

South Australia

Primary Industry Funding Schemes (Eyre Peninsula Grain Growers Rail Fund) Regulations 2017

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 (Eyre Peninsula Grain Growers Rail Fund) Regulations 2017*.

2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

3—Interpretation

In these regulations, unless the contrary intention appears—

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

Eyre Peninsula grain means grain produced in the Eyre Peninsula region;

Eyre Peninsula grain grower means a person who carries on the business of producing grain in the Eyre Peninsula region;

Eyre Peninsula grain railway line means the railway line used to transport grain that runs from Port Lincoln through Cummins and branches north west to Ceduna and north to Buckleboo;

Eyre Peninsula region means the shaded area outlined in bold and shown on the map in Schedule 1;

financial year means a period of 12 months commencing on 1 April;

Fund—see regulation 4;

grain means any cereals, oilseeds or pulses including wheat, barley, oats, canola, field peas, lupins, faba beans, chickpeas or triticale;

prescribed amount means—

- (a) \$0.50; or
- (b) such lesser amount (which may be 0) as is fixed by the Minister under regulation 7;

silo means a structure or facility used for the bulk collection and storage of grain.

Part 2—Eyre Peninsula Grain Growers Rail Fund

4—Establishment of Fund

- (1) The Eyre Peninsula Grain Growers Rail Fund (the *Fund*) is established.
- (2) The Fund will be administered by the Minister.
- (3) The Fund will consist of—
 - (a) contributions paid or collected in accordance with these regulations; and
 - (b) income of the Fund from investment; and
 - (c) any other sums received by the Minister for payment into the Fund.

5—Contributions to Fund

- (1) Subject to these regulations, contributions are payable to the Minister for payment into the Fund as follows:
 - (a) the prescribed amount for each tonne of Eyre Peninsula grain produced and sold by an Eyre Peninsula grain grower is payable by the grower in respect of grain delivered into storage in a silo located in the Eyre Peninsula region, other than a silo located at Thevenard, Pintumba or Penong;
 - (b) contributions payable by a grain grower under paragraph (a) must be paid on behalf of the grower by the purchaser of the grain out of the amount payable by the purchaser to the grower for the grain.
- (2) A purchaser required to pay contributions on behalf of a grain grower under this regulation must—
 - (a) keep proper records relating to an Eyre Peninsula grain grower and the tonnage of Eyre Peninsula grain sold to the purchaser by the grower and the contributions required to be made in respect of the grain; and
 - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister.
- (3) A purchaser required to pay contributions on behalf of a grain grower under this regulation must, on or before 30 April in each year, forward to the Minister for payment into the Fund the contributions payable in respect of grain purchased from the grower during the previous financial year.
- (4) Payment of contributions to the Minister under subregulation (3) must be accompanied by a financial statement in the form, and containing information, required by the Minister.
- (5) Refunds of contributions paid to the Fund by or on behalf of an Eyre Peninsula grain grower in respect of Eyre Peninsula grain sold during a financial year (the **relevant financial year**) may be claimed by the grain grower by notice in writing to the Minister given within the 12 months immediately following that financial year.
- (6) A person claiming a refund under subregulation (5) must supply the Minister with—
 - (a) evidence acceptable to the Minister of the contributions made by or on behalf of the claimant in respect of which the claim for a refund is made; and
 - (b) if required by the Minister, verification of that evidence in the form of a statutory declaration.
- (7) 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 or on behalf of the person for grain sold during the relevant financial year;

M is the number of whole months between the date on which the contributions were paid into the Fund and the date on which the refund is made;

I is the annual short term interest rate for the relevant financial year (as published by the Reserve Bank of Australia) expressed as a percentage.

6—Application of Fund

The Fund may be applied by the Minister for any of the following purposes:

- (a) the improvement of the Eyre Peninsula grain railway line and associated equipment or infrastructure;
- (b) payment of the expenses of administering the Fund;
- (c) repayment of contributions to the Fund under regulation 5.

7—Purpose of Fund, reduction of prescribed amount and application of any surplus

- (1) The purpose of the Fund is to raise \$2 million towards the cost of improving the Eyre Peninsula grain railway line and associated equipment and infrastructure.
- (2) The Minister must, as soon as practicable after 30 April in each year, review the contribution rate for the Fund in light of the amount raised for the purpose of the Fund since its commencement and the anticipated expenses of administering the Fund and payment of refunds from the Fund.
- (3) Following a review, the Minister may, by notice in the Gazette, reduce the contribution rate by reducing the prescribed amount.
- (4) The Minister must reduce the contribution rate to 0 if, in the opinion of the Minister following a review, the purpose of the Fund has been met.
- (5) If, in the opinion of the Minister, the purpose of the Fund has been met but money remains in the Fund after the payment of expenses and refunds of contributions, the Minister may apply the Fund for other purposes for the benefit of Eyre Peninsula grain growers (including by distributing it amongst the grain growers in proportion to contributions made but not refunded).

