

ORCHARD LEVY BILL

EXPLANATORY NOTE

THIS Bill authorizes the making of a general levy not exceeding £2 10s. a year on occupiers of orchards to provide for the development of the fruitgrowing industry; and also authorizes the making of a special levy not exceeding that amount on occupiers of orchards in a fruitgrowing district for the purpose of controlling a particular disease within the district. The Bill supersedes and repeals the Orchard Tax Act 1927 and the Fireblight Act 1922, but is not a consolidation of those Acts.

Clauses 1 and 2 relate to the short title and interpretation of the Bill. By reason of the interpretation provisions the Bill will apply only to orchards growing at least 120 fruit trees of the specified varieties, namely, apples, pears, quinces, peaches, nectarines, apricots, plums, cherries, citrus, and other kinds specified by the Governor-General by notice in the *Gazette*.

Clause 3 provides that the person who is the occupier of an orchard on 31 January in any year is to pay to the New Zealand Fruitgrowers Federation Limited in March in that year a general levy at such rate (not exceeding £2 10s.) as may be specified by the Minister by notice in the *Gazette*.

Clause 4 specifies in detail the purposes connected with the development of the fruitgrowing industry for which the general levy may be expended.

Clause 5 authorizes the making of a special levy not exceeding £2 10s. in any year on occupiers of orchards within a fruitgrowing district specially constituted by the Minister for the control of any specified disease within the district.

Clause 6 provides that the levies are to be recoverable as a debt.

Clause 7 provides that all moneys held under the Fireblight Committee Regulations 1928 and in the Orchard Tax Act 1927 Account are to vest in the Federation.

Clause 8 provides that levy moneys are not to be expended on any trading activities of the Federation without the approval of the Minister.

Clause 9 authorizes the making of regulations to give effect to the provisions of the Bill.

Clause 10 provides for the repeal of the Acts which this Bill supersedes and for consequential amendments to the Schedule to the Department of Agriculture Act 1953.

Hon. Mr Holyoake

ORCHARD LEVY

ANALYSIS

Title.	7. Moneys held under Fireblight Committee Regulations 1928 and in the Orchard Tax Act 1927 Account to vest in Federation.
1. Short Title.	
2. Interpretation.	
3. Occupier of orchard to pay levy.	
4. Purposes for which levy may be expended.	8. Restriction on expenditure of levy moneys for trading activities.
5. Special levy for control of disease in a fruitgrowing district.	9. Regulations.
6. Levies recoverable as a debt.	10. Repeals and amendments. Schedule.

A BILL INTITULED

AN ACT to authorize the making of levies to provide money for the development of the fruit growing industry and the control of orchard diseases. Title.

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Orchard Levy Act 1953, and shall come into force on the first day of June, nineteen hundred and fifty-four. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.

“Federation” means the New Zealand Fruit-growers Federation Limited, a society registered under the Industrial and Provident Societies Act 1908: 15

See Reprint of Statutes, Vol. III, p. 1029

“Fruit” means apples, pears, quinces, peaches, nectarines, apricots, plums, cherries, and all citrus fruits, and any other kind of fruit which the Governor-General may, by notice published in the *Gazette*, declare to be fruit for the purposes of this Act: 5

“Minister” means the Minister of Agriculture:

“Occupier”, in relation to any orchard, means the person who is the occupier of the orchard within the meaning of the Rating Act 1925: 10

“Orchard” means any land used for the growing of not less than one hundred and twenty fruit trees and the production of fruit for sale; and includes any such land, notwithstanding that the fruit trees thereupon may not have come into bearing. 15

See Reprint
of Statutes,
Vol. VII, p. 977

Occupier
of orchard
to pay levy.

3. Every person who, on the thirty-first day of January in the year nineteen hundred and fifty-five or in any year thereafter, is the occupier of an orchard shall pay to the Federation in the month of March in that year a levy at such rate (not exceeding two pounds ten shillings) as the Minister, having regard to the recommendation of the Federation, may from time to time specify by notice in the *Gazette*. 20

Purposes for
which levy may
be expended.

