



ANALYSIS

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1976, No. 123

An Act to consolidate and amend the Meat Export Prices Act 1955, and to make better provision for financing the minimum prices scheme for meat exported from New Zealand
 [8 December 1976]

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

1. Short Title—This Act may be cited as the Meat Export Prices Act 1976.

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

“Bench mark grade”, in relation to meat intended for export, means that grade and weight of meat specified by the Committee from time to time by notice in the *Gazette* for the purpose of determining the minimum prices and trigger prices of a range of such meat pursuant to section 13 of this Act:

“Bobby calf” means a calf which is sold or intended for sale for the purpose of being slaughtered for the production of boneless bobby veal; and includes any other calf that has a live weight of less than 45 kg and that is sold or intended for sale for the purpose of being slaughtered at a meat export slaughterhouse or an abattoir:

“Carcass” means the dressed body of any slaughtered animal; and includes any part that has been severed therefrom:

“Category”, in relation to meat intended for export, means the range of grades listed in the meat exporters’ schedule comprising lamb, or mutton, or prime beef, or manufacturing beef grades, as determined from time to time by the Meat Board:

“Committee” means the Meat Export Prices Committee established under section 3 of this Act:

“Levy” means the meat income stabilisation levy imposed pursuant to section 20 of this Act:

“Meat” means the carcass of any cattle or sheep; but does not include the carcass of any bobby calf:

“Meat Board” means the New Zealand Meat Producers Board established under the Meat Export Control Act 1921–22:

“Meat exporters’ schedule” or “schedule prices” means a schedule, as determined from time to time by the Meat Board, of prices offered to owners of meat intended for export for the purchase of that meat, and which is also used for the purposes of calculating a supplementary payment or a levy:

“Meat Industry Reserve Account” means the account of that name established under section 15 of the Finance Act 1950:

“Meat Income Stabilisation Account” or “Stabilisation Account” means the account of that name established at the Reserve Bank of New Zealand and maintained pursuant to section 23 of this Act:

“Minimum price” means a minimum price for meat as determined for each season by the Committee pursuant to section 14 of this Act or as determined from time to time by the Meat Board pursuant to section 17 of this Act:

“Minister” means the Minister of Agriculture and Fisheries:

“Owner”,—

(a) In relation to any meat derived from an animal sold on a basis providing that the price for the animal shall be ascertained according to its weight and grade after slaughter, means the person who sold the animal:

(b) In relation to any other meat, means the owner of the animal from which the meat is derived at the time of the slaughter of the animal:

“Season” means a period of 12 months ending with the 30th day of September:

“Supplementary payment” means a supplementary payment which may be made pursuant to section 18 of this Act:

“Trigger price” means a trigger price for each bench mark grade of meat as determined for each season by the Committee pursuant to section 16 of this Act.

Cf. 1955, No. 29, s. 2

PART I

MEAT EXPORT PRICES COMMITTEE

3. Constitution of Meat Export Prices Committee—

(1) There shall continue to be a Committee to be known as the Meat Export Prices Committee, which shall be the same Committee as that established under the Meat Export Prices Act 1955 and existing under the same name immediately before the commencement of this Act.

(2) The Committee shall consist of 5 members, being—

- (a) One member, being a person nominated by the Minister with the agreement of the Meat Board and the Meat and Wool Section Council of Federated Farmers of New Zealand Incorporated, who shall be appointed as Chairman by the Governor-General on the recommendation of the Minister:
- (b) Two members, being members of the Meat Board nominated by that Board, who shall be appointed by the Governor-General on the recommendation of the Minister:
- (c) The Director-General of Agriculture and Fisheries, or his nominee:
- (d) The Secretary to the Treasury, or his nominee.

(3) The persons holding office as members of the Committee immediately before the commencement of this Act shall be deemed to have been appointed as members of the Committee under subsection (2) of this section; and each such person shall, unless he sooner vacates his office under section 6 of this Act, continue to hold office until the expiry of the term of office for which he was appointed before the commencement of this Act.

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

Cf. 1955, No. 29, s. 3

4. Term of office of members of Committee—(1) Except as otherwise provided in this Act, every appointed member of the Committee shall hold office for a term of 3 years, but may from time to time be reappointed.

(2) Unless he sooner vacates his office under section 6 of this Act, every member shall continue in office until his successor comes into office.

