

South Australia

# **Primary Industry Funding Schemes (Deer Industry Fund) Variation Regulations 2016**

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 (Deer Industry Fund) Variation Regulations 2016*.

### **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 (Deer Industry Fund) Regulations 2002***

### **4—Variation of regulation 3—Interpretation**

- (1) Regulation 3, definitions of *carcass* and *Chief Inspector*—delete the definitions
  - (2) Regulation 3, definitions of *inspector* and *large species deer*—delete the definitions
  - (3) Regulation 3, definitions of *net proceeds* and *owner*—delete the definitions
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- (4) Regulation 3, definition of *small species deer*—delete the definition

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

- (1) Regulation 4(3)(b)—after "these regulations" insert:  
as in force immediately before the commencement of the *Primary Industry Funding Schemes (Deer Industry Fund) Variation Regulations 2016*
- (2) Regulation 4(3)(c)—after "Part 3" insert:  
as in force immediately before the commencement of the *Primary Industry Funding Schemes (Deer Industry Fund) Variation Regulations 2016*

## **6—Substitution of regulation 6**

Regulation 6—delete the regulation and substitute:

### **6—Refund of contributions to Fund**

- (1) In connection with the proposed winding up of the Fund under the Act in 2016, the procedure for making a claim for a refund of contributions made to the Fund is as set out in this regulation.
- (2) A person who has paid contributions to the Fund before the commencement of this regulation in respect of a registration period for which the person would have been entitled to make a claim for a refund under these regulations as in force immediately before the commencement of the *Primary Industry Funding Schemes (Deer Industry Fund) Variation Regulations 2016* may, by notice in writing to the Minister before 30 April 2016, make a claim for a refund of those contributions.
- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must pay to the person an amount to be calculated—
- (a) if the registration period in respect of which the contribution was paid is in its first year—in accordance with the following formula:

$$R = C + \left( C \times \frac{M_1}{12} \times I_1 \right)$$

where—

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

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

**M<sub>1</sub>** is the number of whole months for which the person was registered as a deer keeper (and had paid contributions) in the first 12 months of the registration period in respect of which the claim is made;

$I_1$  is the annual short term interest rate for the financial year that comprises or ends in the first 12 months of the registration period in respect of which the claim is made (as published by the Reserve Bank of Australia) expressed as a percentage;

- (b) if the registration period in respect of which the contribution was paid—
- (i) is in its second year; or
  - (ii) has expired no longer than 12 months before the commencement of this regulation,

in accordance with the following formula:

$$R = C + \left( C \times \frac{M_1}{12} \times I_1 \right) + \left( C \times \frac{M_2}{12} \times I_2 \right)$$

where—

$R$  is the amount of the refund;

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

$M_1$  is the number of whole months for which the person was registered as a deer keeper (and had paid contributions) in the first 12 months of the registration period in respect of which the claim is made;

$I_1$  is the annual short term interest rate for the financial year that comprises or ends in the first 12 months of the registration period in respect of which the claim is made (as published by the Reserve Bank of Australia) expressed as a percentage;

$M_2$  is the number of whole months for which the person was registered as a deer keeper (and had paid contributions) in the second 12 months of the registration period in respect of which the claim is made;

$I_2$  is the annual short term interest rate for the financial year that comprises or ends in the second 12 months of the registration period in respect of which the claim is made (as published by the Reserve Bank of Australia) expressed as a percentage.

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

- (1) Regulation 7(1)(a) and (b)—delete paragraphs (a) and (b)
- (2) Regulation 7(1)(f)—delete "(including expenses incurred in assessing compensation payable under these regulations and expenses incurred by an inspector under regulation 9 if those expenses exceed the proceeds of sale obtained under that regulation)"

(3) Regulation 7(2)—after "this Part" insert:

as in force immediately before the commencement of the *Primary Industry Funding Schemes (Deer Industry Fund) Variation Regulations 2016*,

(4) Regulation 7(3)—delete subregulation (3)

## **8—Revocation of Part 3**

Part 3—delete the Part

### **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 21 January 2016

No 7 of 2016

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