

South Australia

# **Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) (Prescribed Rate) Variation Regulations 2008**

under the *Primary Industry Funding Schemes Act 1998*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of regulation 3—Interpretation
- 5 Variation of regulation 5—Contributions to Fund
- 6 Insertion of Schedule 2

#### **Schedule 2—Contributions**

- 1 Interpretation
  - 2 Prescribed rate
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) (Prescribed Rate) Variation Regulations 2008*.

### **2—Commencement**

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

### **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**

- (1) Regulation 3(1)—after definition of *Adelaide Hills grapes winemaker* insert:  
*delivered*—see subregulation (3);
- (2) Regulation 3(1)—after definition of *prescribed period* insert:  
*prescribed rate*—see Schedule 2.
- (3) Regulation 3—after subregulation (2) insert:
  - (3) For the purposes of these regulations—
    - (a) grapes will be taken to be *delivered* to an Adelaide Hills grapes winemaker by a grower of Adelaide Hills grapes when the winemaker takes possession of the grapes; and
    - (b) if an Adelaide Hills grapes winemaker processes Adelaide Hills grapes grown by the winemaker, grapes will be taken to be *delivered* to the winemaker when the winemaker places the grapes in a container for the purposes of commencing processing of the grapes (including placing the grapes in a container for fermentation or in preparation for crushing or pressing).

### **5—Variation of regulation 5—Contributions to Fund**

- (1) Regulation 5(1)—delete subregulation (1) and substitute:
  - (1) The following contributions are payable to the Minister for payment into the Fund for Adelaide Hills grapes delivered to an Adelaide Hills grapes winemaker during a prescribed period:
    - (a) in the case of grapes grown by a person other than an Adelaide Hills grapes winemaker—
      - (i) the grower of the grapes must contribute the prescribed rate; and
      - (ii) the winemaker must contribute the prescribed rate, for each tonne of grapes delivered during the prescribed period (rounded down to the nearest tonne of grapes);
    - (b) in the case of grapes grown by an Adelaide Hills grapes winemaker, the winemaker must contribute twice the prescribed rate for each tonne of grapes delivered during the prescribed period (rounded down to the nearest tonne of grapes).
  - (1a) The contributions are payable on or before the last day of the month that immediately follows the prescribed period.

- (2) Regulation 5(3)(a)—delete paragraph (a) and substitute:
- (a) keep proper records relating to the tonnage of Adelaide Hills grapes delivered to the winemaker, the growers of those grapes and the contributions required to be made (on the winemaker's own behalf and on behalf of growers) in respect of those grapes; and
- (3) Regulation 5(4)—after "An Adelaide Hills grapes winemaker must" insert"
- , on or before the last day of the month that immediately follows a prescribed period
- (4) Regulation 5(4)—delete "within 30 days after the end of each prescribed period,"
- (5) Regulation 5(4)—delete "processed" wherever occurring and substitute in each case:
- delivered
- (6) Regulation 5(5)—delete "processed" and substitute:
- delivered
- (7) Regulation 5(7)—delete "processed" and substitute:
- delivered

## **6—Insertion of Schedule 2**

After Schedule 1 insert:

### **Schedule 2—Contributions**

#### **1—Interpretation**

In this Schedule—

*variation day* means the day on which the *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) (Prescribed Rate) Variation Regulations 2008* come into operation.

#### **2—Prescribed rate**

The prescribed rate is as follows:

- (a) for the prescribed period 1 July 2007 to 30 June 2008—
  - (i) for grapes delivered before the variation day—  
\$3.00 per tonne
  - (ii) for grapes delivered on or after the variation day—  
\$4.50 per tonne
- (b) for the prescribed period 1 July 2008 to 30 June 2009—  
\$5.00 per tonne
- (c) for the prescribed period 1 July 2009 to 30 June 2010—  
\$5.50 per tonne
- (d) for the prescribed period 1 July 2010 to 30 June 2011—  
\$6.00 per tonne

**Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) (Prescribed Rate) Variation Regulations 2008**

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

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- (e) for the prescribed period 1 July 2011 to 30 June 2012—  
\$6.50 per tonne

**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 28 February 2008

No 21 of 2008

MAFF08/004CS