

Western Australia

Biosecurity and Agriculture Management Act 2007

**Biosecurity and Agriculture Management
Industry Funding Scheme (Sheep and Goats)
Regulations 2010**

As at 22 May 2010

Version 00-a0-02

Extract from www.slp.wa.gov.au, see that website for further information

Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010

CONTENTS

Part 1 — Preliminary

1.	Citation	1
2.	Commencement	1
3.	Terms used	1
4.	Appointments Committee	4
5.	Remuneration and allowances for members of appointments committee	5

Part 2 — Sheep and Goat Industry Declared Pest Control and Compensation Account

6.	Sheep and Goat Industry Declared Pest Control and Compensation Account established	6
7.	Investment of the Account	6

Part 3 — Management committee

8.	Establishment of Industry Management Committee	7
9.	Appointment and composition of the Industry Management Committee	7
10.	Remuneration and allowances for members of Industry Management Committee	8
11.	Functions of Industry Management Committee	8

Contents

**Part 4 — Sheep and Goat Industry
Declared Pest Control and
Compensation Funding Scheme**

Division 1 — Contributions to the Account

12.	Term used: notice	10
13.	Area of operation and rate of contributions	10
14.	Liability to pay contributions	12
15.	Deduction and remittance of contributions	13
16.	Opting out of the Scheme	15
17.	Refund of contributions	15

Division 2 — Payments from the Account

18.	Approved programmes	16
19.	Payments in respect of costs of approved programmes	17
20.	Payments in respect of losses	17
21.	Payments in respect of destroying sheep or goats	18
22.	General provisions regarding payments	19
23.	Review of applications for compensation and reimbursement	20
24.	Purchase of capital assets out of the Account	22
25.	Other payments out of the Account	23

Part 5 — Miscellaneous

26.	Review of Scheme	25
27.	Termination and winding up of Scheme	25
28.	Expiry of the regulations	27
29.	Offence	27

Schedule 1 — Specified pests

Notes

Compilation table	30
-------------------	----

Defined Terms

**Biosecurity and Agriculture Management
Industry Funding Scheme (Sheep and Goats)
Regulations 2010**

Part 1 — Preliminary

1. Citation

These regulations are the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010*¹.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Terms used

In these regulations —

Account means the Sheep and Goat Industry Declared Pest Control and Compensation Account established by regulation 6(1);

appointments committee means the appointments committee established by regulation 4;

approved programme means a programme or measure approved by the Industry Management Committee under regulation 18(1);

area of operation, at any time, means an area of the State in which the Scheme operates at that time in accordance with a declaration under regulation 13(1)(a);

chargeable payment, in relation to a chargeable sale, means a payment due by the purchaser to the owner in respect of the sheep or goats, or the carcasses of sheep or goats, sold and, if under the terms of the chargeable sale more than one such payment is due, means the first such payment;

chargeable sale means a sale by the owner of —

- (a) sheep or goats which
 - (i) are located on a property within an area of operations; or
 - (ii) have been removed from such a property for the purpose of offering them for sale; or
- (b) the carcasses of sheep or goats which were removed from a property within an area of operations for the purpose of slaughter;

contributing participant, for a financial year, means a participant for that financial year who is not a full participant for that financial year;

full participant, for a financial year, means a participant for that financial year who —

- (a) has not opted out of the Scheme under regulation 17(1) for any previous financial year; or
- (b) has since last opting out of the Scheme under regulation 17(1) —
 - (i) been a non-participant for only one financial year; and
 - (ii) been a contributing participant for the 2 consecutive financial years succeeding that financial year;

or

- (c) has since last opting out of the Scheme under regulation 17(1) —
 - (i) been a non-participant for a period of 2 or more consecutive financial years; and
 - (ii) been a contributing participant for the 3 consecutive financial years succeeding that period;

