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1997, No. 105

An Act to consolidate and amend the Meat-export Control Act 1921 – 22

[17 December 1997]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Meat Board Act 1997.

(2) Sections 43 and 44 come into force on 1 April 1998.

(3) The rest of this Act comes into force on the day on which it receives the Royal assent.

PART 1

PRELIMINARY

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Allocation mechanism” means mechanism established under section 26 (1);

“Annual general meeting” means meeting held under section 43 (1);

“Authorised person”,—

(a) In section 70, subsections (3) and (4) of section 72, and the warrants thirdly and fourthly set out in Schedule 3, means person who is for the time being an officer, employee, or agent of the Board authorised by the Board to exercise the powers conferred by section 70; and

(b) In section 71, subsections (1) and (2) of section 72, and the warrants first and secondly set out in Schedule 3, means person who is for the time being an officer, employee, or agent of the Board authorised by the Board to exercise the powers conferred by section 71:

“The Board”, except when followed by the words “of directors”, means the New Zealand Meat Board established by section 4 (1):

“The board of directors” means directors of the Board constituting a quorum under clause 5 (3) of Schedule 2:

“The Board’s activities” means the Board’s past, present, and likely future objectives, operations, policies, and strategies; and includes how and to what extent the Board has taken account of farmer concerns:

“Co-product”—

(a) Means article or substance, not edible by people, derived wholly or substantially from slaughtered livestock; but

(b) Does not include vells, or the external fibre, hair, or wool, of any livestock:

“Description system” means system established by the Board under section 40 (1) for the description of the dressed carcasses of cattle or sheep slaughtered at any export slaughterhouse; and (to the extent only that they could lawfully be made under section 40 (2)) includes the 2 systems established by the Board for the description of the dressed carcasses of cattle or sheep slaughtered at any export slaughterhouse that were in force immediately before the commencement of Part 5:

“Director” means director of the Board:

“The Director-General” means the chief executive for the time being of the Ministry:

“Document” means document in any form; and includes—

(a) Any writing on or in any material; and

(b) Information recorded or stored by means of a tape recorder, computer, or other device; and material subsequently derived from information so recorded or stored; and

(c) A record, book, graph, or drawing; and

(d) A photograph, film, negative, tape, disk, or other device in which 1 or more visual images are embodied or stored so as to be capable (with or without the aid of equipment) of being reproduced:

“Export licence” means licence to export meat product issued by the Board under section 22:

“Farmer concerns” means concerns and views about the Board’s activities—

(a) Expressed directly to the Board by livestock farmers, or by organisations representing the interests of livestock farmers or groups of livestock farmers; or

(b) Reported to the Board by people consulting livestock farmers on the Board’s behalf:

“Financial year” means period of 12 months ending with 30 September:

“The former Act” means the Meat-export Control Act 1921–22:

“The former Board” means the New Zealand Meat Producers Board established by section 2 of the former Act:

“Kind” includes description:

“The levy” means the levy imposed by section 61 (1):

“Levy money” means money paid or payable in respect of the levy:

“Levy return” means return required to be made under section 62 (1):

“Licensed export slaughterhouse” means licensed export slaughterhouse within the meaning of the Meat Act 1981:

“Licensed premises” means a licensed abattoir, licensed export slaughterhouse, or rural slaughterhouse, (within the meaning of the Meat Act 1981):

“Livestock”—

(a) Means animals that are cattle, goats, or sheep; and

(b) Includes animals of any other kind that are for the time being declared by the Governor-General by Order in Council to be livestock for the purposes of this Act:

- “Livestock farmer” means person engaged in New Zealand in the business of farming livestock (whether in conjunction with any other business or not):
- “Market” includes 2 or more markets, state, and group of states:
- “Meat” means the whole or any part of the dressed carcass of any slaughtered livestock:
- “Meat product” means anything that is—
- (a) Meat; or
 - (b) Edible offal taken from slaughtered livestock; or
 - (c) An article or substance intended for human consumption (other than a vell or rennet) that is derived wholly or substantially from slaughtered livestock:
- “The Minister” means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:
- “The Ministry” means department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:
- “Occupier”,—
- (a) In relation to any place physically occupied by any person, means that person; and
 - (b) In relation to any other place, means the owner of the place; and
 - (c) In relation to any place, includes any agent, employee, or other person, acting or apparently acting in the general management or control of the place:
- “Performance audit” means performance and efficiency audit carried out, or required to be carried out, under section 54:
- “Quota certificate” means a written document conferring on—
- (a) A particular consignment of meat product or co-product; or
 - (b) A particular quantity of meat product or co-product exported or to be exported by a specified person,—
- eligibility for entry into a specified market at zero or concessional tariff rates:
- “Statement of strategic and consultative intent” means the statement for the time being maintained under section 7 (1).

(2) In any provision of this Act,—

“The appropriate meat industry bodies”—

(a) Means the body or bodies for the time being declared by the Governor-General, by Order in Council, to be the body or bodies most suitable (for the purposes of that provision) to represent the interests of the New Zealand meat industry; but

(b) If no declaration has ever been made in respect of the provision, means the body (incorporated under the Incorporated Societies Act 1908) on the commencement of this Part known as the New Zealand Meat Industry Association (Inc.):

“The appropriate meat industry and local slaughter bodies”—

(a) Means the body or bodies for the time being declared by the Governor-General, by Order in Council, to be the body or bodies most suitable (for the purposes of that provision) to represent the interests of persons who slaughter livestock in New Zealand for local consumption; but

(b) If no declaration has ever been made in respect of the provision, means the body (incorporated under the Incorporated Societies Act 1908) on the commencement of this Part known as the New Zealand Meat Industry Association (Inc.) and the body on the commencement of this Part known as the Abattoirs Association of New Zealand.

3. Act binds the Crown—This Act binds the Crown.

PART 2

NEW ZEALAND MEAT BOARD

4. Establishment of Board—(1) This subsection establishes a body called the New Zealand Meat Board.

(2) The Board is a body corporate with perpetual succession.

(3) The Board is the same body corporate as the former Board.

(4) The Board’s assets belong ultimately to livestock farmers, and are for the time being held and administered for the benefit of livestock farmers.

5. Object of Board—(1) The object of the Board is to help in the attainment, in the interests of livestock farmers, of the best possible net ongoing returns for New Zealand livestock, meat products, and co-products.

(2) In pursuing its object, the Board must have regard to the desirability of the meat industry's making the best possible net ongoing contribution to the New Zealand economy.

6. Functions of Board—(1) The functions of the Board are,—

- (a) With a view both to increasing the volumes sold and to obtaining higher returns for each unit sold, to increase the demand for New Zealand meat products and co-products (in existing and new markets); and
- (b) To maintain the confidence of consumers of meat products in the New Zealand meat and livestock industries; and
- (c) To help obtain improved access to overseas markets for New Zealand meat products and co-products; and
- (d) To facilitate the export of New Zealand meat products and co-products (particularly their export to overseas markets where there are imposed restrictions or requirements directly affecting their access); and
- (e) To conduct (whether alone or jointly with other bodies) research and development into livestock, meat products, and co-products, including research and development into—
 - (i) The breeding, rearing, finishing, handling, transport, and slaughter of livestock, and the production of meat products and co-products; and
 - (ii) The handling, processing, packaging, product development, transport, and marketing of New Zealand meat products and co-products; and
- (f) To encourage the adoption of more efficient processes and practices for—
 - (i) The breeding, rearing, finishing, handling, transport, and slaughter of livestock, and the production of New Zealand meat products and co-products; and
 - (ii) The handling, processing, packaging, product development, transport, and marketing of New Zealand meat products and co-products; and
- (g) To collect, process, maintain, and make available, information for the purposes of assisting production, investment, processing, product development, and marketing decisions in respect of—
 - (i) Market requirements for meat products and co-products; and

- (ii) Other matters relevant to the New Zealand livestock and meat industries; and
 - (h) To account to livestock farmers on the Board's activities and its use of levy money and other resources; and
 - (i) To discuss the Board's activities with any persons and organisations in the New Zealand meat industry the Board thinks fit; and
 - (j) To perform such other functions as are conferred on the Board by this Act or any other enactment.
- (2) The Board may perform any of the functions specified in paragraphs (a) to (g) of subsection (1) (or any element of any of those functions) alone, or—
- (a) In a partnership or joint venture with; or
 - (b) By arranging for its performance by—
- any other person or persons (including a company or companies in which the Board holds shares).
- (3) The Board may perform any of the Board's functions, or arrange for its performance, to the extent only that its performance is consistent with the Board's object.
- (4) It is also a function of the Board to report regularly to the Minister on—
- (a) The performance and present state of the New Zealand meat industry; and
 - (b) The Board's achievement of its object; and
 - (c) The Board's performance of its functions; and
 - (d) Any other matters the Board thinks fit or the Minister requests.
- (5) In the exercise of its functions, the Board must have regard to the need for it to have adequate financial reserves.
- (6) The Board must not determine that a function or element of a function is to be performed by a particular mechanism and entity (that is to say the Board, a partnership or joint venture, or some person other than the Board) unless it has—
- (a) Considered other mechanisms and kinds of entity that might reasonably be expected to be able to perform the function or element efficiently and effectively; and
 - (b) Satisfied itself that the mechanism and entity are likely to be the most efficient and effective means of performing the function or element.

7. Board to prepare and maintain statement of strategic and consultative intent—(1) The Board must prepare, from time to time reconsider and (if appropriate) amend, and maintain a written statement of—

- (a) The Board's strategic intent in relation to—
 - (i) The nature and scope of its operations; and
 - (ii) Its income (including levy income) and expenditure, objectives, performance targets, and policies; and
 - (iii) Its significant assets; and
- (b) How and to what extent the Board intends to consult livestock farmers on the Board's activities, and (to the extent, if any, that it intends to arrange for people to consult livestock farmers on its behalf) how farmer concerns should be reported back to it by people consulting livestock farmers on its behalf.

(2) The Board must make a copy of its current statement of strategic and consultative intent available free to any livestock farmer who asks for one; and for that purpose must ensure that there are available at every annual general meeting copies for livestock farmers attending.

(3) As soon as is practicable after an annual general meeting finishes, the Board must give the Minister a copy of its current statement of strategic and consultative intent.

8. Board to consult livestock farmers—The Board must make reasonable efforts to consult livestock farmers, in accordance with its statement of strategic and consultative intent, about the Board's activities.

9. Board to consult representative organisations—The Board must make reasonable efforts to consult about the Board's activities (often enough to keep it satisfactorily informed about changes of opinion and circumstance among livestock farmers and other groups) organisations representing the interests of—

- (a) Livestock farmers generally; or
- (b) Groups of livestock farmers whose interests differ or are likely to differ from those of livestock farmers generally (otherwise than simply because they farm in a particular region); or
- (c) Other groups with a particular stake or interest in the New Zealand meat industry.

10. Board to take account of farmers' concerns and views—Subject to section 5, in performing its functions, or preparing, reconsidering, or amending its statement of strategic and consultative intent, the Board must take account of farmer concerns.

11. Powers of Board—(1) Except as provided in this Act, the Board has—

- (a) The rights, powers, and privileges of a natural person; and
- (b) The power to issue debentures; and
- (c) The power to grant floating charges on the Board's undertaking or property, or any of it; and
- (d) The power to do any other thing it is authorised to do by—
 - (i) This Act; or
 - (ii) Any other enactment; or
 - (iii) Any rule of law.

(2) Paragraphs (b) to (d) of subsection (1) do not affect the generality of paragraph (a) of that subsection.

(3) The Board must not exercise any of its rights, powers, or privileges, except for the purpose of—

- (a) Achieving its object; or
- (b) Performing its functions; or
- (c) Entering into any financial transaction or financial obligation intended to—
 - (i) Avoid or lessen any present or possible future risk to the Board's current or future income or assets; or
 - (ii) Lessen any liability of the Board; or
 - (iii) Avoid or lessen any possible future liability of the Board; or
 - (iv) Maximise the Board's current or future income, (whether net or gross).

12. International obligations—(1) The Minister of the Crown who (under the authority of any warrant or with the authority of the Prime Minister) is in charge of international trade may give the Board a written notice, specifying—

- (a) A particular international obligation of New Zealand; and
- (b) An element of the performance of the Board's functions or the exercise of the Board's powers to which, in the Minister's opinion, the obligation is relevant.

(2) Until the notice is revoked, the Board must ensure that its performance or exercise of the element is consistent with the obligation.

13. Management of Board—(1) The affairs of the Board are to be managed by, or under the supervision or direction of, the board of directors.

- (2) The board of directors comprises—

- (a) Seven directors elected, on the basis required by section 14, by livestock farmers; and
- (b) Four directors elected, in accordance with regulations made under this Act, by persons who are processors or exporters of meat products; and
- (c) Two directors (being people who, in the Board's opinion, are qualified by relevant expertise to be directors) appointed by the Minister on the Board's recommendation.

(3) Regulations made for the purpose of subsection (2) (b) may provide for all 4 directors to be elected under the same mechanism, or for different numbers of directors to be elected under different mechanisms.

(4) Before making any recommendation for the purposes of subsection (2) (c), the Board must prepare a list of possible appointees, taking particular care to ensure that there are included—

- (a) Suitable people available for appointment who are qualified by relevant knowledge and experience to represent to the Board the aims, aspirations, and interests of beneficiaries of trusts, and shareholders in Maori incorporations, owning Maori land used by those trusts and incorporations for livestock farming; and
- (b) Suitable women available for appointment.

