

South Australia

Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Variation Regulations 2017

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 (Clare Valley Wine Industry Fund) Variation Regulations 2017*.

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 (Clare Valley Wine Industry Fund) Regulations 2008*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *prescribed grower rate*—delete the definition
- (2) Regulation 3(1), definition of *prescribed period*, (g)—delete "2017" and substitute:

2022

- (3) Regulation 3(1), definition of *prescribed winemaker rate*—delete the definition and substitute:

prescribed rate—see Schedule 2;

relevant day means the day on which the *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Variation Regulations 2017* come into operation.

5—Variation of regulation 5—Contributions to Fund

- (1) Regulation 5(1)—delete subregulation (1) and substitute:

- (1) The following contributions are payable to the Minister for payment into the Fund for Clare Valley grapes delivered to a Clare Valley winemaker during the prescribed period commencing on 1 June 2017:

- (a) for grapes delivered before the relevant day—contributions are payable by the winemaker and grower of the grapes (other than the winemaker) in accordance with regulation 5(1) and Schedule 2, as in force immediately before the relevant day;

- (b) for grapes delivered on or after the relevant day—contributions are payable as follows:

- (i) in the case of a Clare Valley winemaker who has a vineyard, winemaking facility or cellar door in the Clare Valley—the winemaker must contribute—

(A) the prescribed minimum contribution; or

(B) an amount being the sum of—

- the prescribed rate for each tonne of grapes grown by the winemaker delivered on or after the relevant day; and
- the prescribed rate for each tonne of grapes grown by a person other than the winemaker delivered on or after the relevant day,

whichever is the greater, provided that if contributions are payable by the winemaker under paragraph (a), those contributions may be taken into account in determining if the prescribed minimum contribution has or has not been exceeded for the purposes of this subparagraph;

- (ii) in the case of any other Clare Valley winemaker—the winemaker must contribute the prescribed rate for each tonne of grapes grown by a person other than the winemaker delivered on or after the relevant day;

- (iii) if the grapes are grown by a person other than the winemaker—the grower of the grapes must contribute the prescribed rate for each tonne of grapes delivered on or after the relevant day.
- (1a) The following contributions are payable to the Minister for payment into the Fund for Clare Valley grapes delivered to a Clare Valley winemaker during the prescribed period commencing on 1 June 2018, and each subsequent prescribed period thereafter:
- (a) in the case of a Clare Valley winemaker who has a vineyard, winemaking facility or cellar door in the Clare Valley—the winemaker must contribute—
 - (i) the prescribed minimum contribution; or
 - (ii) an amount being the sum of—
 - (A) the prescribed rate for each tonne of grapes grown by the winemaker delivered during the prescribed period; and
 - (B) the prescribed rate for each tonne of grapes grown by a person other than the winemaker delivered during the prescribed period,whichever is the greater;
 - (b) in the case of any other Clare Valley winemaker—the winemaker must contribute the prescribed rate for each tonne of grapes grown by a person other than the winemaker delivered during the prescribed period;
 - (c) if the grapes are grown by a person other than the winemaker—the grower of the grapes must contribute the prescribed rate for each tonne of grapes delivered during the prescribed period.
- (1b) However, despite subregulations (1) and (1a)—
- (a) for the prescribed period commencing on 1 June 2017—
 - (i) no more than \$15 000 is payable by each grower in respect of grapes delivered to winemakers during that period (whether delivered before, or on or after, the relevant day); and
 - (ii) no more than \$15 000 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during that period (whether delivered before, or on or after, the relevant day); and
 - (b) for the prescribed period commencing on 1 June 2018—
 - (i) no more than \$15 000 is payable by each grower in respect of grapes delivered to winemakers during that period; and

- (ii) no more than \$15 000 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during that period; and
 - (c) for the prescribed period commencing on 1 June 2019—
 - (i) no more than \$17 500 is payable by each grower in respect of grapes delivered to winemakers during that period; and
 - (ii) no more than \$17 500 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during that period; and
 - (d) for the prescribed period commencing on 1 June 2020—
 - (i) no more than \$17 500 is payable by each grower in respect of grapes delivered to winemakers during that period; and
 - (ii) no more than \$17 500 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during that period; and
 - (e) for the prescribed period commencing on 1 June 2021—
 - (i) no more than \$20 000 is payable by each grower in respect of grapes delivered to winemakers during that period; and
 - (ii) no more than \$20 000 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during that period; and
 - (f) for the prescribed period commencing on 1 June 2022—
 - (i) no more than \$20 000 is payable by each grower in respect of grapes delivered to winemakers during that period; and
 - (ii) no more than \$20 000 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during that period.
- (2) Regulation 5—after subregulation (5) insert:
- (6) In this regulation—
 - prescribed minimum contribution*** means—
 - (a) if the winemaker has a cellar door located in the Clare Valley—\$1 000; or
 - (b) if the winemaker does not have a cellar door located in the Clare Valley—\$500.

6—Substitution of Schedule 2

Schedule 2—delete the schedule and substitute:

Schedule 2—Contributions

1—Prescribed rate

The prescribed rate is as follows:

- (a) for the prescribed period 1 June 2017 to 31 May 2018 (for grapes delivered on or after the relevant day)—\$8.00;
- (b) for the prescribed period 1 June 2018 to 31 May 2019—\$8.00;
- (c) for the prescribed period 1 June 2019 to 31 May 2020—\$9.00;
- (d) for the prescribed period 1 June 2020 to 31 May 2021—\$9.00;
- (e) for the prescribed period 1 June 2021 to 31 May 2022—\$9.00;
- (f) for the prescribed period 1 June 2022 to 31 May 2023—\$9.00.

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 December 2017

No 331 of 2017

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