Industry Management Committee means the Sheep and Goat Industry Funding Scheme Management Committee established by regulation 8;

non-participant, for a financial year, means an owner who opts out of the Scheme for that financial year under regulation 17(1);

owner means an owner of sheep or goats, but does not include an agent or manager of the owner, or another person who has possession or control of the sheep or goats;

participant, for a financial year, means an owner who does not opt out of the Scheme for that financial year under regulation 17(1);

pest control requirement, in relation to an owner, means —

- (a) a direction to the owner to comply with a specified code of practice or to take specified measures given to the owner in a pest control notice under section 31 of the Act; or
- (b) an obligation imposed on the owner by a management plan under section 45 of the Act; or
- (c) an obligation imposed on the owner by regulations made under the Act for the purposes of pest control;

review panel means the review panel established by regulation 23;

Scheme means the scheme constituted by Part 4;

sheep and goat processor means a person who carries on a business consisting of or including the purchasing of sheep or

goats, or the carcasses of sheep or goats, from owners for the purpose of processing meat;

specified pest means a declared pest which is specified in Schedule 1;

stock agent means a person who carries on a business consisting of or including acting as selling agents of sheep or goats, or the carcasses of sheep or goats, on behalf of owners.

4. Appointments Committee

- (1) An appointments committee is established to advise on the appointment of members of the Industry Management Committee under regulation 9 and of members of the review panel under regulation 23.
- (2) The appointments committee is to consist of at least 2 persons appointed by the Minister.
- (3) The Minister is to appoint —
 - (a) at least one member of the appointments committee with the agreement of the Western Australian Farmers Federation (Inc.); and
 - (b) at least one member of the appointments committee with the agreement of the Pastoralists and Graziers Association of Western Australia (Inc.).
- (4) Every person who is appointed to the appointments committee other than under subregulation (3) is to be a person who, in the opinion of the Minister —
 - (a) is familiar with the interests of farmers, or has knowledge and experience enabling that person to understand those interests; or
 - (b) has a financial interest in the agricultural sector of the economy of the State; or
 - (c) has extensive or special experience in the agricultural sector of the economy of the State.

- (5) On the appointment of a member of the appointments committee, the Minister is —
- (a) to specify that the member is appointed for the purpose of advising on a particular appointment under regulation 9 or regulation 23; or
 - (b) to set a term of office, not exceeding 3 years, for that member.
- (6) A member of the appointments committee ceases to hold office —
- (a) in the case of a member appointed for the purpose of advising on a particular appointment, when that appointment has been made; and
 - (b) in the case of a member for whom a term of office has been set, on the expiry of that term of office; and
 - (c) in any case —
 - (i) upon retiring from office by written notice to the Minister; or
 - (ii) upon being removed from office by the Minister by written notice; or
 - (iii) upon death.
- (7) A member of the appointments committee whose term of office expires may, if qualified for appointment under subregulation (3) or (4), be immediately reappointed.

5. Remuneration and allowances for members of appointments committee

Each member of the appointments committee is to be paid such remuneration and allowances as the Minister, on the recommendation of the Minister for Public Sector Management, determines in the case of that member.

Part 2 — Sheep and Goat Industry Declared Pest Control and Compensation Account

6. Sheep and Goat Industry Declared Pest Control and Compensation Account established

- (1) An agency special purpose account called the Sheep and Goat Industry Declared Pest Control and Compensation Account is established under the *Financial Management Act 2006* section 16 for the sheep and goat industry.
- (2) The Director General is to maintain and administer the Account in consultation with the Industry Management Committee.

7. Investment of the Account

Any moneys standing to the credit of the Account may, until required for the purposes of the Act, be temporarily invested by the Director General in the same manner as public moneys standing to the credit of the Public Bank Account referred to in the *Financial Management Act 2006* section 11 may be invested, and all interest derived from that investment is to be credited to the Account.

Part 3 — Management committee

8. Establishment of Industry Management Committee

A Sheep and Goat Industry Funding Scheme Management Committee is established for the Account.

