

POTATO INDUSTRY ACT REPEAL BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title and commencement. *Clause 9* comes into force on 1 August 1988. The rest of the Bill comes into force on the day on which it receives the Royal Assent.

Clause 2 defines the term "Board" as the New Zealand Potato Board.

Clause 3 repeals the Potato Industry Act 1977 and its amendments.

Clause 4 keeps the Board in existence in the meantime.

Clause 5 requires the Board to advertise its impending dissolution, and call for claims against it.

Clause 6 requires the Board to dispose of its property, recover all debts owing to it, dismiss its staff, and make redundancy payments.

Clause 7 requires the Board to satisfy all proper claims made against it.

Clause 8 requires any surplus funds after the payment of claims to be paid to the New Zealand Vegetable Growers Federation, to be paid to or used for its Potato Division.

Clause 9 (which comes into force on 1 August 1988) dissolves the Board.

Clause 10 provides that debts owing to the Board on dissolution become debts owing to the New Zealand Vegetable Growers Federation.

No. 46—1

Price
incl. GST \$1.90

Hon. Colin Moyle

POTATO INDUSTRY ACT REPEAL

ANALYSIS

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A BILL INTITULED

An Act to repeal the Potato Industry Act 1977, and dissolve the New Zealand Potato Board established under it

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

1. Short Title and commencement—(1) This Act may be cited as the Potato Industry Act Repeal Act 1988.

(2) **Section 9** of this Act shall come into force on the 1st day of August 1988.

10 (3) The rest of this Act shall come into force on the day on which it receives the Royal Assent.

2. Interpretation—In this Act “Board” means the New Zealand Potato Board established under the Potato Industry Act 1977.

15 **3. Potato Industry Act 1977 repealed**—(1) The following enactments are hereby repealed:

(a) The Potato Industry Act 1977:

(b) The Potato Industry Amendment Act 1981:

(c) The Potato Industry Amendment Act 1987.

20 (2) **Sections 4 to 9** of this Act shall have effect notwithstanding subsection (1) of this section.

4. Board to continue in existence—(1) Subject to section 9 of this Act, the Board shall continue in existence after the commencement of this section; but only for the purposes of this Act.

(2) For so long as it continues in existence, the Board shall cause proper accounts and records relating to its affairs to be kept, and cause the accounts to be properly audited. 5

5. Board to call for claims—(1) As soon as is practicable after the commencement of this section, the Board shall, in daily newspapers circulating generally in its former areas of operation,— 10

- (a) Give notice of its impending dissolution; and
- (b) Call for persons who have claims against the Board to make them to the Board in writing before a date specified in the advertisement (being not less than one month after the date of the advertisement or, where there are 2 or more advertisements, the date of the latest). 15

(2) No person has a claim against the Board by reason only of having been required to register potato plantings, pay a levy to the Board, or both. 20

6. Board to dispose of property, dismiss staff, etc.—(1) As soon as is practicable after the commencement of this section, the Board shall—

- (a) Dispose of all its property except its common seal, books, accounts, and records; and 25
- (b) Take all reasonable steps to get in all debts owing to it; and
- (c) Dismiss all its staff; and
- (d) Make appropriate redundancy payments to all staff who are dismissed or who have resigned (whether before or after that commencement) because of the Board's impending dissolution. 30

(2) So far as is possible the Board shall dispose of its property at the values shown in its audited accounts as at the 31st day of March 1988. 35

7. Board to satisfy claims—As soon as is practicable after the date specified under section 5(1)(b) of this Act, the Board shall pay or arrange to pay all claims against it that it knows of and thinks should be paid. 40

8. Board to pay surplus to Vegetable Growers Federation—(1) If there is a surplus after paying claims, the Board shall pay it to the New Zealand Vegetable Growers Federation (Inc.).

- 5 (2) The Federation shall either transfer the surplus to, or use it only for the benefit of, the Federation's Potato Division.

9. Dissolution of Board—The Board is hereby dissolved.

10. Debts owing to Board on dissolution—Upon the dissolution of the Board, all debts owing to it shall become
10 debts owing to the New Zealand Vegetable Growers Federation (Inc.), which—

- (a) May recover all or any part of them accordingly; and
(b) Shall transfer to or use only for the benefit of its Potato Division any part of them it recovers.