

MEAT EXPORT CONTROL AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Meat Export Control Act 1921–22. The main amendment relates to the levy used to fund the New Zealand Meat Producers Board. At present the levy is payable on export meat only. The Bill provides for the levy to be now paid on each head of stock slaughtered in certain premises licensed under the Meat Act 1964, whether or not the meat derived from the stock is intended for the domestic market or the export market.

Clause 1 relates to the Short Title and commencement. The Bill is expressed to come into force on 1 January 1981, subject to the transitional provisions set out in *clause 9*.

Clause 2 inserts an interpretation section into the principal Act. All the definitions in *subclause (1)* relate to the levy. *Subclauses (2) and (3)* omit the words “and Fisheries” from the title of the Minister of Agriculture.

Clause 3 inserts new sections into the principal Act.

Section 13 imposes the levy on each head of stock slaughtered in licensed premises, and provides that the levy is to form part of the funds of the Meat Board. The rates of levy are to be fixed by the Meat Board by notice in the *Gazette*. If the rates increase by more than 20 percent in any year, the express consent of the Minister is required.

Section 13A relates to the payment of the levy. Payment will be made to the Ministry of Agriculture and Fisheries which will account for it to the Meat Board.

Section 13B provides for persons paying levy on behalf of other persons to recoup themselves for their outlay. The section also relates to refunds for overpaid levy.

Section 13C requires records to be kept by levy payers, and authorises officers of the Meat Board or the Audit Office to inspect the records.

Section 13D provides that the levy is to constitute a debt due to the Meat Board.

Section 13E authorises the Director-General to reimburse the Crown for expenses incurred in collecting the levy for the Meat Board.

Clause 4 consolidates various provisions relating to the appointment of the Chairman of the Meat Board.

Clause 5 repeals provisions of the principal Act that relate to the London Agency of the Meat Board.

Clause 6 authorises the Meat Board to fix its own rates of fees and travelling allowances, and *clause 7* gives the Meat Board power to borrow money and give security on its assets. The provisions contained in both these clauses were previously contained in the Meat Board Regulations 1970 (S.R. 1970/102).

Clause 8 relates to the formal requirements of contracts of the Meat Board, and makes similar provisions in the principal Act to those that are contained in the Public Bodies Contracts Act 1959 in relation to contracts of public bodies.

Clause 9 relates to repeals, revocations, and transitional provisions.

Right Hon. Mr MacIntyre

MEAT EXPORT CONTROL AMENDMENT

ANALYSIS

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1. Short Title and commencement	13D. Levy to constitute debt due to Board
2. Interpretation	13E. Crown may be reimbursed for collection of levy
3. New sections relating to levy substituted	4. Appointment of Chairman
13. Levy on stock in New Zealand	5. Repeal of provisions relating to London Agency of Board
13A. Payment of levy	6. Application by Board of money received by it
13B. Levy paid on behalf of other persons, and refunds	7. Board may borrow money
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A BILL INTITULED

An Act to amend the Meat Export Control Act 1921-22

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. Short Title and commencement—(1) This Act may be cited as the Meat Export Control Amendment Act 1980, and shall be read together with and deemed part of the Meat Export Control Act 1921-22* (hereinafter referred to as the
10 principal Act).

(2) Subject to subsections (3) and (4) of section 9 of this Act, this Act shall come into force on the 1st day of January 1981.

*R.S. Vol. 3, p. 601

No. 103—1

Price 25c

2. Interpretation—(1) The principal Act is hereby amended by inserting, after section 1, the following section:

“1A. In this Act, unless the context otherwise requires,—

“‘Levy’ means the levy on stock imposed by section 13 of this Act: 5

“‘Licensed premises’ means an abattoir, export slaughterhouse, or rural slaughterhouse which, in each case, is licensed under the Meat Act 1964:

“‘Stock’, in relation to the levy, means any cattle, sheep, or goats; and includes any other animal which the Governor-General, by Order in Council, may declare to be stock for the purposes of the levy.” 10

(2) The principal Act (as amended by section 3 (6) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972) is hereby amended by omitting the words “and Fisheries” from— 15

(a) Subsections (2) (a) and (7) of section 2 (as substituted by section 2 (1) of the Meat Export Control Amendment Act 1956):

(b) Sections 4 (1) and 5 (1). 20

(3) Section 2 of the Meat Export Control Amendment Act 1966 (as amended by section 3 (6) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972) is hereby amended by omitting the words “and Fisheries”.

