

## WHEAT LEVIES BILL

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### EXPLANATORY NOTE

THIS Bill imposes levies on persons engaged in wheatgrowing, flourmilling, baking, and related industries for the purposes of—

- (a) Providing money for research into the growing of wheat and the manufacture of wheat into flour, bread, and other related products; and
- (b) Funding the activities of United Wheatgrowers (N.Z.) Limited.

*Clause 1* relates to the Short Title and commencement. The Bill comes into force on 1 January 1988.

*Clause 2* defines terms used in the Bill.

### PART I

#### WHEAT RESEARCH LEVIES

*Part I* re-enacts (with some amendments) the Wheat Research Levy Act 1974, which is consequentially repealed.

*Clause 3* provides that levies calculated in accordance with *clause 4* are imposed on the following persons:

- (a) The producers of any wheat grown in New Zealand and sold or delivered to a flourmiller or to a grain merchant;
- (b) Persons carrying on business as flourmillers;
- (c) The purchasers or other persons taking delivery of flour or wheatmeal from a flourmill;
- (d) The purchasers or other persons taking delivery, from any importer of flour or wheatmeal, of flour or wheatmeal imported into New Zealand.

The persons referred to in *paragraphs (a) to (c) of clause 3* are at present subject to the Wheat Research Levy under the Wheat Research Levy Act 1974. *Clause 3 (d)* extends that levy to imported flour and wheatmeal.

*Clause 4: Subclause (1)* provides that the levies imposed by *clause 3* shall be at such rates as are determined from time to time by the Wheat Research Committee after consultation with representatives of persons having a proprietary interest in wheat growing, flourmilling, baking, and other flour-processing industries. (The Wheat Research Levy Act 1974 section 3 (1) provides

for the rates of the levies to be set by the Minister of Science and Technology on the recommendation of the Wheat Research Committee.)

*Subclause (2)* provides for the apportionment of the levies among the classes of persons referred to in *clause 3*, and *subclause (3)* sets maximum rates of levies.

*Clause 5* requires the rates of the levies determined in accordance with *clause 4*, and any alterations to those rates, to be notified in the *Gazette* at least 28 days before coming into force.

*Clause 6* provides for the recovery and collection of the levies imposed by *clause 3*. It re-enacts the provisions of section 4 (1) of the Wheat Research Levy Act 1974.

*Subclauses (3) and (4)* are new, and provide for the recovery and collection of the levy imposed on imported flour and wheatmeal. The amount of the levy may be recovered in the first place from the importer, who is required to pay the amount of the levy to the Comptroller of Customs on behalf of the person by whom the levy is payable.

*Clause 7* is new, and requires any person who, pursuant to *clause 6 (5)*, deducts, from any payment made to another person, the amount of any levy payable, under *clause 3*, by that other person in respect of any wheat, flour, or wheatmeal, to issue to that other person an invoice containing certain specified particulars. A copy of the invoice must be retained, by the person who issued it, for a period of not less than 2 years.

*Clause 8* requires the Director-General of the DSIR to establish at a trading bank 2 accounts—a Wheat Research Trust Account No. 1 and a Wheat Research Trust Account No. 2. All levies imposed by *clause 3* are to be collected and paid into those accounts. (The Wheat Research Levy Act 1974 section 4 (2) provides that the Wheat Research Levy is to be paid into a separate account within the Trust Account of the Public Account.)

*Clause 9* authorises the deduction of a collection fee from levies collected by the Comptroller of Customs, or by any grain merchant or other authorised person.

*Clause 10* re-enacts section 4 (4) of the Wheat Research Levy Act 1974, and requires persons who collect levies to forward to the Director-General of the DSIR, with any payment of any levies collected, a statement containing such particulars with respect to those levies as the Director-General may from time to time require.

*Clause 11* is new, and provides that the amount of any money collected or purported to have been collected by any flourmiller or grain merchant pursuant to *clause 6 (2) (a) or (b)* is deemed to be money held in trust for the Crown until that money has been paid into the appropriate Wheat Research Trust Account.

*Clause 12* re-enacts section 5 of the Wheat Research Levy Act 1974, and sets out the purposes for which the money received from the levies imposed by *clause 3* may be expended.

*Clause 13* provides for the continuance of the Wheat Research Committee. It re-enacts the provisions of section 6 of the Wheat Research Levy Act 1974.

*Clause 14* is new. It provides that as soon as practicable after the expiry of the period of 5 years beginning on the date of commencement of the Bill, and then at intervals of not more than 5 years, the Wheat Research Committee shall—

- (a) Review the operation of *Part I* of the Bill since—
  - (i) The date of its commencement (in the case of the first review); or
  - (ii) The date of the last review (in the case of any subsequent review);
 and
- (b) Consider—
  - (i) Whether the Committee should be retained or abolished; and
  - (ii) Whether any amendments to *Part I* of the Bill are necessary or desirable; and
- (c) Report its findings to the Minister of Science and Technology.

