

Meat Industry (Meat Industry Levy) Regulation 2006

Current version for 9 July 2010 to date (accessed 24 February 2012 at 01:33)

Status information

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Currency of version

Current version for 9 July 2010 to date (accessed 24 February 2012 at 01:33).

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

Staged repeal status

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2012

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 15 July 2011.

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 This Regulation replaces the [Meat Industry \(Meat Industry Levy\) Regulation 1999](#) which is repealed on 1 September 2006 by section 10 (2) of the [Subordinate Legislation Act 1989](#).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

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
 - (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

- 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 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
- Ease no and type of holding [*if Crown land*]
- Width of frontage Length [*from frontage*]

Area [*hectares*]

Volume or book

Plot 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*]

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

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

County

Parish

Area of property [*hectares*]

Local lands protection district

Value 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 Chief Executive Officer
NSW Food Authority

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Meat Industry (Meat Industry Levy) Regulation 2006 (455). GG No 103 of 18.8.2006, p 6287. Date of commencement, 1.9.2006, cl 2. This Regulation has been amended as follows:

2010 No 59 Statute Law (Miscellaneous Provisions) Act 2010. Assented to 28.6.2010.
Date of commencement of Sch 2.55, 9.7.2010, sec 2 (2).

Table of amendments

Sch 1 Am 2010 No 59, Sch 2.55.