



Commodity Levies (Blackcurrants) Order 2025

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 18th day of August 2025

Present:

Her Excellency the Administrator of the Government in Council

This order is made under section 4 of the Commodity Levies Act 1990—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Agriculture given in accordance with sections 5 and 6 of that Act.

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Order

1 Title

This order is the Commodity Levies (Blackcurrants) Order 2025.

2 Commencement

This order comes into force on 30 September 2025.

3 Interpretation

In this order, unless the context otherwise requires,—

Act means the Commodity Levies Act 1990

BCNZ means Blackcurrants NZ Incorporated

collection agent means a person whose business is or includes—

- (a) buying blackcurrants from a grower for resale, processing, or export; or
- (b) selling blackcurrants on behalf of a grower

grower means a person whose business is or includes the commercial production of blackcurrants

GST means goods and services tax payable under the Goods and Services Tax Act 1985

levy means the levy imposed by clause 4

levy money means money paid or payable under this order as a levy

levy year means,—

- (a) for the first levy year, the period starting on 30 September 2025 and ending on 30 September 2026:
- (b) for the last levy year, the period starting on 1 October 2030 and ending on 29 September 2031:
- (c) for every other year, a 1-year period starting on 1 October and ending on 30 September in the following year.

Levy imposed

4 Levy on blackcurrants

- (1) A levy is imposed on blackcurrants grown by a grower.
- (2) The levy is payable to BCNZ.

Paying levy

5 Growers primarily responsible for paying levy

- (1) Growers are primarily responsible for paying the levy.
- (2) No grower is exempt from paying the levy.

6 Collection agent must pay levy and recover it from growers

- (1) A collection agent must pay the levy, and any GST payable on it, on blackcurrants that the collection agent—
 - (a) buys from a grower for resale, processing, or export; or
 - (b) sells on behalf of a grower.
- (2) A collection agent may recover the levy, and any GST paid in respect of it, from the grower by deducting the levy and GST from the amount otherwise payable to the grower for the blackcurrants.
- (3) A collection agent must not charge a fee for paying or recovering the levy.

Determination of levy

7 Basis of calculation of levy

The levy on blackcurrants must be calculated on the basis of the weight in kilograms of blackcurrants grown by a grower.

8 Levy must be paid at single rate

The levy must be paid at a single rate.

9 Initial rate of levy

The rate of levy for the first levy year is set at 4 cents per kilogram (excluding GST).

10 Later rates of levy

BCNZ may set the rate of levy for any levy year other than the first as long as—

- (a) the rate is set before the start of the levy year; and
- (b) the rate does not exceed the maximum rate of 10 cents per kilogram (excluding GST); and
- (c) if the rate is greater than the rate for the previous levy year, the rate has been approved by growers at the last annual or special general meeting of BCNZ.

11 Previous rate of levy to apply

If the rate of levy is not set for a levy year in accordance with clause 10, then the most recently set rate of levy continues to apply for that levy year.

12 Notification of rate of levy

As soon as practicable after setting a rate of levy for any levy year, BCNZ must notify the rate—

- (a) on an internet site maintained by or on behalf of BCNZ; and
- (b) in the BCNZ newsletter; and
- (c) by email to all growers and collection agents known to BCNZ.

Payment of levy

13 When levy payable by growers

- (1) BCNZ must invoice a grower for the levy payable on blackcurrants that the grower sold directly to the public or exported in any levy year.
- (2) BCNZ must invoice the grower no later than the close of—
 - (a) 30 September of that levy year; or
 - (b) in the case of the last levy year, 30 September 2031.
- (3) The due date for the grower to pay the levy is—
 - (a) 30 September of that levy year; or
 - (b) in the case of the last levy year, 30 September 2031.
- (4) The latest date for the grower to pay the levy is 30 October in the same calendar year as the due date.

- (5) In this clause, a reference to the public includes a reference to an overseas buyer.

14 When levy payable by collection agents

- (1) BCNZ must invoice a collection agent for the levy payable on blackcurrants that the collection agent bought from, or sold on behalf of, a grower during a levy year.
- (2) BCNZ must invoice the collection agent no later than the close of—
- (a) 30 September of that levy year; or
 - (b) in the case of the last levy year, 30 September 2031.
- (3) The due date for the collection agent to pay the levy is—
- (a) 30 September of that levy year; or
 - (b) in the case of the last levy year, 30 September 2031.
- (4) The latest date for the collection agent to pay the levy is 30 October in the same calendar year as the due date.

15 Additional levy if levy not paid in time

- (1) If a grower or collection agent has not paid any amount of the levy (or GST payable on that amount) by the close of the last day for payment, they must pay to BCNZ 5% of the amount of the levy not paid at the end of the first month, in addition to the amount otherwise payable.
- (2) A further 2% of the amount owing (including any previous additional levies under subclause (1)) is payable at the end of each additional month in which the amount remains unpaid.

