



New South Wales

Meat Industry (Meat Industry Levy) Regulation 2006

under the

Meat Industry Act 1978

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

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to remake, without substantial changes, the *Meat Industry (Meat Industry Levy) Regulation 1999* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation provides for the following matters:

- (a) the method of calculation, and applicable rates for, 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.

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

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Meat Industry (Meat Industry Levy) Regulation 2006

under the

Meat Industry Act 1978

1 Name of Regulation

This Regulation is the *Meat Industry (Meat Industry Levy) Regulation 2006*.

2 Commencement

This Regulation commences on 1 September 2006.

Note. This Regulation replaces the *Meat Industry (Meat Industry Levy) Regulation 1999* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

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

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 Food 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 rateable land within the district of the board owe to the Food Authority.

relevant rural lands protection board for a parcel of land means the rural lands protection board constituted under the *Rural Lands Protection Act 1998* 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) Notes included in this regulation do not form part of this Regulation.

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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 of the notional carrying capacity of the land, as assessed by or under the *Rural Lands Protection Act 1998*, is 0.6 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 written notice of the amount of a levy must be given to the occupier of the land to which the notice relates is 31 October.

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 81 of the *Rural Lands Protection Act 1998*, 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*.

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 levy collection 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 236 of the *Rural Lands Protection Act 1998*.

- (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 236 of the *Rural Lands Protection Act 1998*.
- (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 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 levy collection agency agreement is in force, the Food 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 236 of the *Rural Lands Protection Act 1998*.
- (3) The validity of a certificate referred to in subclause (2) is not affected by the termination or expiry of the levy collection 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 202 of the *Rural Lands Protection Act 1998* is expressible as a rate per cent per year, the rate per cent per year so payable, or

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- (b) in any other case, the rate per cent per year for the time being prescribed under section 101 of the *Civil Procedure Act 2005* 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 the 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 levy collection 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 the *Rural Lands Protection Act 1998*.
- (4) An agent of the Food 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 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Meat Industry (Meat Industry Levy) Regulation 1999*, had effect under that Regulation is taken to have effect under this Regulation.

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
- House or unit no
- Lot or portion no
- Ward
- Street name
- Section
- Deposited plan, strata plan or estate no
- Lease no and type of holding [*if Crown land*]
- Width of frontage
- Area [*hectares*]
- Folio no
- County
- Length [*from frontage*]
- Volume or book
- District, town or village
- 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
- Deposited plan no
- Section
- 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*]

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Schedule 1 Forms

Details of transferor

- Surname or corporate name Other names [*if any*]
- New or continuing address
- 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
- 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 Director-General
 NSW Food 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
- House or unit no
- Lot or portion no
- Deposited plan, strata plan or estate no
- Lease no and type of holding [*if Crown land*]
- Width of frontage
- Area [*hectares*]
- Folio no
- County
- 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*]
- Ward
- Street name
- Section
- Length [*from frontage*]
- Volume or book
- District, town or village
- Parish

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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
- Deposited plan no
- Section
- 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

Details of owner of land

- Name
- Postal address

Details of applicant

- Name
- Postal address

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 2006*.

Form 3

(Clause 8)

Certificate under section 59F

I certify that the meat industry levies set out below are due and payable to the NSW Food Authority in respect of the land described below:

Details of land

- Rate assessment no for property
- Name of property
- Address of property

- Portion no
- Parish
- County
- Area of property [*hectares*]

- Rural lands protection district
- No of dry sheep equivalents

Details of occupier of land

- Name
- Postal address

Levy

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

- Signed
- Date

The Director-General
NSW Food Authority

BY AUTHORITY