Cf. 1955, No. 29, s. 4

5. Deputies of members—(1) In the absence of the Chairman from any meeting of the Committee any person, appointed by the Minister with the agreement of the Meat Board as a deputy to the Chairman, may attend the meeting in his stead and, while attending, shall be deemed to be the Chairman of the Committee.

(2) In the absence from any meeting of the Committee of any member appointed on the nomination of the Meat Board any other member of that Board, authorised by the Board in

that behalf, may attend the meeting in his stead and, while so attending, shall be deemed to be a member of the Committee.

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

Cf. 1955, No. 29, s. 6 (2), (3)

6. Extraordinary vacancies—(1) Any appointed member of the Committee may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

(2) Any appointed member may at any time resign his office by writing addressed to the Minister.

(3) If any appointed member of the Committee dies, or resigns, or is removed from office, or (having been nominated by the Meat Board) ceases to be a member of that Board, his office shall become vacant and the vacancy shall be an extraordinary vacancy.

(4) In the case of any extraordinary vacancy the Governor-General may appoint some qualified person to fill the vacancy. Any such appointment shall be made in the same manner as the appointment of the vacating member.

(5) Any member appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which the vacating member was appointed.

Cf. 1955, No. 29, s. 5

7. Meetings of Committee—(1) Meetings of the Committee shall be held at such times and places as the Committee from time to time appoints.

(2) The Chairman of the Committee or any 2 members may at any time call a special meeting of the Committee.

(3) Without limiting the generality of subsections (1) and (2) of this section, the Chairman of the Committee shall convene a special meeting at the request in writing of either the Minister or the Meat Board, to consider, on such grounds as the Minister or, as the case may be, the Meat Board shall specify, the need to vary any minimum price or trigger price, and any such meeting shall be held within 14 days of receiving the request.

(4) At any meeting the quorum necessary for the transaction of business shall be 3 members, of whom at least one must be appointed under section 3 (2) (b) of this Act and at least one appointed under either subsection (2) (c) or subsection (2) (d) of that section.

(5) All questions before the Committee shall be decided by a majority of the valid votes recorded thereon.

(6) Subject to this Act and to any regulations made under it, the Committee may regulate its procedure in such manner as it thinks fit.

Cf. 1955, No. 29, s. 7

8. Chairman of Committee—(1) The Chairman or, in his absence, the person appointed in his stead pursuant to section 5 (1) of this Act, shall preside at all meetings of the Committee.

(2) At any meeting of the Committee the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

Cf. 1955, No. 29, s. 8

9. Appointment of subcommittees, and delegations—(1) The Committee may from time to time appoint subcommittees of 2 or more persons and may, from time to time with the consent of the Minister, delegate in writing to any such subcommittee any of the powers or functions of the Committee, other than the power to determine any minimum price or trigger price.

(2) A person may be appointed to be a member of any subcommittee under this section whether or not he is a member of the Committee.

(3) Every subcommittee purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Every delegation under this section shall be revocable at will.

(5) No delegation under this section shall prevent the exercise of any function or power by the Committee.

Cf. 1955, No. 29, s. 9

10. Remuneration and travelling expenses—(1) There shall be paid to members of the Committee and to members of any subcommittee appointed by the Committee such

remuneration by way of fees or allowances as the Minister of Finance from time to time approves, either generally or in any particular case.

(2) The members of the Committee or of any subcommittee appointed by the Committee shall be paid such travelling expenses and allowances as may from time to time be prescribed by regulations made under this Act or as may be approved by the Minister of Finance in any case to which no such regulations apply.

(3) All such payments shall be made without further appropriation than this section out of the Meat Income Stabilisation Account.

Cf. 1955, No. 29, s. 10

11. Functions and powers of Committee—(1) The principal functions of the Committee shall be to specify bench mark grades and to determine minimum prices and trigger prices in accordance with the scheme set out in Part II of this Act for each category and bench mark grade of meat intended for export.

(2) The Committee shall also have such other functions as may be conferred on it by or under this Act or any other enactment.

(3) The Committee shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions.

Cf. 1955, No. 29, s. 11

PART II

MINIMUM PRICES SCHEME

Minimum Prices

12. Committee to consult Minister before determining minimum and trigger prices—Notwithstanding anything to the contrary in this Act, the Committee shall consult with the Minister before determining any minimum price or trigger price.

