

South Australia

Primary Industry Funding Schemes Variation Regulations 2012

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 Variation Regulations 2012*.

2—Commencement

These regulations will come into operation on 15 November 2012.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Regulations 2003*

4—Variation of regulation 3—Interpretation

Regulation 3(1), definition of *prescribed period*—after paragraph (c) insert:

- (d) the period commencing on 15 November 2012 and ending on 31 May 2013; or
- (e) the period of 12 months commencing on 1 June 2013 or on 1 June in any subsequent year up to and including the period of 12 months commencing on 1 June 2016;

5—Variation of regulation 5—Contributions to Fund

- (1) Regulation 5(1)—delete "(rounded down to the nearest tonne of grapes)" wherever occurring
- (2) Regulation 5(7)—delete subregulation (7) and substitute:
 - (7) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
 - (8) In subregulation (7)—
official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

6—Insertion of regulation 6A

After regulation 6 insert:

6A—Exchange of information

The Minister may provide a body to which payments are made out of the Fund under regulation 6(a) with information identifying growers of Adelaide Hills grapes and Adelaide Hills grapes winemakers who have paid or been refunded contributions under these regulations.

7—Variation of Schedule 2—Contributions

Schedule 2, clause 2—after paragraph (e) insert:

- (f) for the prescribed period 15 November 2012 to 31 May 2013 or any subsequent prescribed period—\$6.50 per tonne.

Part 3—Variation of *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007*

8—Variation of regulation 3—Interpretation

Regulation 3(1), definition of *prescribed period*—after paragraph (e) insert:

- (f) 15 November 2012 to 31 May 2013;
- (g) the period of 12 months commencing on 1 June 2013 or on 1 June in any subsequent year up to and including the period of 12 months commencing on 1 June 2016;

9—Variation of regulation 5—Contributions to Fund

Regulation 5(1)—delete subregulation (1) and substitute:

- (1) The following contributions are payable to the Minister for payment into the Fund for Barossa grapes delivered to a Barossa winemaker during a prescribed period:
 - (a) subject to paragraph (c), the winemaker must contribute the prescribed winemaker rate for each tonne of grapes delivered during the prescribed period;
 - (b) subject to paragraph (c), if the grapes are grown by a person other than the winemaker, the grower of the grapes must contribute the prescribed grower rate for each tonne of grapes delivered during the prescribed period;
 - (c) if the winemaker or grower of the grapes elects, by written notice given to the Minister not later than 30 June 2013, to pay a fixed contribution for each prescribed period—the winemaker or grower must contribute \$48 000 for the grapes delivered during the prescribed period.

10—Variation of regulation 6—Refunds of contributions

Regulation 6(3)—delete subregulation (3) and substitute:

- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
- (4) In subregulation (3)—
official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

11—Insertion of regulation 7A

After regulation 7 insert:

7A—Exchange of information

The Minister may provide a body to which payments are made out of the Fund under regulation 7(a) with information identifying growers of Barossa grapes and Barossa winemakers who have paid or been refunded contributions under these regulations.

12—Variation of Schedule 2—Contributions

(1) Schedule 2, clause 1—after paragraph (e) insert:

- (f) for the prescribed period 15 November 2012 to 31 May 2013 or any subsequent prescribed period \$8.00 per tonne

(2) Schedule 2, clause 2—after paragraph (e) insert:

- (f) for the prescribed period 15 November 2012 to 31 May 2013 or any subsequent prescribed period \$7.00 per tonne

Part 4—Variation of *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008*

13—Variation of regulation 3—Interpretation

Regulation 3(1), definition of *prescribed period*—after paragraph (e) insert:

- (f) 15 November 2012 to 31 May 2013;
- (g) the period of 12 months commencing on 1 June 2013 or on 1 June in any subsequent year up to and including the period of 12 months commencing on 1 June 2016;

14—Variation of regulation 5—Contributions to Fund

Regulation 5(1)—delete subregulation (1) and substitute:

- (1) The following contributions are payable to the Minister for payment into the Fund for Clare Valley grapes delivered to a Clare Valley winemaker during a prescribed period:
- (a) in the case of grapes grown by the winemaker—the winemaker must contribute the prescribed winemaker rate for each tonne of grapes delivered during the prescribed period;
- (b) in the case of grapes grown by a person other than the winemaker—the grower of the grapes must contribute the prescribed grower rate for each tonne of grapes delivered during the prescribed period.

15—Variation of regulation 6—Refunds of contributions

Regulation 6(3)—delete subregulation (3) and substitute:

- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
- (4) In subregulation (3)—
official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

16—Insertion of regulation 7A

After regulation 7 insert:

7A—Exchange of information

The Minister may provide a body to which payments are made out of the Fund under regulation 7(a) with information identifying growers of Clare Valley grapes and Clare Valley winemakers who have paid or been refunded contributions under these regulations.

Part 5—Variation of *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2001*

17—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *Langhorne Creek grapes winemaker* insert:

prescribed period means—

- (a) the period 1 July 2010 to 30 June 2011; or
- (b) the period 1 July 2011 to 30 June 2012; or
- (c) the period 15 November 2012 to 31 May 2013; or
- (d) the period of 12 months commencing on 1 June 2013 or on 1 June in any subsequent year up to and including the period of 12 months commencing on 1 June 2016.

