

Dairy Industry Amendment Act 2000 016

Commenced: 16 June 2000

ANALYSIS

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The Parliament of New Zealand enacts as follows:

1. Title

(1) This Act is the Dairy Industry Amendment Act 2000.

(2) In this Act, the Dairy Industry Act 1952 is called "the principal Act".

2. Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3. New section 26A inserted

The principal Act is amended by inserting, after section 26, the following section:

"26A No Crown liability

The Crown is not liable to any person in respect of the provision of any official assurances given in good faith and with reasonable care as to the compliance of dairy produce with the requirements of an importing country."

4. General penalty for breaches of Act

(1) Section 31(1) of the principal Act is amended by omitting the expression "\$100", and substituting the words "\$5,000 in the case of a natural person, and \$20,000 in the case of a body corporate,".

(2) Section 31(1) of the principal Act is amended by repealing paragraph (f), and substituting the following paragraph:

"(f) makes any statement required by this Act, or gives any information required by this Act, knowing it to be false in any material particular; or".

5. Regulations

(1) Section 32(1) of the principal Act is amended by inserting, after paragraph (x), the following heading and paragraphs:

"Miscellaneous

"(xa) providing for a system for the provision of official assurances as to the compliance of dairy produce with the requirements of an importing country, including the withholding of official assurances if the applicant is not entitled to export the produce:

"(xaa) requiring persons who are involved in the manufacturing, storage, testing, or exporting of dairy produce destined for export to have and comply with an approved compliance programme, the purposes of which are to ensure that dairy produce destined for export meets the requirements of an importing country and that official assurances are accurate:

"(xab) prescribing the matters that must be provided for in a compliance programme:".

(2) Section 32(1) of the principal Act is amended by repealing paragraph (y), and substituting the following paragraph:

"(y) prescribing matters in respect of which costs are recoverable under this Act, the amounts of those costs or the method by which they are to be assessed, and the persons liable for payment of the costs:".

(3) Section 32(1)(bb) of the principal Act is amended by omitting the expression "\$100", and substituting the words "\$5,000 in the case of a natural person, and \$20,000 in the case of a body corporate,".

6. New section 32A inserted

The principal Act is amended by inserting, after section 32, the following section:

"32A Consultation before making of regulations

"(1) Before making any recommendation for the purposes of section 32, the Director must---

"(a) do everything reasonably practicable on his or her part to consult with representatives of persons likely to be substantially affected by the regulations; and

"(b) advise the Minister of the results of any such consultation.

"(2) The Minister must take into account the results of any consultation.

"(3) Subsection (1) does not apply in respect of any regulation if the Minister considers it desirable in the public interest that the regulation be made urgently.

"(4) A failure to comply with subsection (1) does not affect the validity of any regulation made under this Act."