

South Australia

Primary Industry Funding Schemes (Grain Industry Fund) Regulations 2024

under the *Primary Industry Funding Schemes Act 1998*

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Schedule 1—Repeal of *Primary Industry Funding Schemes (Grain Industry Fund) Regulations 2012*

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Grain Industry Fund) Regulations 2024*.

2—Commencement

These regulations come into operation on 1 July 2024.

3—Interpretation

In these regulations—

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

Fund—see regulation 4;

grain means—

- (a) cereal and coarse grain (for example, wheat, barley, oats, rye and triticale); or
- (b) pulses (for example, lentils, chickpeas, field peas, faba beans and lupins); or
- (c) oilseed (for example, rapeseed, canola, linseed and sunflower seed),

but does not include pasture seed (for example, lucerne, medic and clover seed);

grain grower means a person who carries on the business of producing grain;

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

repealed regulations means the *Primary Industry Funding Schemes (Grain Industry Fund) Regulations 2012*;

value, of grain sold by a grain grower, means the sale price of the grain, less any costs to the grower relating to handling, storage and transport (including free on board costs).

4—Grain Industry Fund

- (1) The Grain Industry Fund (the *Fund*) established under the repealed regulations continues in existence.
- (2) The Fund will be administered by the Minister.
- (3) The Fund consists of—
 - (a) the amount held in the Fund at the commencement of these regulations; and
 - (b) contributions paid or collected in accordance with the repealed regulations; and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 for grain sold by grain growers

- (1) Contributions are payable to the Minister for payment into the Fund as follows:
 - (a) the amount payable for grain produced and sold by a grain grower is—
 - (i) 0.10% of the value of the grain; or
 - (ii) if the Minister, by notice in the Gazette, specifies another amount (which may be 0) or the manner in which another amount may be calculated for the purposes of this subparagraph—that other amount;
 - (b) contributions are payable on behalf of the grain grower by the person who purchases the grain from the grain grower (the *purchaser*);
 - (c) contributions are payable on a quarterly basis, or, with the approval in writing by the Minister on application by the purchaser, on a yearly or other basis;
 - (d) contributions payable for grain sold during a particular quarter (or other period as may be approved under paragraph (c)) fall due 28 days after that quarter (or other period).
- (2) A purchaser who pays contributions on behalf of a grain grower must—
 - (a) deduct the amount of the contributions from the amount payable by the purchaser to the grain grower for the grain; and
 - (b) keep proper records constituting evidence of the sale and deduction and make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.

- (3) Each quarterly (or other periodic) payment of contributions to the Minister must be accompanied by a statement setting out the name and address of each grain grower on whose behalf the contributions are paid and, for each grain grower, the tonnage and value of grain sold to the purchaser during the quarter (or other period) in respect of which the contributions are paid.
- (4) The Minister may vary or revoke an approval under subregulation (1)(c).
- (5) A reference in subregulation (1)(a) to grain produced by a grain grower is a reference to grain produced by the grain grower during any season (including grain produced before the commencement of these regulations and sold after that commencement).

6—Refunds of contributions

- (1) A grain grower may, by notice in writing to the Minister, within the 12 months following a financial year in respect of which contributions have been paid on behalf of the grain grower (whether under these regulations or the repealed regulations), make a claim for a refund in respect of those contributions.
- (2) A grain grower claiming a refund under subregulation (1) must supply the Minister with—
 - (a) evidence acceptable to the Minister of the contributions made on behalf of the grain grower in respect of which the claim for refund is made; and
 - (b) if required by the Minister, verification of that evidence in the form of a statutory declaration.
- (3) If the grain grower satisfies the Minister that the grain grower is entitled to a refund, the Minister must refund to the grain grower the amount of contributions paid on behalf of the grain grower in respect of grain sold during the relevant financial year.

7—Application of Fund

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

- (a) payments to a body that, in the opinion of the Minister, represents grain growers for 1 or more of the following purposes:
 - (i) the reasonable operating and management expenses of the body;
 - (ii) fees for affiliation of the body with regional, State or national grain or agriculture industry bodies;
 - (iii) promoting the grain industry, including through industry field days, conferences and other events;
 - (iv) representing grain growers in regional, State or national grain or agriculture industry forums;
 - (v) the collection and dissemination to grain growers of information relevant to the grain industry;
 - (vi) programs designed to encourage communication and cooperation between grain growers and other persons associated with the grain industry;
 - (vii) other purposes of the body;
- (b) payments for other purposes for the benefit of grain growers;

- (c) payment of the expenses of administering the Fund;
- (d) repayment of contributions to the Fund under regulation 6.

8—Grain growers in default of contributions not entitled to benefits

- (1) A grain grower 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 grain grower is in default in relation to contributions to the Fund if, within the immediately preceding 2 financial years—
 - (a) all or some of the contributions payable to the Fund on behalf of the grain grower (whether under these regulations or the repealed regulations) have not been paid; or
 - (b) the grain grower has been refunded contributions from the Fund.

9—Exchange of information

- (1) The Minister may require a body to which payments are made out of the Fund under regulation 7(a) to provide the Minister with—
 - (a) a copy of the financial statements of the body; and
 - (b) a copy of the annual report of the body; and
 - (c) a copy of any business plan of the body; and
 - (d) any other information reasonably required for the purposes of these regulations.
- (2) The Minister may provide the body with information identifying grain growers on whose behalf contributions have been paid or who have been refunded contributions under these regulations.

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

Maximum penalty: \$5 000.

Schedule 1—Repeal of *Primary Industry Funding Schemes (Grain Industry Fund) Regulations 2012*

The *Primary Industry Funding Schemes (Grain Industry Fund) Regulations 2012* are repealed.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 11 April 2024

No 19 of 2024