



ANALYSIS

Title	18. Imprest accounts
1. Short Title and commencement	19. Money payable into Fishing Industry Account
2. Interpretation	20. Money payable out of Fishing Industry Account
<i>Fishing Industry Board</i>	21. Investment of money
3. Establishment of Fishing Industry Board	22. Unauthorised expenditure
4. Appointment of members	23. Borrowing powers
5. Disqualification for appointment	24. Accounts
6. Term of office	25. Remuneration and travelling expenses
7. Extraordinary vacancies	26. Exemption from taxation
8. Meetings of Board	<i>Miscellaneous Provisions</i>
9. Committees	27. Officers and employees of Board
<i>Functions and Powers of Board</i>	28. Performance of functions by Marine Department or other agent on behalf of Board
10. Functions of Board	29. Government Departments may provide services for Board
11. General powers of Board	30. Contracts of Board and members
12. Board to comply with general policy of Government	31. Board may insure members
13. Board may act as a Commission of Inquiry	32. Members of Board or committee not personally liable
14. Levy on fish	33. Service of notices
15. Supply of fish for local consumption	34. Offences
<i>Financial Provisions</i>	35. Regulations
16. Grants and advances to Board	36. Annual report and accounts to be presented to Parliament
17. Fishing Industry Account	37. Other Acts not affected

1963, No. 70

An Act to establish a Fishing Industry Board and to define its functions and powers [23 October 1963]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Fishing Industry Board Act 1963.

(2) This Act shall come into force on the first day of April, nineteen hundred and sixty-four.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Fishing Industry Board:

“Financial year” means a period of twelve months ending with the thirty-first day of March:

“Fish” includes every description of fish and of shellfish taken in New Zealand waters or in the waters of the sea adjacent thereto; and also includes any part of any such fish or shellfish; but does not include white-bait; and “fishing” has a corresponding meaning:

“Minister” means the Minister of Marine.

Fishing Industry Board

3. Establishment of Fishing Industry Board—(1) There is hereby established for the purposes of this Act a Board, to be known as the Fishing Industry Board.

(2) The Board shall consist of seven members, being—

(a) One member, to be appointed as the Chairman of the Board:

(b) One member, to be appointed as representing persons engaged in the taking of fish for the purposes of sale:

(c) One member, to be appointed as representing wholesalers of fish:

(d) One member, to be appointed as representing retailers of fish:

(e) Three other members.

(3) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of purchasing or otherwise acquiring, holding, disposing of, and alienating real and personal property, and of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

4. Appointment of members—(1) The members of the Board shall be appointed by the Governor-General on the recommendation of the Minister.

(2) With respect to the members of the Board to be appointed under paragraph (b) or paragraph (c) or paragraph (d) of subsection (2) of section 3 of this Act, the following provisions shall apply:

- (a) The person to be appointed under the said paragraph (b) shall be appointed on the recommendation of the Minister on the nomination of such organisations as appear to the Minister to be representative of persons engaged in the taking of fish for the purposes of sale:
- (b) The person to be appointed under the said paragraph (c) shall be appointed on the recommendation of the Minister on the nomination of such organisations as appear to him to be representative of wholesalers of fish:
- (c) The person to be appointed under the said paragraph (d) shall be appointed on the recommendation of the Minister on the nomination of such organisations as appear to him to be representative of retailers of fish.

(3) No member of the Board shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Superannuation Act 1956 by reason of his being a member of the Board.

(4) The first-appointed members of the Board may be appointed at any time after the passing of this Act, and shall come into office at the commencement of this Act or on the date of appointment, whichever is later. For the purposes of this subsection, nominations may be made to the Minister under subsection (2) of this section before the commencement of this Act.

5. Disqualification for appointment—(1) No person shall be appointed to be a member of the Board under paragraph (a) or paragraph (e) of subsection (2) of section 3 of this Act if he is financially interested in the fishing industry.

