

South Australia

Primary Industry Funding Schemes (Olive Industry Fund) Regulations 2009

under the *Primary Industry Funding Schemes Act 1998*

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1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Olive Industry Fund) Regulations 2009*.

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*;

default in relation to contributions to the Fund—see subregulation (2);

Fund—see regulation 4;

olive grower means a person who harvests or produces SA olives for processing into olive oil, table olives or other olive products;

olive processor means a person who carries on a business of processing SA olives into olive oil, table olives or other olive products;

SA olives means any olives produced by olive trees in the State (whether cultivated or wild).

- (2) A person is in *default* in relation to contributions to the Fund if, within the immediately preceding 2 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—Olive Industry Fund

- (1) The Olive Industry Fund (the *Fund*) is established.
- (2) The Fund will be administered by the Minister.
- (3) The Fund consists of—
 - (a) contributions paid 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 to the Minister for payment into the Fund by an olive grower in respect of SA olives harvested or produced by the grower and processed by an olive processor:
 - (a) for olives processed during the 2009 calendar year—
 - (i) \$1.00; or
 - (ii) \$0.004 for each kilogram of olives processed, whichever is the greater;
 - (b) for olives processed during the 2010 calendar year—
 - (i) \$1.25; or
 - (ii) \$0.005 for each kilogram of olives processed, whichever is the greater;
 - (c) for olives processed during the 2011 calendar year or a subsequent calendar year—
 - (i) \$1.50; or
 - (ii) \$0.006 for each kilogram of olives processed, whichever is the greater.
- (2) Contributions payable in respect of SA olives purchased by an olive processor from an olive grower must be paid on the grower's behalf by the processor out of the amount payable to the grower for the olives.
- (3) If SA olives processed by an olive processor—
 - (a) were purchased from an olive grower; or
 - (b) were harvested or produced by the processor,the contribution payable in respect of the olives must be paid by the processor within 30 days after the olives are processed.
- (4) If SA olives are processed by an olive processor on behalf of the olive grower who harvested or produced the olives, the processor must collect the contribution payable in respect of the olives from the grower and pay the contribution on the grower's behalf—
 - (a) within 90 days after the olives are processed; or

- (b) within 30 days after the contribution is collected,
whichever occurs first.
- (5) An olive processor must—
- (a) keep proper records relating to the weight of SA olives processed by the processor, the olive growers who harvested or produced the olives and the contributions required to be made on behalf of the growers in respect of those olives; and
 - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (6) An olive processor must, within 30 days after each month in which SA olives are processed by the processor, furnish the Minister with a statement relating to the contributions payable in respect of the olives that—
- (a) is in the form, and contains the information, required by the Minister; and
 - (b) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister.
- (7) The Minister may make the statements furnished to the Minister by an olive processor available to Olives South Australia Incorporated.

6—Refunds of contributions

- (1) Refunds of contributions paid on behalf of an olive grower in respect of SA olives processed by an olive processor during a calendar year may be claimed by the grower by notice in writing to the Minister within 12 months after that calendar year.
- (2) A person claiming a refund under this regulation must supply the Minister with evidence acceptable to the Minister of the contributions made by or on behalf of the claimant in respect of which the claim for refund is made.
- (3) 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 or on behalf of the person, together with interest on that amount 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 contributions and ending on the date of the refund.

7—Application of Fund

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

- (a) payments to Olives South Australia Incorporated for 1 or more of the following purposes:
 - (i) the reasonable operating and management expenses of the body;
 - (ii) the undertaking of market development, branding and promotion activities designed to improve marketing or selling opportunities for olive growers;
 - (iii) the undertaking of programs designed to encourage communication and cooperation between olive growers, olive processors and persons marketing olive oil, table olives or other olive products;

- (iv) promotion of the South Australian olive industry or olive products, including through industry field days, conferences and other events;
 - (v) undertaking or facilitating research and development, or the collection and dissemination to olive growers of information, relevant to the South Australian olive industry;
 - (vi) the payment of fees for affiliation of the body with regional, State or national olive or horticulture industry bodies or other bodies that will advance the interests of the SA olive industry;
 - (vii) the representation of olive growers, or the participation of the body, in regional, State or national olive or horticulture industry forums;
 - (viii) other purposes of the body;
- (b) payments for other purposes for the benefit of olive growers;
 - (c) payment of the expenses of administering the Fund;
 - (d) repayment of contributions to the Fund under regulation 6.

8—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.

9—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.

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

following compliance by the Minister with section 4(2) of the Act and with the advice and consent of the Executive Council
on 26 February 2009

No 14 of 2009

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