(5) The Board must not recommend a person whose name is not on the list; and in making its recommendation must take account of—

- (a) The desirability of its having at least 1 director qualified by relevant knowledge and experience to represent to it the aims, aspirations, and interests of beneficiaries of trusts, and shareholders in Maori incorporations, owning Maori land used by those trusts and incorporations for livestock farming; and
- (b) The desirability of its appointed directors' having, collectively, the background, experience, and expertise likely to be most valuable to it (in the light of the background, experience, and expertise of its elected directors) in the performance of its functions.

(6) The Minister must not appoint any person to be a director under subsection (2) (c) unless satisfied that the Board has complied with subsections (4) and (5) in recommending the person for appointment.

14. Basis of election of directors by livestock farmers—

(1) No livestock farmer is eligible to vote in any election of directors by livestock farmers unless, on 30 June before the day on which the election is held, the livestock farmer owned—

- (a) At least 250 animals that were sheep or goats; or
- (b) At least 50 beef cattle; or
- (c) At least 100 dairy cattle.

(2) In any election of directors by livestock farmers, each livestock farmer eligible to vote has—

- (a) One vote for every 250 animals owned on that 30 June that were sheep or goats; and
- (b) One vote for every 50 beef cattle owned on that 30 June; and
- (c) One vote for every 100 dairy cattle owned on that 30 June;—

and no account is to be taken of animals owned in excess of an exact multiple of 250, 50, or 100 (as the case may be).

(3) The age of any animal is irrelevant.

(4) Except as provided in subsections (1) to (3), every election of directors by livestock farmers is to be conducted in accordance with regulations made under this Act.

15. Application of Part II of Commerce Act 1986—

(1) Nothing in Part II of the Commerce Act 1986 applies in respect of any act, matter, or thing done—

- (a) By the Board (or by any agent, director, employee, or officer of the Board) under Part 4 or Part 7; or
- (b) By any person in compliance with any provision of any of those Parts.

(2) In the determination for the purposes of section 43 (1) of the Commerce Act 1986 of whether any act, matter, or thing of a kind not referred to in subsection (1) is or was specifically authorised by any enactment or Order in Council made under any Act, no regard may be had to subsection (1).

16. Provisions applying to directors—The provisions in Schedule 1 apply to directors.

17. Provisions applying to Board and board of directors—The provisions in Schedule 2 apply to the Board and the board of directors.

PART 3

LICENSING EXPORTERS OF MEAT PRODUCTS

18. Meat exporters to be licensed—Except as provided in sections 19 to 21, a person must not export a meat product at any time when the person does not hold an export licence.

19. Exemptions for cooked and processed products—Section 18 does not prevent a person who does not hold an export licence from exporting a cooked or processed meat product of any kind to a market at any time if before that time the Board—

- (a) Has by notice in the *Gazette* authorised the unlicensed export of product of that kind to that market; and
- (b) Has not by notice in the *Gazette* revoked the notice.

20. Exemptions for limited consignments—Section 18 does not prevent a person who does not hold an export licence from exporting a consignment of meat product of any kind to a market at any time if—

- (a) Before that time the Board—
 - (i) Has by notice in the *Gazette* authorised the unlicensed export to that market of consignments of product of that kind no larger than a size specified in the notice; and
 - (ii) Has not by notice in the *Gazette* revoked the notice; and
- (b) The consignment is no larger than the size specified.

21. Exemptions for trial and sample shipments—(1) For the purpose of enabling trial or sample shipments of meat products, the Board may give any person written exemption from section 18, specifying—

- (a) A market or markets to which meat products may be exported; and
- (b) The kind or kinds of meat product that may be exported to the market (or each of the markets); and
- (c) In relation to each market specified, the maximum quantity of each kind of meat product specified that may be exported; and
- (d) The day on which the exemption expires.

(2) Section 18 does not prevent a person who does not hold an export licence from exporting meat product in accordance with an unexpired exemption given to that person by the Board under subsection (1).

22. Applications and licences—Any person may apply in writing to the Board for an export licence or the renewal of an export licence that has not expired; and if the application—

(a) Provides the applicant's name and address (including telephone number and any facsimile number or electronic mail address), and all the information (if any) for the time being prescribed in that behalf by regulations under this Act; and

(b) Is accompanied by the appropriate prescribed fee (if any),—

the Board must issue an export licence to the person or (as the case may be) renew the licence.

23. Licences to be for 3 years—(1) Unless earlier renewed, an export licence expires at the close of 30 September in the year 3 years after the year in which it was issued.

(2) Unless earlier further renewed, a renewed export licence expires at the close of 30 September in the year 3 years after the year in which it was last renewed.

24. Licences may be revoked on request—Where the holder of an export licence (or a meat exporter's licence under section 9B of the former Act) asks the Board to revoke it, the Board must do so.

25. Transitional effect of existing licences—Subject to section 24, for the period of 12 months after the commencement of this Part, this Act applies to a meat exporter's licence under section 9B of the former Act as if it were an export licence.

PART 4

ALLOCATION OF ACCESS TO COUNTRY-SPECIFIC TARIFF QUOTA MARKETS

26. Board to consider establishment of quota allocation mechanisms in certain circumstances—

(1) Subject to subsection (2), where authorities in a market have granted or undertaken to grant access to that market at zero or concessional tariff rates for a particular quantity of meat products or co-products of any kind imported from New Zealand during any period, the Board must establish and operate a mechanism for the allocation of that quantity.

(2) The Board must not establish an allocation mechanism unless satisfied that the operation of an allocation mechanism—

- (a) Would, in all the circumstances, be consistent with the Board's object; and
- (b) Is, in the Board's opinion, likely to maximise the capture for New Zealand of the returns available from the market concerned for the meat products or co-products concerned.

27. Requirements—(1) The Board must not establish any particular allocation mechanism for any market unless—

- (a) It is consistent with the Board's object; and
 - (b) In the Board's opinion, it is likely to maximise the capture for New Zealand of the returns available from the market concerned for the meat products or co-products concerned.
- (2) An allocation mechanism—
- (a) Must provide for or allow trading in allocated access; and
 - (b) Must provide for the allocation of access to persons who are existing participants in the meat export industry, but prospective participants in the market concerned; and
 - (c) Must provide for the proportionate adjustment of amounts of access already allocated or set aside under it where there has been an alteration of the total access at zero or concessional tariff rates to the market concerned.

28. Limitations on contents of allocation mechanisms—(1) An allocation mechanism must not contain any element that—

- (a) Excludes (or provides for the exclusion of) any person from the allocation of access to the market concerned on the basis of any irrelevant or unreasonable consideration or matter; or
 - (b) Imposes (or provides for the imposition of) an irrelevant or unreasonable condition or limitation on the allocation to any person of access to the market concerned; or
 - (c) Discriminates (or provides for discrimination) between persons on the basis of any irrelevant or unreasonable consideration or matter.
- (2) An allocation mechanism must not contain any element that—
- (a) Excludes any persons from the allocation of access to the market concerned on the ground that they have not given a liability undertaking; or

- (b) Provides for the exclusion of any persons from the allocation of access to the market concerned on the ground that they have not given a liability undertaking; or
 - (c) Imposes any condition or limitation on the allocation of access to the market concerned to any persons on the ground that they have not given a liability undertaking; or
 - (d) Provides for the imposition of any condition or limitation on the allocation of access to the market concerned to any persons on the ground that they have not given a liability undertaking; or
 - (e) Discriminates (or provides for discrimination) between persons who have given a liability undertaking and persons who have not.
- (3) An allocation mechanism must not contain any element having any of the effects specified in subsection (4), or contain any power to make the allocation of access to the market concerned subject to the imposition of any condition or requirement, except to the extent (if any) that is necessary—
- (a) To ensure that the mechanism is—
 - (i) Consistent with the Board's object; and
 - (ii) Likely to maximise the capture for New Zealand of the returns available from the market concerned for the meat products or co-products concerned; or
 - (b) To avoid jeopardising the continuing acceptance by authorities in the market of the allocation by authorities in New Zealand of access to the market at zero or concessional tariff rates for quantities of meat products or co-products imported from New Zealand; or
 - (c) To avoid giving authorities in the market good reason to reduce the quantities of meat products or co-products of any kind imported from New Zealand entitled to access to the market at zero or concessional tariff rates that may be allocated during any period under the mechanism (or any other allocation mechanism); or
 - (d) To avoid reducing the quantities of meat products or co-products of any kind imported from New Zealand entitled to access to the market at zero or concessional tariff rates that may be allocated during any period under the mechanism (or any other allocation mechanism).
- (4) The effects referred to in subsection (3) are—

(a) Excluding persons from the allocation of access to the market concerned:

(b) Imposing any condition or limitation on the allocation to any person of access to the market concerned:

(c) Discriminating between persons.

(5) An allocation mechanism must not require persons to give (or provide for persons to be required to give) information to the Board, except to the extent (if any) that is necessary to enable the mechanism to operate effectively.

(6) Subsections (2) to (5) do not limit or affect the generality of subsection (1).

(7) In this section and section 34,—

“Allocation” includes consideration for allocation and eligibility for allocation:

“Give”, in relation to a liability undertaking, includes—

(a) Accept, agree to, concede, enter into, execute, grant, procure, promise, sign, surrender, and undertake; and

(b) Undertake to give;—

and “given” and “giving” have corresponding meanings:

“Liability undertaking” means an agreement not to claim, agreement not to sue, exclusion of liability, forbearance, guarantee, indemnity, limitation of liability, limitation on the right to claim, limitation on the right to sue, waiver, warranty, or other similar condition, covenant, restriction, or undertaking (whether given or to be given to or in respect of the Board or to or in respect of any other person or persons).

29. Procedure—(1) The Board must not establish any particular allocation mechanism without consulting the appropriate meat industry and local slaughter bodies, and all other meat industry organisations the Board thinks appropriate, about its proposed establishment.

(2) The Board must not establish any particular allocation mechanism unless it has—

(a) Considered—

(i) Other kinds of mechanism that might be used; and

(ii) The likely effect of mechanisms of the other kinds considered; and

- (b) Satisfied itself that the mechanism is likely to be the most efficient and effective means of allocating the rights of access concerned.

30. Amendment of allocation mechanisms—(1) The Board may at any time amend an allocation mechanism.

(2) Sections 27 to 29 apply to the amendment of an allocation mechanism as if it is the establishment of a new allocation mechanism having the effect of the existing mechanism as proposed to be amended.

31. Review of allocation mechanisms—(1) Before 1 January 1999, the Board must review every unrevoked mechanism referred to in section 38.

(2) The Board must review every unrevoked allocation mechanism in force on the day to which any performance audit required by this Act to be conducted relates within 6 months after the day on which the person who conducts the audit gives to the Board under section 59 (1) (b) a copy of the person's written report on the conclusions reached and recommendations formulated as a result of conducting it.

(3) The Board may at any time review any allocation mechanism.

(4) Sections 26 (2), and 27 to 29, apply to the review of an allocation mechanism as if it were the establishment of a new allocation mechanism that is identical; but,—

- (a) If (by virtue of section 26 (2)) the Board would not be able to establish any new mechanism, it must immediately revoke the mechanism reviewed; and
- (b) If (by virtue of section 27, section 28, or section 29 (2)) the Board would be required to establish an allocation mechanism different from the mechanism reviewed, it must immediately revoke the mechanism reviewed and take steps to establish a different mechanism.

32. Revocation of allocation mechanisms—(1) If satisfied that authorities in a market no longer grant access to that market at zero or concessional tariff rates for quantities of meat products or co-products of any kind imported from New Zealand, the Board must immediately revoke every allocation mechanism relating to the allocation of any quantity of access to that market of meat products or co-products of that kind.

(2) The revocation of an allocation mechanism (whether under section 31 (4) or under subsection (1))—

- (a) Does not limit or affect—

- (i) The ability of the Board to put into effect any element of it providing for the adjustment of amounts of access already allocated or set aside under it; or
- (ii) The ability of the Board to take action under section 36 in respect of it; and
- (b) Subject to paragraph (a) (i), does not revoke or otherwise affect any allocation already made or set aside under it.

33. Notifications—(1) As soon as may be after establishing or amending an allocation mechanism, the Board must—

- (a) Publish in the *Gazette* a notice that it has done so; and
- (b) Give a written description of the mechanism (in the case of an amendment to a mechanism, indicating the amendment) to—
 - (i) The appropriate meat industry and local slaughter bodies; and
 - (ii) All other meat industry organisations the Board thinks appropriate; and
 - (iii) Every holder of an export licence; and
 - (iv) Every other person the Board thinks likely to be directly affected by the mechanism or amendment.

(2) Every notice must specify the market and meat products or co-products to which the mechanism concerned relates, and indicate that copies of a description of the mechanism are available from the Board.

(3) As soon as may be after revoking an allocation mechanism, the Board must—

- (a) Publish in the *Gazette* a notice that it has done so; and
- (b) Give written notice that it has done so to—
 - (i) The appropriate meat industry and local slaughter bodies; and
 - (ii) All other meat industry organisations the Board thinks appropriate; and
 - (iii) Every holder of an export licence; and
 - (iv) Every other person the Board thinks likely to be directly affected by the mechanism or amendment.

(4) As soon as may be after any access is allocated under an allocation mechanism, the Board must publish in the *Gazette* and give to every holder of an export licence, and every person the Board thinks likely to be directly affected by the allocation, in writing, notice that it has done so, specifying the mechanism and, in respect of each allocation, its amount and the name of the person to whom it was made.

34. Decisions—(1) Subject to subsection (2), a decision maker exercising a power of decision relating to which of several persons should be allocated access, how much access (if any) each of several persons should be allocated, or both, must take into account their existing investment (if any) and committed future investment (if any) in—

- (a) The distribution, marketing, packaging, or processing of meat products or co-products for export; or
- (b) Any 2 or more of those activities.

