

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
9th March, 1933.*

Hon. Mr. Macmillan.

POULTRY AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Poultry Act, 1924.

Title.

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

- 5 1. This Act may be cited as the Poultry Amendment Act, 1932-33, and shall be read together with and deemed part of the Poultry Act, 1924 (hereinafter referred to as the principal Act). Short Title.
- 10 2. In this Act, unless the context otherwise requires,— Interpretation.
 “ Board ” means the New Zealand Poultry Board established under this Act :

- “ Minister ” means the Minister of Agriculture :
- “ Occupier ” means the person by whom or on whose behalf any premises are actually occupied :
- “ Poultry ” means hens and ducks not less than 5 six months old :
- “ Poultry-run ” means any land used for the keeping of not less than twenty-five head of poultry and the production of eggs for sale. Two or more poultry-runs occupied and used as such 10 by the same occupier shall be deemed to be one poultry-run for the purposes of this Act :
- “ Producer ” means the occupier of a poultry-run for the time being registered under this Act :
- “ Registration year ” means the period of twelve 15 months commencing on the first day of July, nineteen hundred and thirty-three, or on the corresponding day in any subsequent year.

Constitution and Functions of New Zealand Poultry Board.

Establishment
of New Zealand
Poultry Board.

3. (1) There is hereby established a Board to be 20 known as the New Zealand Poultry Board (hereinafter referred to as the Board).
- (2) The Board shall consist of—
- (a) Two persons (herein referred to as Government representatives) to be appointed by the 25 Governor-General on the recommendation of the Minister as representatives of the New Zealand Government :
- (b) Four persons (herein referred to as producers' representatives) to be appointed by the 30 Governor-General on the recommendation of the New Zealand Poultry Association or of such other representative organization of producers throughout New Zealand as may from time to time be approved by the Minister for the 35 purposes of this paragraph.
- (3) With respect to the first members of the Board the following provisions shall apply :—
- (a) One Government representative and two producers' representatives shall retire on the 40 *thirtieth* day of *June*, nineteen hundred and *thirty-four*, and the remaining members shall retire on the *thirtieth* day of *June*, nineteen hundred and *thirty-five*.

(b) The members so to retire in the year nineteen hundred and *thirty-four* shall be determined by lot.

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

(4) Except as provided in the *last preceding* subsection, every member of the Board shall hold office for a term of two years, save that he may be reappointed from time to time or may at any time be removed from office by the
10 Governor-General for disability, insolvency, neglect of duty, or misconduct.

(5) On the death, resignation, or removal from office of any member of the Board the Governor-General, on the like recommendation as that on which such member
15 was appointed, may appoint some fit person to be a member of the Board for the residue of the term for which such first-mentioned member was appointed.

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

5. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Board,
be in writing under the seal of the Board. Contracts of Board.

25 (2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either under the seal of the Board or signed by two members of the Board on behalf of and by direction of the Board.

30 (3) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Board, but no verbal contract shall be made of a value exceeding twenty pounds.

35 6. (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 like recommendation as that on which such member was
40 appointed, may appoint some fit person 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. Appointment of deputy members.

(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 reason for his appointment had not arisen or had ceased.

First meeting and appointment of Chairman.

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

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

Other meetings of Board.

8. (1) Except as provided in the *last preceding* section, meetings of the Board shall be held at such times and 10 places as the Board shall from time to time appoint.

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

(3) At all meetings of the Board three members, of whom at least one shall be a Government representative, 15 shall form a quorum, and no business shall be transacted at any meeting unless a quorum is present.

(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 20 from any meeting of the Board the members present at such meeting shall appoint one of their number to be the Chairman at that meeting.

(6) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality 25 of votes shall also have a casting vote. All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

Officers of Board.

9. (1) The Board may appoint such officers as it deems necessary for the efficient performance of its functions 30 under this Act.

(2) Any person in the service of the Government 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 35 the Government 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 40 to whose control he is subject.

Functions of Board.

10. The functions of the Board shall be to administer this Act and generally to organize and develop the poultry industry. The Board shall have and may exercise such powers and functions in relation to the administration of 45

the principal Act as may be prescribed, and shall have all such other powers, not inconsistent with this Act, as are reasonably necessary for the effective performance of its duties and functions.

5 *Registration of Poultry-runs.*

11. (1) Every poultry-run within the meaning of this Act existing at the commencement of any registration year or established during a registration year is hereby required to be registered for that year in accordance with the provisions of this Act and of regulations thereunder. Annual registration of poultry-runs.

(2) Application for the registration of a poultry-run shall be made by the occupier thereof in the prescribed form to such person or persons on behalf of the Board as may be prescribed, and every such application shall be accompanied by the appropriate fee, computed as follows :—

(a) Where the number of poultry kept in the poultry-run at the date of the application for registration does not exceed one hundred : A fee of *two shillings and sixpence* :

(b) Where the number of poultry kept in the poultry-run at the date of the application exceeds one hundred : A fee of *two shillings and sixpence*, with an additional *two shillings and sixpence* for every additional hundred or part of a hundred head of poultry after the first hundred :

Provided that no fee shall be payable for the registration of any poultry-run in any case where the occupier of the poultry-run is exempted from liability to pay the fee by the Board by reason of undue hardship or any other cause deemed by the Board to be sufficient.