Spending of levy money

16 BCNZ must spend levy money

- (1) BCNZ must spend all levy money paid to it.
- (2) BCNZ must invest all levy money until it is spent.

17 Purposes for which levy money may be spent

- (1) BCNZ may spend levy money for any or all of the following purposes relating to blackcurrants:
- (a) product and production research and development, including new variety breeding;
 - (b) promotion of New Zealand blackcurrants;
 - (c) quality assurance;
 - (d) communications and education, including extension services (such as the transfer of technical information to growers for the benefit of the industry):

- (e) biosecurity readiness:
 - (f) day-to-day administration of BCNZ.
- (2) *See* section 10(1) of the Act, which prohibits the use of levy money for commercial or trading purposes.

18 BCNZ must inform and consult growers about spending of levy money

- (1) BCNZ must, at its annual general meeting, inform growers of how it has spent levy money and consult growers on how it proposes to spend levy money.
- (2) BCNZ may, at any special general meeting, inform growers of how it has spent levy money and consult growers on how it proposes to spend levy money.

Returns, records, and confidentiality

19 Returns

- (1) A payment of levy money to BCNZ, or the Director-General of the Ministry for Primary Industries under clause 22, by a grower or collection agent must be accompanied by a written return that states—
- (a) the weight in kilograms of the blackcurrants to which the payment relates; and
 - (b) the name of the grower of the blackcurrants and the grower's contact details.
- (2) BCNZ may request, in writing, from a grower or collection agent, any information that is required for determining the amount of levy payable and that is required to be kept in accordance with clause 20.
- (3) As soon as is reasonably practicable after receiving a request under subclause (2), a grower or collection agent must supply BCNZ with a written return of the information requested.

20 Records

- (1) A grower must, for each levy year, keep records of—
- (a) the name and address of each collection agent to whom the grower has sold blackcurrants; and
 - (b) the quantity of blackcurrants sold to each collection agent; and
 - (c) the quantity of blackcurrants sold directly to the public; and
 - (d) the quantity of blackcurrants exported by the grower before the blackcurrants are sold; and
 - (e) the quantity of unsold fruit held in storage at the end of the levy year.
- (2) A collection agent must, for each levy year, keep records of—
- (a) the name and address of each grower from whom blackcurrants were bought; and

- (b) the quantity of blackcurrants bought from each grower; and
 - (c) the amount of levy deducted in respect of each quantity; and
 - (d) the quantity of blackcurrants sold by the collection agent.
- (3) BCNZ must, for each levy year, keep records of—
- (a) each amount of levy money paid to it; and
 - (b) the person who paid each amount and the date on which it was received; and
 - (c) how the levy money was spent or invested.
- (4) The records required by this clause must be retained for at least 2 years after the end of the levy year to which they relate.
- (5) In this clause, a reference to the public includes a reference to an overseas buyer.

21 Confidentiality of information

- (1) This clause applies to information obtained—
- (a) under or because of this order; or
 - (b) under the Act in relation to this order.
- (2) An officer or employee of BCNZ, or any person involved in collecting levy money (such as a collection agent), may disclose information to anyone other than an officer or employee of BCNZ only if the disclosure is—
- (a) the production of records or accounts under section 17(1) of the Act; or
 - (b) the production of any statement under section 25 of the Act; or
 - (c) the giving of evidence in any legal proceedings taken in relation to this order; or
 - (d) the disclosure of information that is required by law.
- (3) However, BCNZ may disclose or use any information—
- (a) for statistical or research purposes, if the information is disclosed in a form that does not identify any person; or
 - (b) for the purposes of invoicing or collecting the levy; or
 - (c) with the consent of every identifiable person to whom it relates.

Miscellaneous

22 Conscientious objectors

- (1) A grower or collection agent who objects on conscientious or religious grounds to paying an amount of levy in the manner provided for in this order may pay the amount to the Director-General of the Ministry for Primary Industries.
- (2) The Director-General must pay the amount to BCNZ.

23 Mediation of disputes

- (1) This clause applies to a dispute about—
 - (a) whether a person is required to pay the levy; or
 - (b) the amount of levy payable.
- (2) A party to the dispute may ask the President of the Arbitrators and Mediators Institute of New Zealand Incorporated to appoint a person to resolve the dispute by mediation, in which case the provisions of the Schedule apply.

24 Remuneration of persons conducting compliance audits

A person appointed as auditor under section 15 of the Act must be remunerated by BCNZ at a rate determined by the Minister of Agriculture after consultation with BCNZ.

25 Commodity Levies (Blackcurrants) Order 2019 revoked

The Commodity Levies (Blackcurrants) Order 2019 (LI 2019/213) is revoked.

Schedule

Mediation of disputes

cl 23

1 Meaning of mediator

In this schedule, **mediator** means—

- (a) a person appointed under clause 2 of this schedule; and
- (b) for a particular dispute, a mediator appointed to resolve the dispute.