(2) Subject to subsections (3) and (4), a decision maker must exercise a power of decision—

- (a) Consistently with the Board's object; and
- (b) So as to be likely to maximise the capture for New Zealand of the returns available from the market concerned for the meat products or co-products concerned.

(3) In exercising a power of decision, a decision maker must not—

- (a) Exclude any person from the allocation of access to the market concerned on the basis of any irrelevant or unreasonable consideration or matter; or
- (b) Impose an irrelevant or unreasonable condition or limitation on the allocation to any person of access to the market concerned; or
- (c) Discriminate between persons on the basis of any irrelevant or unreasonable consideration or matter.

(4) In exercising a power of decision, a decision maker must not—

- (a) Exclude any person from the allocation of access to the market concerned on the ground that the person has not given a liability undertaking; or
- (b) Impose any condition or limitation on the allocation of access to the market concerned to any person on the ground that the person has not given a liability undertaking; or
- (c) Discriminate between persons who have given a liability undertaking and persons who have not.

(5) If—

- (a) To have regard to any matter in exercising a power of decision; or
- (b) To allocate access subject to the imposition of any condition or requirement; or
- (c) To recommend that access should be allocated subject to the imposition of any condition or requirement,—

would have any of the effects specified in subsection (6), the decision maker concerned must not do so, except to the extent (if any) that is necessary to do any of the things specified in subsection (7).

(6) The effects referred to in subsection (5) are—

(a) Excluding persons from the allocation of access to the market concerned;

(b) Imposing any condition or limitation on the allocation to any person of access to the market concerned;

(c) Discriminating between persons.

(7) The things referred to in subsection (5) are to—

(a) Ensure that the allocation mechanism concerned is—

(i) Consistent with the Board's object; and

(ii) Likely to maximise the capture for New Zealand of the returns available from the market concerned for the meat products or co-products concerned; or

(b) Avoid jeopardising the continuing acceptance by authorities in the market concerned of the allocation by authorities in New Zealand of access to the market at zero or concessional tariff rates for quantities of meat products or co-products imported from New Zealand; or

(c) Avoid giving authorities in the market concerned good reason to reduce the quantities of meat products or co-products of any kind imported from New Zealand entitled to access to the market at zero or concessional tariff rates that may be allocated during any period under the allocation mechanism concerned (or any other allocation mechanism); or

(d) Avoid reducing the quantities of meat products or co-products of any kind imported from New Zealand entitled to access to the market at zero or concessional tariff rates that may be allocated during any period under the allocation mechanism concerned (or any other allocation mechanism).

(8) In exercising a power of decision, a decision maker must not require persons to give information to the Board (or to any other person), except to the extent (if any) that is necessary to enable the allocation mechanism concerned to operate effectively.

(9) Subsections (4) to (8) do not limit or affect the generality of subsection (3).

(10) In this section,—

“Decision maker” means a person or persons (whether the Board or any other person or persons) exercising a power of decision:

“Power of decision” means a power under an allocation mechanism to make a decision or recommendation.

35. Information—(1) The Board must, on application by any person, make available in relation to any allocation mechanism information about any or all of the following matters:

- (a) The mechanism itself:
- (b) How access has been or will be allocated under it:
- (c) The allocations that have already been made:
- (d) The factors considered by the Board in making allocations already made:
- (e) Adjustments that have been made to allocations.

(2) The Board may refuse to make information available under subsection (1) if (and to the extent only that), in the Board’s opinion, withholding it is necessary to avoid prejudice to the substantial economic interests of New Zealand.

(3) Subsection (2) does not limit or affect section 33.

36. Board may take action in certain circumstances—

(1) The Board may take all or any of the actions specified in subsection (2), if satisfied that—

(a) Any person has taken an action that has had, is likely to have had, or is likely to have, the effect of—

(i) Jeopardising the continuing acceptance by authorities in any market of the allocation by authorities in New Zealand of access to the market at zero or concessional tariff rates for quantities of meat products or co-products imported from New Zealand; or

(ii) Giving authorities in any market good reason to reduce the quantities of meat products or co-products of any kind imported from New Zealand entitled to access to the market at zero or concessional tariff rates that may be allocated during any period under an allocation mechanism; or

(iii) Reducing the quantities of meat products or co-products of any kind imported from New Zealand entitled to access to any market at zero or concessional tariff rates that may be allocated during any period under an allocation mechanism; or

- (b) Any person has taken an action intended to enable the person or any other person to obtain in any period access at zero or concessional tariff rates to any market for which an allocation mechanism is in force for a quantity of meat products or co-products of any kind imported from New Zealand—
 - (i) For which no allocation has been made to the person under the mechanism; or
 - (ii) In excess of an allocation made to the person under the mechanism.
- (2) The actions are,—
 - (a) By written notice to the person concerned, to suspend, until a day (not later than 1 year after the date of the notice) specified in the notice, the person's ability to export meat products or co-products, or meat products or co-products of a specified kind, to the market to which the allocation mechanism concerned relates:
 - (b) Notwithstanding the elements of that allocation mechanism,—
 - (i) By written notice to the person, to refuse, for a period (of no more than 12 months) from the date of the notice specified in the notice, to issue quota certificates to that person under that mechanism; or
 - (ii) To cancel any quota certificates issued to that person under that mechanism; or
 - (iii) Both.
- (3) The Board must not act under subsection (2) unless—
 - (a) It has first consulted the person concerned, and told the person the reasons for its—
 - (i) Being satisfied that the person has taken an action of a kind specified in subsection (1); and
 - (ii) Intending to act; or
 - (b) It is satisfied that there are good reasons for acting without consultation.
- (4) If the Board has taken action under subsection (2) without first consulting the person concerned and telling the person the reasons referred to in subsection (3) (a), it must, as soon as it practicably can after acting, give the person written notice of—
 - (a) Those reasons; and
 - (b) Its reasons for acting without consultation; and
 - (c) In the case only of the cancellation of quota certificates, the certificates cancelled.
- (5) Nothing in section 28 limits or affects this section.

37. No liability for changes in access arrangements—

(1) Neither the Crown nor the Board is liable to pay damages to any person for, or for any consequence of,—

(a) Any reduction (including a reduction to zero) in the quantity of access to any market at zero or a concessional rate of tariff allocated to any person arising out of a reduction in the total quantity of meat products or co-products imported from New Zealand that may be imported into that market at that rate; or

(b) Any action leading to, involved in, or arising out of—

(i) The imposition by authorities in any market of any arrangements limiting the access to the market at zero or a concessional rate of tariff of quantities of meat products or co-products imported from New Zealand (whether new arrangements, or arrangements substituted for existing arrangements); or

(ii) The amendment by authorities in any market of any such arrangements.

(2) Neither the Crown nor the Board is liable to any person for, or for any consequence of, any action, inaction, matter, or thing, by reason only that it is not referred to in subsection (1).

38. Existing mechanisms—(1) Unless it is sooner revoked, a mechanism that immediately before the commencement of this Part the former Board had in place for allocating access of meat products or co-products at zero or concessional tariff rates to a market has effect until the close of 31 December 1998 as if it were an allocation mechanism properly established by the Board (and notified under section 33) on that commencement; and—

(a) Every decision made under it after that commencement; and

(b) Sections 30 to 32, and subsections (1) to (3) of section 33,—

have effect accordingly.

(2) Subject to subsection (1), the effect of an allocation or setting aside of access made before the commencement of this Part under a mechanism to which that subsection applies is unaffected by the passage of this Act.

PART 5

CARCASS DESCRIPTION SYSTEMS

39. Application periods—(1) The application period for the description system for cattle is the period of 12 months commencing on the commencement of this Part (as from time to time extended under this section).

(2) The application period for the description system for sheep is the period of 24 months commencing on the commencement of this Part (as from time to time extended under this section).

(3) At any time 3 months or more before the expiration of an application period, the Board may by notice in the *Gazette* extend it—

(a) For a further period of 12 months (commencing when it would otherwise expire) in the case of the description system for cattle:

(b) For a further period of 24 months (commencing when it would otherwise expire) in the case of the description system for sheep.

(4) The application period for the description system for cattle must not be extended without the written approval of—

(a) The Minister of the Crown who (under the authority of any warrant or with the authority of the Prime Minister) is in charge of international trade; and

(b) The appropriate meat industry bodies.

(5) The application period for the description system for sheep must not be extended without the written approval of the appropriate meat industry bodies.

(6) When its application period expires, a description system expires.

40. Carcass description systems—(1) At any time before its application period expires, the Board may—

(a) Amend a description system established after the commencement of this Part; or

(b) Simultaneously revoke a description system and establish another to replace it; or

(c) Revoke a description system.

(2) A description system must require carcasses to be described by reference to the following characteristics (or any of them) only:

(a) The age, sex, and species of the livestock:

(b) The fat content and weight of the carcass.

(3) Before amending, establishing, or revoking a description system, the Board—

- (a) Must consult the appropriate meat industry bodies; and
- (b) May consult any other person or body it thinks fit.

41. Compliance—While a description system is in force, the licensee of a licensed export slaughterhouse must ensure that every carcass (other than a carcass that has been wholly condemned) of any livestock to which it applies is identified in accordance with it when the carcass is first weighed after dressing.

42. Notification—(1) As soon as may be after establishing or amending a description system, the Board must—

- (a) Publish in the *Gazette* and in a newspaper or magazine circulating nationally in the rural areas of New Zealand a notice that it has done so; and
- (b) Give a written description of it to every licensee of a licensed export slaughterhouse.

(2) Every notice must indicate that copies of the system concerned, or (as the case requires) of a description of the amendment concerned, are available from the Board.

(3) As soon as may be after revoking a description system, the Board must—

- (a) Publish in the *Gazette* and in a newspaper or magazine circulating nationally in the rural areas of New Zealand a notice that it has done so; and
- (b) Give to every licensee of a licensed export slaughterhouse written notice that it has done so.

PART 6

ADMINISTRATION

Meetings of Livestock Farmers

43. Meetings of farmers—(1) In every financial year, the Board must,—

- (a) Not later than 31 December in that financial year, fix the day (being a day not earlier than 3 months after the day on which it was fixed and not later than 31 March in that financial year) for a meeting of livestock farmers; and
- (b) On the day fixed, hold such a meeting.

(2) For each region it for the time being recognises for the purpose, the Board must, in accordance with regulations made under this Act (if any), at least once in every financial year

before the annual general meeting, call and hold a meeting of livestock farmers.

(3) The Board—

(a) May at any time, in accordance with regulations made under this Act (if any); and

(b) Where any such regulations require it to do so, must,—call and hold a special meeting of livestock farmers.

(4) Any livestock farmer may attend any annual general meeting or special meeting of livestock farmers held under this Act, even if it was resolved at the annual general meeting most recently held before it that livestock farmers should be elected to represent other livestock farmers in their regions at meetings of that kind held during the next financial year.

(5) Except as provided in this Act and in regulations made under it, the procedure for a meeting held under this section is to be determined at that meeting.

44. Matters for consideration at annual general meeting—(1) The Board must ensure that at every annual general meeting—

(a) Its statement of strategic and consultative intent is discussed; and

(b) Enough time is allocated to the discussion to give livestock farmers a reasonable opportunity to participate in and contribute to it; and

(c) Directors participate responsibly in the discussion and, in particular, respond helpfully to all reasonable questions and concerns raised by livestock farmers about—

(i) The statement itself; or

(ii) The Board's strategic intent in relation to any of the matters referred to in section 7 (1) (a); or

(iii) How and to what extent it intends to consult livestock farmers on the Board's activities, and (to the extent, if any, that it intends to arrange for people to consult livestock farmers on its behalf) how farmer concerns should be reported back to it by people consulting livestock farmers on its behalf.

(2) The Board must ensure that at every annual general meeting resolutions are considered and voted on in relation to each of the following matters:

(a) Whether to approve the Board's recommendation in respect of the appointment or reappointment of an auditor to audit the Board's financial statements for the current financial year:

- (b) Whether livestock farmers should be elected to represent other livestock farmers in their regions—
 - (i) At annual general meetings; or
 - (ii) At special meetings; or
 - (iii) At meetings of either kind,—
held during the next financial year:
 - (c) If it has been resolved that livestock farmers should be elected to represent other livestock farmers in their regions at meetings of any kind held during the next financial year, whether (and if so to what extent) they will be entitled to have the expenses they incur in attending the meetings reimbursed by the Board:
 - (d) Where and when the next annual general meeting should be held:
 - (e) Such other matters as may be prescribed by regulations made under this Act.
- (3) Subject to section 56 (4) (b), the Board may put before any annual general meeting resolutions to approve either or both of the following matters:
- (a) Terms of reference for a proposed performance audit:
 - (b) Giving the Board authority to select and appoint a person to conduct it.
- (4) A resolution passed at an annual general meeting under subsection (2) (in respect of any matter referred to in any of paragraphs (a) to (c) of that subsection) is binding on the Board according to its tenor.
- (5) The Board may put before any annual general meeting a resolution to approve maximum annual aggregate remuneration and benefits to be paid to directors (for services as a director) during the next financial year.
- (6) Notwithstanding subsection (5), the Board may put before any annual general meeting a resolution to approve maximum annual aggregate remuneration and benefits (being greater than the maximum annual aggregate last approved under that subsection) to be paid to directors (for services as a director) during the current financial year.

*Remuneration of Directors, and Indemnity and Insurance of
Directors, Employees, Etc.*

45. Remuneration of directors—(1) Subject to subsections (2) to (4), there must be paid to each director the remuneration and benefits the Board from time to time determines.