13. Bench mark grades—For the purpose of providing a representative range of grades and types of meat in respect of which minimum prices and trigger prices may be determined under this Act the Committee shall, from time to time

by notice in the *Gazette*, specify within each category of meat intended for export certain grades and weights of such meat as being bench mark grades for the purposes of this Act.

14. Annual tables of prices—(1) The Committee shall, before the commencement of the season in each year, prepare and publish in the *Gazette*, tables of minimum prices and trigger prices for bench mark grades of meat intended for export, which prices shall apply during the following season.

(2) Notwithstanding subsection (1) of this section, the Committee may, from time to time in its discretion or after a special meeting has been held pursuant to section 7 (3) of this Act, prepare and publish in the *Gazette* tables of minimum prices and trigger prices for bench mark grades of meat intended for export, which prices shall apply during the remainder of the season in which they are published in the place of the prices published pursuant to subsection (1) of this section.

Cf. 1955, No. 29, s. 12 (1); 1957, No. 84, s. 2 (1)

15. Minimum prices to be determined—(1) Each of the minimum prices for the bench mark grades of meat intended for export contained in the tables published pursuant to section 14 of this Act shall be the minimum price, according to the category and the bench mark grade for that category, payable to the owner of that meat.

(2) Every such minimum price shall be expressed in cents per kilogram, but to not more than one place of decimals.

(3) The Committee shall determine the minimum price for each bench mark grade of meat intended for export within a limit of 10 percent above or below the price calculated from a weighted average of actual market prices received for equivalent meat in respect of the last completed season and from the estimated market prices to be received for equivalent meat in respect of the current and ensuing seasons.

(4) In exceptional circumstances the Committee may fix a minimum price above or below the 10 percent limit prescribed by subsection (3) of this section.

(5) In determining a minimum price, the Committee shall have regard to all or any of the following:

- (a) The ruling price levels of, and market prospects for, various types of meat:
- (b) The ruling price levels of, and market prospects for, other farm products, especially those associated with the meat industry:

- (c) The desirability of expanding the production of meat in New Zealand:
- (d) The state of funds in any imprest or subsidiary account established under section 23 (3) of this Act, or in the Meat Income Stabilisation Account:
- (e) Such other matters as the Committee may consider relevant.

Cf. 1955, No. 29, s. 12 (2), (3)

16. Trigger prices to be determined—(1) Each of the trigger prices contained in the tables published pursuant to section 14 of this Act shall be determined by adding to each of the minimum prices determined under section 15 of this Act such margin as the Committee thinks appropriate after having regard to all or any of the following:

- (a) The ruling price levels of, and market prospects for, various types of meat:
- (b) The ruling price levels of, and market prospects for, other farm products, especially those associated with the meat industry:
- (c) The desirability of maintaining a margin above the minimum price sufficient to allow for normal marketing:
- (d) The state of funds in any imprest or subsidiary account established under section 23 (3) of this Act, or in the Meat Income Stabilisation Account:
- (e) Such other matters as the Committee may consider relevant.

(2) Every such trigger price shall be expressed in cents per kilogram, but to not more than one place of decimals.

17. Meat Board to determine minimum prices for non-bench mark grades of meat in certain cases—(1) If at any time during a season the schedule price for the bench mark grade of a particular category of meat intended for export falls below the minimum price for that bench mark grade, the Meat Board shall determine minimum prices for all non-bench mark grades comprising that category.

(2) In determining any such minimum price, the Meat Board shall have regard to all or any of the matters specified in section 15 (5) of this Act.

(3) Minimum prices determined under this section shall be published in the meat exporters' schedule, and shall apply during such period as the Meat Board may therein specify.

18. Meat Board to supplement prices—If the schedule price of any meat intended for export is less than the minimum price determined in respect of that meat, the Meat Board shall either—

- (a) Out of the Meat Income Stabilisation Account supplement the schedule price to such extent as may be necessary to increase it to the minimum price; or
- (b) Directly purchase such meat and, if necessary, supplement out of the Meat Income Stabilisation Account the schedule price to such extent as may be necessary to increase it to the minimum price.

Cf. 1955, No. 29, ss. 13, 14; 1957, No. 84, s. 3

19. Supplementary payments to be repaid to Meat Board on meat sold for local consumption—(1) Where a supplementary payment has been made to an owner in respect of meat intended for export and that meat is subsequently sold for local consumption, the person who withdrew the meat for sale for local consumption shall refund to the Meat Board the amount of the supplementary payment made in respect of that meat, and that amount shall be credited to the Meat Income Stabilisation Account.