4. The moneys received by the Federation in respect of the levy payable under section *three* of this Act may be expended by the Federation for all or any of the following purposes: 25

(a) The payment of expenses incurred in connection with directors' meetings of the Federation, annual and provincial conferences of the Federation, the organization of district associations of fruitgrowers, and publication of a journal as the official organ of the fruitgrowing industry: 30 35

(b) Payments to any institution, body, or person conducting researches into or in connection with the fruit production industry, including researches into the eradication or control of pests and diseases, for the purpose of the researches: 40

(c) Such other purposes as the Minister may approve.

5. (1) For the purposes of this section, the term "fruitgrowing district" means any area prescribed by the Minister by notice under his hand published in the *Gazette* and declared to be a fruitgrowing district under the name set out in that notice.

Special levy for control of disease in a fruitgrowing district.

(2) In addition to the levy payable under section three of this Act, every person who on the thirty-first day of January in the year nineteen hundred and fifty-five or in any year thereafter is the occupier of an orchard specified by the Minister by notice published in the *Gazette* and situated within the fruit growing district named by the Minister in that notice shall be liable to pay to the Federation in the month of March in that year a special levy at such rate (not exceeding two pounds ten shillings) as the Minister, having regard to the recommendation of the Federation, may specify in the notice for the purpose of eradicating or controlling the spread of the disease or diseases named by the Minister in the notice.

(3) The moneys received by the Federation pursuant to this section shall be expended only in the fruitgrowing district wherein the moneys were collected and for the purpose for which the special levy was imposed.

6. All moneys payable by way of levy under this Act shall be recoverable as a debt due to the Federation in any Court of competent jurisdiction.

Levies recoverable as a debt.

(1) All moneys which, at the commencement of this Act, are held by or owing to any Committee set up under the Fireblight Committee Regulations 1928 shall, after deducting all expenses of collection, vest without assignment or transfer in the Federation, and shall be expended by the Federation for the purpose of eradicating or controlling the spread of any disease of apple, pear, or quince fruit trees in the fruitgrowing district wherein the moneys were originally collected.

Moneys held under Fireblight Committee Regulations 1928 and in the Orchard Tax Act 1927 Account to vest in Federation. *Gazette*, 1928, Vol. III, p. 2924

(2) All moneys which, at the commencement of this Act, are held in or payable into the deposit account within the Public Account known as the Orchard Tax Act 1927 Account shall, after deducting all expenses of collection, be paid without further appropriation than this section to the Federation and shall be expended by the Federation for the purposes specified in section four of this Act.

Restriction on
expenditure of
levy moneys
for trading
activities.

Regulations.

8. No moneys received by the Federation pursuant to section *three* of this Act may be expended in furtherance of any trading activities or trading department of the Federation without the approval of the Minister.

9. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this Act and for the due Administration thereof. 5

(2) All such regulations shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session. 10

Repeals and
amendments.

1953, No. 7

10. (1) The enactments specified in the Schedule to this Act are hereby repealed. 15

(2) The Schedule to the Department of Agriculture Act 1953 is hereby amended—

(a) By omitting the words “The Orchard Tax Act 1927. (Reprint of Statutes, Vol. I, p. 416)”, and substituting the words “The Orchard Levy Act 1953”. 20

(b) By omitting the words “The Fireblight Act 1922. (Reprint of Statutes, Vol. I, p. 113)”. 25

(3) All amounts owing immediately before the commencement of this Act in respect of taxes imposed by or under any enactment repealed by this Act shall be recoverable as if the enactment had not been repealed.

Schedule.

SCHEDULE

ENACTMENTS REPEALED

1922, No. 20—

The Fireblight Act 1922. (Reprint of Statutes, Vol. I, p. 113.)

1927, No. 25—

The Orchard Tax Act 1927. (Reprint of Statutes, Vol. I, p. 146.)

1933, No. 16—

The Orchard Tax Amendment Act 1933.

1934-35, No. 41—

The Orchard Tax Amendment Act 1934-35.

1951, No. 79—

The Fees and Travelling Allowances Act 1951: So much of the Second Schedule as relates to the Orchard Tax Act 1927 and the Orchard Tax Amendment Act 1933.