(2) During any financial year to which a resolution under section 44 (5) (or, as the case requires, section 44 (6)) applies,

the Board must not pay to directors (for services as a director) remuneration and benefits that are in the aggregate more than the maximum aggregate remuneration and benefits approved by the resolution.

(3) During any financial year after the first year to which a resolution under section 44 (5) applies (being a year to which neither a resolution under section 44 (5) nor a resolution under section 44 (6) applies), the Board must not pay to directors (for services as a director) remuneration and benefits that are in the aggregate more than the maximum aggregate remuneration and benefits approved by the most recently passed resolution under section 44 (5).

(4) During any financial year before the first year to which a resolution under section 44 (5) applies, the Board must not—

(a) Pay to the Chairperson of the Board (for services as Chairperson of the Board and a director) remuneration and benefits whose sum is greater than the sum of the remuneration and benefits paid to the Chairman of the former Board during the last complete financial year before the commencement of this section; or

(b) Pay to the Deputy Chairperson of the Board (for services as Deputy Chairperson of the Board and a director) remuneration and benefits whose sum is greater than the sum of the remuneration and benefits paid to the Deputy Chairman of the former Board during the last complete financial year before the commencement of this section; or

(c) Pay to any other director (for services as a director) remuneration and benefits whose sum is greater than the average sum of the remuneration and benefits paid to members (other than the Chairman and Deputy Chairman) of the former Board during the last complete financial year before the commencement of this section.

(5) In this section and section 44, “benefit”,—

(a) In relation to any goods or service of a non-monetary nature provided to or for a director or put at a director's disposal, means the monetary value of those goods or that service; but

(b) Does not include (or include the monetary value of)—

(i) Any insurance of any kind in respect of any of the matters specified in paragraphs (a) and (b) of section 46 (2) provided or paid for by the Board; or

(ii) Any thing done or payment made by the Board in indemnifying a director in respect of any of the matters specified in paragraphs (a) and (b) of section 46 (2).

46. Restrictions on indemnity and insurance—(1) In this section and sections 47 to 49,—

“The corporation”,—

(a) In relation to an official in his or her capacity as a director, former director, officer, former officer, employee, or former employee, of the Board, means the Board; and

(b) In relation to an official in his or her capacity as a director, former director, officer, former officer, employee, or former employee, of a subsidiary of the Board, means the subsidiary:

“Effect insurance” includes pay, whether directly or indirectly, the costs of any insurance; and “effecting insurance” has a corresponding meaning:

“Indemnify” includes relieve or excuse from liability, whether before or after the liability arises; and “indemnification” and “indemnity” have corresponding meanings:

“New Zealand company” means company within the meaning of section 2 (1) of the Companies Act 1993:

“Official” means person who is a director, former director, officer, former officer, employee, or former employee, of the Board or a subsidiary of the Board:

“Proceeding” includes claim:

“Subsidiary of the Board” means body corporate (whether or not a New Zealand company) that, if it and the Board were each a New Zealand company, would be a subsidiary of the Board within the meaning of section 5 of the Companies Act 1993.

(2) Except as provided in sections 47 to 49, the Board must not indemnify or agree to indemnify an official, or directly or indirectly effect insurance for an official, in respect of—

(a) Liability for any act or omission in the official’s capacity as an official of the corporation; or

(b) Costs incurred by the official in defending or settling any proceeding relating to any such liability.

(3) An indemnification or agreement to indemnify effected or entered into in breach of subsection (2) is void.

(4) If the Board becomes aware that any amount has been paid in breach of subsection (2),—

(a) The Board must take all reasonable steps to recover it from the person to whom it was paid or the person on whose behalf it was paid; or

(b) If—

(i) It is impossible, impracticable, or in all the circumstances inappropriate to recover the amount from the person to whom it was paid; and

(ii) It is impossible, impracticable, or in all the circumstances inappropriate to recover the amount from the person on whose behalf it was paid,—
the Board must take all reasonable steps to recover an equivalent amount from the person or persons responsible for paying the amount in breach of that subsection.

(5) The board of directors must ensure that particulars of every indemnification of or agreement to indemnify an official, and particulars of all insurance effected for any official,—

(a) Are as soon as is possible recorded in the records of the Board; and

(b) Are retained by the Board.

Cf. 1993, No. 105, s. 162

47. Permitted indemnities—(1) The Board may indemnify or agree to indemnify an official for any costs incurred by the official in any proceeding relating to liability for any act or omission in the official's capacity as an official of the corporation—

(a) If judgment is given in the official's favour; or

(b) If the official is acquitted; or

(c) If the proceeding is discontinued, and its discontinuance has not arisen during or as a consequence of its settlement.

(2) The Board may indemnify or agree to indemnify an official in respect of liability (to any person other than the Board or any subsidiary of the Board) for any act or omission in the official's capacity as an official of the corporation, other than a liability of a kind described in subsection (4).

(3) The Board may indemnify or agree to indemnify an official in respect of costs incurred by the official in defending or settling any proceeding relating to any liability (to any person other than the Board or any subsidiary of the Board) for any act or omission in the official's capacity as an official of the corporation, other than a liability of a kind described in subsection (4).

(4) In relation to any official, the kinds of liability referred to in subsections (2) and (3) are—

(a) Criminal liability:

(b) Liability in respect of an act or omission in the official's capacity as a director of the Board that is in breach of the duty imposed by clause 1 of Schedule 1:

(c) Liability in respect of an act or omission in the official's capacity as a director of a subsidiary of the Board that, if the subsidiary and the Board were each a New Zealand company, would be in breach of the duty imposed by section 131 (1) of the Companies Act 1993:

(d) Liability in respect of an act or omission in the official's capacity as an officer or employee of the corporation that is in breach of any fiduciary duty owed by the official to the corporation.

Cf. 1993, No. 105, s. 162

48. Permitted insurance for directors—(1) The Board may, with the prior approval of the board of directors, effect insurance for a director of the Board in respect of—

(a) Liability (not being criminal liability) for any act or omission in the director's capacity as a director, officer, or agent of the Board or a subsidiary of the Board; or

(b) Costs incurred by the director in defending or settling any proceeding relating to any such liability; or

(c) Costs incurred by the director in defending any criminal proceeding, in respect of an act or omission in the director's capacity as a director, officer, or agent of the Board or a subsidiary of the Board, in which the director is acquitted.

(2) The directors who vote in favour of the Board's effecting insurance under subsection (1) must sign a certificate stating that, in their opinion, the cost of effecting the insurance is fair to the Board.

(3) Where—

(a) Insurance not authorised by subsection (1) is effected for any director; or

(b) Insurance authorised by subsection (1) is effected for any director, but—

(i) Subsection (2) has not been complied with; or

(ii) Subsection (2) has been complied with, but reasonable grounds did not exist for the opinion set out in the certificate given under it,—

the director is personally liable to the Board for the cost of effecting the insurance, except to the extent that the director proves that it was fair to the Board at the time the insurance was effected.

Cf. 1993, No. 105, s. 162

49. Permitted insurance for other officials—(1) The Board may, with the approval of the board of directors (given before or after the insurance is effected), effect insurance for any official in respect of—

- (a) Liability (not being criminal liability) for any act or omission in the official's capacity as an official of the corporation; or
- (b) Costs incurred by the official in defending or settling any proceeding relating to any such liability; or
- (c) Costs incurred by the official in defending any criminal proceeding, in respect of an act or omission in the official's capacity as an official of the corporation, in which the official is acquitted.

(2) Subsection (1) does not authorise the Board to effect insurance for any director of the Board.

(3) If it becomes aware that any insurance permitted by subsection (1) has been effected without its approval, the Board must promptly give its approval or cancel the insurance.

(4) If it becomes aware that any insurance not permitted by subsection (1) has been effected without its approval, the Board must immediately cancel the insurance.

Cf. 1993, No. 105, s. 162

Other Matters

50. Board to prepare financial statements—(1) As soon as is practicable after the last day of each financial year but before the following 1 March, the Board must prepare—

- (a) Financial statements for the Board for that year; and
- (b) Financial statements for the Board and every subsidiary (within the meaning of sections 158 and 158A of the Companies Act 1955 or sections 5 and 6 of the Companies Act 1993, as the case may be) of the Board for that year.

(2) The Financial Reporting Act 1993 applies to the Board and all the financial statements referred to in subsection (1) as if—

- (a) The Board's subsidiaries were companies within the meaning of that Act; and

- (b) The Board and the Board's subsidiaries were a group within the meaning of that Act; and
- (c) The Board were both a company and an issuer within the meaning of that Act (and a company within the meaning of the Companies Act 1993).

51. Audit of financial statements—(1) Subject to subsection (2),—

- (a) The statements referred to in section 50 must be audited by an auditor appointed or reappointed by the Board within 12 months before the end of the period to which the statements relate; but
- (b) The Board must not appoint or reappoint an auditor without the approval of livestock farmers obtained, within 12 months before the end of the period to which the statements relate, at an annual general meeting.

(2) Where, at the end of the period to which any statements referred to in section 50 relate, there is no person appointed auditor under subsection (1), the statements must be audited by an auditor appointed by the Minister.

(3) For the purposes of the audit of any statement referred to in section 50, an auditor appointed under this section has, and may exercise and perform, all the functions, duties, and powers of an auditor under the Companies Act 1993.

(4) Where the Board or the Minister appoints the Audit Office to audit any statements, the Audit Office may audit them.

52. Remuneration of auditor—For auditing its financial statements, the Board must pay the person who audits them—

- (a) The remuneration agreed between the Board and the person, if the Board appointed the person:
- (b) The remuneration agreed between the Minister and the person (after the Minister has consulted the Board), if the Minister appointed the person.

53. Annual report and statements to be presented to House of Representatives—(1) As soon as is practicable after the statements referred to in section 50 have been prepared in respect of any financial year and audited, the Board must prepare and give to the Minister—

- (a) A report of its operations and proceedings for the year, including—

- (i) A report on the exercise of its statutory powers during the year; and
 - (ii) Details of all particulars of indemnity and insurance recorded during the year under section 46 (5); and
 - (b) A copy of the statements and the report of its auditor on them; and
 - (c) A report of the matters required to be included in the annual report of a company by paragraphs (e), (f), and (g) of section 211 (1) of the Companies Act 1993; and those paragraphs apply as if references to—
 - (i) An accounting period were references to that year; and
 - (ii) A company were references to the Board; and
 - (iii) A director or former director were references to a director or former director of the Board; and
 - (d) The maximum annual aggregate remuneration and benefits approved for that year; and
 - (e) Where a resolution under section 44 (5) applicable to the next financial year was approved at an annual general meeting in that year, the maximum annual aggregate remuneration and benefits approved by that resolution.
- (2) As soon as is practicable after receiving copies of any such report or copy, the Minister must present a copy of it to the House of Representatives.
- (3) The Board must, without charge, make copies of the reports and statements most recently given to the Minister under subsection (1) available to all livestock farmers who ask for them, and for that purpose must ensure that there are available at every annual general meeting copies for livestock farmers attending.

Performance and Efficiency Audits

54. Performance and efficiency audits—(1) From time to time there must be conducted, in accordance with this section and sections 55 to 60, an audit of how effectively and efficiently the Board is performing in relation to the achievement of its object in terms of—

- (a) The Board's performance of its functions and use of its powers under this Act; and
- (b) The objectives, policies, and strategies established or put in place by the Board and any operating companies of the Board; and

- (c) The matters referred to in paragraphs (a) and (b) of section 7 (1); and
 - (d) The allocation mechanisms established by the Board; and
 - (e) The procedures adopted by the Board and any operating companies.
- (2) While a performance audit relates to how effectively and efficiently the Board is performing, the person conducting it—
- (a) Must conduct it on the basis of—
 - (i) The Board's performance on the day to which it relates; and
 - (ii) The Board's prospective future performance; but
 - (b) May have regard to the Board's performance during the 5 years before the day to which it relates.
- (3) A performance audit includes the making of recommendations as to how the Board might perform better in respect of all or any of the matters specified in subsection (1).

55. Timing of performance audits—(1) The first performance audit must be conducted as soon as is practicable after 1 October 1999; and must relate to that day.

(2) Later performance audits must be conducted as soon as is practicable after—

- (a) 1 October in the year 5 years after the day to which the most recent audit related; or
 - (b) Any earlier 1 October fixed by the Board at least 12 months before that day;—
- and must relate to that 1 October.

(3) The person conducting a performance audit may, before the day to which it relates,—

- (a) Undertake any preliminary work;
- (b) Examine, consider, or investigate, any action, circumstance, event, or inaction, that has already occurred or is occurring.

56. Terms of reference—(1) In every financial year ending immediately before the day to which a performance audit relates, the Board must, at least 12 weeks before the day fixed for the holding of that year's annual general meeting, consult the Minister as to the terms of reference for the audit.

(2) No more than 2 months after the consultation, the Minister must give the Board written notice of the Minister's views on the terms of reference for the audit.

(3) Subject to subsection (4), the terms of reference for a performance audit must be determined by the Board.

(4) The Board—

(a) Must not determine terms of reference for a performance audit without obtaining the approval of an annual general meeting; and

(b) Must not seek that approval before making known to the annual general meeting the views expressed by the Minister under subsection (2).

(5) Notwithstanding subsection (3), where—

(a) The Board has failed to comply with subsection (1) or subsection (4) (b) in relation to a performance audit; or

(b) The Board has failed to gain the approval referred to in subsection (4) (a) to any proposed terms of reference for a performance audit,—

the Minister must, after consultation with the Board, prescribe the terms of reference for the audit by written notice to the Board.

