

South Australia

Primary Industry Funding Schemes (Pig Industry Fund) Regulations 2016

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 (Pig Industry Fund) Regulations 2016*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—

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

Chief Inspector means the Chief Inspector appointed under the *Livestock Act 1997*;

collection agent means—

- (a) for a pig that is sold by a stock agent—the stock agent; or
- (b) for a pig that is sold to a person who operates an abattoir by a person other than a stock agent—the person who operates the abattoir;

Fund—see regulation 4;

inspector means an inspector appointed under the *Livestock Act 1997*;

owner of a pig does not include a mortgagee not in possession;

pig producer means a person who carries on a business involving keeping pigs;

prescribed period means—

- (a) in respect of contributions paid on behalf of a pig producer by a collection agent—each calendar month;
- (b) in respect of contributions paid directly by a pig producer—each quarter;

quarter means any period of 3 months commencing on 1 January, 1 April, 1 July or 1 October;

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

4—Pig Industry Fund

- (1) The *South Australian Pig Industry Fund* (the **Fund**), established under the revoked regulations, continues.
- (2) The Fund is administered by the Minister.
- (3) The Fund consists of—
 - (a) contributions paid or collected 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) Subject to subregulation (2), a pig producer must pay to the Minister for payment into the Fund a contribution of 20 cents per pig sold for \$20 or more by the producer (whether within or outside this State).
- (2) If there is a collection agent in respect of the pig, the collection agent must pay the contribution on behalf of the pig producer.
- (3) The relevant collection agent or, in respect of a pig for which there is no collection agent, the pig producer must—
 - (a) keep proper records relating to pigs sold by the person (either as principal or agent) or to the person (as the case requires) and the contributions required to be made in respect of those pigs; and
 - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (4) The relevant collection agent or, in the case of a pig for which there is no collection agent, the pig producer must—
 - (a) within 14 days after the end of each prescribed period, furnish the Minister with a financial statement relating to the contributions arising from the sale of pigs by the person (either as principal or agent) or to the person (as the case requires) during that period that—
 - (i) is in the form, and contains the information, required by the Minister; and
 - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and

- (b) receive and forward to the Minister, with the periodic financial statement required by paragraph (a), the required contributions for pigs sold by the producer during the period to which the financial statement relates.
- (5) A pig producer may, by notice in writing to the Minister, within the 12 months following a financial year in respect of which contributions have been paid by or on behalf of the producer, make a claim for a refund in respect of those contributions.
- (6) A pig producer claiming a refund under subregulation (5) must supply the Minister with—
- (a) evidence acceptable to the Minister of the number of pigs sold by the producer for which contributions have (to the best of the pig producer's knowledge and belief) been paid and in respect of which a claim for refund is made; and
- (b) verification of that evidence in the form of a statutory declaration.
- (7) If the pig producer satisfies the Minister that the producer is entitled to a refund, the Minister must pay to the producer an amount determined in accordance with the following formula:

$$R = C_i + \left(C_1 + C_2 \times \frac{9}{12} + C_3 \times \frac{6}{12} + C_4 \times \frac{3}{12} \right) \times I$$

where—

R is the total amount of the refund;

C_i is the total amount of contributions paid during the financial year immediately preceding the financial year in which the producer claims the refund in respect of pigs sold by the producer;

C₁ is the contribution paid during the first quarter of that financial year in respect of pigs sold by the producer;

C₂ is the contribution paid during the second quarter of that financial year in respect of pigs sold by the producer;

C₃ is the contribution paid during the third quarter of that financial year in respect of pigs sold by the producer;

C₄ is the contribution paid during the fourth quarter of that financial year in respect of pigs sold by the producer;

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

6—Application of Fund

- (1) Subject to this regulation, the Fund may be applied by the Minister for any of the following purposes:
- (a) carrying out research, or investigative or other programs, relating to pigs, pig products or any other aspect of the pig industry recommended to the Minister by a body—
- (i) that, in the opinion of the Minister, represents the pig industry; and

- (ii) that has a membership base comprised predominantly of pig producers who are not in default in relation to contributions to the Fund;
 - (b) repayment of contributions to the Fund under regulation 5;
 - (c) payments to a body that, in the opinion of the Minister, represents pig producers for 1 or more of the following purposes:
 - (i) promoting the pig industry;
 - (ii) carrying out programs to investigate health problems in pigs;
 - (iii) carrying out or facilitating any other research and development, or collecting and disseminating information to pig producers, in relation to the improvement of practices in the pig industry or any other aspect of the pig industry;
 - (iv) fees for affiliation of the body with regional, State or national bodies representing or promoting the interests of the pig producers;
 - (v) participation of the body in regional, State or national pig industry forums;
 - (vi) the reasonable operating and management expenses of the body;
 - (vii) other purposes of the body;
 - (d) payment of the expenses of administering the Fund.
- (2) The Fund must not be applied for the purpose of subregulation (1)(c)(ii) if another funding source is available for that purpose.
- (3) A person who is in default in relation to contributions to the Fund may not receive direct benefits or services funded by payments from the Fund.
- (4) For the purposes of this regulation, a pig producer will 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 in respect of pigs sold by the producer have not been paid; or
 - (b) the producer has been refunded contributions from the Fund.
- (5) The Minister may provide a body referred to in this regulation with information identifying pig producers who have paid or been refunded contributions under these regulations or the revoked regulations.

7—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 information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

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

The *Primary Industry Funding Schemes (Pig 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

with the advice and consent of the Executive Council
on 1 September 2016

No 216 of 2016

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