

South Australia

# **Primary Industry Funding Schemes (Cattle Industry Fund) Variation Regulations 2013**

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 (Cattle Industry Fund) Variation Regulations 2013*.

### **2—Commencement**

These regulations will come into operation on 1 October 2013.

### **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 (Cattle Industry Fund) Regulations 2000*

### 4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definitions of *authorised supplier* and *bobby calf tag*—delete the definitions and substitute:

*authorised manufacturer*, in relation to PIDs, has the same meaning as in the *Livestock Regulations 2013*;

*authorised recycler*, in relation to PIDs, has the same meaning as in the *Livestock Regulations 2013*;

- (2) Regulation 3(1), definition of *Livestock Regulations*—delete the definition and substitute:

*low value cattle contribution*—see subregulation (2);

- (3) Regulation 3(1), definition of *permanent identification device*—delete the definition and substitute:

*PID* or *permanent identification device* has the same meaning as in the *Livestock Regulations 2013*;

- (4) Regulation 3(1), definition of *transaction tag*—delete the definition

- (5) Regulation 3(2)—delete the subregulation and substitute:

- (2) For the purposes of these regulations, a person will be taken to have paid a low value cattle contribution in relation to an animal if—

- (a) the person paid a contribution for a PID attached to or inserted in an animal; and
- (b) the animal was subsequently sold by the person for less than \$100.

### 5—Insertion of regulation 3A

After regulation 3 insert:

#### **3A—Persons in default in relation to contributions**

For the purposes of these regulations, a person will be taken to be in default in relation to contributions to the Fund if, within the immediately preceding 5 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 a contribution from the Fund (other than a refund for low value cattle contributions determined in accordance with regulation 6A).

## **6—Variation of regulation 4—Establishment of Fund**

Regulation 4(3)(a)—delete "Livestock Regulations" and substitute:

revoked *Livestock Regulations 1998*

## **7—Variation of regulation 6—Contributions to Fund**

(1) Regulation 6(1)—delete subregulation (1) and substitute:

(1) Contributions to the Fund are payable by a person who purchases PIDs for cattle as follows:

(a) an amount of \$1.10 is payable for each PID so purchased from an authorised manufacturer, or authorised recycler, of PIDs;

(b) the amount is payable by the purchaser to the authorised manufacturer or recycler (as collecting agent for the Minister)—

(i) not later than 1 month after the supply of the PID to the purchaser or the date of payment for the PID (whichever is the earlier); or

(ii) at such later time as may be approved by the Minister.

(2) Regulation 6(2)—delete "An authorised supplier" and substitute:

The authorised manufacturer or recycler

(3) Regulation 6(2)(a)—delete "transaction tags and permanent identification devices" and substitute:

PIDs

(4) Regulation 6(2)—delete "the supplier" wherever occurring and substitute in each case:  
the authorised manufacturer or recycler

(5) Regulation 6(2)(b)—delete "of transaction tags or permanent identification devices" and substitute:

in respect of PIDs

(6) Regulation 6(3)—delete "an authorised supplier" and substitute:

the authorised manufacturer or recycler

(7) Regulation 6(3)—delete "of transaction tags or permanent identification devices" and substitute:

in respect of PIDs

(8) Regulation 6(3)—delete "the supplier" wherever occurring and substitute in each case:  
the authorised manufacturer or recycler

(9) Regulation 6(4)—delete "An authorised supplier" and substitute:

The authorised manufacturer or recycler

- (10) Regulation 6(5)—delete "authorised supplier" and substitute:  
authorised manufacturer, or authorised recycler, of PIDs
- (11) Regulation 6(5a)—delete the subregulation

## **8—Substitution of regulation 6A**

Regulation 6A—delete the regulation and substitute:

### **6A—Refunds for low value cattle contributions**

- (1) A person who has paid low value cattle contributions during a financial year may, at any time until 31 July in the following financial year, by notice in writing to the Minister, make a claim for a refund for those contributions.
- (2) A person claiming a refund under subregulation (1) must supply the Minister with—
  - (a) evidence acceptable to the Minister of the contributions in respect of which the claim is made; and
  - (b) if required by the Minister, verification of that evidence in the form of a statutory declaration.
- (3) If the person satisfies the Minister that the person is entitled to a refund under this regulation for contributions paid by the person, the Minister must refund to the person the total amount of those contributions.

### **6B—Refunds for contributions other than low value cattle contributions**

- (1) A person who has paid contributions (other than low value cattle contributions) during a financial year may, within the 12 months following that financial year, by notice in writing to the Minister, make a claim for a refund for those contributions.
- (2) A person claiming a refund under subregulation (1) must supply the Minister with—
  - (a) evidence acceptable to the Minister of the contributions in respect of which the claim is made; and
  - (b) if required by the Minister, verification of that evidence in the form of a statutory declaration.
- (3) If the person satisfies the Minister that the person is entitled to a refund under this regulation for contributions (other than low value cattle contributions) paid during a financial year, the Minister must refund to the person an amount determined in accordance with the following formula:

$$R = Ct + \left( C1 + \frac{C2}{2} + \frac{C3}{3} + \frac{C4}{4} \right) \times I$$

where—

*R* is the total amount of the refund;

*Ct* is the total amount of the contributions paid during that financial year;

*C1* is the contribution paid during the first quarter of that financial year;

*C2* is the contribution paid during the second quarter of that financial year;

*C3* is the contribution paid during the third quarter of that financial year;

*C4* is the contribution paid during the fourth quarter of that financial year;

*I* is the annual short term interest rate for that financial year (as published by the Reserve Bank of Australia) expressed as a percentage.

## **9—Variation of regulation 7—Application of Fund**

(1) Regulation 7(1)—after paragraph (d) insert:

- (da) payments to a body that, in the opinion of the Minister, represents cattle producers for 1 or more of the following purposes:
  - (i) the reasonable operating and management expenses of the body;
  - (ii) promoting the cattle industry;
  - (iii) participation of the body in regional, State or national cattle industry forums;
  - (iv) undertaking or facilitating research and development, or the collection and dissemination to cattle producers of information, relevant to the cattle industry and, in particular, to the improvement of practices in the industry;
  - (v) fees for affiliation of the body with regional, State or national bodies representing or promoting the interests of the cattle producers;
  - (vi) other purposes of the body;

(2) Regulation 7(2)—delete "under a program funded under subregulation (1)(c)" and substitute:

funded by payments from the Fund

## **10—Insertion of regulation 7A**

After regulation 7 insert:

### **7A—Exchange of information**

The Minister may provide a body to which payments are made out of the Fund under regulation 7(1)(da) with information identifying persons who have paid or been refunded contributions under these regulations.

#### **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 12 September 2013

No 230 of 2013

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