*Clause 15* provides for the auditing, by the Audit Office, of the Wheat Research Trust Accounts.

*Clause 16* is new, and requires the Director-General of the DSIR to produce an annual report on the application of all money received from levies imposed by *clause 3*. A copy of that report, together with a copy of the audited balance sheet and accounts prepared under *clause 15 (1)* and a copy of the Audit Office's report on that balance sheet and those accounts, are required to be laid before the House of Representatives, unless they are incorporated in the DSIR's Annual Report.

*Clause 17: Subclause (1)* empowers any person authorised in writing by the Minister of Science and Technology, for the purpose of ensuring that the levies imposed by *clause 3* are collected,—

- (a) To require any flourmiller, grain merchant, or importer of flour or wheatmeal to produce for inspection, within such reasonable period as the authorised person may specify, certain documents in the possession or under the control of that flourmiller, grain merchant, or importer, and also authorises that person to take copies of or extracts from such documents:
- (b) To require any flourmiller, grain merchant, or importer of flour or wheatmeal to furnish, within such reasonable period as the authorised person may specify, any information or particulars relevant to the collection of any levy imposed by *clause 3*.

*Subclause (3)* preserves the privilege against self-incrimination in relation to the powers conferred by *subclause (1)*.

*Clause 18* creates a number of offences.

## PART II

### UNITED WHEATGROWERS (N.Z.) LIMITED LEVY

*Part II* imposes a levy on the producers of wheat grown in New Zealand. The levy is to be used to fund the activities of United Wheatgrowers (N.Z.) Ltd. It replaces a similar levy previously collected under the authority of the Wheat Board Act 1965. That Act was repealed as from 1 May 1987.

*Clause 19* is an interpretation provision.

*Clause 20* provides that a levy calculated in accordance with *clause 21* is imposed on the producers of wheat grown in New Zealand and sold or delivered to a flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat.

*Clause 21: Subclause (1)* provides that the levy imposed by *clause 20* shall be at such rate as may be determined from time to time by United Wheatgrowers.

*Subclause (2)* provides that the rate of the levy may be determined only on the recommendation of the Electoral Committee of United Wheatgrowers, and any such recommendation may be made only if it is supported by at least 75 percent of the persons present and voting at the meeting of the Electoral Committee at which the recommendation is considered.

*Subclause (3)* imposes a maximum rate of \$7.50 per tonne on the amount of the levy imposed by *clause 20*.

*Subclause (4)* provides that the levy is to be computed by reference to the quantity of wheat sold or delivered by the producer to any grain merchant, flourmiller, feed manufacturer, or other purchaser of wheat.

*Clause 22* requires the rate of the levy determined in accordance with *clause 21*, and any alteration to that rate, to be notified in the *Gazette* at least 28 days before coming into force.

*Clause 23* provides for the recovery and collection of the levy imposed by *clause 20*. Where a flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat buys from a producer any wheat in respect of which a levy is payable under *clause 20*, that person is required to deduct from the payment made to the producer for that wheat the amount of the levy so payable, and to pay the proceeds to United Wheatgrowers.

*Clause 24* requires any person who, pursuant to *clause 23 (2)*, deducts, from any payment made to any producer of wheat, the amount of any levy payable, under *clause 20*, by that producer in respect of any wheat, to issue to that producer an invoice containing certain specified particulars. A copy of the invoice must be retained, by the person who issued it, for a period of not less than 2 years.

*Clause 25* authorises the deduction of a collection fee from levies collected, pursuant to *clause 23 (2)*, by flourmillers, grain merchants, feed manufacturers, and other purchasers of wheat.

*Clause 26* requires persons who collect levies to forward to United Wheatgrowers, with every payment of any levies collected, a statement containing such particulars with respect to the levies comprised in the payment as United Wheatgrowers may from time to time require.

*Clause 27* provides that the amount of any levy collected or purported to have been collected by any flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat pursuant to *clause 23 (2)* is deemed to be money held in trust for United Wheatgrowers until that money has been paid to United Wheatgrowers pursuant to that clause.

*Clause 28* sets out the purposes for which the money received from the levy imposed by *clause 20* may be expended.

*Subclause (1)* provides that the money may be expended by United Wheatgrowers for the promotion, development, and improvement of the wheatgrowing industry.

*Subclause (2)* provides that without limiting the general power conferred by *subclause (1)*, money collected from the levy may be expended for all or any of the following purposes:

- (a) Funding the Dominion Office of Federated Farmers of New Zealand Incorporated;
- (b) Entering into insurance contracts to protect wheatgrowers against loss or damage to crops;

- (c) Promoting and conducting research and other scientific work in connection with the wheatgrowing industry:
- (d) The payment of any other expenditure incurred by United Wheatgrowers in the performance of its functions:
- (e) Such other purposes in the furtherance of the interests of wheatgrowers as United Wheatgrowers thinks fit.