9. Appointment and composition of the Industry Management Committee

- (1) The Industry Management Committee is to consist of at least 5, and not more than 7, persons appointed by the Minister after consulting, and taking account of, the views of the appointments committee.
- (2) Subject to subregulation (3), each person appointed by the Minister on or after 1 July 2010 to be a member of the Industry Management Committee is to be a full participant.
- (3) The Minister may appoint a person who is not a full participant to be a member of the Industry Management Committee if —
 - (a) in the opinion of the Minister, the person appointed —
 - (i) is familiar with the interests of owners, or has knowledge or experience enabling that person to understand those interests; or
 - (ii) has a financial interest in the sheep and goat industry; or
 - (iii) has extensive or special experience in the sheep and goat industry;and
 - (b) immediately after the appointment, there will not be more than 2 members of the Industry Management Committee who are not full participants.
- (4) On the appointment of a member of the Industry Management Committee, the Minister is to set a term of office, not exceeding 3 years, for that member.

- (5) A member of the Industry Management Committee ceases to hold office —
 - (a) on the expiry of the member's term of office; or
 - (b) upon retiring from office by written notice to the Minister; or
 - (c) upon being removed from office by the Minister by written notice; or
 - (d) upon death.
- (6) Subject to subregulation (7), a member of the Industry Management Committee whose term of office expires may, if qualified for appointment under subregulation (2) or (3), be immediately reappointed.
- (7) A member of the Industry Management Committee who is reappointed in accordance with subregulation (6), and whose term of office set on reappointment expires, may not be reappointed until at least one year has passed.

10. Remuneration and allowances for members of Industry Management Committee

Each member of the Industry Management Committee is to be paid such remuneration and allowances as the Minister, on the recommendation of the Minister for Public Sector Management, determines in the case of that member.

11. Functions of Industry Management Committee

- (1) The Industry Management Committee is to —
 - (a) advise the Director General on the administration of the Account; and
 - (b) exercise the other functions conferred on it by Part 4.
- (2) The Industry Management Committee is from time to time, and at least once in each financial year, to consult owners, directly or through representative organisations or both, for the purpose of ascertaining views in the sheep and goat industry concerning

the operation of the Scheme and the performance by the Industry Management Committee of its functions under these Regulations.

- (3) The Industry Management Committee is to report annually, and more frequently if directed by the Minister, on —
 - (a) the operation and effectiveness of the Scheme; and
 - (b) any other matters relating to the operation of these regulations that the Minister specifies.
- (4) The Industry Management Committee is to —
 - (a) give the Minister a copy of every report prepared under subregulation (3); and
 - (b) make every such report available to participants.

Part 4 — Sheep and Goat Industry Declared Pest Control and Compensation Funding Scheme

Division 1 — Contributions to the Account

12. Term used: notice

In this Division —

notice means, except in regulation 13, a notice in a form required by the Director General or, if the Director General has made no requirement as to form, in a form acceptable to the Director General.

13. Area of operation and rate of contributions

(1) In respect of the financial year 2010-11 and each subsequent financial year the Minister is to declare, on the recommendation of the Industry Management Committee, by notice published in the *Gazette* before the start of the financial year —

- (a) the area or areas of the State in which the Scheme is to operate; and
- (b) the rate at which contributions are to be paid under regulation 14.

(2) The rate of owner contributions declared under subregulation (1)(b) —

- (a) is to be expressed either —
 - (i) as a fixed sum; or
 - (ii) as a percentage of the sale price per head or per carcass comprised in a chargeable sale; and
- (b) must not vary as between live animals and carcasses; but
- (c) may vary as between different areas in which the Scheme operates during the year in question.

**Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010**

Sheep and Goat Industry Declared Pest Control and
Compensation Funding Scheme
Contributions to the Account

Part 4
Division 1
r. 14

-
- (3) The Minister may declare a nil rate of contribution under subregulation (1)(b) in respect of any area or all areas in which the Scheme operates.
- (4) The Minister may, on the recommendation of the Industry Management Committee, amend or revoke a declaration made under subregulation (1) by notice published in the *Gazette*.
- (5) In making a recommendation for a declaration under subregulation (1)(b) or for an amendment or revocation under subregulation (4), the Industry Management Committee is to have regard to the estimated costs of making payments out of the Account during the financial year in respect of the current approved programmes.
- (6) A notice published under subregulation (1) or (4) which declares or amends a rate of contributions is to indicate the estimated proportion of the contribution which the Industry Management Committee projects is likely to be applied to fund payments relating to each specified pest.
- (7) If in respect of any financial year no notice is published under subregulation (1) before the start of the financial year then —
- (a) the Director General is to notify the Industry Management Committee that no notice has been published as required by subregulation (1); and
 - (b) subject to amendment or revocation by notice under subregulation (4) the Minister is taken to have declared that —
 - (i) the Scheme operates in the area or areas of the State in which it operated on the last day of the immediately preceding financial year; and
 - (ii) contributions are to be paid at the rate or rates at which they were to be paid on the last day of the immediately preceding financial year.

**Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010**

Part 4 Sheep and Goat Industry Declared Pest Control and
Compensation Funding Scheme

Division 1 Contributions to the Account

r. 14

14. Liability to pay contributions

(1) Every owner who completes a chargeable sale is to pay a contribution to the Account in accordance with this Scheme.

(2) If —

- (a) an animal is sold in a chargeable sale; and
- (b) a contribution is paid in respect of the chargeable sale in accordance with regulation 15(3) or (7); and
- (c) the animal is slaughtered within 14 days of the chargeable sale; and
- (d) the carcass of the slaughtered animal is sold in a further chargeable sale; and
- (e) any written statement made under regulation 15 in respect of the chargeable sale of the carcass includes particulars of the prior chargeable sale of the animal,

then no contribution is payable under subregulation (1) in respect of the chargeable sale of the carcass.

(3) If —

- (a) an animal is sold in a chargeable sale; and
- (b) a contribution is paid in respect of the chargeable sale in accordance with regulation 15(3) or (7); and
- (c) the animal is within 28 days of the chargeable sale removed from a property within an area of operations for the purpose of offering it for sale outside the State; and
- (d) any written statement made under regulation 15 in respect of the removal of the animal includes particulars of the prior chargeable sale of the animal and of the intended offering of the animal for sale outside the State,

then no contribution is payable under subregulation (1) in respect of the removal of the animal.

- (4) The amount of the contribution payable in respect of a chargeable sale is to be calculated by reference to the rate of charge declared at the time the contract of sale is formed.

15. Deduction and remittance of contributions

- (1) When a chargeable sale is made to a sheep and goat processor, the sheep and goat processor is —
- (a) when making the chargeable payment in respect of the chargeable sale, to deduct the amount of the contribution payable under regulation 14; and
 - (b) give the owner a written statement in such form as the Director General may require of the amount deducted.

Penalty: a fine of \$20 000.

- (2) When a chargeable sale is not made to a sheep and goat processor, but is made through a stock agent, the stock agent is —
- (a) when remitting to the owner the chargeable payment in respect of the chargeable sale, deduct the amount of the contribution payable under regulation 14; and
 - (b) give the owner a written statement in such form as the Director General may require of the amount deducted.

Penalty: a fine of \$20 000.

- (3) Within 30 days of the end of each calendar month, a sheep and goat processor or a stock agent is to —
- (a) pay to the Director General all amounts it has deducted during that calendar month in accordance with subregulation (1) or (2); and
 - (b) give to the Director General a statement in writing in such form as the Director General may require, setting out each amount it has deducted, and such details of each chargeable sale in respect of which it has made deductions as the Director General may require.

**Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010**

Part 4 Sheep and Goat Industry Declared Pest Control and
Compensation Funding Scheme

Division 1 Contributions to the Account

r. 15

Penalty: a fine of \$20 000.

- (4) The payment by a sheep and goat processor or a stock agent to the Director General in accordance with subregulation (3) of any amount which has been deducted from a chargeable payment is, to the extent of that amount, a partial discharge of that person's obligation to make the chargeable payment to the owner and the amount is taken for the purposes of this Scheme to have been paid to the Account by the owner.
- (5) In relation to each chargeable sale into which a sheep and goat processor or a stock agent enters, the sheep and goat processor or stock agent is to keep for at least 5 years records and accounts showing —
 - (a) the identity of the owner with whom it transacted; and
 - (b) the number of animals or carcasses of animals sold; and
 - (c) the amount of charge deducted under subregulation (1) or (2) in connection with the sale; and
 - (d) the amount and date of any payment made to the Director General under subregulation (3) in respect of the sale.
- (6) The Director General may appoint an officer to inspect, examine and audit records and accounts kept by a sheep and goat processor or a stock agent under subregulation (5), and for that purpose —
 - (a) the appointed officer may at any time require the production of records and the provision of information; and
 - (b) the sheep and goat processor or stock agent is to furnish the appointed officer with such records and information as he may require.
- (7) Where an owner makes a chargeable sale which is not made to a sheep and goat processor and is not made through a stock agent,

