

South Australia

Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 2014

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 3 Interpretation

Part 2—South Australian Sheep Industry Fund

- 4 South Australian Sheep Industry Fund
- 6 Contributions
- 7 Application of Fund
- 8 Certain persons not entitled to directly benefit from Fund
- 9 Exchange of information

Part 4—Miscellaneous

- 14 False or misleading statements

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 2014*.

3—Interpretation

- (1) In these regulations—

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

collection agent means—

- (a) for a contract of sale if the sale is conducted by a stock agent—that stock agent; or
- (b) for a contract of sale if the sale is to a person who operates an abattoir (and the sale is not conducted by a stock agent)—that person; or
- (c) for a contract of sale if the sale is to a person who carries on a business involving the purchase of sheep for slaughter and the sale of the carcasses (and the sale is not conducted by a stock agent)—that person;

contribution means a dog fence rebuild contribution or a general contribution;

dog fence has the same meaning as in the *Dog Fence Act 1946*;

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

dog fence rebuild contribution—see regulation 6(1)(a);

Fund—see regulation 4;

general contribution—see regulation 6(1)(b);

owner of sheep does not include a mortgagee of the sheep not in possession;

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

vendor of sheep means the owner of the sheep immediately prior to sale of the sheep.

- (2) A vendor of sheep is in default in relation to general contributions to the Fund if, within the immediately preceding 2 financial years—
 - (a) all or some of the general contributions payable to the Fund in respect of contracts of sale of the vendor's sheep have not been paid; or
 - (b) the vendor has been refunded general contributions from the Fund.

Part 2—South Australian Sheep Industry Fund

4—South Australian Sheep Industry Fund

- (1) The *South Australian Sheep Industry Fund* (the **Fund**) continues in existence.

Note—

The Fund was established under the *Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 1999*.

- (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.

6—Contributions

- (1) The following contributions must be paid to the Minister for payment into the Fund in respect of each contract of sale under which 5 or more sheep are sold for an average price of \$5 or more per sheep:
 - (a) a dog fence rebuild contribution of—
 - (i) 12 cents per sheep; or
 - (ii) if some other amount per sheep (which may be 0) is determined by the Minister by notice in the Gazette—that other amount;
 - (b) a general contribution of 55 cents per sheep.

- (2) For the purposes of subregulation (1), if, in a financial year, a person enters into more than 1 contract with the same purchaser for the sale of less than 5 sheep, the contracts will be taken to be a single contract.
- (3) Subject to subregulation (4), the contributions must be paid by the vendor of the sheep.
- (4) If there is a collection agent for the contract of sale of sheep, the collection agent must pay the contributions on behalf of the vendor of the sheep.
- (5) The relevant collection agent or, in respect of a contract of sale for which there is no collection agent, the vendor of sheep must—
 - (a) keep proper records relating to contracts of sale of sheep entered into by the person (either as principal or agent) and the contributions required to be made in respect of those contracts; and
 - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (6) The relevant collection agent or, in the case of a contract of sale for which there is no collection agent, the vendor of sheep must—
 - (a) within 14 days after the end of each quarter, furnish the Minister with a financial statement relating to the contributions arising from contracts of sale of sheep entered into by the person (either as principal or agent) during that quarter that—
 - (i) is in the form, and contains the information, required by the Minister; and
 - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and
 - (b) receive and forward to the Minister, with the quarterly financial statement required by paragraph (a), the required contributions for contracts of sale entered into during the quarter to which the financial statement relates.
- (7) A person who was the vendor of sheep at the time contributions became payable under this regulation in respect of a contract of sale may claim a refund from the Fund for—
 - (a) dog fence rebuild contributions; or
 - (b) general contributions,(or both) made in the financial year immediately preceding the financial year in which the person makes the claim in respect of contracts of sale of the person's sheep.
- (8) If a person, by written notice to the Minister, requests the Minister to refund contributions, the Minister must, on being satisfied that the person is entitled to the refund, pay to the person an amount determined in accordance with the following formula:

$$R = C_t + (C_1 + C_2 \times \frac{9}{12} + C_3 \times \frac{6}{12} + C_4 \times \frac{3}{12}) \times I$$

where—

R is the total amount of the refund;

C_t is the total amount of dog fence rebuild contributions or general contributions paid during the financial year immediately preceding the financial year in which the person claims the refund in respect of contracts of sale of the person's sheep;

C_1 is the contribution paid during the first quarter of that financial year in respect of contracts of sale of the person's sheep;

C_2 is the contribution paid during the second quarter of that financial year in respect of contracts of sale of the person's sheep;