*Subclause (3)* provides that nothing in *subclause (2) (d) or (e)* authorises United Wheatgrowers to fund any commercial wheat-trading activity (whether carried out by United Wheatgrowers or by any other person) out of money received by United Wheatgrowers in respect of the levy imposed by *clause 20*.

*Clause 29: Subclause (1)* empowers any person authorised in writing by the Minister of Agriculture, for the purpose of ensuring that the levy imposed by *clause 20* is collected,—

- (a) To require any flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat to produce for inspection, within such reasonable period as the authorised person may specify, certain documents in the possession or under the control of that flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat, and also authorises that person to take copies of or extracts from such documents:
- (b) To require any flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat to furnish, within such reasonable period as the authorised person may specify, any information or particulars relevant to the collection of any levy imposed by *clause 20*.

*Subclause (3)* preserves the privilege against self-incrimination in relation to the powers conferred by *subclause (1)*.

*Clause 30* creates a number of offences.

### PART III

#### MISCELLANEOUS PROVISIONS

*Clause 31* relates to the administration of the Bill. The Bill (except *Part II*) is to be administered in the DSIR. *Part II* is to be administered in the Ministry of Agriculture and Fisheries.

*Clause 32* makes a consequential amendment to the Ministry of Agriculture and Fisheries Act 1953.

*Clause 33: Subclause (1)* repeals the Wheat Research Levy Act 1974 and its amendments.

*Subclause (2)* is a transitional provision, and provides that until the Wheat Research Committee first sets the rates of the levies imposed by *clause 3*, the levies imposed under the Wheat Research Levy Act 1974 shall continue to be imposed, and for that purpose that Act and its amendments shall continue in force.

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*Right Hon. R. J. Tizard*

## WHEAT LEVIES

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### A BILL INTITULED

#### An Act—

- 5 (a) To provide money for research into the growing of wheat and the manufacture of wheat into flour, bread, and other products; and
- (b) To fund the activities of United Wheatgrowers (N.Z.) Limited—

10 by imposing levies on persons and organisations engaged in wheat growing, flourmilling, baking, and related industries

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

**1. Short Title and commencement**—(1) This Act may be cited as the Wheat Levies Act 1987.

(2) This Act shall come into force on the 1st day of January 1988.

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

“Committee” means the Wheat Research Committee appointed pursuant to section 13 of this Act:

“Director-General” means the Director-General of the Department of Scientific and Industrial Research:

“Feed manufacturer” means a person whose business or part of whose business is the processing of grain for the production of stock food:

“Financial year” means the period of 12 months ending on the expiration of the 31st day of March:

“Grain merchant” means a person whose business or part of whose business is the buying and selling of wheat and who purchases more than 30 tonnes of wheat in any year:

“United Wheatgrowers” means United Wheatgrowers (N.Z.) Limited, a company formed and registered under the Companies Act 1933.

## PART I

### WHEAT RESEARCH LEVIES

**3. Levies for research purposes**—Subject to the provisions of this Part of this Act, levies calculated in accordance with section 4 of this Act are imposed on, and shall be payable by, the following persons:

(a) The producers of any wheat grown in New Zealand and sold or delivered to a flourmiller or to a grain merchant:

(b) Persons carrying on business as flourmillers:

(c) The purchasers or other persons taking delivery of flour or wheatmeal from a flourmill:

(d) The purchasers or other persons taking delivery, from any importer of flour or wheatmeal, of flour or wheatmeal imported into New Zealand.

Cf. 1974, No. 5, s. 3 (1)

**4. Determination of rates of levies**—(1) Subject to subsection (3) of this section, the levies imposed by section 3 of this Act shall be at such rates as may from time to time be determined by the Committee after consultation with

representatives of persons having a proprietary interest in wheat growing, flourmilling, baking, and other flour-processing industries.

5 (2) The levies imposed by **section 3** of this Act shall be apportioned, in such manner as may be specified by the Committee in the notice published in the *Gazette* under **section 5** of this Act, among the classes of contributories referred to in **section 3** of this Act, and shall be computed as follows:

10 (a) In respect of the levy payable by any producer of wheat, it shall be computed by reference to the quantity of wheat sold or delivered by that producer to any grain merchant or flourmiller:

15 (b) In respect of the levy payable by a flourmiller, it shall be computed by reference to the quantity of flour or wheatmeal delivered by the flourmiller from that flourmiller's flourmill:

20 (c) In respect of the levy payable by a purchaser or other person taking delivery of flour or wheatmeal from a flourmill, it shall be computed by reference to the quantity of that flour or wheatmeal:

(d) In respect of the levy payable by a purchaser or other person taking delivery of flour or wheatmeal imported into New Zealand, it shall be computed by reference to the quantity of that flour or wheatmeal.