the owner is, within 14 days of the chargeable sale, whether the chargeable payment has or has not been made —

- (a) to pay to the Director General the amount of the contribution payable under regulation 13; and
- (b) to give to the Director General a statement in writing in such form as the Director General may require, setting out such details of the chargeable sale as the Director General may require.

16. Opting out of the Scheme

- (1) An owner may opt out of the Scheme for any financial year by notice given to the Director General in accordance with subregulation (2).
- (2) A notice under subregulation (1) is —
 - (a) to specify the financial year to which it relates; and
 - (b) to be received by the Director General —
 - (i) where the notice specifies the financial year 2010-11, between 1 June 2010 and 31 July 2010; and
 - (ii) where the notice specifies any other financial year, between 1 June and 30 June in the immediately preceding financial year.

17. Refund of contributions

- (1) An owner who has opted out of the Scheme under regulation 16 for specified financial year may by notice given to the Director General before the 31 July following the end of the specified financial year request a refund of any contribution paid on behalf of that owner during that financial year.
- (2) A notice under subregulation (1) is —
 - (a) to set out details of the contributions the refund of which is requested; and

**Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010**

Part 4 Sheep and Goat Industry Declared Pest Control and
Compensation Funding Scheme

Division 2 Payments from the Account

r. 18

- (b) to be accompanied by evidence acceptable to the Director General of the payment of the contributions.
- (3) If the Director General receives a notice under subregulation (1) and is satisfied that the contributions set out in the notice were paid on behalf of the owner —
 - (a) the Director General is to notify the Industry Management Committee of the receipt of the notice and of the amount of contributions set out in the notice; and
 - (b) the Industry Management Committee is to direct the Director General to repay to the owner out of the Account the amount of the those contributions.

Division 2 — Payments from the Account

18. Approved programmes

- (1) For the purposes of the Scheme the Industry Management Committee may approve programmes and other measures for —
 - (a) the control of a specified pest; or
 - (b) the advancement and improvement of control measures for a specified pest.
- (2) The terms of every approval under subregulation (1) —
 - (a) are to specify an amount which may be provided out of the Account towards the costs of the programme or measure approved; and
 - (b) may designate particular pest control requirements, control measures, or research, development or other activities which constitute the approved programme or part of it and specify —
 - (i) the amount or amounts which may be provided out of the amount specified under paragraph (a) towards the costs of those requirements, measures and activities; or

(ii) the basis on which such amounts are to be calculated;

and

(c) may specify further terms and conditions subject to which any amount is payable.

19. Payments in respect of costs of approved programmes

- (1) Subject to subregulations (2) and (3) and to regulation 22, the Director General is to make payments out of the Account towards the costs of approved programmes.
- (2) The total of the payments made out of the Account towards the costs of an approved programme is not to exceed the amount specified in respect of that approved programme under regulation 18(2)(a).
- (3) Every payment made out of the Account towards the costs of an approved programme is to be paid in accordance with any terms and conditions specified in the approval of the approved programme.

20. Payments in respect of losses

- (1) Subject to subregulations (2) and (3) and to regulation 22, the Director General is on the approval of the Industry Management Committee to make payments of compensation out of the Account to an owner who has suffered loss —
 - (a) as a result of the owner's sheep or goats or other related thing being infected or infested with a specified pest; or
 - (b) as a result of actions or measures taken under the Act to control a specified pest.
- (2) No payment shall be made under subregulation (1) in respect of any breach of contract, loss of production or other indirect, incidental or consequential loss, but only in respect of losses arising directly from infection or infestation with the specified

**Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010**

Part 4 Sheep and Goat Industry Declared Pest Control and
Compensation Funding Scheme

Division 2 Payments from the Account

r. 21

pest, or from actions or measures taken to control the specified pest, as the case may be.

