

New Zealand.



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1921-22, No. 73.

Title. AN ACT to make Provision for the Appointment of a Meat-producers Board, with Power to Control the Meat-export Trade.
[11th February, 1922.]

Recital. WHEREAS the economic welfare of New Zealand has lately been adversely affected by reason of a reduction in the net returns receivable by persons engaged in the business of the production of meat for export, such reduction being due in part to falling prices and in part to the charges payable in respect of freight and other services: And whereas conferences have lately been held of representatives of the Government and of persons whose business is the production of meat for export, and it has been resolved that the public economic welfare will be promoted by the establishment of a Board of Control, with power to act as the agent of the producers in respect of the preparation, storage, and shipment of meat, and in respect of the disposal of such meat beyond New Zealand: And whereas it is desired to give effect to the resolutions aforesaid, and to provide by law accordingly: And whereas it is further deemed necessary and desirable that the expenditure of the Board of Control should be subject to audit as if it were public expenditure, and that the expenditure of the Board should be guaranteed by the Government of New Zealand:

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

1. This Act may be cited as the Meat-export Control Act, 1921–22. Short Title.

2. (1.) There is hereby established a Board to be known as the New Zealand Meat-producers Board. New Zealand Meat-producers Board (hereinafter referred to as the Board).

(2.) The Board shall consist of—

(a.) Two persons to be appointed by the Governor-General on the recommendation of the Minister of Agriculture as representatives of the New Zealand Government:

(b.) Five persons to be appointed by the Governor-General as representatives of the producers of meat for export, on election by such producers in such manner as may be prescribed.

(3.) In addition to the members to be appointed pursuant to the last preceding subsection the Governor-General may from time to time appoint a member as a representative of persons for the time being engaged in business as stock and station agents. Every such member shall be appointed for a term of two years, but may at any time be removed from office by the Governor-General on the recommendation of the Board, or may from time to time be reappointed on the expiry of any term of his appointment.

(4.) The members appointed as representatives of the Government shall hold office during the pleasure of the Governor-General.

(5.) With respect to the first members appointed as representatives of the producers of meat the following provisions shall apply:—

(a.) Three of such members shall retire on the thirty-first day of August, nineteen hundred and twenty-three, and the remaining two members shall retire on the thirty-first day of August, nineteen hundred and twenty-four:

(b.) The members so to retire on the thirty-first day of August, nineteen hundred and twenty-three, shall be determined by agreement of the members, and, failing agreement, shall be determined by lot:

(c.) Any member retiring as aforesaid shall be eligible for reappointment to the Board.

(6.) Except as provided in the last preceding subsection, every person appointed as a representative of the producers shall hold office for a period of two years from the date of his appointment, save that he may be reappointed in the manner prescribed by paragraph (b) of subsection two hereof, or may at any time be removed from office by the Governor-General on the recommendation of the Board.

(7.) On the death, resignation, or removal from office of any member of the Board appointed as a representative of the producers as aforesaid the Governor-General shall, on the recommendation of the Board, appoint some fit person to be a member of the Board for the residue of the term for which such first-mentioned person was appointed.

(8.) The powers hereinafter conferred on the Board shall not be affected by any vacancy in the membership thereof.

Incorporation of Board.

3. The Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

Provision for appointment of deputies of members.

4. (1.) In any case in which the Governor-General is satisfied that any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General, on the recommendation of the Minister of Agriculture, if the member so incapacitated is a Government representative, or on the recommendation of the Board in any other case, may appoint some fit person to be named by the Minister or the Board, as the case may require, to be a deputy to act for that member during such incapacity; and any deputy shall, while he acts as such, have all the powers and authority of the member for whom he is so acting.

(2.) No such appointment of a deputy and no acts done by him as such shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

First meeting of Board.

5. (1.) The first meeting of the Board shall be held on a day to be appointed in that behalf by the Minister of Agriculture.

Appointment of Chairman.

(2.) At the first meeting the Board shall appoint one of its members to be the Chairman of the Board.

(3.) On the second Wednesday in September, nineteen hundred and twenty-three, and on the same day in each succeeding year, the Board shall hold a meeting for the purpose of appointing a Chairman for the ensuing twelve months.

(4.) Any person appointed as the Chairman of the Board shall hold office until the appointment of his successor in accordance with this section, and shall be eligible for reappointment.

Other meetings of Board.

6. (1.) Except as provided in the last preceding section, meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

(2.) The Chairman of the Board, or any four members thereof, may at any time call a special meeting of the Board.

(3.) At all meetings of the Board four members, of whom at least one shall be a representative of the Government, shall form a quorum.

(4.) The Chairman shall preside at all meetings of the Board at which he is present.

(5.) In the event of the absence of the Chairman from any meeting of the Board the members present at such meeting shall appoint one of their number to be the chairman of the meeting.

(6.) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting-vote, and a decision of the majority of the members present shall be the decision of the Board.

Officers of Board.

7. (1.) The Board may appoint such officers as it deems necessary for the efficient carrying-out of its functions under this Act.

