

South Australia

Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2001

under the *Primary Industry Funding Schemes Act 1998*

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Legislative history

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2001*.

2—Commencement

These regulations will come into operation on the day on which clause 1(a) of Schedule 2 of the *Livestock Act 1997* comes into operation.

3—Interpretation

In these regulations—

Act means the *Primary Industry Funding Schemes Act 1998*;

Fund—see regulation 4;

consultative committee—see regulation 5.

4—South Australian Apiary Industry Fund

- (1) The *South Australian Apiary Industry Fund* (the **Fund**) is established.
- (2) The Fund will be administered by the Minister.
- (3) The Fund consists of—
 - (a) the amount in the Beekeeper's Compensation Fund on the repeal of the *Apiaries Act 1931* paid into the Fund under the *Livestock Regulations 1998*; and
 - (b) contributions paid or collected in accordance with these regulations; and
 - (c) income of the Fund from investment; and

- (d) any other sums received by the Minister for payment into the Fund.

5—Advice of consultative committee

The *Apiary Industry Advisory Group*, established by the Minister under Part 2 of the *Livestock Act 1997* to represent the apiary industry, will be the consultative committee to advise the Minister in relation to the application of the Fund.

6—Contributions to Fund

- (1) The following contributions to the Fund are payable to the Minister by a person in respect of each registration period (or part of a registration period) for which the person makes an application for registration or renewal of registration as a beekeeper at the same time as fees for the application are payable by the person under the *Livestock Regulations 1998*:

- (a) 40 cents per hive kept by the person at the prescribed date; or
(b) \$2.00,

whichever is the greater sum.

- (2) A person may, by notice in writing to the Minister, within the 12 months following a registration period in respect of which the person has paid contributions, make a claim for a refund in respect of those contributions.
- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must pay to the person an amount determined in accordance with the following formula:

$$R = C + \left(C \times \frac{M}{12} \times I \right)$$

where—

R is the amount of the refund;

C is the amount of contributions paid by the person in respect of the registration period for which the claim is made;

M is the number of whole months for which the person was registered as a beekeeper (and had paid contributions) in the registration period in respect of which the claim is made;

I is the annual short term interest for the financial year preceding the commencement of the registration period in respect of which the claim is made (as published by the Reserve Bank of Australia) expressed as a percentage.

- (4) No contribution is payable by a person in respect of hives that are kept—
- (a) for the purposes of instruction in an educational institution approved by the Chief Inspector; or
- (b) for the purposes of a program approved by the Apiary Industry Advisory Group involving the keeping of hives at ports and the monitoring of those hives to detect the presence of disease.

(5) In this regulation—

prescribed date means—

- (a) in relation to contributions to be paid by a person in respect of a registration period (or part of a registration period) for which the person makes an application for registration as a beekeeper, the date of the application;
- (b) in relation to contributions to be paid by a person in respect of a registration period for which the person makes an application for renewal of registration as a beekeeper, 31 January preceding the registration period for which the application for renewal is made;

registration as a beekeeper means registration under section 17 of the *Livestock Act 1997* as a beekeeper;

registration period means the 12 month period commencing on 1 March 2001 and each subsequent 12 month period.

7—Application of Fund

- (1) The Fund may be applied by the Minister for any of the following purposes:
 - (a) the undertaking of programs relating to the apiary industry or apiary products or any other aspect of the apiary industry recommended to the Minister by the consultative committee;
 - (b) payment of the reasonable operating and management expenses of the Apiary Industry Advisory Group (whether sitting as the Apiary Industry Advisory Group under the *Livestock Act 1997* or as the consultative committee under these regulations);
 - (c) payment of the expenses of administering the Fund;
 - (d) repayment of contributions to the Fund under regulation 6.
- (2) If a person is paid a refund in accordance with regulation 6, that person is not entitled to any direct service or benefit under a program funded under subregulation (1)(a) for a period of two years from the date of the refund.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2001	1	<i>Gazette 18.1.2001 p141</i>	31.1.2001: r 2