

PORK INDUSTRY BILL

EXPLANATORY NOTE

THIS Bill establishes the Pork Industry Council as a body corporate, and defines its functions and powers.

The functions of the existing Pork Industry Council (a committee established under the Dairy Board Act 1961) are transferred to the new Council.

Most provisions of the Bill correspond to provisions in the Dairy Board Act 1961.

Clause 1 relates to the Short Title.

Clause 2 is the interpretation clause, and defines terms used in the Bill.

PART I

PORK INDUSTRY COUNCIL

Clause 3 establishes the Pork Industry Council as a body corporate. The Council consists of 7 members, being—

- (a) The Director-General of Agriculture and Fisheries:
- (b) Four members (called "producer members") who are elected, one from each of 4 wards, by pork producers in those wards:
- (c) Two members (called "appointed members") appointed by the Minister after consultation with the producer members.

Clause 4 provides that the producer members are to be elected in the manner specified in the *Second Schedule* to the Bill, but the first producer members shall be the 4 producers' representatives elected to the committee set up under the Dairy Board Act 1961, which is also known as the Pork Industry Council.

Clause 5 sets out the terms of office of Council members.

Clause 6 provides that the Minister, after consultation with the Council, may appoint a deputy to act for any member who is incapacitated by illness or other cause from performing his duties of office. The clause also provides for the Director-General of Agriculture and Fisheries to appoint a nominee to represent him.

Clause 7 relates to extraordinary vacancies, and provides the machinery for filling such vacancies.

Clause 8 provides for the election by the Council of a Chairman and a Deputy Chairman from among its producer members.

Clause 9 relates to the meetings of the Council.

Clause 10 provides for the appointment of advisory and technical committees.

Clause 11 provides for the remuneration of members of the Council and of committees in accordance with the Fees and Travelling Allowances Act 1951. The money payable under the clause will come from the funds of the Council.

Clause 12 provides that the provisions of the Public Bodies Contracts Act 1959 apply to the contracts of the Council.

Clause 13 relates to the disclosure of member's interests.

PART II

FUNCTIONS AND POWERS OF COUNCIL

Clause 14 sets out the principal functions of the Council. These are—

- (a) To promote and organise the orderly development of the pork industry in New Zealand;
- (b) To assist in the marketing of pigs;
- (c) To maintain and improve quality;
- (d) To increase production;
- (e) To promote efficiency;
- (f) To ensure a supply of feedstuffs for pigs.

Clause 15 gives the Council the powers to carry out its functions.

Clause 16 relates to the acquisition and disposal of property.

Clause 17 allows the Council to provide housing for its officers and employees.

Clause 18 relates to a national conference of pork producers, and to ward meetings.

Clause 19 relates to the delegation of the powers of the Council.

Clause 20 provides that the Council is to implement the policy of the Government in relation to the Council's powers and functions.

PART III

FINANCIAL PROVISIONS

Clause 21 establishes a Pork Industry Account with the Bank of New Zealand.

Clause 22 relates to the operation of the Pork Industry Account.

Clause 23 relates to the investment of money.

Clause 24 allows the Council, with the consent of the Minister of Finance, to borrow money.

Clause 25 provides for the financial year of the Council.

Clause 26 relates to unauthorised expenditure.

Clause 27 provides for the audit of the Council's accounts.

Clause 28 relates to the annual report of the Council.

Clause 29 provides that the Council is exempt from land tax and income tax.

PART IV

GENERAL PROVISIONS

Clause 30 relates to the personal liability of members of the Council or members of committees.

Clause 31 allows the Council to appoint officers and agents.

Clause 32 provides for the making of regulations.

Clause 33 relates to the amendment of certain Schedules.

Clause 34 provides for consequential amendments to be made in the *Third Schedule*.

The *First Schedule* sets out the names and boundaries of wards.

The *Second Schedule* sets out the manner in which elections for producer members are to be conducted.

The *Third Schedule* makes consequential amendments.

