



New South Wales

Meat Industry (Meat Industry Levy) Regulation 1999

under the

Meat Industry Act 1978

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Meat Industry Act 1978*.

RICHARD AMERY, M.P.,

Minister for Agriculture, and
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to repeal and remake, with minor modifications, the provisions of the *Meat Industry (Meat Industry Levy) Regulation 1994*. This Regulation provides for the following matters:

- (a) the basis for calculating meat industry levies,
- (b) the giving of notices of the amounts of meat industry levies,
- (c) the giving of notices of change of occupancy and ownership of land,
- (d) applications for certificates as to the amounts of meat industry levies due and unpaid,
- (e) certificates as to the amounts of meat industry levies due and unpaid,
- (f) objections to the validity of meat industry levies,
- (g) the interest payable on overdue meat industry levies,
- (h) the keeping of levy books for recording particulars relating to meat industry levies,
- (i) other formal matters.

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Explanatory note

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 New South Wales Meat Industry Authority.

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

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

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Meat Industry (Meat Industry Levy) Regulation 1999

1 Name of Regulation

This Regulation is the *Meat Industry (Meat Industry Levy) Regulation 1999*.

2 Commencement

- (1) This Regulation commences on 1 September 1999, except as provided by subclause (2).
- (2) Clause 13 and Schedule 2 commence on the commencement of Schedule 6.14 of the *Rural Lands Protection Act 1998*.

3 Definitions

- (1) In this Regulation:

levy means a meat industry levy under Part 5A of the Act.

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.

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.

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.
- (3) The explanatory note, table of contents and note in the text of this Regulation do not form part of this Regulation.

4 Calculation of levy

- (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 1.2 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 \$130.

5 Notice of amount of levy

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:

- (a) 30 June, unless the notice is given as referred to in paragraph (b), or
- (b) if the notice accompanies or forms part of a rate notice under section 53 of the *Rural Lands Protection Act 1989* while a section 12 agency agreement is in force, the date on which the rate notice is duly served under that Act.

6 Changes in occupancy or ownership of land

- (1) For the purposes of section 59E (1) of the Act, the prescribed notice is a written notice in Form 1.
- (2) A person is exempt from section 59E (1) of the Act (which relates to notice of a person ceasing to be or becoming the occupier or owner of land):
 - (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, within one month of ceasing to be or becoming the occupier or owner of land in respect of which a meat industry levy is payable, 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*.

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7 Applications for certificates of levies due and payable

- (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 agreement is in force, a person is exempt from section 59F (4) of the Act in relation to the form of an application for a certificate of levies due and payable if the person's application forms part of an application for 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 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.

8 Certificates of levies due and payable

- (1) For the purposes of section 59F (5) of the Act, the prescribed form is Form 3.
- (2) While a section 12 agency agreement is in force, the Authority is exempt from section 59F (5) of the Act (which relates to the form of a certificate of levies due and payable) if the certificate forms 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 agreement.

9 Objection to validity of levy

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.

10 Overdue levies

- (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.

11 Levy books

- (1) For the purposes of section 59L (1) of the Act, a levy book that is kept in any one of the following forms is a prescribed levy book:
 - (a) a book containing fixed or loose leaves,
 - (b) a series of cards,
 - (c) a series of computerised records.
- (2) 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.
- (3) While a section 12 agency agreement is in force, a levy book may 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*.

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- (4) An agent of the Authority that keeps a levy book as part of a rate record under subclause (3) is exempt from section 59L (1) of the Act (which relates to the levy book in which meat industry levies must be entered and the manner and form in which the levy book must be kept).

12 Repeal

- (1) The *Meat Industry (Meat Industry Levy) Regulation 1994* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Meat Industry (Meat Industry Levy) Regulation 1994*, had effect under that Regulation is taken to have effect under this Regulation.

13 Amendments

This Regulation is amended as set out in Schedule 2.

Schedule 1 Forms

Form 1

(Clause 6)

Notice of sale or transfer of land

In accordance with the *Meat Industry Act 1978*, notice is given of the sale or transfer of the land described below:

Description of land

- Local government area • Ward
- House or unit no. • Street name
- Lot or portion no. • Section
- Deposited plan, strata plan or estate no.
- Lease no. and type of holding (if crown land)
- Width of frontage • Length (from frontage)
- Area (hectares) • Volume or book.
- Folio no. • District, town or village
- County • Parish
- Nearest cross streets
- Nature of property (eg vacant land, house, temporary residence)

New subdivisions

If the lot is part of a new subdivision, please provide the following details about the land that was subdivided, before it was subdivided:

- Name of subdivider
- Street name
- Lot or portion no • Section
- Deposited plan no. • Area or dimensions

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Schedule 1 Forms

- Council's subdivision no. or rural lands protection board assessment no. or Valuer General's no. (please indicate which of these is being referred to)

Details of transferor

- Surname or corporate name Other names (if any).
- New or continuing address Postcode
- Extent of estate or interest transferred (eg fee simple, leasehold, licence to occupy)