25 (3) The amount of the levies imposed by **section 3** of this Act shall not exceed,—

(a) In the case of a producer of wheat, \$2 for every tonne of wheat delivered by that producer to a flourmiller or grain merchant:

30 (b) In the case of a flourmiller, \$4 for every tonne of flour or wheatmeal delivered from the flourmill:

(c) In the case of a purchaser or other person taking delivery of flour or wheatmeal from a flourmill, \$4 for every tonne of that flour or wheatmeal:

35 (d) In the case of a purchaser or other person taking delivery of flour or wheatmeal imported into New Zealand, \$8 for every tonne of that flour or wheatmeal.

Cf. 1974, No. 5, s. 3 (1)–(3)

40 **5. Notification of rates of levies**—(1) The rates of the levies determined in accordance with **section 4** of this Act shall be published in the *Gazette* at least 28 days before the date on which they are to come into force.



(2) Any notice under this section may be in like manner amended or revoked at any time.

(3) Where an amendment alters the rate of any levy imposed by **section 3** of this Act, the notice effecting that amendment shall be published in the *Gazette* at least 28 days before the date on which the amendment comes into force. 5

Cf. 1974, No. 5, s. 3 (4), (5)

**6. Recovery and collection of levies**—(1) All levies imposed by **section 3** of this Act shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown. 10

(2) Unless otherwise provided pursuant to **section 8** of this Act,—

(a) The amount of any levy payable under **section 3** of this Act in respect of any wheat may be recoverable in the first place from the grain merchant or flourmiller to whom that wheat has been delivered by the producer: 15

(b) The amount of any levy payable under **section 3** of this Act by a purchaser or other person taking delivery of any flour or wheatmeal from a flourmill may be recoverable in the first place from the flourmiller. 20

(3) The amount of any levy payable under **section 3** of this Act by a purchaser or other person taking delivery of any flour or wheatmeal imported into New Zealand may be recoverable in the first place from the importer of that flour or wheatmeal into New Zealand. 25

(4) Every importer of flour or wheatmeal into New Zealand shall, on importing into New Zealand any flour or wheatmeal in respect of which a levy is payable under **section 3 (d)** of this Act, pay to the Comptroller of Customs, on behalf of the person by whom that levy is payable, the amount of the levy so payable. 30

(5) On payment, by a grain merchant or flourmiller or importer, of the amount of any levy on behalf of any other person, that grain merchant or flourmiller or importer shall be entitled to recover the amount of that levy from the person on whose behalf the levy was so paid, as a debt due to that grain merchant or flourmiller or importer, and may deduct the amount so paid from any money at any time owing by that grain merchant or flourmiller or importer to any such person. 35

Cf. 1974, No. 5, s. 4 (1)

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**7. Invoice to be issued**—(1) Where, pursuant to **section 6 (5)** of this Act, any person (being a flourmiller, grain merchant, or

importer of flour or wheatmeal into New Zealand) deducts, from any payment made to any other person, the amount of any levy payable, under **section 3** of this Act, by that other person in respect of any wheat, flour, or wheatmeal, the first-mentioned person shall, on making that payment, provide that  
5 other person with an invoice containing the following particulars:

- (a) The name and address of the first-mentioned person:
  - 10 (b) The name and address of the person to whom the invoice is issued:
  - (c) The date on which the invoice is issued:
  - (d) The quantity of wheat, flour, or wheatmeal to which the payment relates:
  - 15 (e) The total amount of the levy deducted by the first-mentioned person from that payment.
- (2) Every person who issues any invoice required to be issued by **subsection (1)** of this section shall retain a copy of that invoice for a period of not less than 2 years.

**8. Wheat Research Trust Accounts**—(1) For the purposes  
20 of this Part of this Act the Director-General shall establish at a trading bank an account to be known as the Wheat Research Trust Account No. 1, and an account to be known as the Wheat Research Trust Account No. 2.

(2) All levies imposed by **section 3 (a)** of this Act shall be  
25 collected and paid into the Wheat Research Trust Account No. 2 in such manner as the Director-General, after consultation with the Committee, may from time to time approve.

(3) All levies imposed by **section 3 (b) or (c) or (d)** of this Act shall  
30 be collected and paid into the Wheat Research Trust Account No. 1 in such manner as the Director-General, after consultation with the Committee, may from time to time approve.

Cf. 1974, No. 5, s. 4 (2)

**9. Collection fees**—(1) The Comptroller of Customs may  
35 deduct from any levies paid to the Comptroller pursuant to **section 6 (4)** of this Act a collection fee of such amount (being not less than 2.5 percent, and not more than 5 percent, of any levy so paid) as may be agreed between the Comptroller of Customs  
40 and the Director-General.