- (3) The Industry Management Committee is not to approve a payment under subregulation (1) to a person who is not an owner unless it is satisfied that it is in the best interests of participants to make the payment.
- (4) The amount of a payment under subregulation (1) is not to exceed the amount of the loss incurred.
- (5) The Industry Management Committee —
 - (a) subject to subregulation (4), is to specify the amount of any payment out of the Account under subregulation (1) or the basis upon which the amount is to be determined, and may specify different amounts or bases for payments to owners and for payments to persons who are not owners; and
 - (b) may specify that the payment of compensation is conditional upon the recipient undertaking to perform stated actions or implement stated measures for the control of the specified pest; and
 - (c) may specify further terms and conditions to which the payment is to be subject.

21. Payments in respect of destroying sheep or goats

- (1) Subject to subregulation (2) and to regulation 22, the Director General is on the approval of the Industry Management Committee to make payments out of the Account to an owner towards the costs and expenses of destroying sheep or goats or other related things under the Act —
 - (a) because they are infected or infested with a specified pest; or
 - (b) as a result of other actions or measures taken under the Act to control a specified pest.

-
- (2) The Industry Management Committee is not to approve a payment under subregulation (1) to a person who is not an owner unless it is satisfied that it is in the best interests of participants to make the payment.
- (3) The amount of a payment under subregulation (1) is not to exceed the amount of the costs and expenses incurred.
- (4) The Industry Management Committee —
- (a) subject to subregulation (3), is to specify the amount of any payment out of the Account under subregulation (1) or the basis upon which the amount is to be determined, and may specify different amounts or bases for payments to owners and for payments to persons who are not owners; and
 - (b) may specify that the payment of compensation is conditional upon the recipient undertaking to perform stated actions or implement stated measures for the control of the specified pest; and
 - (c) may specify further terms and conditions to which the payment is to be subject.

22. General provisions regarding payments

- (1) No payment is to be made under regulation 19, 20 or 21 to an owner who is not a full participant for the financial year in which the losses, costs or expenses in respect of which the payment is made are incurred.
- (2) No payment is to be made under regulation 19, 20 or 21 to a person who —
- (a) has failed to pay any contribution which the person is obliged to pay under this Scheme; or
 - (b) has been convicted of an offence of failing to comply with a requirement under a written law to report the presence or suspected presence of the specified pest

**Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010**

Part 4 Sheep and Goat Industry Declared Pest Control and
Compensation Funding Scheme

Division 2 Payments from the Account

r. 23

which is the subject of the actions or measures giving rise to a claim for payment; or

- (c) has failed to comply with any pest control requirement relating to that specified pest, or to perform any action or implement any measure which the person has undertaken to perform or implement under regulation 20(5)(b) or 21(4)(b).
- (3) No payment is to be made under regulation 19, 20 or 21 unless application for the payment has been made in any form, and in accordance with any procedures, and within any time limits, which the Industry Management Committee may have established.
 - (4) Within 3 months of receiving an application for a payment under regulation 19, 20 or 21, the Director General is to notify the person making the application of —
 - (a) what payment, if any, is to be made; and
 - (b) if no payment is to be made, whether this is due to —
 - (i) the Industry Management Committee not having approved the making of a payment; or
 - (ii) another stated reason.

23. Review of applications for compensation and reimbursement

- (1) A review panel is established for the Scheme.
- (2) The review panel is to consist of at least 3 persons appointed by the Minister after consulting, and taking account of, the views of the appointments committee.
- (3) Subject to subregulations (4) and (5), each person appointed by the Minister on or after 1 July 2010 to be a member of the review panel is to be a full participant.
- (4) The Minister may appoint a person who is not a full participant to be a member of the review panel if —

