

[AS REPORTED FROM THE PRIMARY PRODUCTION COMMITTEE]

House of Representatives, 3 December 1987.

[Clauses 8, 11, and 12 of this Bill were formerly clauses 8, 11, and 12 of the Meat Amendment Bill]

Hon. Colin Moyle

MEAT AMENDMENT (NO. 2)

ANALYSIS

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A BILL INTITULED

An Act to amend the Meat Act 1981

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

5 **1. Short Title and commencement**—(1) This Act may be cited as the Meat Amendment Act (No. 2) 1987, and shall be read together with and deemed part of the Meat Act 1981* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

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10 **[Clauses 2 to 7 of the Meat Amendment Bill remain in that Bill.]**

*1981, No. 56

Amendments: 1982, No. 82; 1983, No. 121; 1985, No. 142

No. 14—2B

Price
incl. GST \$1.90

8. Application for and grant of licence—Section 26 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) The Director-General shall consider every application for a licence under this Act, and, if satisfied that— 5

“(a) It complies with the requirements of this Act; and

“(b) The local authority concerned has confirmed that—

“(i) The premises concerned comply with all relevant bylaws and planning schemes; and

“(ii) The situation of the premises is not 10 objectionable; and

“(iii) Satisfactory provision is made in respect of drainage, sanitation, and the disposal of refuse, effluents, and trade wastes; and

“(c) The construction of the premises, its accommodation for 15 animals, and its equipment is completed and satisfactory,—

shall notify the applicant that upon payment to the Director-General of a specified sum (being the Director-General's estimate of the costs to the Ministry of establishing the 20 inspection service at the premises) a licence will be granted.

“(2A) Where an application for a licence under this Act has been made in respect of premises that were, or part of which was, formerly licensed under this Act or the Meat Act 1964, or that were or was part of any premises that were formerly so 25 licensed, the costs referred to in subsection (2) of this section may include all or an appropriate proportion of the costs to the Ministry of disestablishing any former inspection service at the premises.

“(2B) Upon payment of the sum specified under subsection (2) 30 of this section in respect of any premises, the Director-General shall grant the licence concerned.”

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[Clauses 9 and 10 of the Meat Amendment Bill remain in that Bill.]

11. Recovery of inspection costs—(1) The principal Act is 35 hereby amended by inserting, after Part III, the following Part:

“PART IIIA

“RECOVERY OF INSPECTION COSTS

“43A. **Interpretation**—(1) In this Part of this Act, unless the 40 context otherwise requires,—

- 5 “ ‘Agreed employee level’, in relation to a plant for any period, means the number of employees agreed for the period in relation to the plant under section 43c (1) (a) of this Act by the plant’s manager and the Director-General:
- “ ‘Agreed operating hours’, in relation to a plant for any period, means the hours agreed for the period in relation to the plant under section 43c (1) (c) of this Act by the plant’s manager and the Director-General:
- 10 “ ‘Assigned employee’, in relation to a plant, means an officer or employee of the Ministry employed to perform statutory duties in or about that specific plant only:
- 15 “ ‘Manager’, in respect of any plant, means the licensee of the plant; and includes any person placed in charge of the plant by a manager of the plant:
- 20 “ ‘Notional additional rate’, in relation to occasional employees of any class or description employed at a plant of any class or description during any period, means the rate prescribed for employees and plants of that class or description under section 43E (1) (b) of this Act in respect of the period:
- 25 “ ‘Notional rate’, in relation to occasional employees of any class or description employed at a plant of any class or description during any period, means the rate prescribed for employees and plants of that class or description under section 43E (1) (a) of this Act in respect of the period:
- 30 “ ‘Occasional employee’, in relation to a plant, means an officer or employee of the Ministry employed to perform statutory duties in or about both that specific plant and one or more other specific plants, on a regular or structured basis:
- 35 “ ‘Plant’, means any premises licensed under this Act:
- “ ‘Statutory duties’, means duties performed, or to be performed, for the purposes of this Act.

“43B. **Plant managers to make payments to Ministry—**
(1) Subject to subsection (2) of this section, the manager of a plant shall pay to the Director-General, within 30 days of its being demanded by written notice from the Ministry delivered to the manager, an amount equal to the sum of the following amounts in respect of a past period specified in the notice:

- 40 “(a) In respect of each weekday, for each class or description of employee the product of 8 times the appropriate

notional rate and the number of assigned employees of that class or description employed on the day in relation to the plant:

“(b) In respect of each weekday, the total amount (calculated at ordinary time, time and a half, or double time, as the case may be) that would have been payable to assigned employees in respect of employment in or about the plant on the day otherwise than during agreed operating hours if the ordinary time hourly rate of each were the appropriate notional rate: 5 10

“(c) In respect of each Saturday and Sunday, the total amount (calculated as aforesaid) that would have been payable to assigned employees in respect of employment in or about the plant on the day if the ordinary time hourly rate of each were the appropriate notional rate: 15

“(d) In respect of each day, the total amount (calculated as aforesaid) that would have been payable to occasional employees in respect of employment in or about the plant during the period if the ordinary time hourly rate of each were the appropriate notional rate and each was in addition paid at the appropriate notional additional rate: 20

“(e) A contribution towards the other costs of the Ministry arising from the employment of employees in relation to the plant during the period, being such proportion of the sum of the amounts described in paragraphs (a) to (d) of this subsection as is prescribed in that behalf by the Governor-General (by Order in Council in force during the whole of the period. 25 30

“(2) Where any sum payable under subsection (1) of this section remains unpaid more than 30 days after its being demanded, the Director-General may charge interest on it at a rate not exceeding the rate payable by the Ministry to its bankers in respect of overdrafts. 35

“(3) The Director-General shall cause to be paid into the Consolidated Account all money paid under subsection (1) of this section.