(2) Any grain merchant or other person authorised by the Director-General may deduct from any levies collected

pursuant to this Part of this Act by that grain merchant or other person a collection fee of such amount (being not less than 2.5 percent, and not more than 5 percent, of any levy so collected) as may be agreed between the Director-General and that grain merchant or that other person, as the case may require. 5

Cf. 1974, No. 5, s. 4 (3)

**10. Particulars of levies**—Every person who collects levies imposed by **section 3** of this Act shall, at or within such times as may for the time being be specified by the Director-General, forward to the Director-General a statement containing such 10 particulars with respect to those levies as the Director-General may from time to time require.

Cf. 1974, No. 5, s. 4 (4)

**11. Trust in relation to levies**—Notwithstanding any rule of law to the contrary, but subject to **section 9** of this Act, the 15 amount of any levy collected or purported to have been collected by any flourmiller or grain merchant pursuant to **section 6 (2) (a) or (b)** of this Act shall be deemed to be money held in trust for the Crown by that flourmiller or grain merchant, as the case may be, until that amount has been paid into the 20 appropriate Wheat Research Trust Account pursuant to **section 8** of this Act.

Cf. 1957, No. 100, s. 3 (8A); 1978, No. 133, s. 2 (2)

**12. Expenditure of levies**—(1) All money received from levies imposed by **section 3** of this Act shall be applied by the 25 Minister of Science and Technology, without further appropriation than this section, for the purpose of promoting and conducting research and other scientific work in connection with wheat growing, flourmilling, baking, and 30 related industries.

(2) Without limiting the generality of **subsection (1)** of this section, money applied under that subsection may be used for all or any of the following purposes:

- (a) Maintaining and servicing laboratories and other facilities:
- (b) Carrying out research into all phases of wheat growing, 35 flourmilling, baking, and related industries:
- (c) Investigating and reporting upon problems in any of those industries with a view to recommending measures designed to overcome those problems or to reduce or 40 eliminate losses caused by them:

- (d) Co-ordinating research activities including co-ordinating those carried out in New Zealand with those carried out elsewhere:
- 5 (e) Facilitating, commissioning, or subsidising research work and rendering its benefits available:
- (f) Taking such action as the Minister of Science and Technology deems necessary to promote research into problems of the wheat growing, flourmilling, and baking industries, and of related industries:
- 10 (g) Compiling, publishing, and circulating information of value to the industries and maintaining a bureau of information.

Cf. 1974, No. 5, s. 5

15 **13. Wheat Research Committee**—(1) For the purposes of this Part of this Act there shall continue to be a committee known as the Wheat Research Committee, which shall be the same committee as that established under section 6 of the Wheat Research Levy Act 1974.

20 (2) The Committee shall be appointed by the Minister of Science and Technology under section 9 of the Scientific and Industrial Research Act 1974.

(3) The Committee shall comprise—

- (a) Two persons appointed as representatives of flourmillers:
- 25 (b) Two persons appointed as representatives of bakers:
- (c) Two persons appointed as representatives of wheatgrowers:
- (d) One person appointed as a representative of grain merchants:
- 30 (e) Up to 3 other persons, being such representatives of Government departments and such other suitably qualified persons as the Minister of Science and Technology may from time to time determine.

(4) The Committee is empowered to form an executive committee and to appoint subcommittees.

35 (5) Subcommittees appointed under **subsection (4)** of this section may comprise or include persons who are not members of the Committee.

(6) The Committee shall elect its own presiding member and deputy presiding member.

40 Cf. 1974, No. 5, s. 6

**14. Review of operation of Part I**—As soon as practicable after the expiry of the period of 5 years beginning on the date

of commencement of this Act, and then at intervals of not more than 5 years, the Committee shall—

- (a) Review the operation of this Part of this Act since—
  - (i) The date of its commencement (in the case of the first review carried out under this paragraph); or 5
  - (ii) The date of the last review carried out under this paragraph (in the case of every subsequent review); and
- (b) Consider—
  - (i) Whether the Committee should be retained or 10  
abolished; and
  - (ii) Whether any amendments to this Part of this Act are necessary or desirable; and
- (c) Report its findings to the Minister of Science and 15  
Technology.

Cf. 1986, No. 1, s. 35 (1)

**15. Wheat Research Trust Accounts to be audited—**

(1) At the end of each financial year, the Director-General shall cause to be prepared, in respect of the Wheat Research Trust Account No. 1 and the Wheat Research Trust Account No. 2, 20  
an income and expenditure account showing the financial transactions relating to those accounts during that year, together with a balance sheet as at the last day of the financial year.

(2) As soon as practicable after the end of each financial year, 25  
the Director-General shall submit the income and expenditure account and balance sheet prepared for that year under **subsection (1)** of this section to the Audit Office for audit.

(3) On the presentation of the Audit Office's report on the 30  
balance sheet and accounts prepared under **subsection (1)** of this section, a copy of that report, and of the balance sheet and accounts to which it relates, shall be forwarded to the Committee.