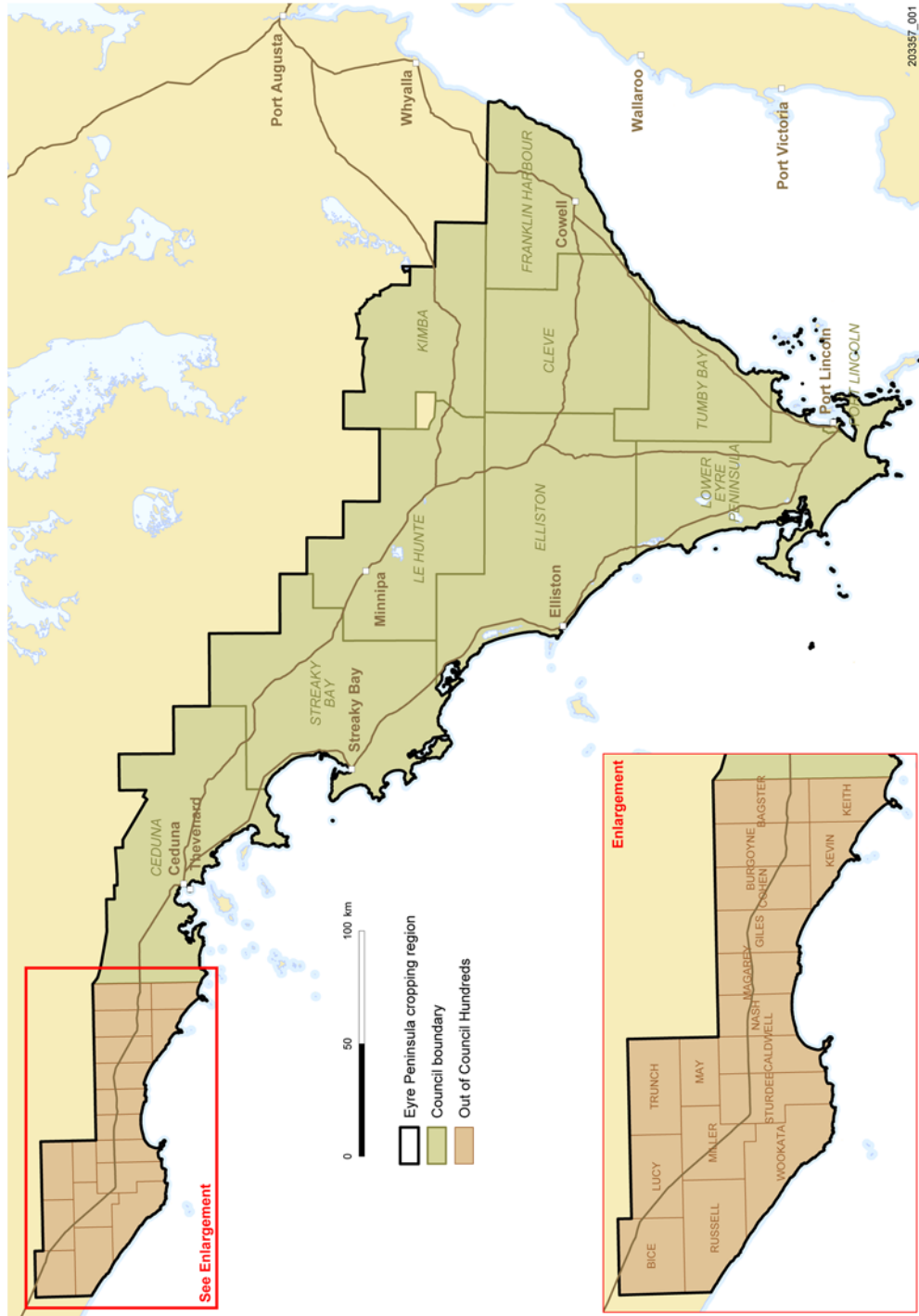
Part 3—Miscellaneous

8—False or misleading statements

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

Schedule 1—Eyre Peninsula region



Schedule 2—Revocation and transitional provision

Part 1—Revocation of *Primary Industry Funding Schemes (Eyre Peninsula Grain Growers Rail Fund) Regulations 2006*

1—Revocation of *Primary Industry Funding Schemes (Eyre Peninsula Grain Growers Rail Fund) Regulations 2006*

The *Primary Industry Funding Schemes (Eyre Peninsula Grain Growers Rail Fund) Regulations 2006* are revoked.

Part 2—Transitional provision

2—Interpretation

In this Part—

revoked regulations means the *Primary Industry Funding Schemes (Eyre Peninsula Grain Growers Rail Fund) Regulations 2006*.

3—Prescribed amount to continue

A notice in the Gazette under regulation 7(3) of the revoked regulations that was in force immediately before the commencement of this clause will be taken, on and from that commencement, to continue as a notice in the Gazette under regulation 7(3) of these regulations.

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
2017	275	<i>Gazette 19.9.2017 p4105</i>	19.1.2018: r 2