

MEAT INDUSTRY ACT 1978—REGULATION

(Meat Industry (Meat Industry Levy) Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Meat Industry Act 1978, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY, M.P.,
Minister for Agriculture and Fisheries.

Citation

1. This Regulation may be cited as the Meat Industry (Meat Industry Levy) Regulation 1994.

Commencement

2. This Regulation commences on 1 September 1994.

Definitions

3. (1) In this Regulation:

“levy” means a meat industry levy under Part 5A of the Act;

“relevant rural lands protection board” for a parcel of land means the rural lands protection board for the rural lands protection district in which the land is situated;

“section 12 agency arrangement” means an agreement or arrangement referred to in section 12 of the Rural Lands Protection Act 1989 under which the relevant rural lands protection board acts as the Authority’s agent for the purposes of

- (a) issuing notices specifying the amount of levies; and
- (b) undertaking responsibility for collecting and recovering levies that occupiers or owners of ratable land within the district owe to the Authority;

“the Act” means the Meat Industry Act 1978.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

Calculation of levy: sec. 59A

4. (1) The object of this clause is to fix the rates and amounts on the basis of which a levy is to be calculated for land the subject of a levy.

(2) For the purposes of section 59A (2) (a) of the Act, the prescribed rate for each stock unit equivalent of carrying capacity of the land is 1.1 cents.

(3) For the purposes of section 59A (2) (b) of the Act, the prescribed amount (that is, the maximum levy that is payable in relation to the land) is \$120.

Notice of amount of levy: sec. 59A

5. (1) For the purposes of section 59A (3) of the Act, the prescribed date in each year by which notice of the amount of a levy must be given to the occupier of the land to which the notice relates is 30 June.

(2) While a section 12 agency arrangement is in force, the notice may accompany, or form part of, a rate notice under section 53 of the Rural Lands Protection Act 1989, and is taken to have been given to the occupier of the land concerned when the rate notice is duly served in accordance with that Act.

Changes in occupancy or ownership of land: sec. 59E

6. (1) For the purposes of section 59E (1) of the Act, the prescribed notice that a person must give to the Authority of the person’s ceasing to be or becoming the occupier or owner of land is a written notice in Form 1.

(2) A person is taken to have complied with the requirements of section 59E (1) of the Act in relation to the giving of notice:

- (a) if the person has lodged similar notice with the relevant rural lands protection board in accordance with section 65 of the Rural Lands Protection Act 1989; or
- (b) if the person has lodged similar notice with the Registrar-General in accordance with section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919.

Applications for certificates of levies due and payable: sec. 59F

7. (1) For the purposes of section 59F (4) of the Act, the prescribed form for an application for a certificate of levies due and payable is Form 2.

(2) While a section 12 agency arrangement is in force, the application may instead form part of an application for the issue of a certificate under section 66 of the Rural Lands Protection Act 1989.

(3) For the purposes of section 59F (4) of the Act, the prescribed fee to accompany an application for a certificate of levies due and payable is:

- (a) \$15, unless the application is made as referred to in paragraph (b); or
- (b) \$5, if the application forms part of an application for the issue of a certificate under section 66 of the Rural Lands Protection Act 1989.

(4) The fee referred to in subclause (3) (b) is in addition to any fee payable under the Rural Lands Protection Act 1989 in relation to an application under section 66 of that Act.

Certificates of levies due and payable: sec. 59F

8. (1) For the purposes of section 59F (5) of the Act, the prescribed form is Form 3.

(2) While a section 12 agency arrangement is in force, the certificate may instead form part of a certificate under section 66 of the Rural Lands Protection Act 1989.

(3) The validity of a certificate referred to in subclause (2) is not affected by the termination or expiry of the section 12 agency arrangement.

Objection to validity of levy: sec. 59G

9. For the purposes of section 59G (2) of the Act:

- (a) the prescribed court before which an objection to the validity of a levy may be made is the District Court; and
- (b) the prescribed manner in which such an objection is to be made is by making an application to the District Court, in accordance with rules of court, for the determination of the objection.

Overdue levies: sec. 59H

10. (1) The object of this clause is to fix the rate of interest payable on overdue levies.

(2) For the purposes of section 59H (2) of the Act, the prescribed rate per cent per year is:

- (a) if the amount payable on unpaid rates under section 68 of the Rural Lands Protection Act 1989 is expressible as a rate per cent per year, the rate per cent per year so payable; or
- (b) in any other case, the rate per cent per year for the time being prescribed under section 95 (1) of the Supreme Court Act 1970 for payment of interest on a judgment debt.

Levy books: sec. 59L

11. (1) For the purposes of section 59L of the Act, the prescribed form for a levy book is:

- (a) a book containing fixed or loose leaves; or
- (b) a series of cards; or
- (c) a series of computerised records.

(2) While a section 12 agency arrangement is in force, a levy book may instead be kept by the relevant rural lands protection board as part of a rate record kept under section 74 of the Rural Lands Protection Act 1989.