**16. Annual report—**(1) As soon as practicable after the end 35  
of each financial year, the Director-General shall furnish to the Minister of Science and Technology a report on the application, during that year, of all money received from levies imposed by **section 3** of this Act.

(2) A copy of the report, together with a copy of the audited 40  
balance sheet and accounts prepared under **section 15 (1)** of this Act and a copy of the Audit Office's report on that balance sheet and those accounts, shall be laid before the House of

Representatives no later than 6 months after the end of the financial year to which the report relates.

(3) The requirements of **subsection (2)** of this section shall be deemed to have been complied with if the report, balance sheet  
5 and accounts, and the Audit Office's report are incorporated in any annual report of the Department of Scientific and Industrial Research that is presented to the House of Representatives within 6 months of the end of the financial year to which the report, balance sheet, accounts, and Audit  
10 Office's report relate.

**17. Power to inspect books and obtain information—**

(1) Subject to **subsection (3)** of this section, for the purpose of ensuring that the levies imposed by **section 3** of this Act are collected, any person specifically or generally authorised in  
15 writing in that behalf by the Minister of Science and Technology may, from time to time,—

(a) Require any flourmiller, grain merchant, or importer of flour or wheatmeal to produce for inspection, within  
20 such reasonable period as the authorised person may specify, any book, record, contract, account, invoice, note, or other document in the possession or under the control of that flourmiller, grain merchant, or importer, and may take copies of or extracts from any such book, record, contract, account, invoice,  
25 note, or other document:

(b) Require any flourmiller, grain merchant, or importer of flour or wheatmeal to furnish, within such reasonable period as the authorised person may specify, any information or particulars relevant to the collection of any levy imposed by **section 3** of this Act.  
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(2) Every authorisation given under **subsection (1)** of this section shall contain—

(a) A reference to this section; and  
(b) The full name of the authorised person; and  
35 (c) A statement of the powers conferred on the authorised person by **subsection (1)** of this section.

(3) No person shall be required, pursuant to any provision of **subsection (1)** of this section, to produce any book, record, contract, account, invoice, note, or other document, or to  
40 furnish any information or particulars, if the production of that book, record, contract, account, invoice, note, or other document, or the furnishing of that information or those particulars, as the case may require, would or could tend to incriminate that person, and that person shall be informed of

that right before any person exercises the power conferred by any of the provisions of **subsection (1)** of this section to require the production of any book, record, contract, account, invoice, note, or other document, or the furnishing of any information or particulars.

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**18. Offences**—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who—

- (a) Fraudulently avoids or attempts to avoid paying any levy payable by that person under **section 3** of this Act; or 10
- (b) Refuses or fails, without reasonable excuse, to collect any levy required to be collected by that person under **section 6** of this Act; or
- (c) Being an importer of flour or wheatmeal into New Zealand, on importing into New Zealand any flour or wheatmeal in respect of which a levy is payable under **section 3 (d)** of this Act, refuses or fails, without reasonable excuse, to pay to the Comptroller of Customs, on behalf of the person by whom that levy is payable, the amount of the levy so payable; or 15 20
- (d) Being a person who is required by **section 7** of this Act to issue an invoice to any other person,—
  - (i) Fails to issue an invoice when so required; or
  - (ii) Issues any invoice required by that section that to that person's knowledge is in any material aspect 25 erroneous or incomplete; or
  - (iii) Fails to retain for a period of not less than 2 years all invoices issued by that person in accordance with that section; or
- (e) Refuses or fails, without reasonable excuse, to pay any 30 levy imposed by **section 3** of this Act into such account, and in such manner, as is required by or under **section 8** of this Act; or
- (f) Being a person who collects levies imposed by **section 3** of this Act,— 35
  - (i) Refuses or fails, without reasonable excuse, to forward to the Director-General any statement required to be so forwarded by that person under **section 10** of this Act; or
  - (ii) Forwards any such statement that to that 40 person's knowledge is false or misleading in any material particular; or
- (g) Makes any statement knowing that it is both incorrect and material in any information or particulars furnished

(whether in writing or not) under **section 17** of this Act;  
or

(h) Knowingly makes any material omission from any information or particulars so furnished; or

5 (i) Refuses or fails, without reasonable excuse, to comply with any requirement made under **paragraph (a) or paragraph (b) of section 17 (1)** of this Act.

(2) Any offence against this section committed by any employee or agent in the course of employment or agency shall be deemed to have been also committed by the employee's or agent's employer or principal if it is proved that the act or omission constituting the offence occurred with that employer's or principal's authority, permission, or consent.

Cf. 1974, No. 5, s. 4 (5)

15

## PART II

### UNITED WHEATGROWERS (N.Z.) LIMITED LEVY

19. **Interpretation**—In this Part of this Act, unless the context otherwise requires, “purchaser of wheat” means a person (other than a flourmiller, grain merchant, or feed  
20 manufacturer) who purchases more than 30 tonnes of wheat in any year.

