

South Australia

Primary Industry Funding Schemes (Deer Industry Fund) Regulations 2002

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Citation
- 3 Interpretation

Part 2—South Australian Deer Industry Fund

- 4 Establishment of Fund
- 6 Refund of contributions to Fund
- 7 Application of Fund

Part 4—Miscellaneous

- 12 False or misleading statements

Legislative history

Part 1—Preliminary

1—Citation

These regulations may be cited as the *Primary Industry Funding Schemes (Deer Industry Fund) Regulations 2002*.

3—Interpretation

In these regulations, unless the contrary intention appears—

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

deer means an animal of the family *Cervidae*;

Fund—see regulation 4;

Livestock Regulations means the *Livestock Regulations 1998* (see *Gazette 22.1.1998 p288*), as varied;

registration fee for a registration period means the fee payable for an application for registration or renewal of registration in respect of that period under the *Livestock Regulations*;

registration period for deer means a period for which a person is registered as a keeper of the deer under the *Livestock Act 1997*.

Part 2—South Australian Deer Industry Fund

4—Establishment of Fund

- (1) The *South Australian Deer Industry Fund* (the **Fund**) is established.
- (2) The Fund will be administered by the Minister.
- (3) The Fund consists of—
 - (a) the amount in the compensation fund on the repeal of the *Deer Keepers Act 1987* paid into the Fund under the Livestock Regulations; and
 - (b) contributions paid or collected in accordance with these regulations as in force immediately before the commencement of the *Primary Industry Funding Schemes (Deer Industry Fund) Variation Regulations 2016*; and
 - (c) net proceeds of sales paid into the Fund under Part 3 as in force immediately before the commencement of the *Primary Industry Funding Schemes (Deer Industry Fund) Variation Regulations 2016*; and
 - (d) income of the Fund from investment; and
 - (e) any other money received by the Minister for payment into the Fund.

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;

M₁ 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—Application of Fund

- (1) The Fund may be applied by the Minister for any of the following purposes:
- (c) the undertaking of programs relating to deer, deer products or any other aspect of the deer industry that the Minister considers will benefit the deer industry;
 - (d) repayment of contributions to the Fund under regulation 6;
 - (f) payment of the expenses of administering the Fund.

- (2) A person who has refused or failed to pay contributions under this Part as in force immediately before the commencement of the *Primary Industry Funding Schemes (Deer Industry Fund) Variation Regulations 2016*, or who has received a refund under regulation 6 is not entitled to any direct service or benefit under a program funded under subregulation (1)(c) for a period of 2 years from the date on which the contributions (that were not paid, or refunded) fell due.

Part 4—Miscellaneous

12—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.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Primary Industry Funding Schemes (Deer Industry Fund) Regulations 2002* were revoked by r 3 of the *Primary Industry Funding Schemes (Deer Industry Fund) Revocation Regulations 2016* on 30.6.2016.

Principal regulations and variations

Year	No	Reference	Commencement
2002	174	<i>Gazette 29.8.2002 p3270</i>	1.9.2002: r 2
2014	258	<i>Gazette 30.10.2014 p6234</i>	30.10.2014: r 2
2016	7	<i>Gazette 21.1.2016 p154</i>	21.1.2016: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>30.10.2014</i>
r 3		
<i>carcass</i>	<i>deleted by 7/2016 r 4(1)</i>	<i>21.1.2016</i>
<i>Chief Inspector</i>	<i>deleted by 7/2016 r 4(1)</i>	<i>21.1.2016</i>
<i>consultative committee</i>	<i>deleted by 258/2014 r 4</i>	<i>30.10.2014</i>
<i>inspector</i>	<i>deleted by 7/2016 r 4(2)</i>	<i>21.1.2016</i>
<i>large species deer</i>	<i>deleted by 7/2016 r 4(2)</i>	<i>21.1.2016</i>
<i>net proceeds</i>	<i>deleted by 7/2016 r 4(3)</i>	<i>21.1.2016</i>
<i>owner</i>	<i>deleted by 7/2016 r 4(3)</i>	<i>21.1.2016</i>
<i>small species deer</i>	<i>deleted by 7/2016 r 4(4)</i>	<i>21.1.2016</i>
Pt 2		
r 4		
r 4(3)	varied by 7/2016 r 5(1), (2)	21.1.2016

Primary Industry Funding Schemes (Deer Industry Fund) Regulations 2002—21.1.2016 to 29.6.2016—revoked

Legislative history

<i>r 5</i>	<i>deleted by 258/2014 r 5</i>	<i>30.10.2014</i>
<i>r 6</i>	<i>substituted by 7/2016 r 6</i>	<i>21.1.2016</i>
<i>r 7</i>		
<i>r 7(1)</i>	<i>varied by 258/2014 r 6(1)</i>	<i>30.10.2014</i>
	<i>(e) deleted by 258/2014 r 6(2)</i>	<i>30.10.2014</i>
	<i>(a), (b) deleted by 7/2016 r 7(1)</i>	<i>21.1.2016</i>
	<i>varied by 7/2016 r 7(2)</i>	<i>21.1.2016</i>
<i>r 7(2)</i>	<i>varied by 7/2016 r 7(3)</i>	<i>21.1.2016</i>
<i>r 7(3)</i>	<i>deleted by 7/2016 r 7(4)</i>	<i>21.1.2016</i>
<i>Pt 3 before deletion by 7/2016</i>		
<i>r 10</i>		
<i>r 10(3)</i>	<i>varied by 258/2014 r 7</i>	<i>30.10.2014</i>
<i>r 11</i>		
<i>r 11(5)</i>	<i>deleted by 258/2014 r 8(1)</i>	<i>30.10.2014</i>
<i>r 11(6)</i>	<i>varied by 258/2014 r 8(2)</i>	<i>30.10.2014</i>
<i>r 11(9)</i>	<i>varied by 258/2014 r 8(3)</i>	<i>30.10.2014</i>
<i>Pt 3</i>	<i>deleted by 7/2016 r 8</i>	<i>21.1.2016</i>

Historical versions

30.10.2014