit is transported within the State to make out and produce on demand for inspection by members of the police force and persons authorized by the Committee such documents containing such particulars relating to the citrus fruit as are prescribed and requiring such persons or classes of persons to answer questions put by members of the police force and persons authorized by the Committee relating to the transport of citrus fruit and the source and destination thereof ;
- (n) the conditions to be fulfilled in respect of citrus fruit intended for export from the State to a place outside Australia and the prohibition of such export unless such conditions are fulfilled ;
- (o) keeping the register of brands and trade-marks ;
- (p) the use of brands and trade-marks in the marketing of citrus fruit.

(2) Such regulations may prescribe penalties not exceeding one hundred pounds for any contravention thereof or failure to comply therewith.

35. (1) The Treasurer may advance any moneys necessary for the purpose of establishing the Committee, and such moneys shall be repaid by the Committee to the Treasurer at such time together with such interest as the Treasurer shall appoint.

Power of
Treasurer to
make advances.

(2) The moneys necessary for the purpose of this section shall be paid out of moneys to be voted by Parliament for the purpose.

36. (1) Subject to subsection (2) of this section, if at any time after the thirty-first day of December, One thousand nine hundred and sixty-seven, there is presented to the Minister a petition signed by not less than one hundred growers requesting that a poll of growers be taken on the question whether this Act shall continue in operation, the Assistant Returning Officer for the State shall, as soon as practicable after he receives the register of growers as provided by subsection (3) of this section, hold a poll of growers accordingly.

Polls on
continuation
of this Act.

(2) A poll under this section shall not be held within two years after the holding of any previous poll under this section.

(3) The Minister shall, within three months after the presentation of the petition under this section, transmit the register of growers to the Assistant Returning Officer.

(4) Subject to this Act, a poll under this section shall be conducted by post in such manner as the Assistant Returning Officer thinks fit.

(5) If at least sixty per cent of all the growers who vote at the poll, being not less than thirty per cent of the growers whose names are then included in the register of growers, vote against the continuance of this Act, the Governor shall, by proclamation or by successive proclamations—

- (a) declare that the Committee shall be wound up and appoint a person to be liquidator of the Committee ;
- (b) fix a day or days upon which the provisions of this Act will cease to have any force or effect and may so fix different days in respect of different provisions of this Act ; and
- (c) fix a day (not being earlier than any day fixed under paragraph (b) of this subsection) as the day upon which this Act shall expire.

(6) A poll under this section shall not be invalid by reason of any defect or any informality unless that defect or informality has affected the decision given on the question submitted at the poll.

Winding up
Committee as
unregistered
company.

37. The Committee may also be wound up as provided by Division V of Part X of the Companies Act, 1962-1965, as if it were an unregistered company, and that Division shall, with such adaptations as are necessary, apply and have effect accordingly.

Property of
Committee to
be realized
and distributed.

38. (1) The liquidator of the Committee appointed pursuant to paragraph (a) of subsection (5) of section 36 of this Act shall get in and realize all the property of the Committee and out of proceeds thereof shall pay in full those debts which, if the Committee were a company, would under section 292 of the Companies Act, 1962-1965, be payable in priority to all other debts.

(2) If the proceeds are insufficient to pay all such debts, they shall abate in equal proportions between themselves.

(3) Subject to subsection (1) of this section, the proceeds shall be applied in satisfaction of the debts of the Committee *pari passu*.

Expiration of
this Act.

39. This Act shall expire upon the day (if any) fixed for the expiration of this Act under paragraph (c) of subsection (5) of section 36 of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.