20. **Levy for United Wheatgrowers (N.Z.) Limited**—Subject to the provisions of this Part of this Act, a levy calculated in accordance with **section 21** of this Act is imposed  
25 on, and shall be payable by, the producers of any wheat grown in New Zealand and sold or delivered to a flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat.

21. **Determination of rate of levy**—(1) Subject to **subsections (2) and (3)** of this section, the levy imposed by **section 20**  
30 of this Act shall be at such rate as may from time to time be determined by United Wheatgrowers.

(2) No rate of levy shall be determined by United Wheatgrowers under this section except on the recommendation of the Electoral Committee of that company,  
35 and any such recommendation may be made only if it is supported by at least 75 percent of the persons present and voting at the meeting of the Electoral Committee at which the recommendation is considered.

(3) The amount of the levy imposed by **section 20** of this Act  
40 shall not exceed \$7.50 for every tonne of wheat sold or



delivered by the producer to any flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat.

(4) The levy imposed by **section 20** of this Act shall be computed by reference to the quantity of wheat sold or delivered by the producer to any grain merchant, flourmiller, feed manufacturer, or other purchaser of wheat. 5

**22. Notification of rate of levy**—(1) The rate of levy determined in accordance with **section 21** of this Act shall be published in the *Gazette* at least 28 days before the date on which it is to come into force. 10

(2) Any notice under this section may be in like manner amended or revoked at any time.

(3) Where an amendment alters the rate of the levy imposed by **section 20** of this Act, the notice effecting the amendment shall be published in the *Gazette* at least 28 days before the date on which the amendment comes into force. 15

**23. Recovery and collection of levy**—(1) All levies imposed by **section 20** of this Act shall be recoverable in any Court of competent jurisdiction as a debt due to United Wheatgrowers. 20

(2) Every person (being a flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat) who buys from a producer any wheat in respect of which a levy is payable under **section 20** of this Act shall, when making payment to the producer for the wheat, deduct from that payment the levy payable in respect of that wheat by the producer, and shall from time to time, as required by United Wheatgrowers, pay the proceeds of the levy to United Wheatgrowers. 25

**24. Invoice to be issued**—(1) Where, pursuant to **section 23(2)** of this Act, any person (being a flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat) deducts, from any payment made to any producer of wheat, the amount of the levy payable, under **section 20** of this Act, by that producer in respect of any wheat, that person shall, on making that payment, provide that producer with an invoice containing the following particulars: 30 35

- (a) The name and address of that person:
- (b) The name and address of the producer to whom the invoice is issued:
- (c) The date on which the invoice is issued: 40
- (d) The quantity of wheat to which the payment relates:

(e) The total amount of the levy deducted by that person from that payment.

(2) Every person who issues any invoice required to be issued by **subsection (1)** of this section shall retain a copy of that invoice  
5 for a period of not less than 2 years.

**25. Collection fee**—(1) Every person (being a flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat) who collects levies under **section 23 (2)** of this Act may deduct from any levies collected by that person a collection fee  
10 of such amount as may be agreed between that person and United Wheatgrowers.

(2) Where United Wheatgrowers and any person (being a flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat) are unable to agree on the amount of the  
15 collection fee that may be deducted from the levies collected by that person, the amount of the collection fee shall be determined by the Minister of Agriculture.

(3) No collection fee agreed under **subsection (1)** of this section or determined under **subsection (2)** of this section shall exceed an  
20 amount equal to 5 percent of any levy collected.

**26. Particulars of levy**—Every payment to United Wheatgrowers of the amount of any levies in accordance with **section 23 (2)** of this Act shall be accompanied by a statement containing such particulars with respect to the levies comprised  
25 in the payment as United Wheatgrowers may from time to time require.

**27. Trust in relation to levy**—Notwithstanding any rule of law to the contrary, but subject to **section 25** of this Act, the amount of any levy collected or purported to have been  
30 collected by any flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat under **subsection (2)** of **section 23** of this Act shall be deemed to be money held in trust for United Wheatgrowers by that flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat, as the case  
35 may require, until that amount has been paid to United Wheatgrowers pursuant to that subsection.

**28. Expenditure of levy**—(1) The money received by United Wheatgrowers in respect of the levy imposed by **section 20** of this Act may be expended by that company for the  
40 promotion, development, and improvement of the wheat growing industry.