-
- (a) in the opinion of the Minister, the person appointed —
- (i) is familiar with the interests of owners, or has knowledge or experience enabling that person to understand those interests; or
 - (ii) has a financial interest in the sheep and goat industry; or
 - (iii) has extensive or special experience in the sheep and goat industry;
- and
- (b) immediately after the appointment, there will not be more than one member of the review panel who is not a full participant.
- (5) No member of the Industry Management Committee is to be appointed to be a member of the review panel.
- (6) On the appointment of a member of the review panel, the Minister is to set a term of office, not exceeding 3 years, for that member.
- (7) A member of the review panel ceases to hold office —
- (a) on the expiry of the member's term of office; or
 - (b) upon being appointed under regulation 9 to be a member of the Industry Management Committee; or
 - (c) upon retiring from office by written notice to the Minister; or
 - (d) upon being removed from office by the Minister by written notice; or
 - (e) upon death.
- (8) Subject to subregulation (9), a member of the review panel whose term of office expires may, if qualified for appointment under —
- (a) subregulation (3) or (4); and
 - (b) subregulation (5),

**Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010**

Part 4 Sheep and Goat Industry Declared Pest Control and
Compensation Funding Scheme

Division 2 Payments from the Account

r. 24

be immediately reappointed.

- (9) A member of the review panel who is reappointed in accordance with subregulation (8), and whose term of office set on reappointment expires, may not be reappointed until at least one year has passed.
- (10) Each member of the review panel is to be paid such remuneration and allowances as the Minister, on the recommendation of the Minister for Public Sector Management, determines in the case of that member.
- (11) Within one month of receiving notification under regulation 22(4), an owner who is dissatisfied with the outcome of an application which he or she has made may by notice to the Director General request a review of the application.
- (12) Upon receipt of a request for review under subregulation (11), the Director General is to refer the original application to the review panel.
- (13) The review panel is to review the application and its outcome and must, within 3 months of the referral of the application, either —
 - (a) confirm the outcome as notified to the owner; or
 - (b) vary the outcome as notified to the owner, in which event, subject to the other provisions of the Scheme, the Director General is to make payment in accordance with the outcome of the application as varied by the review panel.
- (14) The decision of the review panel under subregulation (13) is final and without appeal.

24. Purchase of capital assets out of the Account

With the prior approval of the Industry Management Committee the Director General may purchase out of the Account capital

assets required in connection with the purposes mentioned in regulations 19, 20 and 21.

25. Other payments out of the Account

- (1) The Director General may apply the Account —
 - (a) in refunding contributions under regulation 17; and
 - (b) in paying any amount required to be paid under section 146(3) of the Act and interest on that amount; and
 - (c) in repaying an amount charged to the Consolidated Account and used for the purpose of controlling any specified pest; and
 - (d) in paying —
 - (i) remuneration and allowances for members of the appointments committee determined under regulation 5; and
 - (ii) remuneration and allowances for members of the Industry Management Committee determined under regulation 10; and
 - (iii) remuneration and allowances for members of the review panel determined under regulation 23; and
 - (e) in paying the cost of the review for which regulation 26 provides; and
 - (f) subject to subregulation (3), in paying or reimbursing the costs and expenses of administering the Account.
- (2) The Director General may apply the Account under subregulation (1)(c) even though the amount to be repaid was charged to the Consolidated Account before the specified pest concerned was specified in Schedule 1.
- (3) The amount of costs or expenses paid under subregulation (1)(f) must be approved by the Industry Management Committee.

***Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010***

Part 4 Sheep and Goat Industry Declared Pest Control and
Compensation Funding Scheme

Division 2 Payments from the Account

r. 25

- (4) The Director General must notify the Industry Management Committee of any amount applied under subregulation (1)(b), (c) or (e) within one month after application.

Part 5 — Miscellaneous

26. Review of Scheme

(1) In this regulation —

independent consultant means a person —

- (a) who is not employed by the State, by a State agency or by an organisation representing either persons participating in the sheep and goat industry or persons participating in a sector of the sheep and goat industry; and
- (b) who in the opinion of the Industry Management Committee is appropriately qualified to conduct the review for which this regulation provides.

