



New South Wales

Meat Industry (Meat Industry Levy) Regulation 2016

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*.

NIALL BLAIR, MLC
Minister for Primary Industries

Explanatory note

The object of this Regulation is to remake, without substantial changes, the *Meat Industry (Meat Industry Levy) Regulation 2006*, which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.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 or 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 and the form of those certificates,
- (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 2016

under the

Meat Industry Act 1978

1 Name of Regulation

This Regulation is the *Meat Industry (Meat Industry Levy) Regulation 2016*.

2 Commencement

This Regulation commences on 1 September 2016 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Meat Industry (Meat Industry Levy) Regulation 2006*, which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.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 Local Land Services under which Local Land Services 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 meaning of the *Local Land Services Act 2013* owe to the Food Authority.

Local Land Services certificate means a certificate under section 203 (Certificate as to rates, charges and other matters) of the *Local Land Services Act 2013*.

the Act means the *Meat Industry Act 1978*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (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 (other than in Schedule 1) 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 of the notional carrying capacity of the land, as assessed by or under the *Local Land Services Act 2013*, 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 Local Land Services in accordance with clause 24 of the *Local Land Services Regulation 2014*, or
 - (b) if the person has, within 1 month of ceasing to be or becoming the occupier or owner of land in respect of which a 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 Local Land Services certificate.
- (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 Local Land Services certificate.
- (4) The fee referred to in subclause (3) (b) is in addition to any fee payable under the *Local Land Services Act 2013* in relation to an application for a Local Land Services certificate.

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 in relation to the form of a certificate of levies due and payable if the certificate forms part of a Local Land Services certificate.
- (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 184 (Accrual of interest on overdue rates, charges and other amounts) of the *Local Land Services Act 2013* 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 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 amounts 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 Local Land Services as part of a rate record kept under the *Local Land Services Act 2013*.
- (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 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 2006*, 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
- Deposited plan, strata plan or estate no
- Lease no and type of holding [*if Crown land*]
- Width of frontage
- Area [*hectares*]
- Folio no
- County
- Nearest cross streets
- Nature of property [*eg vacant land, house, temporary residence*]
- Ward
- Street name
- Section
- Length [*from frontage*]
- Volume or book
- District, town or village
- Parish

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
- Council's subdivision no or local land services assessment no or Valuer-General's no [*please indicate which of these is being referred to*]
- Section
- Area or dimensions

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 of the Meat Industry Act 1978

To: The Chief Executive Officer
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 | • 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 [<i>if Crown land</i>] | |
| • Width of frontage | • Length [<i>from frontage</i>] |
| • Area [<i>hectares</i>] | • Volume or book |
| • Folio no | • District, town or village |
| • County | • Parish |
| • Local land services region | |
| • Rate assessment no for property [<i>if known</i>] | |
| • Nearest cross streets | |
| • Nature of property [<i>eg vacant land, house, temporary residence</i>] | |
| • Area of property to be transferred [<i>hectares</i>] | |

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
- Council's subdivision no or local land services assessment no or Valuer-General's no [*please indicate which of these is being referred to*]
- Section
- Area or dimensions

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 2016*.

Form 3

(Clause 8)

Certificate under section 59F of the Meat Industry Act 1978

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
- Local land services region
- No of dry sheep equivalents
- County
- Area of property [*hectares*]

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 Chief Executive Officer
NSW Food Authority