

South Australia

# Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2016

under the *Primary Industry Funding Schemes Act 1998*

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Schedule 1—Revocation of *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2001*

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### 1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2016*.

### 2—Commencement

These regulations will come into operation on 1 September 2016.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Primary Industry Funding Schemes Act 1998*;

*Fund*—see regulation 4;

*registration period* means a period for which a person is registered as a beekeeper under the *Livestock Act 1997*;

*revoked regulations* means the *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2001*.

### 4—South Australian Apiary Industry Fund

- (1) The *South Australian Apiary Industry Fund* (the **Fund**) established under the revoked regulations continues in existence.
  - (2) The Fund will continue to be administered by the Minister.
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- (3) The Fund consists of—
- (a) the amount in the Beekeeper's Compensation Fund on the repeal of the *Apiaries Act 1931* paid into the Fund under the *Livestock Regulations 1998*; and
  - (b) contributions paid or collected in accordance with the revoked regulations; and
  - (c) contributions paid or collected in accordance with these regulations; and
  - (d) income of the Fund from investment; and
  - (e) any other sums received by the Minister for payment into the Fund.

### 5—Contributions to Fund

- (1) Subject to this regulation, a person must, for each registration period (or part of a registration period) for which the person makes an application for registration or renewal of registration as a beekeeper, pay to the Minister as a contribution to the Fund an amount calculated at \$1 for each hive kept by the person at the prescribed date.
- (2) The contribution must be paid at the time the application for registration or renewal of registration as a beekeeper is made.
- (3) A person may, by notice in writing to the Minister, within the 12 months following a registration period in respect of which the person has paid contributions, make a claim for a refund in respect of those contributions.
- (4) If the person satisfies the Minister that the person is entitled to a refund, the Minister must pay to the person an amount determined in accordance with the following formula:

$$R = C + \left( C \times \frac{M}{12} \times I \right)$$

where—

**R** is the amount of the refund;

**C** is the amount of contributions paid by the person in respect of the registration period for which the claim is made;

**M** is the number of whole months for which the person was registered as a beekeeper (and had paid contributions) in the registration period in respect of which the claim is made;

**I** is the annual short term interest for the financial year preceding the commencement of the registration period in respect of which the claim is made (as published by the Reserve Bank of Australia) expressed as a percentage.

- (5) No contribution is payable—
  - (a) by a person who, on the prescribed date, keeps less than 5 hives; or
  - (b) in respect of hives that are kept—
    - (i) for the purposes of instruction in an educational institution approved by the Minister; or

- (ii) for the purposes of a program approved by the Minister involving the keeping of hives at ports and the monitoring of those hives to detect the presence of disease.
- (6) In this regulation—
- prescribed date*** means—
- (a) in relation to contributions to be paid by a person in respect of a registration period (or part of a registration period) for which the person makes an application for registration as a beekeeper—the date of the application;
  - (b) in relation to contributions to be paid by a person in respect of a registration period for which the person makes an application for renewal of registration as a beekeeper—31 January preceding the registration period for which the application for renewal is made;

***registration as a beekeeper*** means registration under section 17 of the *Livestock Act 1997* as a beekeeper.

## **6—Application of Fund**

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

- (a) the undertaking of programs relating to the apiary industry or apiary products or any other aspect of the apiary industry that the Minister considers will benefit the apiary industry;
- (b) payment of the expenses of administering the Fund;
- (c) repayment of contributions to the Fund under regulation 5.

## **7—Exclusion from benefits of person in default in relation to contributions**

- (1) 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.
- (2) A person is in default in relation to contributions to the Fund if, within the immediately preceding 2 registration periods—
  - (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.

## **Schedule 1—Revocation of *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2001***

The *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2001* are revoked.

**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's Deputy**

with the advice and consent of the Executive Council  
on 18 August 2016

No 196 of 2016

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