(3) The following particulars are to be kept in the levy book:

- (a) particulars of each parcel of land the subject of a levy and of the occupier or owner of the land;
- (b) particulars of the amounts of levies imposed in respect of each such parcel and of the dates on which the relevant notices of the amounts of levies were served;
- (c) particulars of amounts of levies paid (including dates of payment), and of the amount of levies remaining outstanding, in respect of each such parcel.

Repeal

12. (1) The Meat Industry Levy Regulation 1985 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Meat Industry Levy Regulation 1985, had effect under that Regulation is taken to have effect under this Regulation.

SCHEDULE 1—FORMS

Form 1

(Cl. 6)

NOTICE OF SALE OR TRANSFER OF LAND

- Place cross to indicate appropriate Act
- LOCAL GOVERNMENT ACT 1993
- VALUATION OF LAND ACT 1916
- WATER BOARD ACT 1987
- HUNTER WATER BOARD (CORPORATISATION) ACT 1991
- WATER SUPPLY AUTHORITIES ACT 1987
- RURAL LANDS PROTECTION ACT 1989
- MEAT INDUSTRY ACT 1978

FOR OFFICE USE ONLY

WATER BOARD'S No.

VALUER GENERAL'S No.

COUNCIL'S ASSESSMENT No.

In accordance with the abovementioned Act, notice is given of the sale or transfer of the land described below.

LOCAL GOVERNMENT AREA	WARD
TRANSFEROR	
SURNAME	GIVEN NAMES
NEW ADDRESS (if known)	EXTENT OF ESTATE OR INTEREST TRANSFERRED
TRANSFeree	
SURNAME	GIVEN NAMES
ADDRESS FOR SERVICE OF NOTICES	
DETAILS OF SALE OR TRANSFER	
PURCHASE PRICE (SHOW AMOUNT OF CONSIDERATION FOR THE SALE OR TRANSFER)	TERMS OF PAYMENT (IF NOT CASH GIVE FULL PARTICULARS)
DATE OF CONTRACT OF SALE OR AGREEMENT	DATE OF TRANSFER

1994—No. 432

INDICATE WHETHER LAND WAS SOLD		ITEMS INCLUDED IN SALE PRICE (Give particulars of any items included in the sale price, such as plant fittings, furniture, growing crops etc. and the amount of consideration apportioned to such inclusions)
Place cross in appropriate box	<input type="checkbox"/> WITH VACANT POSSESSION	
	<input type="checkbox"/> TO THE TENANT	
	<input type="checkbox"/> SUBJECT TO AN EXISTING TENANCY	

Form 2

(Cl. 7)

APPLICATION FOR A CERTIFICATE UNDER SECTION 59F

To: The Secretary
New South Wales Meat Industry Authority

Application is made for issue of a certificate under section 59F of the Meat Industry Act 1978 as to the amount (if any) of the meat industry levies due and payable to the Authority by the occupier or owner of the land described below.

The prescribed fee of _____ is enclosed.

PARTICULARS

Name of occupier as at 31 December last

Address of that occupier

Assessment number of holding (if known)

Name of owner

Address of owner

Name of propertyArea hectares

Location of property

Rural Lands Protection Board

Portion No. Parish

County

Area of above land to be transferred

Name and address of person requiring certificate

.....

.....Postcode

Form 3

(Cl. 8)

CERTIFICATE UNDER SECTION 59F

I certify that the meat industry levies set out below are due and payable to the Meat Industry Authority in respect of the land described below.

DESCRIPTION OF LAND

Assessment No. Occupier

Address

.....

Name of property Location

Rural Lands Protection Board

Parish County Portions

Area No. of dry sheep equivalents

Year	Amount of levy	Interest	Total	Amount paid to date	Amount now due

.....
Secretary

NOTES

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SCHEDULE 1—FORMS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any major changes of substance, the provisions of the Meat Industry Levy Regulation 1985. The new Regulation deals with the following matters:

- (a) the basis for calculating meat industry levies (clause 4);
- (b) the giving of notices of the amounts of meat industry levies (clause 5);
- (c) the giving of notices of change of occupancy and ownership of land (clause 6);
- (d) applications for certificates as to the amounts of meat industry levies due and unpaid (clause 7);
- (e) certificates as to the amounts of meat industry levies due and unpaid (clause 8);
- (f) objections to the validity of meat industry levies (clause 9);
- (g) the interest payable on overdue meat industry levies (clause 10);
- (h) the keeping of levy books for recording particulars relating to meat industry levies (clause 11);
- (i) other formal matters (clauses 1, 2, 3 and 12).

In particular, the Regulation enables certain matters to be dealt with under the Rural Lands Protection Act 1989 while an agreement or arrangement is in force under section 12 of that Act. Under such an agreement or arrangement, those matters are dealt with by rural lands protection boards as agents for the Meat Industry Authority.

This Regulation is made under the Meat Industry Act 1978, including section 77 (the general regulation making power) and sections 59A, 59E, 59F, 59G, 59H and 59L.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
