



Biosecurity (Readiness and Response—Kiwifruit Levy) Amendment Order 2018

Hon Sir William Young, Administrator of the Government

Order in Council

At Wellington this 9th day of July 2018

Present:

His Excellency the Administrator of the Government in Council

This order is made under section 100ZB(1) of the Biosecurity Act 1993—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Biosecurity given after being satisfied of the matter described in section 100ZB(6) of that Act.

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Order

1 Title

This order is the Biosecurity (Readiness and Response—Kiwifruit Levy) Amendment Order 2018.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Principal order

This order amends the Biosecurity (Readiness and Response—Kiwifruit Levy) Order 2015 (the **principal order**).

4 Clause 3 amended (Interpretation)

- (1) In clause 3(1), definition of **agreement**, paragraph (b)(ii), delete “The KVH Foundation Incorporated and”.
- (2) In clause 3(1), replace the definition of **annual general meeting** with:
annual general meeting means an annual general meeting of Kiwifruit Vine Health Incorporated held in accordance with its rules
- (3) In **clause 3(1)**, replace the definition of **industry organisation** with:
industry organisation means Kiwifruit Vine Health Incorporated
- (4) In clause 3(1), replace the definition of **The KVH Foundation Incorporated** with:
The KVH Foundation Incorporated means the society called The KVH Foundation Incorporated that was formerly a party to the deed
- (5) Revoke clause 3(3).

5 Clause 4 amended (When order ceases to apply)

- (1) In clause 4(1), delete “The KVH Foundation Incorporated or”.
- (2) Replace clause 4(4) with:
- (4) Despite this clause, this order continues to apply if Kiwifruit Vine Health Incorporated is succeeded as a party to the deed by another body corporate.

6 Clause 5 replaced (Levy imposed)

Replace clause 5 with:

5 Levy imposed

A levy is payable to Kiwifruit Vine Health Incorporated on kiwifruit that is grown in New Zealand and exported.

7 Clause 9 amended (Maximum rate of levy)

In clause 9, replace “0.28 cents” with “1.4 cents”.

8 Clause 10 amended (Rate of levy payable)

- (1) In clause 10(2)(b), delete “The KVH Foundation Incorporated or”.
- (2) In clause 10(3)(c), delete “The KVH Foundation Incorporated or”.

9 Clause 11 amended (Power to vary rate of levy for response activity)

- (1) Replace clause 11(2) with:
- (2) The variation of the levy rates (the **varied rates**) and the period during which the varied rates will apply (the **variation period**) must be approved by a decision of the board of Kiwifruit Vine Health Incorporated made in accordance with that society’s rules.
- (2) In clause 11(3), replace “Each” with “The”.
- (3) In clause 11(5)(c), delete “The KVH Foundation Incorporated or”.

10 Clause 16 amended (Exporter responsible for collecting levy)

Replace clause 16(2) with:

- (2) The exporter must pay the levy to Kiwifruit Vine Health Incorporated.

11 Clause 17 amended (Exporter must make returns to The KVH Foundation Incorporated)

- (1) In the heading to clause 17, replace “**The KVH Foundation Incorporated**” with “**Kiwifruit Vine Health Incorporated**”.
- (2) Replace clause 17(1) with:
 - (1) An exporter must, when paying the levy to Kiwifruit Vine Health Incorporated, provide a completed return in a form approved by that industry organisation.

12 Clause 19 amended (Records)

In clause 19(2)(b), replace “The KVH Foundation Incorporated” with “Kiwifruit Vine Health Incorporated”.

13 Clause 20 amended (Conscientious objectors)

Replace clause 20(2) with:

- (2) The Director-General must pay the amount to Kiwifruit Vine Health Incorporated.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the 28th day after the date of its notification in the *Gazette*, amends the Biosecurity (Readiness and Response—Kiwifruit Levy) Order 2015 (the **principal order**).

Clause 1 relates to the Title.

Clause 2 relates to commencement.

Clause 3 provides that the principal order amended by this order is the Biosecurity (Readiness and Response—Kiwifruit Levy) Order 2015.

Clauses 4, 5, 6, and 8 to 13 consequentially amend various clauses of the principal order to reflect the fact that Kiwifruit Vine Health Incorporated will be the industry organisation (rather than The KVH Foundation Incorporated) and to remove references to The KVH Foundation Incorporated from the principal order except where that society is referred to in clause 3 as a former party to the deed that is defined in that clause.

Clause 7 amends clause 9 of the principal order by increasing the maximum rate of levy from 0.28 cents per kilogram to 1.4 cents per kilogram.

This order is a confirmable instrument under section 47B of the Legislation Act 2012. It is revoked at the close of 31 December 2019, unless earlier confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(b) of that Act.

Regulatory impact assessment

The Ministry for Primary Industries (**MPI**) prepared a Stage 2 Cost Recovery Impact Statement (**CRIS2**) for this order on 22 June 2018 to help inform the decisions taken by the Government relating to the contents of this instrument. The MPI Regulatory Impact Analysis Panel and the Treasury jointly reviewed the CRIS2 and the panel considered that the information and analysis summarised in it met the panel's current understanding of the quality assurance criteria.

A copy of this CRIS2 can be found at—

- <http://www.mpi.govt.nz/dmsdocument/29618>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

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**Biosecurity (Readiness and Response—Kiwifruit Levy)
Amendment Order 2018**

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 12 July 2018.

This order is administered by the Ministry for Primary Industries.

Wellington, New Zealand:

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