



ANALYSIS

Title	4. Expenditure of levy
1. Short Title	5. Membership of affiliated bodies
2. Interpretation	6. Regulations
3. Levy payable in respect of sale of vegetables	7. Repeals and savings Schedules

1957, No. 100

An Act to authorise the making of levies to provide money for the development of the vegetable growing industry

[25 October 1957]

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—This Act may be cited as the Vegetables Levy Act 1957.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Federation” means the New Zealand Vegetable and Produce Growers’ Federation, Incorporated, a society incorporated under the Incorporated Societies Act 1908:

“Minister” means the Minister of Agriculture:

“Vegetables” means the crops of the several kinds for the time being specified in the First Schedule to this Act:

“Vegetable grower” means any person who occupies, or on whose behalf is occupied, any land in New Zealand (whether within a glasshouse or not) used for the growing of vegetables for sale for human consumption:

“Wholesaler” means a person other than an auctioneer who, in the course of his business and whether as agent or otherwise, sells vegetables by wholesale on behalf of vegetable growers.

(2) The Governor-General may from time to time, by Order in Council, add to or omit from the list of crops specified in the First Schedule to this Act the name of any crop, and every such Order in Council shall have effect according to its tenor.

(3) For the purposes of this Act, vegetables which are sold to any person who proposes to subject them to any manufacturing process shall be deemed to have been sold for human consumption if the product of the manufacturing process is intended for human consumption.

3. Levy payable in respect of sale of vegetables—(1) Every auctioneer or wholesaler who sells any vegetables on behalf of a vegetable grower, and every person who purchases vegetables from any such grower for the purpose of processing, canning, or resale otherwise than by retail, shall deduct from the amount due to the grower in respect of any such sale or purchase the amount of the levy determined in accordance with this section.

(2) For the purposes of this section, any vegetables supplied to or grown by a person who proposes to subject them to any manufacturing process before sale shall be deemed to be purchased by that person and, in the absence of a contract of sale, the amount of the levy payable under this section in any such case shall be assessed as if the price payable for the vegetables were the price which the purchaser might reasonably have expected to pay if he had bought the vegetables for processing purposes in the same locality at the same time.

(3) The date of the sale of any vegetables in respect of which a levy is payable under subsection two of this section shall be deemed to be the date when the vegetables are received for processing by the person by whom the levy is payable.

(4) The levy shall be at such rate (not exceeding one-quarter of one per cent of the price at which the vegetables are sold by or on behalf of the grower) as may from time to time be determined by the Minister on the recommendation of the Federation.

(5) The rate of levy may apply to all vegetables or may vary in respect of different vegetables or classes of vegetables

or may vary according to whether the vegetables are sold by an auctioneer or otherwise.

(6) The levy shall be payable in respect of vegetables sold on and after the first day of the month next following the date of publication in the *Gazette* of the determination fixing the rate of the levy.

(7) The rate of levy determined in accordance with this section shall be notified in the *Gazette* at least fourteen days before the date when the levy is to take effect.

(8) Any amount deducted under subsection one of this section shall be paid to the Federation within three months after the date of the sale in respect of which the deduction was made:

Provided that from any amount so deducted there may be retained by the person making the deduction commission at such rate as may from time to time be prescribed by the Minister by notice in the *Gazette*.

(9) The amount of any levy required to be deducted and paid to the Federation under this section shall constitute a debt due to the Federation from the person making or liable to make the deduction and may be recovered accordingly in any Court of competent jurisdiction.

4. Expenditure of levy—(1) The money received by the Federation in respect of the levy paid under section three of this Act may from time to time be expended by the Federation for the promotion, development, and improvement of the vegetable growing industry.

(2) Without limiting the general power conferred by subsection one of this section, any such money may from time to time be expended by the Federation for all or any of the following purposes:

- (a) The maintenance of the registered office of the Federation:
- (b) The payment of salaries and travelling expenses of persons in the employ of the Federation:
- (c) The making of grants to any society or association, being a member of or affiliated to the Federation, of such sums as the Federation may from time to time decide:
- (d) The payment of expenses incurred in connection with meetings of the persons conducting the affairs of the Federation or with meetings of any committee appointed by the Federation:

- (e) The payment of expenses in connection with any periodical conference of vegetable growers or class of vegetable growers:
- (f) The purchase of requisites required by the Federation for testing purposes:
- (g) The investigation, testing, and development of overseas markets for vegetables, whether fresh or preserved or processed:
- (h) The making of grants to any institution or body conducting researches into or in connection with the growing of vegetables:
- (i) The publication from time to time of information relating to the activities of the Federation or generally relating to matters of interest to vegetable growers and for the purpose of encouraging the development of the industry of vegetable growing in New Zealand:
- (j) Such other purposes in furtherance of the interests of vegetable growers as the Federation thinks fit and the Minister approves.

5. Membership of affiliated bodies—(1) Any society which is a member of or affiliated to the Federation shall admit to membership, without any additional payment by way of annual subscription or membership fee, any vegetable grower who makes written application to the society in that behalf and who satisfies the society—

- (a) That within the twelve months immediately preceding the date of the application a levy of not less than ten shillings has been deducted under this Act from any amount due to the applicant;
- (b) That he is not a member, pursuant to this section, of any other such society; and
- (c) That at the date of the application he is a vegetable grower.

(2) Any person admitted to membership of any society under this section shall be entitled to exercise a vote at any meeting of the society during such time as he retains the qualifications necessary to enable him to be admitted to membership under this section.

(3) Nothing in this section shall be deemed to preclude any such society from admitting to membership otherwise than under this section any person whom the rules of the society permit to be admitted to membership.

(4) Any such society of which the membership is limited to a particular class of grower may, notwithstanding the provisions of this section, exclude from membership any grower who does not belong to that class.

(5) For the purposes of this section the term "society" includes any association or body of persons which is a member of or affiliated to the Federation.

6. Regulations—(1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof.

(2) All such regulations shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

7. Repeals and savings—(1) The enactments specified in the Second Schedule to this Act are hereby repealed.

(2) The Schedule to the Department of Agriculture Act 1953 is hereby amended as follows:

(a) By omitting the words "The Commercial Gardens Registration Act 1943":

(b) By inserting, after the words "The Stock Remedies Act 1934", the words "The Vegetables Levy Act 1957".

(3) The amounts owing immediately before the commencement of this section in respect of registration fees imposed by or under any enactment repealed by this Act shall be recoverable as if the enactment had not been repealed and any amount payable under any such enactment to the Dominion Council of Commercial Gardeners Limited shall be paid to the Federation and shall be dealt with in accordance with section four of this Act.

(4) This section shall be deemed to have come into force on the first day of October, nineteen hundred and fifty-seven.

SCHEDULES

FIRST SCHEDULE

Section 2

ASPARAGUS, bean, beetroot, Brussels sprouts, cabbage, carrot, cauliflower (including broccoli), celery, cucumber, leek, lettuce, marrow, melon (musk or rock or water), parsnip, pea (excluding any crop harvested for marketing as dried peas), pumpkin, radish, rhubarb, silver beet, spinach, squash, sweet corn, tomato.

SECOND SCHEDULE

Section 7 (1)

ENACTMENTS REPEALED

1943, No. 1—The Commercial Gardens Registration Act 1943.

1944, No. 25—The Statutes Amendment Act: Section 10.