(6) If the Minister has, by written notice to the Board, prescribed the terms of reference for a performance audit,—

(a) As soon as is practicable after doing so, the Minister must publish in the *Gazette* a notice that the Minister has done so; and

(b) The Board must make a copy of the written notice available free to any livestock farmer who asks for one.

57. Appointment of person to conduct performance audit—(1) Every performance audit must be conducted by a person (not being an officer or employee of the Board or a director or former director, or a former director of the former Board) appointed by the Board at least 1 month before the day to which it relates, after consultation with the Minister.

(2) The Board must not appoint a person to conduct an audit without obtaining authority to select and appoint some person to do so at an annual general meeting.

(3) Where 1 month before the day to which the audit relates the Board—

(a) Has purported to appoint a person to conduct it without—

(i) Consulting with the Minister under subsection (1); or

(ii) Obtaining the authority required under subsection (2); or

(b) Has failed or refused to appoint a person to conduct it,—

the audit must be conducted by a person appointed by the Minister after consultation with the Board.

58. Conduct of performance audit—The person appointed to conduct a performance audit must, in determining how effectively and efficiently the Board is performing, take into account—

- (a) The object for which the Board has been established; and
- (b) Any objectives established by the Board; and
- (c) The extent to which those objectives are in keeping with the achievement of its object and the effective carrying out of its functions under this Act; and
- (d) The nature of those objectives, the manner in which they were established, and any systems established by the Board for revising or reviewing them; and
- (e) The progress the Board is making towards the achievement of its object and of any objectives; and
- (f) The extent to which the Board has put in place and implemented policies and strategies to use its resources effectively and efficiently for the purpose of achieving its object and performing its functions and achieving any objectives; and
- (g) The nature of those policies and strategies, the manner in which they were put in place, and any systems for revising or reviewing them; and
- (h) The manner in which the Board is—
 - (i) Performing its functions; and
 - (ii) Exercising its powers; and
 - (iii) Carrying on its activities; and
 - (iv) Implementing its policies and strategies; and
- (i) Where the Board has operating companies, the contribution that they are making towards its progress in achieving its object, achieving any objectives, and implementing its policies and strategies;—

but the fact that any other matter is determined under section 56 (3) (or prescribed under section 56 (5)) is conclusive evidence that it relates to the performance and efficiency of the Board.

59. Report on performance and efficiency of Board—

- (1) Every person who conducts a performance audit must, after conducting it,—

(a) Prepare—

(i) A written report on the conclusions reached and recommendations formulated as a result of conducting it; and

(ii) A written summary of those conclusions and recommendations; and

(b) Give copies of the report and summary to the Minister and the Board.

(2) If asked by a livestock farmer to do so, the Board must without charge give the farmer a copy of the written summary prepared under subsection (1) (a) (ii) most recently given to it.

60. Board to pay for performance audits—For conducting a performance audit, the Board must pay the person who conducts it—

(a) The remuneration agreed between the Board and the person, if the Board appointed the person:

(b) The remuneration agreed between the Minister and the person (after the Minister has consulted the Board), if the Minister appointed the person.

PART 7

LEVY ON LIVESTOCK

61. Meat Board levy—(1) This subsection imposes a levy on all livestock slaughtered in licensed premises (other than licensed premises in the Chatham Islands).

(2) All levy money paid to the Board forms part of its funds.

(3) In any financial year, the Board may by notice in the *Gazette* fix the rate at which and basis on which the levy is to be calculated on livestock of any kind slaughtered in the next financial year.

(4) The Board—

(a) May fix different rates and bases for the calculation of the levy on livestock of different kinds; and

(b) May fix a zero rate for the calculation of the levy on livestock of any kind.

(5) In every financial year, the levy must be paid at the appropriate rate and on the appropriate basis fixed or deemed to have been fixed under this section.

(6) If in any financial year no rate and basis have in fact been fixed under this section for the calculation of the levy on livestock of any kind slaughtered in the next financial year, there are deemed to have been fixed under this section for the calculation of the levy on livestock of that kind slaughtered in the next financial year the rate and basis last fixed for the

calculation of the levy on livestock of that kind (whether as livestock of that kind or as livestock of a more broadly described kind of which that kind forms part)—

- (a) Under this section; or
- (b) Where no rate and basis have ever been fixed under this section for the calculation of the levy on livestock of that kind, under section 13 (3) of the former Act.

62. Levy returns—(1) The licensee of licensed premises (in the Chatham Islands or elsewhere) where livestock is slaughtered must make to the Director-General, in accordance with this section and any regulations made under this Act, returns of the livestock slaughtered there.

(2) Every levy return—

- (a) Must be in a form determined by the Director-General after consulting the Board; and
- (b) Must be made to the Director-General within 10 days of the end of the period to which it relates; and
- (c) In the case of a rural slaughterhouse, must be made in respect of the quarterly periods ending with the last days of March, June, September, and December; and
- (d) In all other cases, must be made in respect of such periods as the Director-General for the time being specifies in that behalf by notice in the *Gazette*.

(3) For the period before a notice under subsection (2) (d) takes effect, levy returns for licensed premises other than rural slaughterhouses must be made in respect of weekly periods.

63. Payment of levy—(1) The Director-General must make to licensees of licensed premises a written demand of any amount of levy money payable under this Act.

(2) The Board may, if a levy return is not made to the Director-General within the time specified in section 62 or if it is not satisfied that the information contained in a levy return is complete and correct,—

- (a) Estimate the levy money payable under this Act in respect of the period to which that levy return related or should have related; and
- (b) Make a written demand or authorise the Director-General to make a written demand for the levy money estimated under paragraph (a).

(3) Every licensee to whom a demand is made under subsection (1) must, within 18 days or any longer period that the Board allows of the making of the demand, cause the amount demanded to be paid—

- (a) Into a bank account of the Ministry specified by the Director-General, for the benefit of the Director-General; or
- (b) With the approval of the Director-General, into an office of the Ministry specified by the Director-General.
- (4) Every licensee to whom a demand is made under subsection (2) must cause the amount demanded to be paid—
 - (a) Into a bank account of the Ministry specified by the Director-General, for the benefit of the Director-General; or
 - (b) With the approval of the Director-General, into an office of the Ministry specified by the Director-General.
- (5) An amount required by subsection (4) to be paid must be paid,—
 - (a) If the licensee has not earlier under section 64 disputed the validity of the estimate concerned, within 18 days or any longer period the Board allows of the making of the demand:
 - (b) If the estimate concerned has been confirmed or substituted under section 64 (3) (c), within 18 days or any longer period the Board allows of the giving of the notice confirming it or substituting it for another.
- (6) Subject to section 19 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995, all levy money received by the Director-General must be accounted for in full to the Board.

64. Licensee may dispute estimate—(1) Within 10 days of the making of a demand under section 63 (2) to the licensee of any licensed premises (other than a demand substituted for another under subsection (3) (c) (i) of this section), the licensee may dispute the estimated amount demanded, by written notice to the Board—

- (a) Containing or accompanied by any written evidence or argument the licensee wishes to bring to the Board's attention; and
- (b) Accompanied by a copy of the demand.
- (2) If the demand was made by the Director-General, the licensee must give the Director-General a copy of the notice and the material accompanying it.
- (3) Within 15 days of receiving a notice of dispute, the Board must—
 - (a) Consider the matters raised in it; and
 - (b) Undertake any audit of the licensee's operations the Board thinks appropriate and the licensee allows; and

- (c) By written notice to the licensee,—
 - (i) Withdraw the demand, and substitute another for it; or
 - (ii) Withdraw the demand, and indicate that no other will be substituted for it; or
 - (iii) Confirm the demand; and
- (d) Give the Director-General a copy of the notice.

65. Licensees may recover levy money from owners of livestock at slaughter—A licensee of licensed premises who—

- (a) Has paid any levy money payable in respect of any livestock; but
- (b) Was not the owner of the livestock when it was slaughtered,—

may recover from the owner of the livestock when it was slaughtered all or any part of the amount paid, as a debt, or by deducting it from any money in the licensee's hands belonging or payable to the owner.

66. Refunds—(1) If the Board finds in any case that levy money has been overpaid or wrongfully paid, the Board must refund from its funds the amount overpaid or wrongfully paid.

(2) The Board must not refund any amount to any person under this section unless—

- (a) The person—
 - (i) Has not been reimbursed for the amount; or
 - (ii) Has been reimbursed for the amount but has since repaid it to the person from whom it was reimbursed; and
- (b) The person provides to the Board such levy return or other information, verified in such manner as the Board may require, as in the Board's opinion enables the Board to determine the amount to be refunded.

67. Levy money to be held in trust accounts—(1) Where any licensed premises are (regularly or from time to time) used for the slaughter of livestock, the licensee must keep for those premises a bank account (in this section referred to as a trust account) at a registered bank within the meaning of the Reserve Bank of New Zealand Act 1989; and—

- (a) Ensure that it is so named as to identify those premises and that it is a trust account kept by the licensee for the purposes of this section; and
- (b) Take all practicable steps to ensure that—

(i) It is used only for holding amounts (being required by subsection (3) to be deposited in it) relating to those premises; and

(ii) The balance in it on any day is not less than the amount outstanding to the Director-General on that day in respect of the premises under subsection (2).

(2) For the purposes of this section, the amount outstanding to the Director-General by the licensee of any licensed premises on any day (in respect of those premises) is the amount (if any) by which—

(a) The total of all amounts required by subsection (3) to be deposited in the trust account by the licensee (in respect of livestock slaughtered there, after the commencement of this section, while the licensee was licensee of the premises) no later than a day before that day; is greater than

(b) The total of all amounts of levy money already paid by the licensee to the Director-General (in respect of livestock slaughtered there, after the commencement of this section, while the licensee was licensee of the premises).

(3) Where livestock has been slaughtered in licensed premises, the licensee must, no later than the day—

(a) Specified in that behalf by; or

(b) Ascertained or calculated by reference to,—

regulations made under this Act (or if no regulations then in force specify a day, or a means for ascertaining or calculating a day, the day 15 days after slaughter), deposit an amount equal to the levy on the livestock in the trust account maintained for the premises.

(4) There is deemed to be held in trust for the Board (as levy money)—

(a) The amount outstanding to the Director-General by the licensee of any licensed premises held in the trust account maintained for the premises; or

(b) Where the amount held in the account is less than the amount outstanding, all the money in the account.

(5) Money deemed by subsection (4) to be held in trust—

(a) Is not available for the payment of; and

(b) Is not liable to be attached or taken in execution at the instance of,—

any creditor of the licensee concerned (other than the Board).

(6) A person who ceases to be the licensee of licensed premises must continue to maintain the trust account referred to in this section until all levy money payable to the Director-

General in respect of the period during which the person was licensee of the premises has been paid.

(7) Nothing in subsection (6) limits or affects any obligation or liability under this Act of any person who has become the licensee of any licensed premises.

68. Records relating to levy to be kept—(1) Every person who makes a levy return under section 62 or pays levy money under section 63 must keep accurate records of the payment and full particulars of the transaction to which the payment related.

(2) All such records must be preserved for a period of not less than 2 years from the date they are made.

69. Levy to constitute debt due to Board—(1) When it has become payable, a levy is a debt due to the Board; and is recoverable as a debt by the Board in any Court of competent jurisdiction.

(2) The Board may assess, sue for, or recover levy money even if information has not been provided or a return has not been made.

70. Power of inspection in relation to levy—(1) An authorised person may exercise the powers specified in subsection (2) at any reasonable time (within or outside business hours) for the purpose of—

- (a) Ascertaining whether the requirements of this Part are being met; or
- (b) Obtaining evidence that those requirements (or any of them) are not being met.

(2) The powers referred to in subsection (1) are the power to—

- (a) Enter any place where—
 - (i) Any document relating to levy money or the slaughter of livestock is held or is likely to be held; or
 - (ii) Any meat product from livestock subject to the levy is held or is likely to be held;
- (b) Inspect any document or meat product referred to in paragraph (a);
- (c) Take or make copies of, or extracts from, any document inspected under this section; and for that purpose may—
 - (i) Take possession of and remove any such document from the place where it is held, for any reasonable period;

(ii) Require a person to reproduce, or assist the authorised person to reproduce, in usable form any information recorded or stored on a document electronically or by other means.

(3) An authorised person must not under subsection (1) enter any place that is not a place of business except with—

(a) The consent of an occupier; or

(b) A warrant under subsection (3) or subsection (4) of section 72.

PART 8

MISCELLANEOUS PROVISIONS

71. Other powers of inspection—(1) An authorised person may exercise all or any of the powers specified in subsection (2) at any reasonable time (within or outside business hours) for the purpose of—

(a) Ascertaining whether a person has taken an action of a kind described in paragraph (a) or paragraph (b) of section 36 (1); or

(b) Obtaining evidence that a person has taken such an action.

(2) The powers referred to in subsection (1) are the power to—

(a) Enter any place where—

(i) Any meat products or co-products intended to be exported to any market in respect of which there is an allocation mechanism established are held or are likely to be held; or

(ii) Any documents relating to any meat products or co-products intended to be exported (or already exported) to any market in respect of which there is or was an allocation mechanism established are held or are likely to be held;

(b) Inspect any meat product or co-product there;

(c) Inspect any document there relating to any meat product or co-product;

(d) Take or make copies of, or extracts from, any document inspected under this subsection.

(3) An authorised person must not under subsection (2) enter any place that is not a place of business without—

(a) The consent of an occupier; or

(b) A warrant under subsection (1) or subsection (2) of section 72.

