

South Australia

Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Variation Regulations 2009

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 (McLaren Vale Wine Industry Fund) Variation Regulations 2009*.

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 (McLaren Vale Wine Industry Fund) Regulations 2003*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *Act* insert:

delivered—see subregulation (3);

(2) Regulation 3—after subregulation (2) insert:

(3) For the purposes of these regulations—

- (a) grapes will be taken to be **delivered** to a McLaren Vale grapes winemaker by a grower of McLaren Vale grapes when the winemaker takes possession of the grapes; and
- (b) if a McLaren Vale grapes winemaker processes McLaren Vale grapes grown by the winemaker, grapes will be taken to be **delivered** to the winemaker when the grapes are placed 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) and (1a)—delete subregulations (1) and (1a) and substitute:

(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 delivered to a McLaren Vale grapes winemaker during that financial year:

- (a) in the case of grapes grown by a person other than the winemaker—
 - (i) for the financial year commencing 1 July 2011—
 - (A) \$7.90 is payable by the grower of the grapes; and
 - (B) \$10.50 is payable by the winemaker;
 - (ii) for any earlier financial year—
 - (A) \$7.50 is payable by the grower of the grapes; and
 - (B) \$10.00 is payable by the winemaker;
- (b) in the case of grapes grown by the winemaker—
 - (i) for the financial year commencing 1 July 2011—\$10.50 is payable by the winemaker;
 - (ii) for any earlier financial year—\$10.00 is payable by the winemaker.

(1a) However—

- (a) contributions are not payable in respect of grapes delivered during the financial year commencing 1 July 2012 or in any subsequent financial year; and
- (b) no more than \$30 000 is payable by each grower in respect of grapes delivered to winemakers during a financial year; and

- (c) 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 financial year.
- (2) Regulation 5(3)—delete "processed by" and substitute:
delivered to
- (3) Regulation 5(4) and (5)—delete "processed" wherever occurring and substitute in each case:
delivered
- (4) Regulation 5(6)—after "refund is made" insert:
and, if the Minister so requires, verification of that evidence in the form of a statutory declaration
- (5) Regulation 5(7)—after "financial year" insert:
, together with interest calculated at the short term interest rate (as published by the Reserve Bank of Australia for the preceding financial year) on a monthly basis for the number of whole months in the period commencing on the date of payment of the amount and ending on the date of the refund

6—Insertion of regulation 6A

After regulation 6 insert:

6A—Exchange of information

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

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

Regulation 7—after "from the Fund" insert:

under regulation 6(1)(b)

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 17 December 2009

No 306 of 2009

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