

[AS REPORTED FROM THE PRIMARY PRODUCTION COMMITTEE]

House of Representatives, 8 December 1988.

Words struck out are shown in italics within bold round brackets, words inserted are shown with a single rule before first line and after last line.

Hon. Colin Moyle

**PRIMARY PRODUCTS MARKETING (REGULATIONS
CONFIRMATION)**

ANALYSIS

Title	2. Confirmation
1. Short Title	3. Repeal

A BILL INTITULED

An Act to validate and confirm certain regulations made under section 3 of the Primary Products Marketing Act 1953

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

1. Short Title—This Act may be cited as the Primary Products Marketing (Regulations Confirmation) Act 1988.

2. Confirmation—The following regulations are hereby (*validated and*) confirmed:

- 10 (a) The Kiwifruit Marketing Regulations 1977, Amendment No. 4:
(b) The Game Industry Board Regulations 1985, Amendment No. 2.

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15 **2A. Validation**—For the avoidance of doubt, it is hereby declared that—

No. 110—2

*Price
incl. GST \$2.00*

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- (a) The Kiwifruit Marketing Regulations 1977, Amendment No. 4 are, and on and after the 30th day of September 1988 were, valid and effectual according to their tenor; and 5
- (b) To the extent that those regulations purport to be part of the Kiwifruit Marketing Regulations 1977, the latter regulations (as amended by those regulations) are, and on and after the 30th day of September 1988 were, valid and effectual according to their tenor; and 10
- (c) After the commencement of this Act, both shall have effect accordingly.

2b. Compensation—(1) On or before the 1st day of April 1989, the New Zealand Kiwifruit Marketing Board (hereafter in this section referred to as the Board) shall pay to Kiwi Harvest Limited (hereafter in this section referred to as the Company) the sum of \$274,000, being two fifths of the sum the Company paid for its exporter's licence (hereafter in this section referred to as the Licence) issued under the former Part III of the Kiwifruit Marketing Regulations 1977. 20

(2) Before the 1st day of April 1989 the Board and the Company shall attempt to agree the following amounts:

- (a) The amount (if any) by which the total market value on that day of the Board's real and personal property (including any computer software, but excluding intellectual property) is less than the total value that property would (when depreciated in accordance with normal business practice) have had on that day if the Licence were not cancelled: 25
- (b) The reasonable costs to the Company (including any reasonable amounts paid or to be paid to staff in respect of redundancy) of discontinuing its operations in Antwerp. 30

(3) If either of the amounts referred to in subsection (2) of this section is agreed before the 1st day of April 1989, the Board shall pay it to the Company on or before that day, or on a later day agreed by the Board and the Company. 35

(4) If either of those amounts is not agreed before that day, it shall be fixed by an arbitrator agreed by the Board and the Company before the 1st day of May 1989 or, if no arbitrator is agreed before that day, by an arbitrator (being a person who 40

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has, in the opinion of the President of the New Zealand Society of Accountants, experience or knowledge of the export marketing of primary produce) appointed by the President with the approval of the Minister of Agriculture.

5 (5) Where any amount is fixed by an arbitrator appointed under subsection (4) of this section, the Board shall pay to the Company, on or before a day fixed by the arbitrator,—

(a) The amount fixed; and

10 (b) Where the arbitrator so determines, interest on that amount, at a rate determined by the arbitrator, for the period commencing on the 1st day of April 1989 and ending with the day on which the amount is paid.

(6) Within 14 days of their being demanded in writing, the
15 Board shall pay to any arbitrator appointed under subsection (4) of this section the arbitrator's actual and reasonable costs in fixing an amount under this section (including the costs of obtaining any expert advice that the arbitrator thought necessary or desirable in fixing the amount).

20 **3. Repeal**—The Primary Products Marketing (Regulations Confirmation) Act 1985 is hereby repealed.