(2) Every such refund shall be made within 28 days after the date that the meat, in respect of which the supplementary payment was made, was sold for local consumption or within such extended period as the Meat Board may allow; and shall be recoverable as a debt due to the Meat Board.

Cf. 1955, No. 29, s. 14 (3)

Meat Income Stabilisation Levy

20. Meat income stabilisation levy—(1) There is hereby imposed a levy, to be called the meat income stabilisation levy, on all meat intended for export which is derived from animals slaughtered on or after the commencement of this Act.

(2) The levy shall be payable to the Meat Board in accordance with this Act.

(3) The levy shall become payable in respect of all grades comprising a particular category of meat in any case where the price shown in the meat exporters' schedule for the bench mark grade of meat in that particular category exceeds the trigger price determined for that bench mark grade.

(4) The rate of levy payable in respect of a particular category of meat shall be the percentage figure (calculated to

not more than 3 decimal places) that expresses the proportion that one half of the difference between the trigger price for the bench mark grade in the category and the schedule price for that bench mark grade bears to that schedule price.

(5) Where the levy becomes payable in respect of a particular category of meat, the amount of the levy shall be calculated on the schedule price for each grade of meat comprising that category at the rate prescribed in subsection (4) of this section.

21. Payment of levy—(1) The person primarily liable for the payment of the levy shall be the person who is the owner of the animal from which the meat, the subject of the levy, is derived at the time of the slaughter of the animal.

(2) Within 28 days after the time of the slaughter of the animal the meat derived from which is subject to the levy or within such extended period as the Meat Board may allow, the licensee of the export slaughterhouse or, as the case may be, approved abattoir where the animal was slaughtered, and such other persons as may be prescribed by regulations made under this Act, shall complete and deliver to the Meat Board a return in a form prescribed by that Board of all meat subject to the levy and handled by the licensee or those other persons.

(3) Every return made pursuant to subsection (2) of this section shall contain the particulars indicated in the form and shall be signed by or on behalf of the person making it, and shall be accompanied by the amount of the levy payable on the meat intended for export as disclosed by the return.

(4) Where, for the purposes of this Act, any person pays any levy for or on behalf of any other person, he shall be entitled to recover the amount so paid from that other person as a debt or to deduct that amount from any money in his hands belonging or payable to that other person.

(5) Every levy shall constitute a debt due to the Meat Board when it becomes payable, and shall be recoverable accordingly by the Board in any Court of competent jurisdiction.

22. Refunds—(1) Where the Meat Board finds in any case that the levy has been wrongfully paid on any meat, or that the levy has been overpaid, the Meat Board shall refund, from the Meat Income Stabilisation Account, the amount so paid or overpaid.

(2) No amount shall be refunded under this section unless the Meat Board is satisfied that the person claiming the refund has not recouped himself for the amount paid or, if he has so recouped himself, that he has since repaid the amount to the person from whom he has recouped himself.

(3) A refund under this section shall not be made to any person unless he furnishes to the Meat Board such return or other information, verified in such manner as that Board may require, as will enable the Board to determine the amount to be refunded.

Meat Income Stabilisation Account

23. Meat Income Stabilisation Account—(1) For the purposes of this Act, there shall continue to be maintained with the Reserve Bank of New Zealand an account known as the Meat Income Stabilisation Account.

(2) The Stabilisation Account shall be operated on only by cheque or other instrument (not being a bill or promissory note) signed by such person or persons as may from time to time be authorised by the Meat Board for that purpose.

(3) The Meat Board may from time to time open such imprest or subsidiary accounts of the Stabilisation Account as the Meat Board thinks fit, and may, without limiting the generality of this subsection, keep separate records relating to sheep meats stabilisation and beef stabilisation.

(4) With the prior consent in writing of the Minister of Finance, and on such terms and conditions as he may from time to time approve, the Reserve Bank of New Zealand shall grant the Meat Board, and the Meat Board shall receive from the Reserve Bank, accommodation by way of overdraft in aid of the Stabilisation Account, and that account may be overdrawn accordingly.

24. Money payable into and out of Stabilisation Account—

(1) There shall be paid into the Stabilisation Account—

- (a) All amounts received by the Meat Board by way of levy forthwith upon the amounts being received:
- (b) Any such other amounts as may from time to time be approved by the Minister of Finance:
- (c) All other money properly payable into the Stabilisation Account.