3. New sections relating to levy substituted—(1) The principal Act is hereby amended by repealing section 13 (as amended by section 2 of the Meat Export Control Amendment Act 1965), and substituting the following sections: 25

“13. **Levy on stock in New Zealand**—(1) There is hereby imposed a levy on each head of stock slaughtered on licensed premises, whether the stock is subject to the control of the Board or not. 30

“(2) The levy shall form part of the funds of the Board in accordance with this Act.

“(3) On or before the 1st day of October in any year the Board may fix, by notice in the *Gazette*, the rates of levy which are to be paid in the next succeeding year. 35

“(4) If in any year the rates of levy are not fixed pursuant to subsection (3) of this section by the 16th day of September, the rates for the next succeeding year shall be the same as those last fixed under this section. 40

“(5) Except where the Minister of Agriculture has given his express consent in writing, the Board shall not fix any particular rate of levy which exceeds by more than 20 percent the rate last fixed for that levy.

5 “13A. **Payment of levy**—(1) The person primarily liable for the payment of the levy shall be the person who is the owner of the stock, the subject of the levy, at the time of the slaughter of the stock, but payment of the levy in the first instance shall be made pursuant to this section.

10 “(2) The licensee of any licensed premises where stock, the subject of the levy, is slaughtered shall, on a form provided for the purpose by the Director-General of Agriculture and Fisheries, make a return of such stock in such manner and for such period as the Director-General, after obtaining
15 the agreement of the Board, may direct.

“ (3) The Director-General of Agriculture and Fisheries shall give written notice of any levy payable to every licensee of licensed premises who has made a return under subsection (2) of this section, and the licensee shall, within 15 days
20 after the receipt of the notice or within such extended period as the Board may allow, remit the amount of the levy to the Director-General at such office of the Ministry of Agriculture and Fisheries as may be specified in the notice.

“ (4) All money received by the Director-General of
25 Agriculture and Fisheries pursuant to this section shall, subject to section 13E of this Act, be accounted for in full to the Board.

“13B. **Levy paid on behalf of other persons, and refunds**—

(1) Where, for the purposes of this Act, any person pays any
30 levy for or on behalf of any other person, he shall be entitled to recover the amount so paid from that other person as a debt or to deduct that amount from any money in his hands belonging or payable to that other person.

“ (2) Where the Board finds in any case that the levy has
35 been wrongfully paid on any stock, or that the levy has been overpaid, the Board shall refund, from its funds, the amount so paid or overpaid.

“ (3) No amount shall be refunded under this section unless
40 the Board is satisfied that the person claiming the refund has not recouped himself for the amount paid or, if he has so recouped himself, that he has since repaid the amount to the person from whom he has recouped himself.

“(4) A refund under this section shall not be made to any person unless he furnishes to the Board such return or other information, verified in such manner as the Board may require, as will enable the Board to determine the amount to be refunded.

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“13c. **Records relating to levy to be kept**—(1) Every person who makes a return and pays a levy under section 13A of this Act shall keep accurate records of the payment and full particulars of the transaction to which the payment related.

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“(2) All such records shall be preserved for a period of not less than 2 years from the date they are made.

“(3) Any member, officer, employee, or agent of the Board or Audit Office who is duly authorised in that behalf by the Board or Audit Office shall, at all reasonable times during business hours, have full and free access to all premises where records required under this section are kept for the purpose of inspecting the records or any other books, accounts, documents, or other papers relating to levies paid pursuant to this Act, and may take copies of, or extracts from, any such records, books, accounts, documents, or other papers.