(4) Any officer, employee, or agent of the Board authorised by the Board to exercise the powers conferred by subsection (5) may at any reasonable time (within or outside business hours) exercise all or any of those powers for the purpose of—

- (a) Ascertaining whether a description system is being complied with;
 - (b) Obtaining evidence that a description system is not being complied with.
- (5) The powers referred to in subsection (4) are the power to—
- (a) Enter any export slaughterhouse, export store, or meat packing house, licensed under the Meat Act 1981;
 - (b) Enter any business premises that hold or are likely to hold—
 - (i) Any meat products formerly stored in, or derived from livestock slaughtered in, any premises of a kind referred to in paragraph (a); or
 - (ii) Any documents relating to any such meat products;
 - (c) Inspect any meat product in any premises entered under the authority of paragraph (a) or paragraph (b);
 - (d) Inspect any document there relating to any meat product;
 - (e) Take or make copies of, or extracts from, any document inspected under this subsection.
- (6) For the purpose of the power conferred by subsections (2) (d) or (5) (e), the person exercising the power may—
- (a) Take possession of and remove any document from the place where it is held;
 - (b) Require any person to reproduce in usable form, or help reproduce in usable form, any information recorded or stored on a document electronically or by any other means.

72. Warrant to inspect place other than place of business—(1) A District Court Judge or a Court Registrar (not being a member of the Police), who on an application in writing made on oath by an authorised person is satisfied that there are reasonable grounds to believe that—

- (a) A person has taken an action of a kind described in paragraph (a) or paragraph (b) of section 36 (1); and
- (b) There is or is likely to be in some place that is not a place of business—
 - (i) Any meat product or co-product intended to be exported to any market in respect of which there is an allocation mechanism established; or

(ii) Any document relating to any meat product or co-product intended to be exported (or already exported) to any market in respect of which there is or was an allocation mechanism established,—
that is evidence that such an action has been taken,—
may issue to the authorised person a warrant authorising the person to enter and inspect the place.

(2) A District Court Judge or a Court Registrar (not being a member of the Police), who on an application in writing made on oath by an authorised person is satisfied that, as a consequence of the inspection under section 71 of a place of business, there are reasonable grounds to believe that there is or is likely to be in some other place that is not a place of business—

(a) Any meat product or co-product intended to be exported to any market in respect of which there is an allocation mechanism established; or

(b) Any document relating to any meat product or co-product intended to be exported (or already exported) to any market in respect of which there is or was an allocation mechanism established,—

may issue to the authorised person a warrant authorising the person to enter and inspect the other place.

(3) A District Court Judge or a Court Registrar (not being a member of the Police), who on an application in writing made on oath by an authorised person is satisfied that there are reasonable grounds to believe that—

(a) An offence against subsection (1) or subsection (4) of section 76 has been committed; and

(b) There is or is likely to be in some place that is not a place of business—

(i) Any document relating to levy money or the slaughter of livestock; or

(ii) Any meat product from livestock subject to the levy,—

that is evidence of the commission of that offence,—
may issue to the authorised person a warrant authorising the person to enter and inspect the place.

(4) A District Court Judge or a Court Registrar (not being a member of the Police), who on an application in writing made on oath by an authorised person is satisfied that, as a consequence of the inspection under section 70 of a place of business, there are reasonable grounds to believe that there is or is likely to be in some other place that is not a place of business—

- (a) Any document relating to levy money or the slaughter of livestock; or
- (b) Any meat product from livestock subject to the levy,—may issue to the authorised person a warrant authorising the person to enter and inspect the other place.
- (5) The warrant must be in the appropriate form in Schedule 3, and may be issued unconditionally or subject to conditions.

73. Duties of persons executing warrants—A person executing a warrant issued under section 72 in respect of any place—

- (a) Must produce the warrant on initial entry and, if asked by an occupier, at any time afterwards; and
- (b) If an occupier is present on initial entry, must identify himself or herself to that occupier; and
- (c) If asked by an occupier to do so, must produce evidence of identity.

74. Other duties of persons carrying out inspections—(1) A person who carries out an inspection under section 70 or section 71 when no occupier of the place inspected was present must, on completing the inspection, leave prominently in the place a notice stating—

- (a) The day and time when the inspection was carried out; and
- (b) The person's name.

(2) If the person who carries out an inspection under section 70 or section 71 takes a document, article, or thing from the place inspected, the person must, on completing the inspection, leave prominently in the place a schedule of all documents, articles, and things taken.

(3) If it is not practicable to prepare the schedule on completing the inspection, or if an occupier of the place inspected consents, the person who carries out the inspection may,—

- (a) Instead of leaving the schedule, leave a notice that—
 - (i) A document, article, or thing has been taken; and
 - (ii) Within 7 days of the inspection the schedule will be delivered to, left for, or posted to an occupier; and
- (b) Within 7 days of the inspection,—
 - (i) Deliver the schedule to an occupier; or
 - (ii) Leave the schedule prominently in the place; or
 - (iii) Post the schedule by registered mail to an occupier.

- (4) The schedule must specify—
 - (a) The documents, articles, and things taken; and
 - (b) The place or places where they are being held; or
 - (c) If more than 1 place is specified, the documents, articles, and things held in each.

75. Requirement for certain persons to provide certain information to Board—(1) An exporter of meat product or co-product must provide to the Board (within a reasonable time specified in the notice requesting it) all information that the Board, by notice in writing, requests from the exporter in respect of any or all of the following matters:

- (a) The quantities of meat product and co-product exported;
- (b) The estimated value of the meat product and co-product exported;
- (c) The port of discharge, and destination, of the meat product and co-product exported.

(2) The licensee of licensed premises where livestock are slaughtered and processed must provide to the Board (within a reasonable time specified in the notice requesting it) all information that the Board, by notice in writing, requests from the licensee in respect of any or all of the following matters:

- (a) The numbers of livestock slaughtered;
- (b) The quantities of meat product and co-product processed, produced, held, or stored;
- (c) The quantities of meat product and co-product produced and intended to be sold for consumption or use in New Zealand.

(3) A single notice may request information to be supplied regularly, at specified intervals or in respect of specified periods.

(4) A notice may request information—

- (a) In relation to meat products or co-products generally; or
- (b) In relation to livestock, meat products, or co-products of kinds specified in the request.

(5) Instead of requesting any information under subsection (1), the Board may request it from the person holding office under the State Sector Act 1988 as the chief executive of the department of State referred to in section 5 of the Customs and Excise Act 1996; and in that case (notwithstanding any enactment to the contrary) the chief executive may cause to be supplied to the Board such of that information as is available to the chief executive.

(6) The Board—

- (a) Must not publish or disclose to any person any information obtained under this section that enables the identity of the person to whom it relates to be identified, except—
 - (i) For the purposes of the performance or exercise of any of the Board's functions or powers under this Act; or
 - (ii) For the purposes of an action brought under or in relation to this Act; or
 - (iii) While giving evidence in any legal proceeding taken under or in relation to this Act; or
 - (iv) With the consent of every identifiable person to whom it relates; and
 - (b) Must not use any information obtained under this section in any way for gain or reward.
- (7) A person to whom any information obtained under this section is published or disclosed (whether or not in accordance with subsection (6) or this subsection)—
- (a) Must not publish or disclose to any person any information obtained under this section that enables the identity of the person to whom it relates to be identified, except—
 - (i) For the purposes of the performance or exercise of any of the Board's functions or powers under this Act; or
 - (ii) For the purposes of an action brought under or in relation to this Act; or
 - (iii) While giving evidence in any legal proceeding taken under or in relation to this Act; or
 - (iv) With the consent of every identifiable person to whom it relates; and
 - (b) Must not use any information obtained under this section in any way for gain or reward.

76. Offences and penalties—(1) Every person who knowingly fails to comply with section 67 (1) (b) (ii) commits an offence, and is liable on summary conviction—

- (a) To a fine not exceeding \$150,000, if the shortfall in the account exceeds \$500,000;
- (b) To a fine not exceeding \$80,000, if the shortfall in the account exceeds \$100,000 but does not exceed \$500,000;
- (c) To a fine not exceeding \$30,000, if the shortfall in the account does not exceed \$100,000.

(2) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$100,000, who, while the person's ability to export meat products or co-products of any kind to a market is suspended under section 36 (2) (a), exports or attempts to export meat products or co-products of that kind to that market.

(3) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$20,000, who—

- (a) Fails or refuses to comply with section 41; or
- (b) Wilfully prevents, obstructs, or hinders a person exercising or attempting to exercise any of the powers conferred by section 71; or
- (c) Fails or refuses to make available to a person exercising any of the powers conferred by section 71 any document relating to any meat product or co-product, or any meat product or co-product.

(4) Every licensee of licensed premises commits an offence, and is liable on summary conviction to a fine not exceeding \$20,000, who—

- (a) Knowingly makes a false or misleading levy return; or
- (b) Fails or refuses to comply with section 62, section 63 (3), or section 68; or
- (c) Fails or refuses to pay, within the time required by subsection (5) of section 63, an amount that person is required by subsection (4) of that section to pay; or
- (d) Wilfully prevents, obstructs, or hinders, a person exercising or attempting to exercise any of the powers conferred by subsections (1) and (2) of section 70; or
- (e) Fails or refuses to make available to a person exercising any of the powers conferred by subsections (1) and (2) of section 70 any document relating to levy money or the slaughter of livestock or any meat product from livestock subject to the levy.

(5) Every person who—

- (a) Fails or refuses to comply with subsection (1) or subsection (2) of section 75; or
- (b) In response to a request under subsection (1) or subsection (2) of section 75, wilfully gives the Board false or misleading information,—

commits an offence, and is liable on summary conviction to a fine not exceeding \$15,000.

(6) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who exports any meat product contrary to section 18.

77. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Providing for and regulating the assessment, collection, estimation, payment, and receipt, of levy money and of any additional levy or charge for late payment of levy money:
- (b) Empowering the Board in any particular case to waive all or any part of any additional levy or charge for late payment that might otherwise be payable:
- (c) Providing for and regulating the rates of any additional levy or charge for late payment of levy money:
- (d) Preventing the evasion of the payment of levy money and any additional levy or charge in respect of its late payment:
- (e) Providing for the making of levy returns to, or the obtaining of any information or particulars by, the Board for the purposes of this Act, in relation to the levy:
- (f) Prescribing offences against the regulations; and prescribing penalties for such offences not exceeding \$5,000:
- (g) Prescribing the manner and circumstances in which meetings held under section 43 may or must be called:
- (h) Prescribing procedures (not inconsistent with this Act) for meetings held under section 43, including—
 - (i) Who (if anybody) may attend in addition to the livestock farmers entitled to attend by virtue of section 43 (4); and
 - (ii) Who is eligible to vote; and
 - (iii) Who may cast a vote as representative of an eligible body corporate, trust, partnership, or body of persons; and
 - (iv) Who (if anybody) may cast a vote as a proxy for an eligible livestock farmer, and the circumstances (if any) in which a proxy vote may be cast; and
 - (v) Any weighting to be given to votes cast (or any means by which such a weighting may be calculated or ascertained):
- (i) Prescribing procedures (not inconsistent with this Act) for elections of directors, including—
 - (i) Who is eligible to vote; and

- (ii) Who may cast a vote as representative of an eligible body corporate, trust, partnership, or body of persons; and
 - (iii) Any weighting to be given to votes cast (or any means by which such a weighting may be calculated or ascertained):
- (j) Providing for the disclosure or publication of corporate intent and accountability arrangements of companies wholly or partly owned by the Board:
 - (k) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.
- (2) Where regulations made under this Act provide for the payment of an additional charge or levy, every reference to the levy in this Act is deemed to include a reference to the additional charge or levy.

78. Notices—(1) The Board may give any person a notice under this Act by causing it to be—

- (a) Delivered to the person; or
 - (b) Addressed to the person and left at the person's home or business; or
 - (c) Transmitted to the person at the person's home or business by facsimile; or
 - (d) Transmitted to the person at the person's home or business by or through any other device or system of devices from or through which the person might reasonably be expected to receive it; or
 - (e) Posted in a letter addressed to the person at the person's home or business.
- (2) For the purposes of subsection (1), a person's home or business—
- (a) Is the person's usual or last known place of abode or business; but
 - (b) Includes any place whose address is specified by the person (for the purpose of communication) in any application, notice, or other document received from the person by the Board.
- (3) If any such notice is posted to any person by registered letter, it is deemed to have been given to the person when it would have been delivered in the ordinary course of post; and in proving the delivery it is sufficient to prove that the letter was properly addressed and posted.

79. Transitional provisions relating to members of former Board—(1) Until the close of 31 December 1998, this Act has effect as if—

(a) Section 13 (2) (a) were amended by omitting the words “on the basis required by section 14”, and substituting the words “in accordance with regulations made under this Act”; and

(b) Section 14 were repealed.

(2) After the commencement of this Part, this Act applies to every person who immediately before that commencement was an elected member of the former Board as if the person were a director elected under section 13 (2) (a); and, subject to this Act, every such person continues in office as a director,—

(a) In the case of a person who—

(i) Was elected to be a member in the 1995 triennial elections; or

(ii) Was elected under the former Act to fill a vacancy caused by the death, resignation, or removal from office of a member elected in the 1995 triennial elections or a successor to such a member,—
until the close of 31 March 1998:

(b) In the case of a person who—

(i) Was elected to be a member in the 1996 triennial elections; or

(ii) Was elected under the former Act to fill a vacancy caused by the death, resignation, or removal from office of a member elected in the 1996 triennial elections or a successor to such a member,—
until the close of 31 March 1999:

(c) In the case of a person who—

(i) Was elected to be a member in the 1997 triennial elections; or

(ii) Was elected under the former Act to fill a vacancy caused by the death, resignation, or removal from office of a member elected in the 1997 triennial elections or a successor to such a member,—
until the close of 31 March 2000.