(2) There shall from time to time be paid out of the Stabilisation Account all money required to be expended for the purposes of this Act, including the costs of its administration.

25. Audit of Stabilisation Account—The Stabilisation Account shall be audited by the Audit Office as if the Account were an account of the Meat Board within the meaning of section 16 of the Meat Export Control Act 1921–22.

PART III

GENERAL PROVISIONS

26. Records of transactions in meat—(1) Every person who receives or claims a supplementary payment in respect of meat to which section 18 of this Act applies shall keep accurate records of the amounts received and such other records as will enable the Meat Board to verify that all supplementary payments have been properly disbursed in accordance with this Act.

(2) Every person who makes a return and pays a levy under section 21 of this Act shall keep accurate records of the payment and full particulars of the transaction to which the payment related.

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

(4) Any member, officer, employee, or agent of the Meat Board or Audit Office or any other person duly authorised in that behalf by the Meat Board or Audit Office shall, at all reasonable times during business hours, have full and free access to all premises where records required under this section are kept for the purpose of inspecting the records or any other books, accounts, documents, or other papers relating to supplementary payments made or levies paid pursuant to this Act, and may take copies of or extracts from any such records, books, accounts, documents, or other papers.

27. Offences and penalties—(1) Every person commits an offence against this Act who—

(a) Without reasonable excuse, acts in contravention of or fails to comply in any respect with any provision of this Act or any notice, direction, restriction, requirement, or condition given, made, or imposed under it:

(b) With intent to deceive, makes any false or misleading statement or any material omission in any communication with or application or return to the Meat

Board or any duly authorised officer or employee of the Meat Board (whether in writing or otherwise) for the purposes of this Act:

- (c) With intent to deceive, makes any false or misleading statement or any material omission in any communication or application or return for the purposes of this Act.

(2) Every person who commits an offence against this Act shall be liable on summary conviction—

- (a) In the case of an individual, to a fine not exceeding \$1,000:
- (b) In the case of a body corporate, to a fine not exceeding \$4,000.

28. Regulations—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 of the annual table of minimum prices for bench mark grades of meat for export:
- (b) Providing for and regulating the assessment of the annual table of trigger prices applicable to each minimum price:
- (c) Providing for and regulating the collection and refunding of levies:
- (d) Providing for and regulating the payment of supplementary payments:
- (e) Prescribing returns to be made by—
 - (i) The licensees of abattoirs approved to export meat pursuant to section 62 (2) of the Meat Act 1964:
 - (ii) The licensees of export slaughterhouses licensed pursuant to the Meat Act 1964:
 - (iii) The holders of meat exporters' licences issued pursuant to the Meat Act 1964—
and prescribing the persons to whom any such return shall be made:
- (f) Prescribing the rates of travelling expenses and allowances payable to a member of the Committee and to members of any subcommittee appointed by the Committee:
- (g) Prescribing offences in respect of contravention of or non-compliance with any regulations made under this Act or any requirement or direction made or

given pursuant to any such regulation; and prescribing penalties not exceeding \$1,000 in the case of an individual and not exceeding \$4,000 in the case of a body corporate in respect of any offences so prescribed:

- (h) Providing for such matters as are contemplated by or necessary for giving effect to the provisions of this Act and for its due administration.

Cf. 1955, No. 29, s. 16

29. Transitional provisions—(1) The minimum prices applicable to meat intended for export for the season ending with the 30th day of September 1977 shall be the minimum prices prepared in respect of that meat by the Committee pursuant to the Meat Export Prices Act 1955 unless amended pursuant to section 14 (2) of this Act.

(2) As soon as practicable after the commencement of this Act, the Committee shall determine the trigger price of each bench mark grade of meat intended for export for the season ending with the 30th day of September 1977, and each such trigger price shall apply as from the date it is determined.

30. Repeals, and consequential amendment—(1) The following enactments are hereby repealed:

- (a) The Meat Export Prices Act 1955;
- (b) The Meat Export Prices Amendment Act 1957;
- (c) The Meat Export Prices Amendment Act 1973.

(2) The Schedule to the Ministry of Agriculture and Fisheries Act 1953 (as substituted by section 4 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972) is hereby amended by omitting the reference to the Meat Export Prices Act 1955, and substituting a reference to this Act.

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