

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*.

3—Interpretation

In these regulations—

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

consultative committee—see regulation 5;

Fund—see regulation 4;

registration period means a period of 12 months commencing on 1 March in any year.

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.

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.

8—Exclusion from benefits of person in default in relation to contributions

- (1) A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund.
- (2) A person is in default in relation to contributions to the Fund if, within the immediately preceding 2 registration periods—
 - (a) all or some of the contributions payable to the Fund by the person have not been paid; or
 - (b) the person has been refunded a contribution from the Fund.

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 and variations

New entries appear in bold.

Year	No	Reference	Commencement
2001	1	<i>Gazette 18.1.2001 p141</i>	31.1.2001: r 2
2008	317	<i>Gazette 18.12.2008 p5696</i>	18.12.2008: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>18.12.2008</i>
r 3		
registration period	inserted by 317/2008 r 4	18.12.2008
r 6		
r 6(5)		
<i>registration period</i>	<i>deleted by 317/2008 r 5</i>	<i>18.12.2008</i>
r 7		
<i>r 7(2)</i>	<i>deleted by 317/2008 r 6</i>	<i>18.12.2008</i>
r 8	inserted by 317/2008 r 7	18.12.2008