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“13d. **Levy to constitute debt due to Board**—(1) Every levy shall constitute a debt due to the Board when it becomes payable, and shall be recoverable accordingly by the Board in any Court of competent jurisdiction.

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“(2) The provision of any information or the making of any return under section 13A of this Act shall not constitute a condition precedent to the right of the Board to assess, sue for, and recover any levy payable under this Act.

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“13e. **Crown may be reimbursed for collection of levy**—(1) For the purpose of reimbursing the Crown for any expenses incurred by the Director-General of Agriculture and Fisheries in collecting any levy under this Act, the Director-General may retain such amount of the levy collected by him as may be determined by the Minister of Agriculture after consultation with the Board.”

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(2) Section 19 of the principal Act is hereby consequentially amended by omitting the words “meat exported from New Zealand”, and substituting the words “stock slaughtered in licensed premises”.

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4. Appointment of Chairman—The principal Act is hereby further amended by repealing section 5 (as amended by section 3 of the Meat Export Control Amendment Act 1969), and substituting the following section:

5 “5. (1) The Board shall hold a meeting in April of each year for the purpose of appointing a Chairman for the ensuing 12 months.

“(2) Any person appointed as Chairman of the Board shall hold office until the appointment of his successor, and shall
10 be eligible for reappointment.”

5. Repeal of provisions relating to London Agency of Board—(1) Section 8 of the principal Act is hereby repealed.

(2) Section 14 (5) of the principal Act (as added by section 2 of the Meat Export Control Amendment Act 1950)
15 is hereby consequentially amended—

(a) By omitting the words “in England”, and substituting the word “elsewhere”:

(b) By omitting the words “or of any members of the London Agency of the Board,”, the words “or to
20 members of the London Agency”, the words “or members”, and the words “or any such member of the London Agency as aforesaid”.

6. Application by Board of money received by it—Section 15 of the principal Act is hereby amended by repealing para-
25 graph (c), and substituting the following paragraph:

“(c) In payment of travelling allowances, fees, or other remuneration to members of the Board at such rates and amounts as may from time to time be determined by resolution of the Board:”.

7. Board may borrow money—The principal Act is hereby amended by inserting, after section 15B (as inserted by section 3 (1) of the Meat Export Control Amendment 1978), the following section:

35 “15c. The Board shall, for the purpose of carrying on its business, have power to borrow money by way of bank overdraft or otherwise howsoever, and may give as security therefor debentures, mortgages, or other securities charged on any or all of the assets of the Board.”

8. Contracts of Board—Section 3 of the Meat Export Control Amendment Act 1924 is hereby amended—

- (a) By omitting from subsection (2) the words “2 members”, and substituting the words “any member or officer”: 5
- (b) By omitting from subsection (3) (as amended by section 7 (1) of the Decimal Currency Act 1964)—
 - (i) The words “2 members”, and substituting the words “any member or officer of the Board”:
 - (ii) The expression “\$40”, and substituting the 10 expression “\$1,000”.

9. Repeals, revocations, and transitional provisions—

- (1) The following enactments are hereby repealed:
 - (a) Sections 10 (7) and 12 (4) of the principal Act:
 - (b) Section 3 of the Meat Export Control Amendment Act 15 1956:
 - (c) The Meat Export Control Amendment Act 1965:
 - (d) The Meat Export Control Amendment Act 1969.
- (2) The Meat Levy Regulations 1973 and the Meat Levy Regulations 1973, Amendment No. 1 are hereby revoked. 20
- (3) For the purpose of fixing the first rates of levy payable pursuant to section 13 of the principal Act (as substituted by section 3 (1) of this Act), subsection (3) of the said section 13 shall be read as if the reference to the 1st day of October in any year were a reference to the 1st day of 25 February 1981, and it is hereby declared that the rates of levy so fixed shall apply in respect of stock slaughtered on or after that day.
- (4) Nothing in this Act shall apply to meat exported from New Zealand which has been derived from stock slaughtered 30 before the 1st day of February 1981.