(2) For the purposes of this section, a person shall be deemed to be financially interested in the fishing industry if he—

- (a) Is the owner of or of any share in a fishing boat for the time being registered under Part I of the Fisheries Amendment Act 1963; or
- (b) Is engaged in fishing for the purposes of sale; or
- (c) Is engaged in the business of selling fish, whether by wholesale or retail; or
- (d) Is in partnership with any person specified in paragraph (a) or paragraph (b) or paragraph (c) of this subsection; or

- (e) Is a member or director or employee of any incorporated company carrying on the business of fishing or of selling fish, whether by wholesale or retail; or
 - (f) Is the wife or husband or an employee of any person disqualified under the provisions of this subsection.
- (3) If any member of the Board appointed under paragraph (a) or paragraph (e) of subsection (2) of section 3 of this Act becomes disqualified under this section for appointment as a member, his office shall thereupon become vacant, and may be filled in the manner specified in section 7 of this Act.

6. Term of office—(1) Subject to the provisions of subsection (2) of this section, each of the members of the Board shall be appointed for a term not exceeding three years, and shall be eligible for reappointment from time to time.

(2) The following provisions shall apply with respect to the first-appointed members of the Board, namely:

- (a) Of the members appointed under paragraph (b) or paragraph (c) or paragraph (d) of subsection (2) of section 3 of this Act, one shall retire at the expiration of one year from the date of the commencement of this Act, one shall retire at the expiration of two years from that date, and the other shall retire at the end of three years from that date:
- (b) Of the members appointed under paragraph (e) of that subsection, one shall retire at the expiration of one year from the date of the commencement of this Act, one shall retire at the expiration of two years from that date, and the other shall retire at the expiration of three years from that date:
- (c) The member to retire under paragraph (a) or paragraph (b) of this subsection at the expiration of one year shall be determined by agreement of the three members concerned, and the member so to retire at the expiration of two years shall be determined by agreement of the two members concerned; and, failing agreement on either occasion, the member then to retire shall be determined by lot.

(3) Notwithstanding anything to the contrary in this Act, every member of the Board, unless he sooner vacates his office under section 5 or section 7 of this Act, shall continue in office until his successor comes into office.

7. Extraordinary vacancies—(1) Any member of the Board may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister.

(2) If any member of the Board dies, or resigns, or is removed from office, or, in the case of a member appointed under paragraph (a) or paragraph (e) of subsection (2) of section 3 of this Act, becomes disqualified for membership of the Board, the Governor-General may, on the recommendation of the Minister, appoint a qualified person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(3) Where the person so vacating office was a member of the Board appointed under paragraph (b) or paragraph (c) or paragraph (d) of subsection (2) of section 3 of this Act, the provisions of subsection (2) of section 4 of this Act shall, with the necessary modifications, apply with respect to the recommendation by the Minister of a person to fill the vacancy.

(4) The powers of the Board shall not be affected by any vacancy in the membership.

8. Meetings of Board—(1) The first meeting of the Board shall be held at a time and place to be appointed by the Minister.

(2) Subsequent meetings of the Board shall be held at such times and places as the Board may from time to time appoint.

(3) At any meeting four members of the Board, at least two of whom shall be members appointed under paragraph (a) or paragraph (e) of subsection (2) of section 3 of this Act, shall form a quorum.

(4) The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman from any meeting the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(5) The Chairman at any meeting shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(6) At any meeting the decision of a majority of the members present shall be the decision of the Board.

(7) Subject to the provisions of this Act, the Board may regulate its own procedure.

9. Committees—(1) The Board may from time to time appoint a committee or committees, consisting of two or more persons, to advise the Board on such matters concerning the fishing industry or the marketing or export of fish or fish products as are referred to them by the Board.

(2) Every committee may, in addition, furnish to the Board reports on any matter concerning the fishing industry or the marketing or export of fish or fish products in respect of which the members of the committee have special knowledge or experience.

(3) Any person may be appointed to be a member of any committee, notwithstanding that he is not a member of the Board:

Provided that each committee shall include at least one member of the Board.

Functions and Powers of Board

10. Functions of Board—(1) The functions of the Board shall be—

- (a) To promote the fishing industry in New Zealand:
- (b) To promote means of expanding the fishing industry in the interests of New Zealand and to ensure that full use is made of the fish resources of New Zealand:
- (c) To promote the sale of fish and fish products for consumption in New Zealand:
- (d) To ensure that an adequate supply of fish and fish products is made available at all times to the public throughout New Zealand at reasonable prices, having due regard to the desirability of ensuring a continuity of supplies for the export market.
- (e) To promote the export of fish and fish products, while ensuring that an adequate supply of fish and fish products is made available at all times to the public throughout New Zealand at reasonable prices:
- (f) To promote means of ensuring that proper standards are maintained with respect to fish and fish products intended for consumption in New Zealand or for export, both as to the quality thereof and as to the use of hygienic methods in the handling, processing, storage, packaging, and transport thereof:
- (g) To resolve problems relating to the economic production of fish and fish products:
- (h) To promote a greater degree of coordination within the fishing industry:

- (i) To direct the attention of the Minister and of persons engaged in the fishing industry and of organisations of such persons to aspects of the fishing industry in which progress is most needed and most practicable:
- (j) To cooperate with any organisation established by the Government for the purposes of carrying out fisheries research:
- (k) To promote means of obtaining finance for the development of the fishing industry, and for that purpose to make recommendations to Government Departments and to lending organisations with respect to loan proposals:
 - (1) To exercise and perform such other functions and powers in relation to the fishing industry as are conferred on the Board by this Act or by regulations under this Act.
 - (2) It shall also be a function of the Board to report to the Minister from time to time concerning—
 - (a) Trends and prospects in overseas markets in respect of fish and fish products:
 - (b) Movements in costs or prices, or other factors likely to prejudice the economic stability of the fishing industry.

11. General powers of Board—The Board shall have all such powers, rights, and authorities as may reasonably be necessary or expedient to enable it to carry out its functions.

12. Board to comply with general policy of Government—In the carrying out of its functions and the exercise of its powers under this Act the Board shall comply with the general policy of the Government of New Zealand in relation to the fishing industry, and shall comply with any general or special directions given by the Minister pursuant to the policy of the Government in relation thereto.

13. Board may act as a Commission of Inquiry—For the purpose of enabling it to carry out its functions or to exercise any of its powers, and for the purpose of obtaining any information that may be deemed necessary or of value to enable the Board to carry out its functions or to exercise any of its powers, the Board may, with the consent of the Minister given in a specified case, exercise all the powers of a Commission under the Commissions of Inquiry Act 1908, and all the provisions of that Act shall apply thereto accordingly.

14. Levy on fish—(1) For the purpose of providing funds to enable the Board to carry out its functions and to exercise the powers conferred on the Board by this Act, there shall be paid to the Board, by way of a general levy on all fish sold in New Zealand or exported from New Zealand, such charges as may from time to time be fixed by the Board, not exceeding in any case the maximum charges that may be prescribed by regulations under this Act.

(2) Differential charges may be prescribed in respect of fish sold in New Zealand and fish exported from New Zealand, and differential charges may be prescribed in respect of different kinds of fish.

(3) Any charges under this section may be fixed in relation to the weight or quantity of the fish sold or exported or in relation to the selling price or export price thereof.

(4) The rates of those charges shall be fixed from time to time by the Board, by notice in the *Gazette*.

(5) All charges payable under this section shall be payable to the Board by such persons as are specified by regulations under this Act, and shall be recoverable as a debt due to the Board in any Court of competent jurisdiction.

15. Supply of fish for local consumption—Subject to any regulations under this Act, the Board may from time to time take such action as it considers necessary or expedient in order to ensure that an adequate supply of fish is available at all times to the public throughout New Zealand, having due regard to the desirability of ensuring a continuity of supplies for the export market.

Financial Provisions

16. Grants and advances to Board—(1) During the financial year commencing on the first day of April, nineteen hundred and sixty-four, there shall be paid to the Board out of money appropriated by Parliament such sum, not exceeding fifty thousand pounds, as the Minister of Finance thinks fit towards the cost of establishing the Board and enabling the Board to perform its functions and exercise its powers under this Act.

(2) The Minister of Finance may from time to time, on behalf of the Crown,—

(a) Advance money to the Board; and

(b) Give in respect of any advances made to the Board by any other person any guarantee, indemnity, or security,—

on and subject to such terms and conditions as that Minister thinks fit.

(3) All money required to be paid by the Minister of Finance under subsection (2) of this section shall, without further appropriation than this section, be paid out of the Consolidated Revenue Account or out of the National Development Loans Account. Where any payment under this section is made out of the National Development Loans Account, the authority of the Minister of Finance to borrow money under section 11 of the New Zealand Loans Act 1953 shall be deemed to be extended as if the money so paid had been authorised to be transferred from the National Development Loans Account to another fund or account as mentioned in that section.

