

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 8 December 1982

PORK INDUSTRY BOARD BILL

Proposed Amendments

RIGHT HON. MR MACINTYRE, in Committee, to move the following amendments:

Clause 1: To omit this clause on page 2, and to substitute the following clause:

1. Short Title, commencement, and application—

(1) This Act may be cited as the Pork Industry Board Act 1982.

(2) Subject to subsection (3) and subsection (4) of this section, this Act shall come into force on the 1st day of January 1983.

(3) Part IIIA of this Act shall come into force on the 1st day of September 1983, and any levy fixed pursuant to that Part shall apply in respect of pigs slaughtered on licensed premises on and after the 1st day of October 1983.

(4) Section 37 (6) of this Act shall come into force on the 1st day of October 1983.

Clause 2: To insert, in their appropriate alphabetical order, the following definitions:

“Licensed premises” means an abattoir, export slaughterhouse, or rural slaughterhouse which, in each case, is licensed under the Meat Act 1981:

“Pork Industry Levy” or “levy” means the levy imposed by section 29A of this Act on each pig slaughtered in licensed premises:

Clause 23: To insert on page 13 at line 36, after the words “Bank of New Zealand or”, the words “any other trading bank or the”.

Proposed Part IIIA: To insert, after clause 29 on page 15, the following Part:

PART IIIA

PORK INDUSTRY LEVY

29A. Pork Industry Levy—(1) There is hereby imposed a levy (to be called the Pork Industry Levy) on each pig slaughtered on licensed premises (except on pigs slaughtered on licensed premises in the Chatham Islands), whether the pig 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 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.

29B. Payment of levy—(1) The person primarily liable for the payment of the levy shall be the person who is the owner of the pig, the subject of the levy, at the time of its slaughter, but payment of the levy in the first instance shall be made pursuant to this section.

(2) The licensee of any licensed premises where any pig, 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 every such pig in such manner and for such period as the Director-General, after obtaining the agreement of the Board, may direct.

(3) The said Director-General 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, pay the amount of the levy or cause that amount to be paid to any bank account of the Ministry of Agriculture and Fisheries for the benefit of the Director-General or, upon application by the licensee in the particular circumstances of the case, to such office of the Ministry as the Director-General may approve.

(4) All money received by the Director-General of Agriculture and Fisheries pursuant to this section shall, subject to section 29F of this Act, be accounted for in full to the Board.

29c. 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 any levy has been wrongfully paid, or that any levy had 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.

29D. Records relating to levy to be kept—(1) Every person who makes a return and pays a levy 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 any levy paid, and may take copies of, or extracts from, any such records, books, accounts, documents, or other papers.

29E. 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 29B of this Act shall not constitute a condition precedent to the right of the Board to assess, sue for, and recover any levy payable.

29F. 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, the Director-General may retain such amount of the levy collected by him as may be determined by the Minister after consultation with the Board.

Clause 34 (1): To omit paragraph (e) of this clause on page 17 at lines 10 and 11.

Clause 37: To omit subclause (6) of this clause on page 19, and to substitute the following subclause:

(6) Subject to section 1 (4) of this Act, section 44 of the Meat Act 1981 is hereby consequentially amended—

(a) By repealing subsection (1); and

(b) By omitting from subsection (2) the words “In addition to the power conferred by subsection (1) of this section,”; and

(c) By omitting from subsection (3) the words “subsection (1) and”.

Second Schedule: To insert in clause 21 on page 24 after the word “person”, the words “(or, in the case of Ward 4, 2 persons)”.

To insert in clauses 22 and 23 on page 24 after the words “one person”, the words “(or, in the case of Ward 4, 2 persons)”.

To insert in clause 34 on page 25 after the word “candidate”, the words “(or, in the case of Ward 4, 2 candidates)”.

EXPLANATORY NOTE

At present, section 44 (1) of the Meat Act 1981 provides that part of the prescribed fees for the inspection of slaughtered pigs is to be paid over to the Pork Industry Council. The insertion of the new Part IIIA into the Bill makes the Pork Industry Board responsible for fixing and (through the Director-General of Agriculture and Fisheries) collecting its own levies. All amendments except those to clause 23 and the Second Schedule are consequential on this change.

The amendment to clause 23 authorises the Board to invest its surplus money, inter alia, with any trading bank.

The amendments to the Second Schedule are drafting changes to cover the election of producer members for Ward 4, which is entitled to 2 members.