

UNIVERSITY OF OTAGO

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HOUSE OF REPRESENTATIVES LIBRARY

Supplementary Order Paper

Thursday, 2 September 1999

KIWIFRUIT INDUSTRY RESTRUCTURING BILL

Proposed Amendment

Hon JOHN LUXTON, in Committee, to move the following amendment:

Clause 2: To insert, as subclauses (2) and (3) (after line 24 on page 3), the following subclauses:

(2) The decision as to who is a producer in respect of any particular kiwifruit orchard (whether an owner of land referred to in paragraph (a) of the definition of producer or any other person referred to in paragraph (b) of the definition) is for the Board to make.

(3) The Board, in exercising that discretion, may have regard to—

(a) Whether the orchard was developed by a lessee of the land; or

(b) Whether the landowner or lessee who would otherwise be the producer consents to another person being the producer, in a case where the other person—

(i) Has a family association with the landowner or lessee; and

(ii) Is engaged in the production of kiwifruit on that land.

EXPLANATORY NOTE

The proposed amendment relates to the decision as to who is regarded as the “producer” in respect of any particular orchard for the purposes of the share allocation plan and voting on the restructuring plan under the Bill. The proposed amendment makes it clear that the New Zealand Kiwifruit Marketing Board is to decide not just the category of other producers under paragraph (b) of the definition of “producer” in clause 2, but also whether the producer is, in any particular case, the landowner under paragraph (a) or another person. The Board intends, in general terms, that “producers” will be persons who are landowners unless the orchard was developed by lessees of the land or the landowner or lessee consents to another person who has a family association and who is engaged in the production of kiwifruit on that land being the “producer”.