



**THE COMMODITY LEVIES (AVOCADOS) ORDER 1995,
AMENDMENT NO. 1**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 11th day of November 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 4 of the Commodity Levies Act 1990, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Commodity Levies (Avocados) Order 1995, Amendment No. 1, and shall be read together with and deemed part of the Commodity Levies (Avocados) Order 1995* (hereinafter referred to as the principal order).

(2) This order shall come into force on the 28th day after the date of its notification in the *Gazette*.

2. Collection agents to pay levy on avocados bought or sold but may recover it from growers—(1) The principal order is hereby amended by revoking clause 5, and substituting the following clause:

“5. (1) A collection agent who buys avocados from their grower (otherwise than through another collection agent), or sells avocados on their grower’s behalf,—

“(a) Shall (subject to subclause (2) of this clause) pay the levy on them monthly; but

“(b) May recover it (and any GST paid in respect of it) from the grower by reducing the amount otherwise payable to the grower for the avocados or any other avocados bought from the grower or sold on the grower’s behalf.

“(2) A person required by subclause (1) of this clause to pay the levy on any avocados may, by deducting it from any amount of levy money otherwise payable to the association in respect of those avocados, charge the association—

“(a) A fee of 7.5 percent of the amount of that money (exclusive of GST); and

“(b) The GST payable in respect of that fee,—
for paying and recovering the money.”

(2) Clause 2 of the principal order is hereby consequentially amended by inserting, after the definition of the term “*Avocado Scene*”, the following definition:

“‘Collection agent’ means a person whose business is or includes buying avocados from their grower for resale, or selling avocados on behalf of their grower.”

(3) Clause 29 (2) of the principal order is hereby consequentially amended by omitting the words “person who or that buys avocados grown in New Zealand from their grower and re-sells them”, and inserting the words “collection agent”.

MARIE SHROFF,
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 28 days after notification in the *Gazette*, amends the Commodity Levies (Avocados) Order 1995 so as to make clear that auctioneers and brokers (who do not buy avocados from their grower, but just sell on the grower’s behalf) are required to collect the levy imposed by that order, and pay it to the NZ Avocado Growers Association Inc.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 14 November 1996.
This order is administered in the Ministry of Agriculture.