(3) If the occupier of any poultry-run fails to make application for the registration thereof for any registration year and to pay the appropriate fee (if any) within one month after the commencement of the registration year, or, in the case of a poultry-run established during the registration year, within one month after its establishment, he shall be liable on summary conviction to a fine not exceeding *one pound*, and to a further fine not exceeding *two shillings and sixpence* for every week that elapses after the said period of one month and before application for registration is duly made and the appropriate fee (if any) is paid.

(4) If any person becomes the occupier of an un-registered poultry-run in any registration year, he shall make application for the registration thereof for that year and pay the appropriate fee (if any) within the period prescribed by the *last preceding* subsection or within 5 fourteen days after he has become the occupier (whichever period is the later to expire), and if he fails so to do he shall be liable on summary conviction to a fine not exceeding *one* pound, and to a further fine not exceeding *two* shillings and *sixpence* for 10 every week that elapses after the said period and before application for registration is duly made and the appropriate fee (if any) is paid.

(5) For the purposes of this Act a poultry-run shall be deemed to be established when it is established for 15 the purpose of producing eggs for sale, or, if it is not established for that purpose, when any eggs produced in it are sold or offered for sale.

(6) All unpaid registration fees shall be recoverable in any Court of competent jurisdiction as a debt due to 20 the Board.

General.

Application of
moneys received
by Board.

12. All moneys received by the Board by way of registration fees or otherwise howsoever shall be paid by the Board into a separate account at a bank to be 25 approved by the Minister of Finance, and shall be applied by the Board as follows :—

- (a) In payment of the expenses, commission, and other charges incurred by the Board or for which the Board may become liable in the exercise of its 30 functions :
- (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 (not 35 being persons permanently employed in the service of the Government) :
- (d) In payment or reimbursement of reasonable expenses incurred by the New Zealand Poultry Association in organizing the poultry industry 40 before the commencement of this Act :
- (e) In payment of subsidies to producers in respect of the export of eggs :

(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 :

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(g) For such other purposes, not inconsistent with this Act, as the Board thinks fit or as are prescribed.

13. 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, 1926.

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Audit of Board's accounts.

14. The Board shall as soon as possible after the expiration of each registration year furnish to the Minister a report on its proceedings and operations during that registration year. Such report shall contain, in such form as the Minister from time to time approves or directs, a balance-sheet and a profit and loss account, duly audited by the Audit Office, together with such other statements of accounts as may be necessary to show fully the financial position of the Board and the financial results of its operations for the year.

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Annual report and statement of accounts.

15. Without limiting in any way the authority conferred on the Governor-General by section twelve of the principal Act to make such regulations as are contemplated or deemed necessary for giving full effect to that Act, it is hereby expressly declared that the Governor-General, acting under the authority of the said section, may make regulations as follows:—

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Extension of power to make regulations under principal Act.

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(a) For the registration of poultry-runs :

(b) Prescribing any forms required for the purposes of this Act :

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(c) Prescribing the maximum rates of travelling-allowances, fees, or other remuneration that may be paid under this Act to members of the Board :

(d) Prescribing purposes for which the moneys of the Board may be expended :

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(e) Conferring on the Board such powers or functions in relation to the administration of the principal Act or of any regulations thereunder as may be considered necessary or proper.

Provisions for Poll as to Expiry of Act.

Poll for expiry
of Act to be
taken on
petition of
paying
producers.

16. (1) In this section "paying producer" means the occupier of a poultry-run in respect of which the appropriate registration fee under this Act has been paid for the registration year for the time being current. 5

(2) If at any time during the month of *March*, nineteen hundred and *thirty-six*, a petition is presented to the Minister, signed by not less than twenty per centum of the paying producers, praying that a poll of the paying producers be taken on a proposal to allow this Act to expire, a poll shall be taken accordingly on a day or days to be appointed in that behalf by the Minister, being not later than the *thirty-first* day of *May*, nineteen hundred and *thirty-six*. Such poll may be taken by post. 10

(3) At such poll proposals shall be submitted in the form in the Schedule to this Act. 15

(4) Every paying producer shall be entitled to vote at such poll.

(5) Every voter at the poll shall be entitled to one vote only, and shall record his vote by striking out the proposal for which he does not wish to vote. 20

(6) A proposal under this section shall be deemed to be carried if a majority of the valid votes recorded at the poll is in favour thereof, but not otherwise.

(7) For the purposes of the poll an officer of the Public Service shall be appointed as Returning Officer, and the Returning Officer shall make all necessary arrangements for the conduct of the poll. 25

(8) On the completion of the poll the Returning Officer shall make a declaration as to the result, and shall forward it to the Minister, who shall cause notice thereof to be published in the *Gazette*. 30

(9) The notice so published in the *Gazette* shall be conclusive evidence of the result of the poll.

(10) The cost of taking the poll shall be paid by the Board. 35

Expiry of Act
and
dissolution of
Board if
proposal
carried.

17. If at a poll taken under the *last preceding* section the proposal that the Act be allowed to expire is carried, this Act shall continue in force until the *thirtieth* day of *June*, nineteen hundred and *thirty-six*, and no longer, and at any time before or after that date the Governor-General, if satisfied that adequate provision has been made for the discharge of the Board's liabilities (if 40

any), may by Order in Council declare the Board to be dissolved as from a date to be specified in the Order, and may in such Order make such provision as he deems equitable with respect to the distribution of the assets
5 of the Board.

SCHEDULE.

Schedule.

VOTING-PAPER ON PROPOSAL TO ALLOW THE POULTRY AMENDMENT
ACT, 1932-33, TO EXPIRE.

1. I vote that the Act be allowed to expire.
2. I vote that the Act be NOT allowed to expire.