(4) The Minister of Finance may from time to time, on behalf of the Crown, enter into agreements with the Board for the purpose of giving full effect to the provisions of subsection (2) of this section.

17. Fishing Industry Account—(1) For the purposes of this Act there shall be established at the Bank of New Zealand an account to be known as the Fishing Industry Account.

(2) No money shall be drawn from the Fishing Industry Account except by authority of the Board, and any cheque shall be signed by such person or persons as the Board from time to time appoints for that purpose.

18. Imprest accounts—(1) The Board may from time to time authorise the opening of an imprest account at any branch or agency of the Bank of New Zealand, which may be held jointly in the names of and be operated on by the Treasurer and one other person to be appointed in that behalf by the Board, or may with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and operated on by the Treasurer or other approved officer of the Board. Where the imprest account is held jointly in the names of the Treasurer and of one other person, that other person shall be either a responsible officer of the Board or a member of the Board.

(2) The Board shall from time to time by resolution fix the maximum amount that may be held at any time in the imprest account, not exceeding one hundred pounds in any case where

the imprest account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

(3) Money in any imprest account shall be available only for the payment of salaries and wages and of emergency expenditure. A statement of all payments made from the imprest account shall be submitted to the Board for approval at its first ordinary meeting thereafter.

19. Money payable into Fishing Industry Account—There shall from time to time be paid into the Fishing Industry Account—

- (a) All money paid to the Board pursuant to section 16 of this Act:
- (b) The proceeds of any levy imposed by the Board under section 14 of this Act:
- (c) Any other money derived from the operations of the Board under this Act or otherwise payable into the Fishing Industry Account.

20. Money payable out of Fishing Industry Account—There shall from time to time be paid out of the Fishing Industry Account all money payable by the Board, and all costs, charges, and expenditure incurred by the Board, in the performance of its duties and the exercise of its powers, authorities, and functions under this Act and in the administration of this Act.

21. Investment of money—Any money belonging to the Board may from time to time be invested—

- (a) In New Zealand Government securities:
- (b) On deposit in any bank or banks approved by the Minister of Finance, or in the Post Office Savings Bank:
- (c) In any manner, or in any securities, that may from time to time be authorised by the Minister of Finance.

22. Unauthorised expenditure—In any financial year the Board may expend for purposes not authorised by this or any other Act any sum or sums not amounting in the aggregate to more than one hundred pounds.

23. Borrowing powers—The Board may from time to time, with the consent of the Minister of Finance and on and subject to such terms and conditions as he thinks fit, borrow money by way of overdraft or otherwise and issue debentures or mortgage or charge any of its real or personal property.

24. Accounts—(1) The Board shall keep full and correct accounts of all money received and expended by it.

(2) The accounts shall be audited by the Audit Office, which for that purpose shall have all powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.

(3) The Board shall, as soon as possible after the end of every financial year, cause the accounts of the Board for that financial year to be balanced and prepare a statement of the assets and liabilities of the Board as at the end of that financial year, together with an account of income and expenditure showing the financial transactions for that year.

25. Remuneration and travelling expenses—(1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Board, and there may be paid to the members of any committee appointed by the Board, remuneration by way of fees, salary, or allowances and travelling allowance and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

26. Exemption from taxation—The Board shall be exempt from land tax and, except as provided in section 154A of the Land and Income Tax Act 1954, shall also be exempt from income tax.

Miscellaneous Provisions

27. Officers and employees of Board—(1) The Board may appoint a Secretary, a Treasurer, and such other officers and employees as it deems necessary for the efficient carrying out of its functions under this Act.

(2) Any person may be appointed to hold office as both the Secretary and the Treasurer of the Board.

(3) The Board may pay to its officers and employees such salaries, wages, and allowances as it thinks fit.

(4) The Board may make payments to, or subsidise, the National Provident Fund or any fund or scheme established

with the approval of the Minister of Finance for the purpose of providing superannuation or retiring allowances for its officers and employees.

28. Performance of functions by Marine Department or other agent on behalf of Board—The Board may from time to time, with the consent of the Minister, arrange that any of its duties or functions under this Act may be performed on its behalf by the Marine Department or by some other agent appointed for the purpose, and the Marine Department is hereby authorised to act as agent for the Board.

29. Government Departments may provide services for Board—The Crown, acting through any Government Department, may from time to time, at the request of the Board, enter into contracts or arrangements for the execution or provision by the Department for the Board of any work or service, or for the supply to the Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed upon.