“(4) Every amount payable under subsection (1) or subsection (2) of this section shall be recoverable as a debt due to the Crown; and the Crown may— 40

“(a) Recover it accordingly in any Court of competent jurisdiction; or

“(b) Deduct it from any amount payable by the Crown to the manager concerned. 45

“43C. **Ministry and plant managers may agree levels of inspections**—A plant’s manager and the Director-General may enter into an agreement for the purposes of **section 43B (1)** of this Act specifying, in relation to any specified future
5 period,—

“(a) The number of assigned employees who should be required in or about the plant when operating at intended peak operation and efficiency; and

10 “(b) The period (expressed in inspector/hours) of inspection by occasional employees that should be required in or about the plant when operating at intended peak operation and efficiency; and

“(c) Any normal operating hours for the plant.

15 “43D. **Discounts**—The Governor-General may, by Order in Council, prescribe a rate of discount for the purposes of **section 43B (2)** of this Act; and during every period during which the whole of which an Order in Council under this subsection is in force and an agreement under **section 43c** of this Act is in force in relation to a plant, the following provisions shall apply to the
20 payments required to be made under **section 43B** of this Act in respect of the plant and period:

“(a) The amount described in **section 43B (1) (a)** of this Act shall for each class or description of employee be reduced by the prescribed proportion of 8 times the notional
25 rate and the lower of—

“(i) The agreed employee level of employees of that class or description for the plant concerned on the day concerned; and

30 “(ii) The number of assigned employees of that class or description employed on the day in relation to the plant:

“(b) If, in respect of any Saturday during the 5 days before which (excluding statutory holidays) the average daily period for which assigned employees were required to be available in the plant concerned was
35 not less than 6½ hours, and the agreement under **section 43c** of this Act specifies any normal operating hours for the plant, the amount described in **section 43B (1) (c)** of this Act shall be reduced by the prescribed proportion of the total amount (calculated as aforesaid) that would have been payable to the lower of—

40 “(i) The agreed employee level for the plant concerned on the day; and

“(ii) The number of assigned employees employed in or about the plant on the day,—
in respect of their employment in or about the plant during agreed operating hours if the ordinary time hourly rate of each were the appropriate notional rate: 5

“(c) The amount described in **section 43B (1) (d)** of this Act shall be reduced by the prescribed proportion of the total amount (calculated at ordinary time rates) that would have been paid to occasional employees in respect of employment in or about the plant if— 10

“(i) Only the number of inspector/hours agreed under **section 43c (1) (b)** of this Act had been worked in or about the plant by occasional employees during each week concerned; and 15

“(ii) The occasional employees concerned had each been paid at the appropriate notional rate and, in additional, the appropriate notional additional rate:

“(d) The contribution described in **section 43B (1) (e)** of this Act shall be reduced accordingly. 20

“43E. **Prescription of hourly rates**—(1) The Governor-General may from time to time, by Order in Council, make regulations prescribing in respect of any future period (whether fixed or indefinite)—

“(a) A notional hourly rate for the purposes of calculating the amounts recoverable under **section 43B** of this Act from the managers of plants in respect of the availability to perform statutory duties in or about plants by assigned and occasional employees; and different rates may be prescribed for different classes or descriptions of plant, for different classes of descriptions of employee, or both; and 25 30

“(b) A notional additional hourly rate for the purposes of calculating the amounts recoverable under **section 43B** of this Act from the managers of plants in respect of the hours of employment of occasional employees during which they do not perform statutory duties in or about any plant; and different rates may be prescribed for different classes or descriptions of plant, for different classes of descriptions of employee, or both. 35 40

“(2) No regulations under **subsection (1)** of this section shall be made except on the recommendation of the Minister, who shall not recommend the making of any such regulations without

having consulted organisations recognised by the Minister as representing the interests of the managers of plants and notified the organisations of the reasons for the amounts prescribed by the regulations.”

5 (2) Section 44A of the principal Act is hereby consequentially repealed.

12. Transitional provisions and savings in relation to recovery of costs by Ministry—(1) Without limiting the generality of any provision of the Acts Interpretation Act 1924, the former section 44A of the principal Act (as repealed by section 11 (2) of this Act) shall continue to have effect in respect of any period before the commencement of this Act as if it had not been repealed.

15 (2) Every agreement under that former section shall have effect as if made under new Part IIIA of the principal Act (as substituted by section 11 (1) of this Act).

(3) In respect of the period between the commencement of this Act and the commencement of an Order in Council revoking the Meat (Recovery of Inspection Costs) Order 1986*, the latter order shall have effect as if—

20 (a) It is an order under section 43B (2) of the principal Act prescribing a discount of one third for the purposes of section 43B (1) of the principal Act; and

25 (b) It is an order under section 43B (1) (e) of the principal Act prescribing a proportion of 49.76 percent.

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[Clause 13 of the Meat Amendment Bill remains in that Bill.]

*S.R. 1986/181