



ANALYSIS

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1995, No. 85

An Act to amend the Commodity Levies Act 1990

[15 December 1995]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Commodity Levies Amendment Act 1995, and shall be read together with and deemed part of the Commodity Levies Act 1990 (hereinafter referred to as the principal Act).

PART I

SUBSTANTIVE AMENDMENTS

2. Interpretation—Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “support referendum” (as inserted by section 2 (2) of the Commodity Levies Amendment Act 1993), the following definition:

“‘Thing’ includes any place, premises, or site, (for example an apiary).”

3. Matters to be specified in levy orders—(1) Section 6 (1) of the principal Act is hereby amended by repealing paragraph (f), and substituting the following paragraph:

“(f) That—

“(i) In all cases the levy is to be paid by the persons primarily responsible for paying it; or

“(ii) In all cases the levy is to be paid by persons other than those primarily responsible for paying it, but recoverable by them from those primarily responsible; or

“(iii) In some cases the levy is to be paid by the persons primarily responsible for paying it; and in some cases the levy is to be paid by persons other than those primarily responsible for paying it, but recoverable by them from those primarily responsible; and”.

(2) Section 6 (1) (g) of the principal Act is hereby consequentially amended by omitting the words “If the levy is to be paid by persons not primarily responsible for paying it and recovered by them from the persons primarily responsible”, and substituting the words “To the extent that the levy is to be paid by persons other than those primarily responsible for paying it, but recoverable by them from those primarily responsible”.

(3) Every levy order made before the commencement of this Act, and every support referendum held before that commencement, is hereby declared to be as valid and effectual as if subsections (1) and (2) of this section had come into force on the commencement of the principal Act.

(4) The following orders are hereby confirmed:

(a) The Commodity Levies (Arable Commodities) Order 1994:

(b) The Commodity Levies (Blueberries) Order 1995.

4. Insurance of wheat crops—(1) Notwithstanding section 10 (1) of the principal Act, a levy order imposing a levy on wheat may specify that the industry organisation concerned is to spend the levy for the purpose of funding a scheme insuring wheat crops against loss or damage; and in that case the organisation may spend it accordingly.

(2) Nothing in subsection (1) of this section limits or affects section 5 (2) of the principal Act.

PART II

REPEAL OF CERTAIN LEGISLATION IMPOSING LEVIES

5. Meat Act 1981—(1) On the commencement of the first order imposing a levy for the purposes of wholly or partially funding the implementation of a national pest management strategy relating to bovine tuberculosis made after the commencement of this Act under section 90 of the Biosecurity Act 1993,—

(a) The following enactments shall be deemed to have been repealed:

(i) Sections 44 and 49 (4) of the Meat Act 1981:

(ii) Section 5 of the Meat Amendment Act 1985:

(iii) The Meat Amendment Act 1991:

(iv) Section 6 (1) of the Meat Amendment Act 1992; and

(b) Section 49 (1) (w) of the Meat Act 1981 shall be deemed to have been amended by omitting the words “and levies” from both places where they occur; and

(c) The following enactments shall be deemed to have been revoked:

(i) Regulations 4, 6, and 7 of, and the Second Schedule to, the Meat (Payments) Regulations 1990:

(ii) Regulation 3 of the Meat (Payments) Regulations 1990, Amendment No. 3:

(iii) The Meat (Payments) Regulations 1990, Amendment No. 5; and

(d) Regulation 5 of the Meat (Payments) Regulations 1990 shall be deemed to have been amended by omitting the words “and levies”.

(2) Section 26 of the principal Act is hereby consequentially amended—

(a) By repealing paragraphs (l), (ma), (mb), and (mc) of subsection (3); and

(b) By omitting from subsection (4) the expression “(other than section 44 (1) or section 44 (2) of the Meat Act 1981)”.

(3) Section 6 (2) of the Meat Amendment Act 1992 is hereby consequentially repealed.

(4) The Second Schedule to the Meat (Payments) Regulations 1990 (as substituted by regulation 2 of the Meat (Payments) Regulations 1990, Amendment No. 5) is hereby consequentially amended, with effect on the 1st day of January 1996, by omitting items 1 to 5, and substituting the following items:

- “1. 979.88c
- 2. NIL
- 3. 979.88c
- 4. NIL
- 5. NIL”.

(5) The Meat (Payments) Regulations 1990 may be amended or revoked as if every amendment effected by subsection (1) (d) or subsection (4) of this section had been effected by Order in Council and not by that provision; and any Order in Council revoking those regulations in their entirety may also repeal paragraph (c) and paragraph (d) of subsection (1), and subsection (4), of this section.

6. Hive Levy Act 1978—(1) The Hive Levy Act 1978 and the Hive Levy Amendment Act 1982 are hereby repealed with effect on the earlier of the following days:

- (a) The 1st day of January 1997:
 - (b) The commencement of a levy order imposing a levy on honey (or bee products that include honey).
- (2) Section 26 (3) of the principal Act is hereby consequentially amended by repealing paragraphs (i) and (n).

7. Wheat Producers Levy Act 1987—(1) The Wheat Producers Levy Act 1987 is hereby repealed with effect on the earlier of the following days:

- (a) The 1st day of January 1998:
 - (b) The commencement of a levy order imposing a levy on wheat.
- (2) Section 26 (3) (s) of the principal Act is hereby consequentially repealed.

This Act is administered in the Ministry of Agriculture.