30. Contracts of Board and members—(1) The Board is hereby declared to be a public body for the purposes of the Public Bodies Contracts Act 1959 and to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act 1954.

(2) The Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in the appropriate columns of Part II, after the provisions relating to the Dunedin Drainage and Sewerage Board, the following words:

“The Fishing Industry Board | 1963, No. 70—The Fishing Industry Board Act 1963.”

(3) The First Schedule to the Local Authorities (Members' Contracts) Act 1954 is hereby amended by inserting in the appropriate columns of Part II, after the provisions relating to the Fire Service Council, the following words:

“The Fishing Industry Board | 1963, No. 70—The Fishing Industry Board Act 1963.”

31. Board may insure members—The Board may from time to time enter into contracts of insurance insuring members of the Board or of any committee appointed by the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members, and may pay the premiums payable in respect of any such contracts.

32. Members of Board or committee not personally liable— No member of the Board or of any committee appointed by the Board shall be personally liable for any act or default done or made by the Board or the committee or by any member thereof in good faith in the course of the operations of the Board or the committee.

33. Service of notices—(1) Every notice required by this Act or by any regulations under this Act to be given to any person shall be given to that person either by serving it on him personally or by sending it to him by registered letter addressed to him at his last-known place of abode or business in New Zealand.

(2) Where any such notice is sent by registered post, the production of a receipt given to any officer of the Post Office, and purporting to be signed by the person to whom it is addressed or by his duly authorised agent, shall be sufficient proof, until the contrary is shown, that it was received by that person.

(3) Every such notice shall be signed by the Chairman or by any two members of the Board or by the Secretary of the Board, and every such notice purporting to be so signed shall, in the absence of proof to the contrary, be deemed to have been duly signed by the person or persons purporting to have signed it.

34. Offences—(1) Every person commits an offence against this Act who does any act in contravention of or fails to comply with any direction given to him by the Board, by notice in writing, in the performance of its functions or the exercise of its powers under this Act.

(2) Every person who commits an offence against this Act or any regulations under this Act is liable on summary conviction to a fine not exceeding one hundred pounds.

35. Regulations—(1) The Governor-General may from time to time, by Order in Council, after consideration by the Minister of any recommendations thereon made to him by the Board, make regulations for all or any of the following purposes:

(a) Prescribing the maximum amount of any levy that may be imposed under section 14 of this Act on fish or fish products sold in New Zealand and fish and fish products intended to be exported from New

Zealand, the persons by whom the levy is payable, and the methods to be adopted in the collection of any such levy:

- (b) Subject to the provisions of Part I of the Fisheries Amendment Act 1963, regulating, for the purposes of ensuring that an adequate supply of fish and fish products will at all times be available to the public throughout New Zealand at reasonable prices, the marketing, distribution, and sale of fish and fish products, and, for that purpose, preventing restrictive practices in relation to such marketing, distribution, and sale:
- (c) Regulating and controlling the inspection and testing for quality of fish and fish products, and providing for the disposal of fish or fish products of inferior quality:
- (d) Regulating the grading of fish and fish products:
- (e) Obtaining any information or particulars that may be required for the effective performance of the functions of the Board under this Act:
- (f) Prescribing offences against the regulations:
- (g) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Different maximum amounts may be prescribed pursuant to paragraph (a) of subsection (1) of this section in respect of fish sold in New Zealand and in respect of fish exported from New Zealand, and different maximum amounts may be so prescribed in respect of different kinds of fish.

(3) The maximum amounts prescribed pursuant to that paragraph may be fixed in relation to the weight or quantity of the fish sold in New Zealand or exported or in relation to the selling price or export price thereof.

36. Annual report and accounts to be presented to Parliament—(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a balance sheet and such other statements of account as are necessary to show fully the financial position of the Board and the financial results of its operations during that year, together with a report of its proceedings and operations for that financial year.

(2) A copy of the report and a copy of the accounts and balance sheet of the Board certified by the Audit Office shall be laid before Parliament within twenty-eight days after the

same have been furnished to the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

37. Other Acts not affected—Nothing in this Act or in any regulations under this Act shall derogate from any of the provisions of the Control of Prices Act 1947 or the Trade Practices Act 1958.

This Act is administered in the Marine Department.