(2) As soon as is reasonably practicable after 30 June 2011 or such later date as the Industry Management Committee may determine, the Industry Management Committee is to commission one or more independent consultants —

- (a) to undertake a review of these Regulations, of the operation of the Scheme and of the benefits to the sheep and goat industry of payments made out of the Account; and
- (b) to prepare a report of the review.

(3) As soon as is reasonably practicable after receiving the report of the review, the Industry Management Committee is to —

- (a) give a copy of the report to the Minister; and
- (b) make the report available to participants.

27. Termination and winding up of Scheme

(1) Subject to subregulation (2), the Scheme terminates on 30 June 2015.

(2) If the Minister considers, after consulting —

- (a) the Industry Management Committee; and

- (b) the public authorities and any other persons, or organisations representing persons, which or who appear to the Minister —
 - (i) to take part in implementing the Scheme; or
 - (ii) who incur expenses in complying with the Scheme; or
 - (iii) to be affected, or interested, in a significant way by the operation of the Scheme,

that the continuation of the Scheme is likely to be of benefit to the sheep and goat industry, the Minister may declare by notice published in the *Gazette* during the financial year beginning on 1 July 2014 that the Scheme is not to terminate on 30 June 2015.

- (3) The Minister may at any time, after consulting the Industry Management Committee, declare by notice published in the *Gazette* that the Scheme terminates on a date specified in the notice.
- (4) On termination of the Scheme —
 - (a) the Account is to be closed, and is not to be operated upon except as provided by this regulation; and
 - (b) contributions payable under regulation 14 but unpaid as at termination remain payable and, on payment, are to be credited to the Account; and
 - (c) other than as provided in paragraph (b), no further contributions are payable under regulation 14; and
 - (d) refunds of contributions which as at termination are payable under regulation 17 but unpaid continue to be payable and, on payment, are to be debited to the Account; and
 - (e) applications for payments out of the Account made under regulation 19, 20 or 21 which have not yet been determined are to be determined as though the Scheme

had not terminated and any resulting payments made and debited to the Account; and

- (f) after termination, owners may apply within such time limit as the Industry Management Committee may specify for payments under regulation 19, 20 or 21 in respect of actions or measures taken before termination, and such applications are to be determined as though the Scheme had not terminated and any resulting payments made and debited to the Account; and
- (g) any amount required to be paid under section 146(3) of the Act is to be paid out of the Account, together with interest on that amount; and
- (h) the Director General is on the approval of the Industry Managing Committee to apply any residual balance standing to the credit of the Account in a manner which the Industry Management Committee considers to be for the benefit of participants.

28. Expiry of the regulations

- (1) When, after the termination, the Industry Management Committee and the Director General report to the Minister that the entire balance of the Account has been applied in accordance with regulation 27(4), the Minister is to publish a notice in the *Gazette* stating —
 - (a) that the Scheme has been terminated; and
 - (b) that the Account has been fully applied; and
 - (c) that these regulations expire at the end of the day on which the notice is published.
- (2) These regulations expire as stated in a notice published under subregulation (1).

29. Offence

A person who knowingly makes a false statement, or who does, or is concerned in, any fraudulent act, for the purpose of

**Biosecurity and Agriculture Management Industry Funding Scheme
(Sheep and Goats) Regulations 2010**

Part 5 Miscellaneous

r. 29

obtaining any pecuniary benefit under this Scheme, whether for the person or for any other person, commits an offence.

Penalty: a fine of \$20 000.

Schedule 1 — Specified pests

[r. 3]

1. Virulent footrot (*dichelobacter nodosus*)

Notes

- ¹ This is a compilation of the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010*. The following table contains information about those regulations.

Compilation table

Citation	Gazettal	Commencement
<i>Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010</i>	21 May 2010 p. 2127-57	r. 1 and 2: 21 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 22 May 2010 (see r. 2(b))

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Account	3
appointments committee	3
approved programme	3
area of operation	3
chargeable payment	3
chargeable sale	3
contributing participant	3
full participant	3
independent consultant.....	26(1)
Industry Management Committee.....	3
non-participant	3
notice.....	12
owner	3
participant	3
pest control requirement	3
review panel.....	3
Scheme.....	3
sheep and goat processor	3
specified pest.....	3
stock agent	3