



ANALYSIS

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1980, No. 93

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

[22 December 1980]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, 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 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.

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:

“‘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.”

(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—

(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).

(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:

“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.

“(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.

“(4) If in any year the rates of levy are not fixed pursuant to subsection (3) of this section by the 1st day of October, the rates for the next succeeding year shall be the same as those last fixed under this section.

“(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.

“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.

“(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 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 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 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 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 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 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.

“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.

“(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.

“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.

“(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.

“13e. **Crown may be reimbursed for collection of levy**—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.”

(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”.

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. (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 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) 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 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 paragraph (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:

“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”:
- (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 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 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.

(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 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 before the 1st day of February 1981.