

South Australia

# Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Regulations 2003

under the *Primary Industry Funding Schemes Act 1998*

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Schedule—Map showing McLaren Vale

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### 1—Short title

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

### 2—Commencement

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

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
  - Act* means the *Primary Industry Funding Schemes Act 1998*;
  - Fund*—see regulation 4;
  - McLaren Vale* means the area outlined in bold and shown on the map in the Schedule;
  - McLaren Vale grapes* means any variety of grapes grown in McLaren Vale and used or intended to be used for wine;
  - McLaren Vale grapes winemaker* means a person who carries on a business of making wine and who processes McLaren Vale grapes for that purpose.
- (2) A person is in default in relation to contributions to the Fund if, within the immediately preceding 2 financial years—
  - (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—McLaren Vale Wine Industry Fund**

- (1) The *McLaren Vale 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 financial year to the Minister for payment into the Fund for each tonne of McLaren Vale grapes processed by a McLaren Vale grapes winemaker during that financial year:
  - (a) in the case of grapes grown by a person other than the winemaker—\$5 is payable by the grower of the grapes;
  - (b) in the case of grapes grown by the winemaker—\$5 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 McLaren Vale grapes winemaker who purchases the grapes out of the amount payable by the winemaker to the grower for the grapes.
- (3) A McLaren Vale grapes winemaker must—
  - (a) keep proper records relating to the growers and tonnage of McLaren Vale 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) A McLaren Vale grapes winemaker must—
  - (a) within 30 days after the end of each financial year, furnish the Minister with a financial statement relating to the contributions (on the winemaker's own behalf and on behalf of growers) for McLaren Vale grapes processed during that financial year 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 McLaren Vale grapes processed during the financial year to which the financial statement relates.

- (5) Refunds of contributions paid in respect of McLaren Vale grapes processed during a financial year may be claimed by notice in writing to the Minister within the 12 months following that financial year as follows:
  - (a) a grower of McLaren Vale grapes may claim a refund in respect of contributions paid by a McLaren Vale grapes winemaker on behalf of the grower; and
  - (b) a McLaren Vale 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 financial year.

## **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 McLaren Vale grapes winemakers and growers of McLaren Vale grapes for one or more of the following purposes:
  - (i) the reasonable operating and management expenses of the body;
  - (ii) promoting the McLaren Vale wine industry;
  - (iii) undertaking or facilitating research and development, or the collection and dissemination to McLaren Vale grapes winemakers and growers of McLaren Vale grapes of information, relevant to the McLaren Vale wine industry and, in particular, to the improvement of practices in the industry;
  - (iv) programs designed to encourage communication and cooperation between McLaren Vale grapes winemakers and growers of McLaren Vale grapes;
  - (v) other purposes of the body;
- (b) payments for other purposes for the benefit of the McLaren Vale 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**

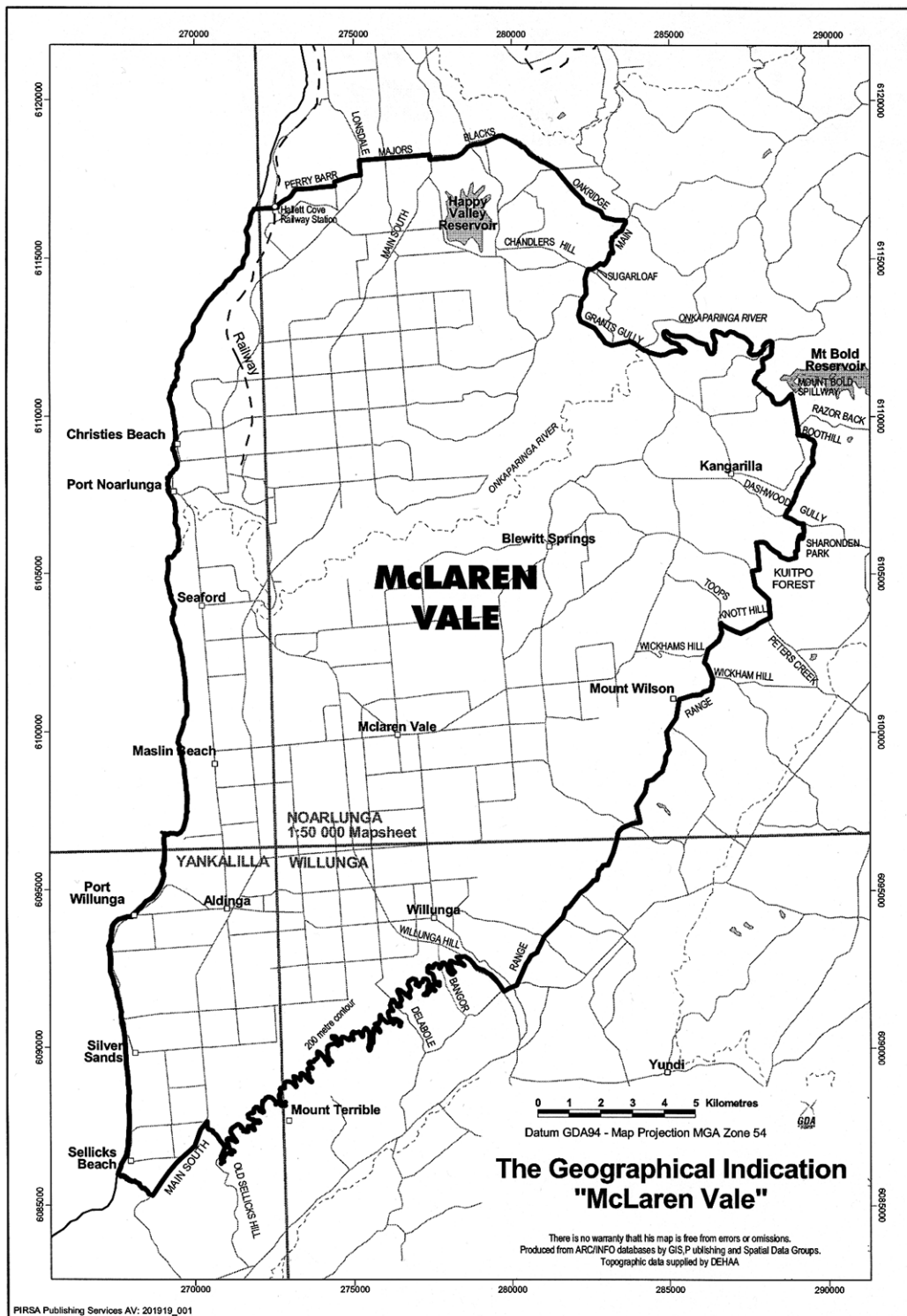
A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

**9—Expiry of regulations**

These regulations will expire on 31 March 2008.

## Schedule—Map showing McLaren Vale



**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**

with the advice and consent of the Executive Council  
on 5 June 2003

No 145 of 2003

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