(3) Between the commencement of this Part and the close of 31 March 1999,—

(a) This Act (except clause 2 (3) of Schedule (2)) applies to the person who immediately before that commencement was the member of the former Board appointed by the Minister on the recommendation of the New Zealand Dairy Board as if the person were a director elected under section 13 (2) (a); but

(b) Where the person (or any successor of the person) dies, resigns, or is removed from office,—

(i) If the residue of the person's term of office is 12 months or less, the Minister may; and

(ii) If the residue of the person's term of office is more than 12 months, the Minister must,—
fill the resulting vacancy by appointing a director on the recommendation of the New Zealand Dairy Board.

(4) Notwithstanding anything in this Act, every person who immediately before the commencement of this Part was a member of the former Board appointed under section 2A (1) (b) of the former Act is deemed to have become a director elected under section 13 (2) (b) on that commencement; and subject to this Act continues in office until the earlier of the following days:

(a) The day 18 months after that commencement:

(b) The day on which the election of any director under section 13 (2) (b) takes effect.

(5) Of the 4 directors first elected after the commencement of this Part under section 13 (2) (b),—

(a) Two must hold office for terms expiring with the close of 31 March 2000; and

(b) One must hold office for a term expiring with the close of 31 March 2001; and

(c) One must hold office for a term expiring with the close of 31 March 2002;—

and regulations made under this Act may prescribe a means by which it may be ascertained or determined which directors are elected for which terms.

(6) Of the 2 directors first appointed after the commencement of this Part under section 13 (2) (c),—

(a) One must be appointed for a term expiring with the close of 31 March 2000; and

(b) One must be appointed for a term expiring with the close of 31 March 2001.

80. Transitional provisions relating to officers and employees of Board—(1) Every person who immediately before the commencement of this section was an officer or employee of the former Board is deemed to have become an officer or employee of the Board on that commencement.

(2) For the purposes of any fund or scheme for the purpose of providing superannuation or retiring allowances, the service of any person, to whom subsection (1) applies, as an officer or

employee of the former Board must be treated as service as an officer or employee of the Board.

81. Provisions relating to description systems may be repealed by Order in Council—(1) On the recommendation of the Minister, the Governor-General may, by Order in Council,—

- (a) Repeal Part 5 and sections 71 (4), 71 (5) and 76 (3) (a); and
- (b) Consequentially repeal the definition in section 2 (1) of the term “description system”.

(2) The Minister must not recommend the making of the order unless satisfied that there is no longer any description system in force.

(3) The order must not take effect any earlier than the 28th day after the date of the notification of the order in the *Gazette*.

(4) The order must not be amended or revoked by Order in Council.

82. Consequential amendments—(1) The enactments specified in Schedule 4 are amended in the manner indicated in that schedule.

(2) Regulation 2 of the Meat Board Regulations 1995 is amended by revoking the definitions of the terms “the Act”, “the Board”, “producer”, and “producers’ representative”, and inserting, in their appropriate alphabetical order, the following definitions:

“The Act’ means the Meat Board Act 1997:

“Eligible livestock farmer’,—

“(a) At a time before 1 January 1999, means livestock farmer who then owns (in New Zealand)—

“(i) At least 250 animals that are sheep or goats;
or

“(ii) At least 50 beef cattle:

“(b) At a time after 31 December 1998, means livestock farmer who then owns (in New Zealand)—

“(i) At least 250 animals that are sheep or goats;
or

“(ii) At least 50 beef cattle; or

“(iii) At least 100 dairy cattle:

“‘Producer’ means eligible livestock farmer:

“‘Producer’s representative’ means director holding office under section 13 (2) (a) of the Act:”.

(3) Regulation 2 is amended by adding, as subclause (2), the following subclause:

“(2) In these regulations, unless the context otherwise requires, terms defined in section 2 of the Act have the meanings given to them by that section.”

(4) The Meat Board Regulations 1995 may be amended or revoked as if the amendments effected by this section had been effected by Order in Council and not by this section.

83. Consequential repeals—The enactments specified in Schedule 5 are repealed.

SCHEDULES

Section 16

SCHEDULE 1

PROVISIONS APPLYING TO DIRECTORS

1. Duty of directors to act in good faith and to best attain object of Board—A director, when exercising powers or performing duties, must act in good faith and as the director believes will best attain the object of the Board.

2. Exercise of powers in relation to employees—(1) Nothing in clause 1 limits the power of a director to make provision for the benefit of employees of the Board in connection with the Board's ceasing to carry on the whole or part of its affairs.

(2) In subclause (1),—

“Board” includes a subsidiary of the Board; and

“Employees” includes former employees and the dependants of employees or former employees; but does not include an employee or former employee who is or was a director.

3. Powers to be exercised for proper purpose—A director must exercise a power for a proper purpose.

4. Directors to comply with Act—A director must not act, or agree to the Board's acting, in a manner that contravenes this Act.

5. Reckless trading—A director must not—

- (a) Agree to the affairs of the Board being carried on in a manner likely to create a substantial risk of serious loss to the Board's creditors; or
- (b) Cause or allow the affairs of the Board to be carried on in a manner likely to create a substantial risk of serious loss to the Board's creditors.

6. Duty in relation to obligations—A director must not agree to the Board's incurring an obligation unless the director believes at that time on reasonable grounds that the Board will be able to perform the obligation when it is required to do so.

7. Director's duty of care—A director, when exercising powers or performing duties as a director, must exercise the care, diligence, and skill that a reasonable director would exercise in the same circumstances taking into account, but without limitation,—

- (a) The nature of the Board; and
- (b) The nature of the decision; and
- (c) The position of the director and the nature of the responsibilities undertaken by him or her.

8. Use of information and advice—(1) A director, when exercising powers or performing duties as a director, may rely on reports, statements, and financial data and other information prepared or supplied, and on professional or expert advice given, by any of the following persons:

- (a) An employee of the Board whom the director believes on reasonable grounds to be reliable and competent in relation to the matters concerned:

SCHEDULE 1—*continued*PROVISIONS APPLYING TO DIRECTORS—*continued*

- (b) A professional adviser or expert in relation to matters which the director believes on reasonable grounds to be within the person's professional or expert competence:
- (c) Any other director or committee of persons established by the Board (upon which the director did not serve) in relation to matters within the director's or committee's designated authority.
- (2) Subclause (1) applies to a director only if the director—
 - (a) Acts in good faith; and
 - (b) Makes proper inquiry where the need for inquiry is indicated by the circumstances; and
 - (c) Has no knowledge that such reliance is unwarranted.

9. Meaning of “interested” and “transaction”—(1) For the purposes of this Schedule, a director is interested in a transaction to which the Board is a party if, and only if, the director—

- (a) Is a party to, or will or may derive a material financial benefit from, the transaction; or
- (b) Has a material financial interest in another party to the transaction; or
- (c) Is a director, officer, or trustee of another party to, or person who will or may derive a material financial benefit from, the transaction, not being a party or person that is a wholly-owned subsidiary of the Board; or
- (d) Is the parent, child, or spouse of another party to, or person who will or may derive a material financial benefit from, the transaction; or
- (e) Is otherwise directly or indirectly materially interested in the transaction.

(2) For the purposes of this Schedule, a director is not interested in a transaction to which the Board is a party if the transaction comprises only the giving by the Board of security to a third party which has no connection with the director, at the request of the third party, in respect of a debt or obligation of the Board for which the director or another person has personally assumed responsibility in whole or in part under a guarantee, indemnity, or by the deposit of a security.

(3) For the purposes of this clause and clause 10,—

- (a) The exercise in relation to any person (or a group of persons including any person) of any of the Board's powers under Part 4 is a transaction, to which the Board is a party; and
- (b) The exercise in relation to any person (or a group of persons including any person) of any power under an allocation mechanism to make a decision or recommendation is a transaction, to which the Board is a party.

10. Disclosure of interest—(1) A director must, forthwith after becoming aware of the fact that he or she is interested in a transaction or proposed transaction with the Board, cause to be entered in the interests register and disclose to the board of directors,—

- (a) If the monetary value of the director's interest is able to be quantified, the nature and monetary value of that interest; or
- (b) If the monetary value of the director's interest cannot be quantified, the nature and extent of that interest.

SCHEDULE 1—*continued*PROVISIONS APPLYING TO DIRECTORS—*continued*

(2) For the purposes of subclause (1), a general notice given to the board of directors to the effect that a director is a shareholder, director, officer or trustee of a person named in the notice and is to be regarded as interested in any transaction that may, after the day on which the notice is given to the board of directors, be entered into by the Board with that person, is a sufficient disclosure of interest in relation to that transaction.

(3) A failure by a director to comply with subclause (1) does not affect the validity of a transaction entered into by the Board or the director.

(4) Every director who fails to comply with subclause (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

11. Avoidance of transactions—(1) A transaction entered into by the Board in which a director is interested may be avoided by the Board at any time before the expiration of 3 months after the transaction is disclosed to the board of directors.

(2) A transaction cannot be avoided if the Board receives fair value under it.

(3) For the purposes of subclause (2), the question whether the Board receives fair value under a transaction is to be determined on the basis of the information known to the Board and to the interested director at the time the transaction is entered into.

(4) If a transaction is entered into by the Board in the ordinary course of its business and on usual terms and conditions, the Board is presumed to receive fair value under the transaction.

(5) For the purposes of this clause,—

(a) A person seeking to uphold a transaction who knew or ought to have known of the director's interest at the time the transaction was entered into has the onus of establishing fair value; and

(b) In any other case, the Board has the onus of establishing that it did not receive fair value.

(6) A transaction in which a director is interested can be avoided only on the ground of the director's interest in accordance with this clause.

12. Effect on third parties—The avoidance of a transaction under clause 11 does not affect the title or interest of a person in or to property which that person has acquired if the property was acquired—

(a) From a person other than the Board; and

(b) For valuable consideration; and

(c) Without knowledge of the circumstances of the transaction under which the person referred to in paragraph (a) acquired the property from the Board.

13. Application of clauses 10 and 11 in certain cases—Nothing in clauses 10 and 11 applies in relation to—

(a) The fixing of any levy by the Board; or

(b) Remuneration or any other benefit given to a director in his or her capacity as a director; or

(c) An indemnity given to or insurance provided for a director in his or her capacity as a director.

SCHEDULE 1—*continued*PROVISIONS APPLYING TO DIRECTORS—*continued*

14. Interested director may vote—Subject to any rules adopted by the Board for the purpose of this clause, a director who is interested in a transaction entered into, or to be entered into, by the Board, may—

- (a) Vote on a matter relating to the transaction; and
- (b) Attend a meeting of the board of directors at which a matter relating to the transaction arises and be included among the directors present at the meeting for the purpose of a quorum; and
- (c) Sign a document relating to the transaction on behalf of the Board; and
- (d) Do any other thing in his or her capacity as a director in relation to the transaction,—

as if the director were not interested in the transaction.

15. Use of Board information—(1) A director who has information in his or her capacity as a director or employee of the Board, being information that would not otherwise be available to him or her, must not disclose that information to any person, or make use of or act on the information, except—

- (a) For the purposes of the Board; or
 - (b) As required by law; or
 - (c) In accordance with subclause (2); or
 - (d) In complying with clause 10.
- (2) A director may disclose, make use of, or act on, the information if—
- (a) Particulars of the disclosure, use, or act in question, are entered in the interests register; and
 - (b) The director is first authorised to do so by the board of directors; and
 - (c) The disclosure, use, or act in question will not, or will not be likely to, prejudice the Board.

16. Duties owed to Board—The duties of the directors of the Board set out in this Schedule are owed to the Board.

Section 17

SCHEDULE 2

PROVISIONS APPLYING TO BOARD AND BOARD OF DIRECTORS

Directors

1. Term of office of directors—(1) Except as otherwise provided in this Act, a director holds office for a term expiring at the close of 31 March in the year 3 years after the year in which the director was elected or appointed.

(2) A director may continue in office after the expiry of the term for which the director was elected or appointed if the Minister—

(a) Authorises the director to continue in office; and

(b) Determines the length of the director's extended term,—
before that expiry (or before the expiry of any extension or extensions of that term authorised under this subclause).

(3) If a director continues in office for any period after the expiry of the director's term, the successor's term of office is reduced by that period.

(4) Any director may from time to time be re-elected or reappointed.

2. Extraordinary vacancies—(1) The Minister may remove a director from office for disability affecting performance of duty, bankruptcy, breach of any duty set out in Schedule 1 that applies to the director, or misconduct, proved to the Minister's satisfaction.

(2) A director may resign by written notice to the Minister.

(3) If a director dies, or resigns, or is removed from office and the residue of the term of the vacating director—

(a) Does not exceed 12 months, the Minister may, on the recommendation of the board of directors, appoint a director for the residue of the term for which the vacating director was elected or appointed; or

(b) Exceeds 12 months, the vacancy must be filled,—

(i) Where the vacating director was an elected director, by electing a director in the manner specified in paragraph (a) or paragraph (b) (as the case requires) of section 13 (2); or

(ii) Where the vacating director was an appointed director, by appointing a director in the manner specified in section 13 (2) (c).

(4) The powers of the Board or the board of directors are not affected by any vacancy in the board of directors.

3. Deputies of directors—(1) If satisfied that a director is, because of illness, absence, or other sufficient cause, incapable of performing the duties of a director, the Minister may, on the recommendation of the board of directors, appoint a deputy to act for the director during the director's incapacity.