- (2) Regulation 3(2)—delete "two financial years" and substitute:

2 prescribed periods

18—Variation of regulation 5—Contributions to Fund

- (1) Regulation 5(1) and (1a)—delete subregulations (1) and (1a) and substitute:

- (1) The following contributions are payable to the Minister for payment into the Fund for each tonne of Langhorne Creek grapes processed by a Langhorne Creek grapes winemaker during a prescribed period:
 - (a) in the case of grapes grown by a person other than the winemaker—
 - (i) \$3.00 is payable by the grower of the grapes; and
 - (ii) \$1.50 is payable by the winemaker; and
 - (b) in the case of grapes grown by the winemaker—\$1.50 is payable by the winemaker.

- (1a) The contributions are payable on or before the last day of the month that immediately follows the prescribed period.

- (2) Regulation 5(4) and (5)—delete "financial year" wherever occurring and substitute in each case:

prescribed period

(3) Regulation 5(7)—delete subregulation (7) and substitute:

(7) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.

(8) In subregulation (7)—
official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

19—Insertion of regulation 6A

After regulation 6 insert:

6A—Exchange of information

The Minister may provide a body to which payments are made out of the Fund under regulation 6(a) with information identifying growers of Langhorne Creek grapes and Langhorne Creek grapes winemakers who have paid or been refunded contributions under these regulations.

Part 6—Variation of *Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Regulations 2003*

20—Variation of regulation 3—Interpretation

(1) Regulation 3(1)—after the definition of *McLaren Vale grapes winemaker* insert:

prescribed period means—

- (a) the period 1 July 2010 to 30 June 2011; or
- (b) the period 1 July 2011 to 30 June 2012; or
- (c) the period 15 November 2012 to 31 May 2013; or
- (d) the period of 12 months commencing on 1 June 2013 or on 1 June in any subsequent year up to and including the period of 12 months commencing on 1 June 2016.

(2) Regulation 3(2)—delete "2 financial years" and substitute:

2 prescribed periods

21—Variation of regulation 5—Contributions to Fund

- (1) Regulation 5(1) and (1a)—delete subregulations (1) and (1a) and substitute:
- (1) The following contributions are payable to the Minister for payment into the Fund for each tonne of McLaren Vale grapes delivered to a McLaren Vale grapes winemaker during a prescribed period:
 - (a) in the case of grapes grown by a person other than the winemaker—
 - (i) \$7.90 is payable by the grower of the grapes; and
 - (ii) \$10.50 is payable by the winemaker;
 - (b) in the case of grapes grown by the winemaker—\$10.50 is payable by the winemaker.
 - (1a) However—
 - (a) no more than \$30 000 is payable by each grower in respect of grapes delivered to winemakers during a prescribed period; and
 - (b) no more than \$30 000 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during a prescribed period.
 - (1b) The contributions are payable on or before the last day of the month that immediately follows the prescribed period.
- (2) Regulation 5(4) and (5)—delete "financial year" wherever occurring and substitute in each case:
- prescribed period
- (3) Regulation 5(7)—delete subregulation (7) and substitute:
- (7) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
 - (8) In subregulation (7)—
official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

Part 7—Variation of *Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2001*

22—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *industry development contribution* insert:

prescribed period means—

- (a) the period 1 July 2010 to 30 June 2011; or
 - (b) the period 1 July 2011 to 30 June 2012; or
 - (c) the period 15 November 2012 to 31 May 2013; or
 - (d) the period of 12 months commencing on 1 June 2013 or on 1 June in any subsequent year up to and including the period of 12 months commencing on 1 June 2016;
- (2) Regulation 3(2)—delete "two financial years" and substitute:
- 2 prescribed periods

23—Variation of regulation 5—Contributions to Fund

- (1) Regulation 5(1)—delete "within 30 days after the end of each financial year"
- (2) Regulation 5(1)—delete "that financial year" and substitute:
- a prescribed period
- (3) Regulation 5(1a)—delete subregulation (1a) and substitute:
- (1a) The contributions are payable on or before the last day of the month that immediately follows the prescribed period.
- (4) Regulation 5(4)—delete "financial year" wherever occurring and substitute in each case:
- prescribed period

24—Variation of regulation 5A—Refunds

- (1) Regulation 5A(1)—delete "financial year" wherever occurring and substitute in each case:
- prescribed period
- (2) Regulation 5A(4)—delete subregulation (4) and substitute:
- (4) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.

- (5) In subregulation (4)—
official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

Part 8—Variation of *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007*

25—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *prescribed period*—after paragraph (e) insert:
- (f) the period commencing on 15 November 2012 and ending on 31 May 2013;
 - (g) the period of 12 months commencing on 1 June 2013 or on 1 June in any subsequent year up to and including the period of 12 months commencing on 1 June 2016;
- (2) Regulation 3(2)—delete "2 years" and substitute:
2 prescribed periods

26—Variation of regulation 5—Contributions to Fund

Regulation 5(1)(b)—delete "(rounded down to the nearest tonne of grapes)"

27—Variation of regulation 6—Refunds of contributions

Regulation 6(3)—delete subregulation (3) and substitute:

- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
- (4) In subregulation (3)—
official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

28—Insertion of regulation 7A

After regulation 7 insert:

7A—Exchange of information

The Minister may provide a body to which payments are made out of the Fund under regulation 7(a) with information identifying growers of SA grapes and SA winemakers who have paid or been refunded contributions under these regulations.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

following compliance by the Minister with section 4(2) of the Act and with the advice and consent of the Executive Council
on 15 November 2012

No 226 of 2012

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