(2.) Any person in the service of the Crown may be appointed as an officer of the Board:

Provided that no such person shall accept such appointment and be entitled to retain his position as a servant of the Crown except—

(a.) In the case of a person subject to the Public Service Act, 1912, with the consent of the Public Service Commissioner; and

(b.) In any other case with the consent of the Minister to whose control he is subject.

8. (1.) There is hereby also constituted an agency of the Board in London (hereinafter called the London Agency) which shall consist of such number of persons as the Board may decide from time to time, of whom one shall be appointed by the Governor-General on the recommendation of the Minister of Agriculture, and shall hold office during his pleasure.

London Agency of Board.

(2.) The other members of the London Agency shall be appointed by the Board, and shall hold office during the pleasure of the Board.

(3.) It shall be the duty of the London Agency to keep the Board advised as to current prices of meat and as to other matters relative to the disposal of New Zealand meat in England or elsewhere, and generally to act as the agent of the Board in accordance with the directions of the Board.

9. (1.) For the purpose of enabling the Board effectively to control the export, sale, and distribution of New Zealand meat the Governor-General may, acting under the powers conferred on him by the Customs Act, 1913, and its amendments, prohibit the export from New Zealand of any meat save in accordance with the determination in that behalf of the Board.

Meat not to be exported save in accordance with determination of Board.

(2.) It may be a condition of a license issued under section twenty-five of the Slaughtering and Inspection Act, 1908, or of a meat-export license issued under the Slaughtering and Inspection Amendment Act, 1918, that the export of meat under the authority of that license shall be subject to such conditions and restrictions as may be imposed by the Board or otherwise pursuant to this Act.

10. (1.) The Board is hereby empowered to determine from time to time the extent to which it is necessary, for the effective operation of this Act and the fulfilment of its purposes, that the Board should exercise control over the export of meat from New Zealand, and may assume control of any such meat accordingly.

Board may assume control of meat intended for export.

(2.) In any such case the control of the Board shall operate as from a time to be specified in that behalf by the Board by notice given in conformity with this Act.

(3.) Notice by the Board of its intention to assume control of any meat may be given either by service on the owner of any meat or on any person having possession thereof, or by publication in any newspaper or newspapers, in accordance with such conditions as may be prescribed. Every such notice shall, subject to the provisions of this Act, have effect according to its tenor.

(4.) The control to be exercised by the Board over any meat may, as the Board in any case determines, be absolute or limited.

(5.) All meat of which the Board has assumed absolute control shall be graded and shipped as the Board directs, and shall be sold and disposed of only by the Board, or by direction of the Board, at such times and in such manner and on such terms as the Board in its discretion determines.

(6.) Where the Board has assumed limited control the extent of its control shall be defined by notice as aforesaid, or by agreement between the Board and the owners of the meat or other persons having authority to enter into an agreement with the Board with respect to such meat.

(7.) Notwithstanding anything to the contrary in the foregoing provisions of this section, the Board shall not exercise its powers under this section with respect to the sale of any meat if the Board is satisfied—

(a.) That there is subsisting a contract for the purchase and sale of that meat made before the commencement of this Act; or

(b.) That there is subsisting a contract for the purchase and sale of that meat made after the commencement of this Act but before the Board has given notice of its intention to assume control of that meat;

and that the meat to which any such contract as aforesaid relates is to be exported from New Zealand not later than the thirty-first day of October, nineteen hundred and twenty-two.

Board may make arrangements as to slaughtering of stock where meat intended for export.

11. In addition to the powers conferred on the Board by the last preceding section the Board may, as the agent of the owners of any stock from which the meat or any portion of the meat is intended for export, make such arrangements as may be necessary for the purpose of ensuring the effective operation of this Act or in the interests of producers with respect to the slaughtering of that stock.

As to contracts for shipment of meat.

12. (1.) After the constitution of the Board, or after such later date as the Board may by public notice appoint, no contract for the carriage by sea of any meat to be exported from New Zealand shall be made save by the Board, acting as the agent of the owners of that meat or of other persons having authority to export that meat, or in conformity with conditions to be approved by the Board.

(2.) Every contract for the carriage of meat by sea made otherwise than in conformity with this section shall be void.

(3.) Every person other than the Board who, after the passing of this Act, or after such later date as aforesaid, exports any meat from New Zealand shall, on making entry therefor under the Customs Acts and before such entry has been passed, produce to the Collector or other officer of Customs sufficient evidence to satisfy the Collector or other officer as aforesaid that the contract for the shipment of that meat has been approved by the Board.

(4.) The foregoing provisions of this section shall apply, with the necessary modifications, to contracts made before the commencement of this Act, save that the approval of the Board shall not be required for any such contract if the meat to which it relates is exported from New Zealand not later than the thirty-first day of October, nineteen hundred and twenty-two.

Levy on meat exported from New Zealand.

13. (1.) There shall be paid by way of levy on all meat exported from New Zealand after a date to be fixed in that behalf by the Governor-General in Council, whether such meat is subject to the control of the Board or not, such charges as may from time to time be fixed by the Board, not exceeding the maximum charges that may be prescribed in that behalf by regulations under this Act.

