



Biosecurity (Bovine Tuberculosis—Otago Land Levy) Amendment Order 2004

Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 21st day of June 2004

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 90 of the Biosecurity Act 1993, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Agriculture after being satisfied of the matters set out in section 92 of the Biosecurity Act 1993, makes the following order.

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Order

1 Title

- (1) This order is the Biosecurity (Bovine Tuberculosis—Otago Land Levy) Amendment Order 2004.
- (2) In this order, the Biosecurity (Bovine Tuberculosis—Otago Land Levy) Order 1998¹ is called “the principal order”.

¹ SR 1998/442

2 Commencement

This order comes into force on 1 July 2004.

3 Interpretation

- (1) Clause 2 of the principal order is amended by revoking the definition of **capital value**, and inserting, in its appropriate alphabetical order, the following definition:

“**land value** means,—

- “(a) if the land value recorded in the district valuation roll on 1 July of the financial year in which the levy is payable is not more than \$5,000 per hectare, the land value recorded in the district valuation roll; or
- “(b) if the land value recorded in the district valuation roll on 1 July of the financial year in which the levy is payable is more than \$5,000 per hectare, a land value calculated by multiplying the total area of the property (in hectares) by \$5,000”.

- (2) Clause 2 of the principal order is amended by revoking the definition of **national vector control zone**.
- (3) Clause 2 of the principal order is amended by omitting from the definition of **occupier** the word “January”, and substituting the word “July”.
- (4) Clause 2 of the principal order is amended by revoking the definition of **regional vector control zone**.

4 Occupiers responsible for paying levy

- (1) Clause 4 of the principal order is amended by omitting the word “capital”, and substituting the word “land”.
- (2) Clause 4 of the principal order is amended by adding, as subclause (2), the following subclause:

“(2) However, if a levy calculated in accordance with clause 5 is less than \$10 (excluding goods and services tax), the occupier is not required to pay the levy.”

5 Basis for calculation of levy

(1) Clause 5(1) of the principal order is amended by omitting the word “capital”, and substituting the word “land”.

(2) Clause 5 of the principal order is amended by revoking subclause (2), and substituting the following subclause:

“(2) If the total area of a rural property is 4 hectares or more and only part of the property is within the Otago region, the levy payable must be calculated in accordance with the following formula:

$$\left(\frac{a}{b} \times c \right) \times d$$

where—

- a is the area in hectares of the property that is within the Otago region; and
- b is the total area in hectares of the property; and
- c is the land value of the entire property; and
- d is the rate of levy fixed in accordance with clause 12.”

6 Clause 10 revoked

Clause 10 of the principal order is revoked.

7 New clause 11 substituted

The principal order is amended by revoking clause 11, and substituting the following clause:

“11 Maximum rate of levy

The rate of levy fixed under clause 12 must not exceed 0.065% of the land value.”

8 New clause 12 substituted

The principal order is amended by revoking clause 12, and substituting the following clause:

“12 Board to fix actual rate of levy

“(1) In each financial year, the Board must fix the rate of levy payable.

- “(2) The Board must not fix the rate of levy before complying with clause 8.
- “(3) The rate of levy must be calculated by—
- “(a) determining the total costs of carrying out the vector control programme in the Otago region for the relevant financial year; and
 - “(b) fixing the rate for properties, based on the land value of the rural properties to which the levy applies, at a level that is sufficient to recover (in aggregate) the regional share of the vector control programme in the Otago region for that financial year.”

9 New clause 13 substituted

The principal order is amended by revoking clause 13, and substituting the following clause:

“13 **Notification of rate of levy**

The rate of levy payable must be published by the Board in the *Gazette*, the *Otago Daily Times*, and *The Southland Times* not later than 1 December in each financial year.”

10 Provision of district valuation rolls to Board

Clause 14 of the principal order is amended by revoking paragraph (b).

11 New clause 15A inserted

The principal order is amended by inserting, after clause 15, the following clause:

“15A **Levies exclusive of GST**

The levies determined or fixed under this order are exclusive of goods and services tax.”

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 July 2004, amends the Biosecurity (Bovine Tuberculosis—Otago Land Levy) Order 1998, by making changes to the method of calculating the rate of levy in relation to the partial funding of the National Bovine Tuberculosis Pest Management Strategy. In particular, the method of calculation of the rate of levy now relates to the land values of rural properties, rather than, as previously, to the capital values.

The main changes are—

- the definition of **land value** is inserted and the definitions of **capital value**, **national vector control zone**, and **regional vector control zone** are revoked. The definition of **occupier** is amended (*clause 3*):
- a new formula for the calculation of levies is included, and all levies must now be calculated at the same rate, up to a maximum of 0.065% of the land value. Where the levy is less than \$10 (excluding goods and services tax), occupiers are exempt from payment (*new clauses 4(2), 5(2), 11, and 12*):
- the date by which notification of the rate of levy must be published is changed to 1 December (*new clause 13*):
- a new clause has been inserted to make clear that the levies payable do not include goods and services tax (*new clause 15A*).

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 24 June 2004.

This order is administered in the Ministry of Agriculture and Forestry.