(2) Without limiting the general power conferred by **subsection (1)** of this section, any such money may be expended by United Wheatgrowers for all or any of the following purposes:

- (a) Funding the Dominion Office of Federated Farmers of New Zealand Incorporated: 5
  - (b) Entering into insurance contracts to protect wheatgrowers against loss or damage to crops:
  - (c) Promoting and conducting research and other scientific work in connection with the wheat growing industry:
  - (d) The payment of any other expenditure incurred by United Wheatgrowers in the performance of its functions: 10
  - (e) Such other purposes in furtherance of the interests of wheatgrowers as United Wheatgrowers thinks fit.
- (3) Nothing in **subsection (2) (d) or (e)** of this section authorises United Wheatgrowers to fund any commercial wheat-trading activity (whether that activity is carried out by United Wheatgrowers or by any other person) out of money received by United Wheatgrowers in respect of the levy imposed by **section 20** of this Act. 15 20

**29. Power to inspect books and obtain information—**

(1) Subject to **subsection (3)** of this section, for the purposes of ensuring that any levy imposed by **section 20** of this Act is collected, any person specifically or generally authorised in writing in that behalf by the Minister of Agriculture may, from time to time,— 25

- (a) Require any flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat to produce for inspection, within such reasonable period as the authorised person may specify, any book, record, contract, account, invoice, note, or other document in the possession or under the control of that flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat, and may take copies of or extracts from any such book, record, contract, account, invoice, note, or other document: 30 35
- (b) Require any flourmiller, grain merchant, feed manufacturer, or other purchaser of wheat to furnish, within such reasonable period as the authorised person may specify, any information or particulars relevant to the collection of any levy payable under **section 20** of this Act. 40

(2) Every authorisation given under **subsection (1)** of this section shall contain—

- (a) A reference to this section; and
- (b) The full name of the authorised person; and
- (c) A statement of the powers conferred on the authorised person by **subsection (1)** of this section.

5 (3) No person shall be required, pursuant to any provision of **subsection (1)** of this section, to produce any book, record, contract, account, invoice, note, or other document, or to furnish any information or particulars, if the production of that book, record, contract, account, invoice, note, or other  
 10 document, or the furnishing of that information or those particulars, as the case may require, would or could tend to incriminate that person, and that person shall be informed of that right before any person exercises the power conferred by any of the provisions of **subsection (1)** of this section to require  
 15 the production of any book, record, contract, account, invoice, note, or other document, or the furnishing of any information or particulars.

**30. Offences**—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000  
 20 who—

- (a) Fraudulently avoids or attempts to avoid paying any levy payable by that person under **section 20** of this Act; or
- (b) Refuses or fails, without reasonable excuse, to collect any levy required to be collected by that person under  
 25 **section 23** of this Act; or
- (c) Being a person who is required by **section 24** of this Act to issue an invoice to any other person,—
  - (i) Fails to issue an invoice when so required; or
  - (ii) Issues any invoice required by that section that  
 30 to that person's knowledge is in any material aspect erroneous or incomplete; or
  - (iii) Fails to retain for a period of not less than 2 years all invoices issued by that person in accordance with that section; or
- (d) Refuses or fails, without reasonable excuse, to submit any statement required to be submitted by that person by  
 35 or under **section 26** of this Act; or
- (e) Submits any statement under **section 26** of this Act that to that person's knowledge is false or misleading in a material particular; or
- (f) Makes any statement knowing that it is both incorrect and  
 40 material in any information or particulars furnished (whether in writing or not) under **section 29** of this Act; or

(g) Knowingly makes any material omission from any information or particulars so furnished; or

(h) Refuses or fails, without reasonable excuse, to comply with any requirement made under **paragraph (a) or paragraph (b) of section 29 (1)** of this Act. 5

(2) Any offence against this section committed by any employee or agent in the course of employment or agency shall be deemed to have been also committed by the employee's or agent's employer or principal if it is proved that the act or omission constituting the offence occurred with that employer's or principal's authority, permission, or consent. 10

### PART III

#### MISCELLANEOUS PROVISIONS

**31. Administration of Act**—(1) This Act (except **Part II**) shall be administered in the Department of Scientific and Industrial Research. 15

(2) **Part II** of this Act shall be administered in the Ministry of Agriculture and Fisheries.

**32. Ministry of Agriculture and Fisheries Act 1953 consequentially amended**—The Schedule to the Ministry of Agriculture and Fisheries Act 1953 (as substituted by section 4 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972) is hereby amended by inserting, in its appropriate alphabetical order, the item "The Wheat Levies Act 1987 (**Part II**)". 25

**33. Repeals**—(1) The following enactments are hereby repealed:

(a) The Wheat Research Levy Act 1974:

(b) The Wheat Research Levy Amendment Act 1981:

(c) The Wheat Research Levy Amendment Act 1983. 30

(2) Notwithstanding the repeals effected by **subsection (1)** of this section, the levies imposed under the Wheat Research Levy Act 1974 shall continue to be imposed until such time as the rates of the levies imposed by **section 3** of this Act are first determined by the Committee, and for that purpose the Acts 35 specified in **subsection (1)** of this section shall continue to have effect according to their tenor.