(2.) All moneys payable under this section in respect of any meat shall be paid to the Collector of Customs on or before the entry of that meat for export, and shall be paid into the Consolidated Fund.

(3.) The net amounts paid into the Consolidated Fund as aforesaid, after deducting such proportion as may be prescribed in respect of the

services of the Collectors and other officers of Customs, shall from time to time be paid to the Board without further appropriation than this section, and shall form part of the funds of the Board.

14. (1.) Without limiting any authority specifically conferred on the Board with respect to any meat, the Board shall have full authority to make such arrangements and give such directions as it thinks proper for the following matters:—

Particular powers of Board.

- (a.) For the grading, handling, pooling, and storage of meat;
- (b.) For the shipment of such meat on such terms and in such quantities as it thinks fit;
- (c.) For the sale and disposal of meat on such terms as it thinks advisable;
- (d.) For the insurance against loss of any such meat either in New Zealand or in transit from New Zealand, and until disposed of; and
- (e.) Generally for all such matters as are necessary for the due discharge of its functions in handling, distributing, and disposing of New Zealand meat.

(2.) For the purpose of securing any advances that may be made to the Board or to the owners of any meat at the request of the Board the Board shall, by virtue of this Act and without further authority, have full power on behalf of the owners to give security over such meat and to execute all mortgages and other instruments of assurance in the same manner in all respects as if the Board were the legal owners of such meat.

15. All moneys received by the Board in respect of the sale of meat or otherwise howsoever shall be paid by the Board into a separate account at a bank to be approved by the Minister of Finance, and shall be applied by the Board as follows:—

Application by Board of moneys received by it.

- (a.) In payment of the expenses, commission, and other charges incurred by the Board or for which the Board may become liable in the course of its business;
- (b.) In payment of the salaries and wages of officers and servants of the Board;
- (c.) In payment of travelling-allowances, fees, or other remuneration to members of the Board or of the London Agency (not being persons permanently employed in the service of the Government);
- (d.) In payment of advances made by the Board to the owners of any meat on account of the price of that meat;
- (e.) In payment of interest and other charges, and in repayment of principal, in respect of moneys advanced to the Board by the Minister of Finance;
- (f.) In payment into a Reserve Fund, from time to time as the Board in its discretion determines, of such amounts as the Board may consider necessary to enable it to carry on its operations under this Act;
- (g.) In payment of the balance to the owners of meat controlled by the Board in proportions to be fixed by the Board, by reference to the quantity and grade of the meat handled by the Board in respect of the several producers or other owners of meat.

Audit of Board's accounts.

16. The accounts of the Board shall be subject to audit in the same manner in all respects as if the moneys of the Board were public moneys within the meaning of the Public Revenues Act, 1910.

Minister of Finance may guarantee advances made to Board or made at request of Board.

17. (1.) Where any bank or other person carrying on business in New Zealand has, with the approval of and subject to conditions imposed by the Minister of Finance, advanced moneys to the Board on the security of any meat controlled by the Board for the purpose of enabling the Board to make advances to the owners of that meat, or has advanced moneys to such owners at the request of the Board, the Minister of Finance is hereby authorized to guarantee to the bank or other person as aforesaid the repayment of such advances and of the interest and other charges in respect thereof.

(2.) In the event of default being made by the Board or by any other person in the repayment of any such advances, or of the interest or other charges thereon, or of any portion thereof, the Minister of Finance may, without further appropriation than this section, pay out of the Consolidated Fund such amount as may be payable by him pursuant to the terms of the contract of guarantee.

(3.) In lieu of or in addition to exercising the authority to guarantee advances as aforesaid the Minister of Finance may from time to time borrow on the security of Treasury bills, or otherwise on the security of the public revenues of New Zealand, any moneys that may be required by the Board to enable it to carry on its operations under this Act, and may pay the same into the Board's account.

(4.) All moneys so advanced to the Board shall be charged on the revenues and other property of the Board, and shall bear interest at such rate as may from time to time be fixed by the Minister of Finance.

(5.) The limit imposed on the issue of Treasury bills by section thirty-nine of the Public Revenues Act, 1910, shall not apply to the issue of Treasury bills under this section; but, save as aforesaid, the provisions of that section, including the provisions relating to renewal, shall extend and apply to all such Treasury bills.

Liability of Board for its acts or omissions.

18. (1.) The Board in its corporate capacity shall in all its operations under this Act be deemed to be the agent of the owners of all meat of which the Board has assumed control, and the mutual rights, obligations, and liabilities of the Board and the several owners shall accordingly be determined in accordance with the law governing the relations between principals and agents, save that nothing herein shall be construed to limit the power of the Board to exercise, without the authority of the owner of any meat, any power with respect to such meat that may expressly or by implication be conferred on the Board by or by virtue of this Act.

(2.) The members of the Board shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Regulations.

19. For the purpose of enabling the Board to carry out its functions under this Act the Governor-General may make regulations prescribing the maximum charges to be paid by way of levy in respect of meat exported from New Zealand, and all such other regulations as he thinks necessary for the purpose of enabling this Act to be carried into effect.