C_3 is the contribution paid during the third quarter of that financial year in respect of contracts of sale of the person's sheep;

C_4 is the contribution paid during the fourth quarter of that financial year in respect of contracts of sale of the person's sheep;

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

7—Application of Fund

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

- (a) payment of dog fence rebuild contributions for rebuilding any portion of the dog fence to prevent the entry of wild dogs into pastoral areas where sheep are kept;
- (b) payment of contributions to the Dog Fence Board towards the maintenance or improvement of the dog fence to prevent the entry of wild dogs into pastoral areas where sheep are kept;
- (c) on the advice of a body that, in the opinion of the Minister represents sheep producers, payments to that body for 1 or more of the following purposes:
 - (i) the reasonable operating and management expenses of the body;
 - (ii) undertaking programs relating to sheep, sheep products or any other aspect of the sheep industry;
 - (iii) promoting the sheep industry;
 - (iv) participation of the body in regional, State or national sheep industry forums;
 - (v) undertaking or facilitating research and development, or the collection and dissemination to sheep producers of information, relevant to the sheep industry and, in particular, to the improvement of practices in the industry;
 - (vi) fees for affiliation of the body with regional, State or national bodies representing or promoting the interests of the sheep producers;
 - (vii) other purposes of the body;
- (d) payments for other purposes for the benefit of sheep producers;
- (e) repayment of contributions to the Fund under regulation 6;
- (f) payment of the expenses of administering the Fund.

8—Certain persons not entitled to directly benefit from Fund

A person who has, at the person's request, been refunded general 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 general contributions were refunded.

9—Exchange of information

- (1) The Minister may require a body to which payments are made out of the Fund under regulation 7 to provide the Minister with—
 - (a) a copy of the financial statements of the body; and
 - (b) a copy of the annual report of the body; and
 - (c) a copy of any business plan of the body; and
 - (d) any other information reasonably required for the purposes of these regulations.
- (2) The Minister may provide a body to which payments are made out of the Fund under regulation 7 with information identifying persons who have paid or been refunded contributions under these regulations.

Part 4—Miscellaneous

14—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.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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.

Legislation revoked by principal regulations

The *Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 2014* revoked the following:

Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 1999

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2014	224	<i>Gazette 14.8.2014 p4036</i>	14.8.2014: r 2
2016	193	<i>Gazette 11.8.2016 p3194</i>	10.9.2016: r 2
2019	237	<i>Gazette 7.11.2019 p3805</i>	7.11.2019: 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
Pt 1		
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>10.9.2016</i>
r 3		
r 3(1)		
<i>consultative committee</i>	<i>deleted by 237/2019 r 4(1)</i>	<i>7.11.2019</i>
contribution	inserted by 237/2019 r 4(1)	7.11.2019
dog fence	inserted by 237/2019 r 4(1)	7.11.2019
dog fence rebuild contribution	inserted by 237/2019 r 4(2)	7.11.2019
<i>Johne's disease order</i>	<i>deleted by 237/2019 r 4(3)</i>	<i>7.11.2019</i>

<i>Johne's disease property eradication plan</i>	<i>deleted by 237/2019 r 4(3)</i>	7.11.2019
general contribution	inserted by 237/2019 r 4(3)	7.11.2019
<i>prescribed amount</i>	<i>deleted by 237/2019 r 4(4)</i>	7.11.2019
r 3(2)	varied by 237/2019 r 4(5)	7.11.2019
Pt 2		
<i>r 5</i>	<i>deleted by 237/2019 r 5</i>	7.11.2019
<i>r 6</i>		
<i>r 6(1)</i>	varied by 193/2016 r 4	10.9.2016
	substituted by 237/2019 r 6(1)	7.11.2019
<i>r 6(3)</i>	varied by 237/2019 r 6(2)	7.11.2019
<i>r 6(4)</i>	varied by 237/2019 r 6(3)	7.11.2019
<i>r 6(7)</i>	substituted by 237/2019 r 6(4)	7.11.2019
<i>r 6(8)</i>	varied by 237/2019 r 6(5)	7.11.2019
<i>r 7</i>	substituted by 237/2019 r 7	7.11.2019
<i>r 8</i>	varied by 237/2019 r 8	7.11.2019
<i>r 9</i>		
<i>r 9(1)</i>	inserted by 237/2019 r 9(2)	7.11.2019
<i>r 9(2)</i>	r 9 varied and redesignated as r 9(2) by 237/2019 r 9(1), (2)	7.11.2019
Part 3	<i>deleted by 237/2019 r 10</i>	7.11.2019
<i>Sch 1</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	10.9.2016

Historical versions

10.9.2016