

SOUTH AUSTRALIA

**PRIMARY INDUSTRY FUNDING SCHEMES (SHEEP INDUSTRY FUND)
REGULATIONS 1999**

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REGULATIONS UNDER THE PRIMARY INDUSTRY FUNDING SCHEMES ACT 1998

Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 1999

being

No. 209 of 1999: *Gaz.* 28 October 1999, p. 2117¹

¹ Came into operation 28 October 1999: reg. 2.

Citation

1. These regulations may be cited as the *Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 1999*.

Commencement

2. These regulations come into operation on the day on which they are made.

Interpretation

3. In these regulations—

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

"**consultative committee**"—*see* regulation 5;

"**Dog Fence Board**" means the Dog Fence Board established under the *Dog Fence Act 1946*;

"**Fund**"—*see* regulation 4;

"**quarter**" means any period of 3 months commencing on 1 January, 1 April, 1 July or 1 October.

South Australian Sheep Industry Fund

4. (1) The *South Australian Sheep Industry Fund* (the **Fund**) is established.

(2) The Fund will be administered by the Minister.

(3) The Fund consists of—

(a) contributions paid or collected in accordance with these regulations; and

(b) income of the Fund from investment; and

(c) any other contributions received by the Minister for payment into the Fund.

Consultative committee

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

Scheme for contributions to Fund by sellers of sheep

6. (1) A person who sells any sheep (whether as principal or agent) must pay the prescribed contribution in respect of the sale of the sheep to the Minister for payment into the Fund.

(2) Contributions arising in a quarter must be paid to the Minister no later than the end of the next quarter.

(3) Outstanding contributions payable to the Minister under this regulation may be recovered by the Minister, by action in a court of competent jurisdiction, as a debt due to the Minister.

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(4) A person may make a claim for a refund in respect of contributions paid by the person during the financial year immediately preceding the financial year in which the person makes the claim.

(5) If a person, by notice in writing given to the Minister, requests the Minister to refund contributions paid by the person, the Minister must, on being satisfied that the person paid the contributions, pay to the person an amount determined in accordance with the following formula:

$$R = \left(C1 + \frac{C2}{2} + \frac{C3}{3} + \frac{C4}{4} \right) \times I$$

where R is the total amount of the refund;

C1 is the contribution paid by the person during the first quarter of the financial year preceding the financial year during which the person makes a claim for a refund;

C2 is the contribution paid by the person during the second quarter of that financial year;

C3 is the contribution paid by the person during the third quarter of that financial year;

C4 is the contribution paid by the person during the fourth quarter of that financial year;

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

(6) For the purposes of this regulation—

(a) the **prescribed contribution** means—

(i) in the case of a contract of sale for 5 or more sheep for a price of \$5.00 or above per sheep—\$0.20 per sheep;

(ii) in any other case—nil;

(b) if, in a financial year, a person enters into more than one contract with the same purchaser for the sale of less than 5 sheep, the contracts will, for the purposes of determining contributions payable by the person, be taken to be a single contract.

Application of Fund

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

(a) payment of contributions to the Dog Fence Board towards the maintenance or improvement of the dog-proof fence to assist in the prevention of wild dogs entering into pastoral areas where sheep are kept;

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- (b) the undertaking of programs relating to sheep, sheep products or any other aspect of the sheep industry recommended to the Minister by the Sheep Advisory Group;
- (c) repayment of contributions to the Fund under regulation 6;
- (d) payment of the reasonable operation and management expenses of the Sheep Advisory Group (whether sitting as the Sheep Advisory Group under the *Livestock Act 1997* or as the consultative committee under these regulations);
- (e) payment of the expenses of administering the Fund.

Certain persons not entitled to directly benefit from Fund

8. A person who has, at the person's request, been refunded contributions under regulation 6 will not be entitled to receive a direct benefit from the Fund for the period of 2 financial years following the financial year in respect of which contributions were refunded.