

South Australia

## **Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Regulations 2003**

under the *Primary Industry Funding Schemes Act 1998*

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### Schedule 1—Map showing Adelaide Hills

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#### **1—Short title**

These regulations may be cited as the *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Regulations 2003*.

#### **2—Commencement**

These regulations will come into operation on 8 August 2003.

#### **3—Interpretation**

- (1) In these regulations, unless the contrary intention appears—

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

*Adelaide Hills* means the area outlined in bold and shown on the map in Schedule 1;

*Adelaide Hills grapes* means any variety of grapes grown in the Adelaide Hills and used or intended to be used for wine;

*Adelaide Hills grapes winemaker* means a person who carries on a business of making wine and who processes Adelaide Hills grapes for that purpose;

*Fund*—see regulation 4;

*prescribed period* means—

- (a) the period commencing on 8 August 2003 and ending on 30 September 2003; or
- (b) the period commencing on 1 October 2003 and ending on 30 June 2004; or

- (c) the period of 12 months commencing on 1 July 2004 or on 1 July in any subsequent year.
- (2) A person is in default in relation to contributions to the Fund if, within the immediately preceding 2 prescribed 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 contributions from the Fund.

#### **4—Adelaide Hills Wine Industry Fund**

- (1) The Adelaide Hills Wine 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 sums received by the Minister for payment into the Fund.

#### **5—Contributions to Fund**

- (1) The following contributions are payable within 30 days after the end of each prescribed period to the Minister for payment into the Fund for each tonne of Adelaide Hills grapes processed by an Adelaide Hills grapes winemaker during that prescribed period:
  - (a) in the case of grapes grown by a person other than the winemaker—\$3 is payable by the grower of the grapes;
  - (b) in the case of grapes grown by the winemaker—\$3 is payable by the winemaker.
- (2) Contributions payable by a grower under subregulation (1)(a) must be paid on behalf of the grower by the Adelaide Hills grapes winemaker who purchases the grapes out of the amount payable by the winemaker to the grower for the grapes.
- (3) An Adelaide Hills grapes winemaker must—
  - (a) keep proper records relating to the growers and tonnage of Adelaide Hills grapes processed by the winemaker and the contributions required to be made (on the winemaker's own behalf and on behalf of growers) in respect of those grapes; and
  - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (4) An Adelaide Hills grapes winemaker must—
  - (a) within 30 days after the end of each prescribed period, furnish the Minister with a financial statement relating to the contributions (on the winemaker's own behalf and on behalf of growers) for Adelaide Hills grapes processed during that prescribed period 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) forward to the Minister, with the annual financial statement required by paragraph (a), the required contributions (on the winemaker's own behalf and on behalf of growers) for Adelaide Hills grapes processed during the prescribed period to which the financial statement relates.
- (5) Refunds of contributions paid in respect of Adelaide Hills grapes processed during a prescribed period may be claimed by notice in writing to the Minister within the 12 months following that prescribed period as follows:
  - (a) a grower of Adelaide Hills grapes may claim a refund in respect of contributions paid by an Adelaide Hills grapes winemaker on behalf of the grower;
  - (b) an Adelaide Hills grapes winemaker may claim a refund in respect of contributions paid on the winemaker's own behalf.
- (6) A person claiming a refund under subregulation (5) must supply the Minister with evidence acceptable to the Minister of the contributions made by the claimant in respect of which the claim for refund is made.
- (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 the person in respect of grapes processed during the relevant prescribed period.

## **6—Application of Fund**

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

- (a) payments to a body that, in the opinion of the Minister, represents both Adelaide Hills grapes winemakers and growers of Adelaide Hills grapes for one or more of the following purposes:
  - (i) the reasonable operating and management expenses of the body;
  - (ii) promoting the Adelaide Hills wine industry;
  - (iii) undertaking or facilitating research and development, or the collection and dissemination to Adelaide Hills grapes winemakers and growers of Adelaide Hills grapes of information, relevant to the Adelaide Hills wine industry and, in particular, to the improvement of practices in the industry;
  - (iv) programs designed to encourage communication and cooperation between Adelaide Hills grapes winemakers and growers of Adelaide Hills grapes;
  - (v) other purposes of the body;
- (b) payments for other purposes for the benefit of the Adelaide Hills wine industry;
- (c) payment of the expenses of administering the Fund;
- (d) repayment of contributions to the Fund under regulation 5.