Details of transferee

- Surname or corporate name Other names (if any).
- Address for service of notices Postcode
- Country of citizenship or place of incorporation
- Date of birth (if natural person under 18 years)

Details of sale or transfer

- Date of contract of sale or agreement to transfer
- Date of transfer of the property
- Please indicate, by ticking the appropriate box, if the property was sold:
 - with vacant possession
 - to an existing tenant
 - subject to an existing tenancy

Signing this form

- Signature of transferor or agent
- Signature of transferee or agent
- Date signed
- Solicitor's file reference no. (if form is completed by a solicitor)

Form 2

(Clause 7)

Application for certificate under section 59F

To: The Secretary
New South Wales Meat Industry Authority

This is an application for 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:

Description of land

- Local government area • Ward
- House or unit no. • Street name
- Lot or portion no. • Section
- Deposited plan, strata plan or estate no.
- Lease no. and type of holding (if crown land).
- Width of frontage • Length (from frontage)
- Area (hectares) • Volume or book.
- Folio no. • District, town or village
- County • Parish
- Rural lands protection district
- Rate assessment no. for the property (if known)
- Nearest cross streets
- Nature of property (eg vacant land, house, temporary residence)
- Rate assessment no. for the property (if known)
- Area of property to be transferred (hectares)

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Schedule 1 Forms

New subdivisions

If the lot is part of a new subdivision, please provide the following details about the land that was subdivided, before it was subdivided:

- Name of subdivider
- Street name
- Lot or portion no. • Section
- Deposited plan no • Area or dimensions
- Council's subdivision no. or rural lands protection board assessment no. or Valuer General's no. (please indicate which of these is being referred to)

Details of occupier of land

- Name of occupier as at 31 December of last year
- Postal address
..... Postcode

Details of owner of land

- Name
- Postal address
..... Postcode

Details of applicant

- Name
- Postal address
..... Postcode

Prescribed fee payable with application

- Accompanying this application is the prescribed fee of \$

Note: The prescribed fees are set out in clause 7 (3) of the *Meat Industry (Meat Industry Levy) Regulation 1999*.

Form 3

(Clause 8)

Certificate under section 59F

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

Details of land

- Rate assessment no. for property
- Name of property.
- Address of property.
- Portion no. • County
- Parish • Area of property (hectares).
- Rural lands protection district
- No. of dry sheep equivalents

Details of occupier of land

- Name
- Postal address Postcode

Levy

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

- Signed • Date

The Secretary
 New South Wales Meat Industry Authority

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Schedule 2 Amendments

Schedule 2 Amendments

(Clause 13)

[1] Clause 3 Definitions

Omit the definition of *section 12 agency arrangement* from clause 3 (1).

[2] Clause 3 (1), definition of “levy collection agency agreement”

Insert in alphabetical order:

levy collection agency agreement means an agreement or arrangement entered into by a rural lands protection board (or the State Council of Rural Lands Protection Boards on behalf of the board) under the *Rural Lands Protection Act 1998* under which the 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 of the board owe to the Authority.

[3] Clause 4 Calculation of levy

Omit "equivalent of carrying capacity of the land" from clause 4 (2).

Insert instead "of the notional carrying capacity of the land, as assessed by or under the *Rural Lands Protection Act 1998*,".

[4] Clause 5 Notice of amount of levy

Omit “section 53 of the *Rural Lands Protection Act 1989*” from clause 5 (b).

Insert instead “section 63 of the *Rural Lands Protection Act 1998*”.

[5] Clause 6 Changes in occupancy or ownership of land

Omit “section 65 of the *Rural Lands Protection Act 1989*” from clause 6 (2) (a).

Insert instead “section 81 of the *Rural Lands Protection Act 1998*”.

[6] Clause 7 Applications for certificates of levies due and payable

Omit “section 66 of the *Rural Lands Protection Act 1989*” from clauses 7 (2) and (3) (b).

Insert instead “section 236 of the *Rural Lands Protection Act 1998*”.

[7] Clause 7 (4)

Omit the subclause. Insert instead:

- (4) The fee referred to in subclause (3) (b) is in addition to any fee payable under the *Rural Lands Protection Act 1998* in relation to an application under section 236 (Certificate as to rates, charges and other matters) of that Act.

[8] Clause 8 Certificates of levies due and payable

Omit “section 66 of the *Rural Lands Protection Act 1989*” from clause 8 (2).

Insert instead “section 236 of the *Rural Lands Protection Act 1998*”.

[9] Clause 10 Overdue levies

Omit “section 68 of the *Rural Lands Protection Act 1989*” from clause 10 (2) (a).

Insert instead “section 202 of the *Rural Lands Protection Act 1998*”.

[10] Clause 11 Levy books

Omit “section 74 of the *Rural Lands Protection Act 1989*” from clause 11 (3).

Insert instead “the *Rural Lands Protection Act 1998*”.

[11] The whole Regulation

Omit “section 12 agency arrangement” wherever occurring.

Insert instead “levy collection agency agreement”.

BY AUTHORITY