2 Appointing mediators

- (1) If asked by a party to a dispute under clause 23(2) of this order, the President of the Arbitrators and Mediators Institute of New Zealand Incorporated, or a person authorised by the President, may appoint a person to resolve the dispute by mediation.
- (2) The mediator's appointment ends if—
 - (a) the parties to the dispute resolve it by agreement; or
 - (b) the mediator resolves the dispute under clause 10 of this schedule.

3 Remunerating mediators

- (1) A mediator must be paid remuneration (by way of fees and allowances) as agreed by the parties to the dispute.
- (2) If the parties to a dispute cannot agree on a mediator's remuneration, the President of the Arbitrators and Mediators Institute of New Zealand Incorporated, or a person authorised by the President, must—
 - (a) fix an amount or several amounts to be paid to the mediator as remuneration; and
 - (b) specify the amount (if any) that each party must pay.
- (3) Each party must pay to the mediator any amount specified as an amount to be paid by that party under subclause (2).

4 Conference

A mediator may organise a conference to facilitate the resolution of the dispute between the parties.

5 Conferences under control of mediator

A mediator must—

- (a) organise the date, time, and place for each conference to be held by the mediator; and
- (b) notify the parties by post or email; and
- (c) preside at the conference.

6 Conferences must be held in private

Unless clause 7 of this schedule applies, only the parties to a dispute may attend a conference with the mediator.

7 Representatives

A mediator may allow a representative of a party to a dispute to attend a conference with the mediator if the mediator is satisfied that it is appropriate to do so in all the circumstances.

8 Right to be heard

Each person who attends a conference may be heard at the conference.

9 Evidence

- (1) A mediator may hear and take into account any relevant evidence or information, whether or not it would normally be admissible in a court of law.
- (2) A mediator may, on the mediator's own initiative,—
 - (a) seek and receive any evidence that the mediator thinks desirable to resolve the dispute; and
 - (b) make any investigations and inquiries that the mediator thinks desirable to resolve the dispute.
- (3) A mediator may require any person giving evidence at a conference of the parties to a dispute to verify the evidence by statutory declaration.

10 Mediator may resolve dispute in certain cases

- (1) A mediator may resolve a dispute for the parties if—
 - (a) the mediator has organised and presided at a conference of the parties, but the dispute has not been resolved; or
 - (b) the mediator believes that the parties are unlikely to resolve the dispute, whether or not they confer directly.
- (2) A mediator who resolves a dispute under subclause (1) must give each of the parties written notice of the mediator's decision and the reasons for that decision.
- (3) The parties must comply with the mediator's decision.

11 Mediation costs

Each party must pay its own costs in relation to the mediation.

12 Appeal to District Court

- (1) A party to a dispute who is dissatisfied with the mediator's decision under clause 10 of this schedule may appeal to the District Court against the decision.
- (2) The appeal must be brought by filing a notice of appeal—

- (a) within 28 days after the decision is made; or
 - (b) within any longer time that a District Court Judge allows.
- (3) The Registrar of the court must—
 - (a) fix the date, time, and place for the hearing of the appeal; and
 - (b) notify the appellant and the other parties to the dispute of the date, time, and place for the hearing of the appeal; and
 - (c) serve a copy of the notice of appeal on every other party to the dispute.
- (4) Every party to the dispute may appear and be heard at the hearing of the appeal.
- (5) The District Court may confirm, vary, or reverse the mediator’s decision.
- (6) The filing of a notice of appeal does not operate as a stay of any process for the enforcement of the mediator’s decision.

Rachel Hayward,
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 30 September 2025, imposes a levy on blackcurrants that a grower produces in New Zealand for commercial purposes. Blackcurrant growers are primarily responsible for payment of the levy. However, in some circumstances, collection agents are responsible for paying the levy on behalf of growers. The levy is payable to Blackcurrants NZ Incorporated (**BCNZ**).

This order revokes and replaces the Commodity Levies (Blackcurrants) Order 2019.

The changes in this order include the following:

- in relation to levy years,—
 - the first levy year starts on 30 September 2025 and ends on 30 September 2026; and
 - the last levy year starts on 1 October 2030 and ends on 29 September 2031; and
 - other levy years start on 1 October and end on 30 September of the following year:
- growers and collection agents are required to pay the levy annually, instead of quarterly:
- the maximum levy rate for any levy year, other than the first levy year, is increased from 6 cents per kilogram (excluding GST) to 10 cents per kilogram (excluding GST):

- the purposes for which BCNZ may spend levy money relating to blackcurrants are expanded to include communications and education, including extension services.

This order must be confirmed by an Act before the close of 31 December 2026. If it is not confirmed, it will be revoked on the close of that date. *See* subpart 3 of Part 5 of the Legislation Act 2019. If this order is confirmed, it will be revoked on the close of 29 September 2031, unless it is earlier revoked or is extended under section 13(2) of the Commodity Levies Act 1990.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 21 August 2025.

This order is administered by the Ministry for Primary Industries.