**7—Exclusion from benefits of person in default in relation to contributions**

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.

**8—False or misleading statements**

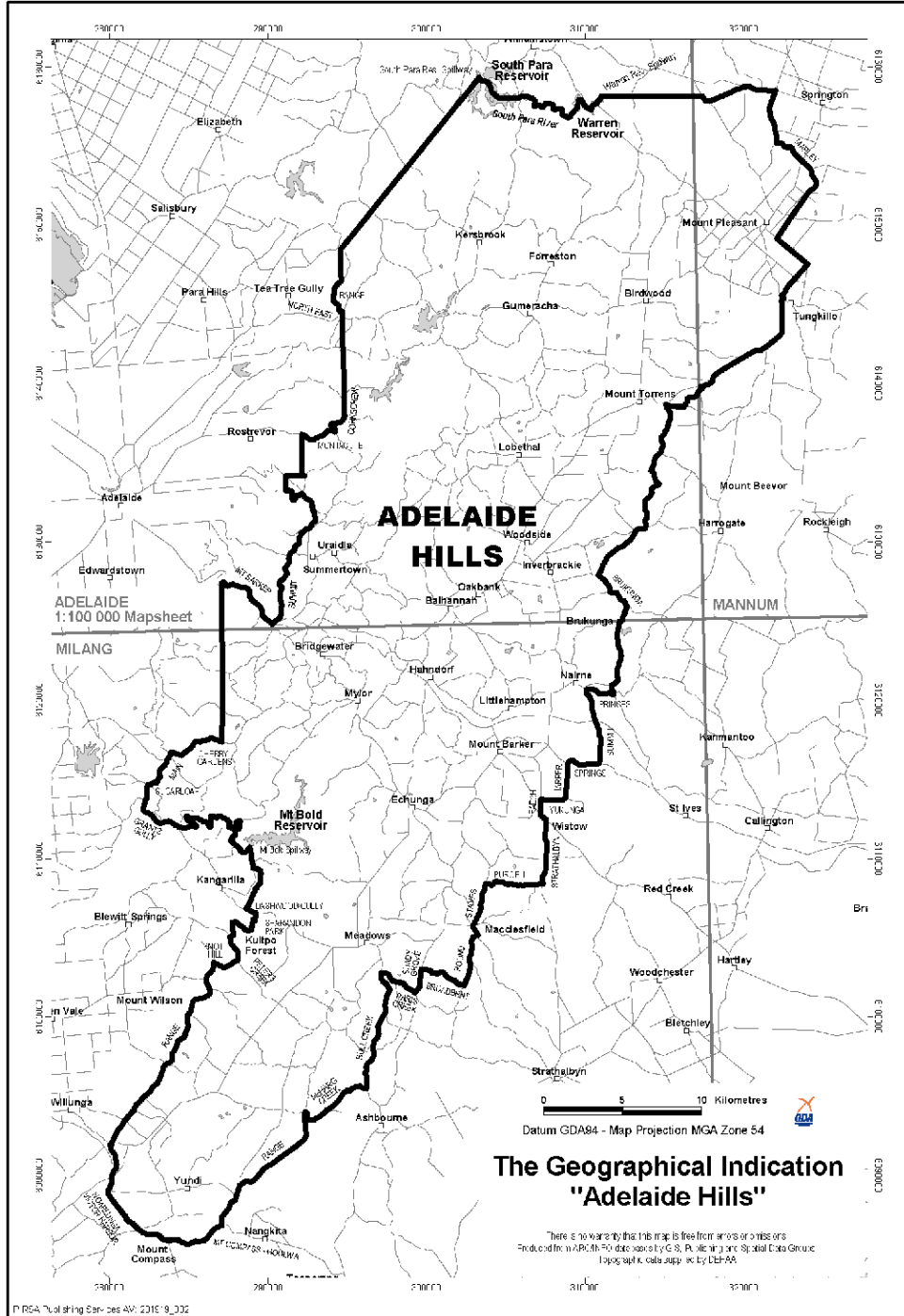
A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

**9—Expiry of regulations**

These regulations will expire on 31 March 2008.

**Schedule 1—Map showing Adelaide Hills**



**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's Deputy**

with the advice and consent of the Executive Council  
on 7 August 2003

No 169 of 2003

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