(2) A deputy appointed under this section is deemed for all purposes to be a director.

(3) No appointment of a deputy, no acts done by the deputy, and no acts done by the board of directors while any deputy is acting, may in any proceedings be questioned on the ground that the occasion for appointment had not arisen or had ceased.

4. Powers of board of directors—The board of directors has all the powers necessary—

(a) For managing, and for directing and supervising the management of, the affairs of the Board; and

(b) For exercising the powers of the Board.

SCHEDULE 2—*continued*PROVISIONS APPLYING TO BOARD AND BOARD OF DIRECTORS—*continued**Meetings of Board*

5. Meetings of Board—(1) Meetings of the board of directors must be held at times and places it appoints.

(2) The Chairperson of the board of directors or any 3 directors may at any time call a special meeting of the board of directors.

(3) At all meetings of the board of directors, the quorum necessary for the transaction of business is 7 directors.

(4) All questions arising at any meeting of the board of directors must be decided by a majority of the votes cast by the directors present at the meeting.

(5) A resolution assented to by letter, telegram, telex, facsimile message, or electronic message by all directors is as valid and effectual as if it had been passed at a meeting of the board of directors duly called and constituted.

(6) Where—

(a) There is held a telephone or video conference of at least 7 directors of the Board; and

(b) All reasonable efforts have been made to enable every director to participate in the conference; and

(c) A resolution is assented to by a majority of the directors participating in the conference,—

the resolution is as valid and effectual as if it had been passed at a meeting of the board of directors duly called and constituted.

(7) Except as provided in this Act and any regulations made under it, the board of directors may regulate its procedure at meetings in any manner it thinks fit.

6. Chairperson and Deputy Chairperson—(1) At its first meeting after 31 March in each year, the board of directors must elect a Chairperson and a Deputy Chairperson from among the directors.

(2) If a Chairperson or a Deputy Chairperson vacates office as Chairperson or Deputy Chairperson or ceases to be a director, the board of directors must elect from among its members a Chairperson or a Deputy Chairperson, who holds office until the next election of a Chairperson and Deputy Chairperson.

(3) If present, the Chairperson must preside at all meetings of the board of directors.

(4) If the Chairperson is absent from any meeting of the board of directors and the Deputy Chairperson is present, the Deputy Chairperson must preside.

(5) If both the Chairperson and Deputy Chairperson are absent from any meeting of the board of directors, the directors present must appoint one of their number to preside at the meeting.

(6) At any meeting of the board of directors, the person presiding has a deliberative vote and, in the case of an equality of votes, also has a casting vote.

(7) A Chairperson or Deputy Chairperson may from time to time be re-elected.

SCHEDULE 2—*continued*PROVISIONS APPLYING TO BOARD AND BOARD OF DIRECTORS—*continued**Miscellaneous Provisions*

7. Contracts of Board—(1) Subject to clause 8, a contract or other enforceable obligation may be entered into by the Board as follows:

(a) An obligation which, if entered into by a natural person, would, by law, be required to be by deed, may be entered into on behalf of the Board in writing signed under the name of the Board by—

(i) Two or more directors; or

(ii) One or more persons authorised by the Board under clause 8:

(b) An obligation which, if entered into by a natural person, is, by law, required to be in writing, may be entered into on behalf of the Board in writing by a person acting under the Board's express or implied authority:

(c) An obligation which, if entered into by a natural person is not, by law, required to be in writing, may be entered into on behalf of the Board in writing or orally by a person acting under the Board's express or implied authority.

(2) Nothing in subclause (1) limits or prevents the Board entering into a contract or other enforceable obligation in writing under its seal, if it has one.

(3) Subclause (1) applies to a contract or other obligation—

(a) Whether or not that contract or obligation was entered into in New Zealand; and

(b) Whether or not the law governing the contract or obligation is the law of New Zealand.

(4) Notwithstanding anything in subclauses (1) to (3), no contract made by or on behalf of the Board is invalid by reason only that it was not made in the manner provided by this clause, if it was made under or to give effect to a resolution of the Board.

8. Delegation of functions and powers of Board—(1) The Board may, either generally or in relation to a particular matter, delegate to a director or officer or employee of the Board any of the functions and powers of the Board under this Act, including the power to execute deeds, but not including this power of delegation.

(2) A delegation under subclause (1), may be made to—

(a) A specified person; or

(b) Persons of a specified class; or

(c) The holder for the time being of a specified office; or

(d) The holders for the time being of offices of a specified class.

(3) With the Board's prior written approval, the chief executive of the Board may delegate to any officer or employee of the Board any function or power of the Board delegated to the chief executive by the Board.

(4) Subject to any general or special directions or conditions given or imposed by the Board or the chief executive, as the case may be, the person to whom any function or power is delegated may perform or exercise it in the same manner and with the same effect as if it had been conferred on that person directly by this Act and not by delegation.

(5) Every person purporting to act pursuant to a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with its terms.

SCHEDULE 2—*continued*PROVISIONS APPLYING TO BOARD AND BOARD OF DIRECTORS—*continued**Miscellaneous Provisions—continued*

- (6) A delegation may be revoked at any time.
- (7) The delegation of a power or function does not—
 - (a) Prevent the Board or the chief executive, as the case may be, exercising the same power or function; or
 - (b) Affect the responsibility of the Board for the actions of the person acting under the delegation.

9. Expenditure not otherwise authorised—The Board may, in any financial year, expend out of the funds of the Board for purposes not otherwise authorised by this Act or any other enactment any sum or sums not exceeding \$5,000 in total.

Section 72

SCHEDULE 3

FORMS OF WARRANT TO SEARCH PLACE OTHER THAN PLACE OF BUSINESS
WARRANT UNDER SECTION 72 (1) OF MEAT BOARD ACT 1997 TO CONDUCT
SEARCH, IN RELATION TO QUOTA ALLOCATION, WHERE CERTAIN ACTIONS
SUSPECTED

To:

authorised person

Being satisfied on an application in writing made on oath by an authorised person that there are reasonable grounds to believe that—

(a) A person has taken an action of a kind described in paragraph (a) or paragraph (b) of section 36 (1); and

(b) There is or is likely to be in [*here describe place*] (being a place that is not a place of business)—

(i) Any meat product or co-product intended to be exported to any market in respect of which there is an allocation mechanism established; or

(ii) Any document relating to any meat product or co-product intended to be exported (or already exported) to any market in respect of which there is or was an allocation mechanism established; or

(iii) Both,—

that is evidence that such an action has been taken,—

by this warrant I authorise you, on one occasion within 30 days of the issue of this warrant, to enter that place and inspect any documents relating to meat products or co-products, and any meat product or co-product.

Dated at this day of

Conditions (if any) subject to which warrant issued:

.....
District Court Judge (*or*
Court Registrar (not being
a member of the Police)).

SCHEDULE 3—*continued*

FORMS OF WARRANT TO SEARCH PLACE OTHER THAN PLACE OF BUSINESS—
continued

WARRANT UNDER SECTION 72 (2) OF MEAT BOARD ACT 1997 TO CONDUCT,
IN RELATION TO QUOTA ALLOCATION, SEARCH ARISING OUT OF SEARCH OF
BUSINESS PREMISES

To:

authorised person

Being satisfied on an application in writing made on oath by an authorised person that, as a consequence of the inspection under section 71 of the Meat Board Act 1997 of a place of business, there are reasonable grounds to believe that there is or is likely to be in [*here describe place*] (being a place that is not a place of business)—

- (a) Any meat product or co-product intended to be exported to any market in respect of which there is an allocation mechanism established; or
- (b) Any document relating to any meat product or co-product intended to be exported (or already exported) to any market in respect of which there is or was an allocation mechanism established; or
- (c) Both,—

by this warrant I authorise you, on one occasion within 30 days of the issue of this warrant, to enter that place and inspect any documents relating to meat products or co-products, and any meat product or co-product.

Dated at this day of

Conditions (if any) subject to which warrant issued:

.....
District Court Judge (*or*
Court Registrar (not being
a member of the Police)).

SCHEDULE 3—continued

FORMS OF WARRANT TO SEARCH PLACE OTHER THAN PLACE OF BUSINESS—
continued

WARRANT UNDER SECTION 72 (3) OF MEAT BOARD ACT 1997 TO CONDUCT
SEARCH, IN RELATION TO LEVY, WHERE OFFENCE SUSPECTED

To:

authorised person

Being satisfied on an application in writing made on oath by an authorised person that there are reasonable grounds to believe that—

- (a) An offence against subsection (1) or subsection (4) of section 76 of the Meat Board Act 1997 has been committed; and
- (b) There is or is likely to be in [*here describe place*] (being a place that is not a place of business) any document relating to money paid or payable in respect of the levy imposed by section 61 (1) of that Act or to the slaughter of livestock, or any meat product from livestock subject to that levy, or both, that is evidence of the commission of that offence,—

by this warrant I authorise you, on one occasion within 30 days of the issue of this warrant, to enter that place and inspect any documents relating to money paid or payable in respect of the levy imposed by section 61 (1) of that Act or to the slaughter of livestock, and any meat product from livestock subject to that levy.

Dated at this day of

Conditions (if any) subject to which warrant issued:

.....
District Court Judge (*or*
Court Registrar (not being
a member of the Police)).

SCHEDULE 3—*continued*

FORMS OF WARRANT TO SEARCH PLACE OTHER THAN PLACE OF BUSINESS—
continued

WARRANT UNDER SECTION 72 (4) OF MEAT BOARD ACT 1997 TO CONDUCT,
IN RELATION TO LEVY, SEARCH ARISING OUT OF SEARCH OF BUSINESS
PREMISES

To:

authorised person

Being satisfied on an application in writing made on oath by an authorised person that, as a consequence of the inspection under section 70 of the Meat Board Act 1997 of a place of business, there are reasonable grounds to believe that there is or is likely to be in *[here describe place]* (being a place that is not a place of business) any document relating to money paid or payable in respect of the levy imposed by section 61 (1) of that Act or to the slaughter of livestock, or any meat product from livestock subject to that levy, or both, by this warrant I authorise you, on one occasion within 30 days of the issue of this warrant, to enter that place and inspect any documents relating to money paid or payable in respect of the levy imposed by section 61 (1) of that Act or to the slaughter of livestock, and any meat product from livestock subject to that levy.

Dated at this day of

Conditions (if any) subject to which warrant issued:

.....
District Court Judge (*or*
Court Registrar (not being
a member of the Police)).

Section 82 (1)

SCHEDULE 4
CONSEQUENTIAL AMENDMENTS

Enactment Amended	Amendment
1934, No. 34—The Agriculture (Emergency Powers) Act 1934 (R.S. Vol. 1, p. 87)	By repealing section 7 (1) (a), and substituting the following paragraph: “(a) The New Zealand Meat Board established by section 4 (1) of the Meat Board Act 1997:”.
1961, No. 5—The Dairy Board Act 1961 (R.S. Vol. 26, p. 63)	By omitting from section 39 (1) (ea) the word “Producers”.
1975, No. 1—The Statistics Act 1975 (R.S. Vol. 26, p. 791)	By repealing the definitions in section 37F (1) of the terms “Farmer” and “Meat Board”, and substituting the following definitions: “ ‘Farmer’, at any time, means a livestock farmer (within the meaning of section 2 of the Meat Board Act 1997) who or that then owns (in New Zealand) 250 or more sheep or goats, or 50 or more beef cattle: “ ‘Meat Board’ means the New Zealand Meat Board established by section 4 (1) of the Meat Board Act 1997:”.
1981, No. 56—The Meat Act 1981	By repealing section 37F (4) (a), and substituting the following paragraph: “(a) For the purposes of regulations prescribing procedures for the election of directors; or”.
1987, No. 8—The Official Information Act 1987 (R.S. Vol. 21, p. 579)	By repealing the definition in section 2 (1) of the term “Meat Producers Board”, and substituting the following definition: “ ‘Meat Board’ means the New Zealand Meat Board established by section 4 (1) of the Meat Board Act 1997:”.
1994, No. 164—The Income Tax Act 1994	By repealing section 11 (1) (f). By omitting from section 37 (2) the word “Producers”. By omitting from the First Schedule the items “Meat Export Prices Committee” and “New Zealand Meat Producers Board”, and substituting the item “New Zealand Meat Board”. By omitting from the Fifteenth Schedule the item “New Zealand Meat Producers Board”, and substituting the item “New Zealand Meat Board”.

SCHEDULE 5

Section 83

ENACTMENTS REPEALED

- 1921–22, No. 73—The Meat Export-control Act 1921–22. (R.S. Vol. 26, p. 537.)
- 1924, No. 38—The Meat Export-control Amendment Act 1924. (R.S. Vol. 26, p. 556.)
- 1956, No. 49—The Meat Export-control Amendment Act 1956. (R.S. Vol. 26, p. 557.)
- 1959, No. 52—The Meat Export-control Amendment Act 1959. (R.S. Vol. 26, p. 557.)
- 1980, No. 93—The Meat Export-control Amendment Act 1980. (R.S. Vol. 26, p. 558.)
- 1981, No. 56—The Meat Act 1981: Section 57. (R.S. Vol. 26, p. 559.)
- 1989, No. 132—The Meat Export-control Amendment Act 1989. (R.S. Vol. 26, p. 560.)
- 1989, No. 44—The Public Finance Act 1989: So much of the First Schedule as relates to the Meat Export-control Act 1921–22. (R.S. Vol. 33, p. 419.)
- 1993, No. 128—Meat and Wool Board Elections (Validation) Act 1993.

This Act is administered in the Ministry of Agriculture and Forestry.