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

“Appointed members” means those members of the Council appointed pursuant to section 3 (2) (c) of this Act: 5

“Council” means the Pork Industry Council established by section 3 of this Act:

“Minister” means the Minister of Agriculture and Fisheries:

“Pigs” include— 10

(a) All pigs used for breeding; and

(b) All pigs used for the production of pork:

“Pork” means the meat derived from a pig, whether that meat is fresh, corned, or processed:

“Pork Industry Account” means the bank account of 15 the Council established pursuant to section 21 of this Act:

“Pork producer” means any person or partnership engaged in the production of pigs for sale:

“Producer members” means those members of the Council elected pursuant to section 3 (2) (b) of this Act: 20

“Purchase” means every mode of acquisition whether for valuable consideration or not; and includes acquisition by an agent for sale on consignment; and “to purchase” has a corresponding meaning: 25

“Sale” means every mode of disposition whether for valuable consideration or not; and includes disposition to an agent for sale on consignment; and “to sell” has a corresponding meaning.

PART I

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PORK INDUSTRY COUNCIL

3. Establishment of Council—(1) There is hereby established the Pork Industry Council.

(2) The Council shall consist of 7 members, being—

(a) The Director-General of Agriculture and Fisheries: 35

(b) Four members, of whom one shall be elected for each of the wards having the names and boundaries set out in the First Schedule to this Act:

(c) Two members, who shall be appointed by the Minister after consultation with the members elected pursuant to paragraph (b) of this subsection. 40

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

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

4. Election of members—(1) The producer members elected to the Council shall be elected by pork producers in
10 the manner prescribed in the Second Schedule to this Act.

(2) Notwithstanding subsection (1) of this section, the persons who, immediately before the commencement of this Act, were producers' representatives elected to the Pork Industry Council (being a committee of that name consti-
15 tuted under the Dairy Board Act 1961) shall be deemed to be the first producer members elected to the Council.

5. Terms of office of members of Council—(1) Subject to this section, each producer member and appointed member of the Council shall hold office for a term of 3 years, but shall
20 be eligible for reappointment or re-election from time to time.

(2) With respect to the first appointed members of the Council the following provisions shall apply:

(a) One shall retire at the expiration of 2 years from the date of their appointment and the other shall retire
25 at the end of 3 years from that date:

(b) The order of retirement shall be decided by agreement between the members concerned or, failing agreement, by lot.

(3) The term of office of every person who is deemed
30 by section 4 (2) of this Act to have been elected to the Council shall expire with the day on which, but for the passing of this Act, his term of office as a member of the Pork Industry Council constituted under the Dairy Board Act 1961 would have expired in accordance with the provisions of that
35 Act.

(4) Unless he sooner vacates his office under section 7 of this Act, every member shall continue in office until his successor comes into office.

6. Deputies of members—(1) In any case in which the Minister is satisfied that any producer member or appointed member of the Council is incapacitated by illness, or absence, or other sufficient cause from performing the duties of his office, the Minister may, after consultation with the Council, 5
 appoint a deputy to act for the member during his incapacity; and any such deputy shall, while he acts as such, be deemed for all purposes to be a member of the Council.

(2) No appointment of a deputy shall be for a term exceeding 6 months unless the member for whom the deputy is 10
 being appointed has less than 12 months to serve before the expiry of his term in which case the deputy may be appointed to act for the remainder of that term.

(3) In the absence from any meeting of the Council of the Director-General of Agriculture and Fisheries, any officer of 15
 his Department authorised by him in that behalf may attend the meeting in his stead, and while so attending shall be deemed for all purposes to be a member of the Council.

7. Extraordinary vacancies—(1) Any producer member or appointed member of the Council may at any time be 20
 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 producer member or appointed member may at any time resign his office by writing addressed to the 25
 Minister.

(3) If any producer member or appointed member of the Council dies, or resigns, or is removed from office, the vacancy shall be deemed to be an extraordinary vacancy.

(4) In the case of an extraordinary vacancy in the office 30
 of an appointed member, the Minister may appoint some qualified person to be a member of the Council for the residue of the term for which the vacating member was appointed.

(5) Any such appointment shall be made in the same 35
 manner as the appointment of the vacating member.

(6) In the case of an extraordinary vacancy in the office of a producer member, the vacancy shall be filled by election in the manner prescribed in the Second Schedule to this 40
 Act unless the vacancy occurs within 6 months before the expiry of the term for which the vacating member was elected in which case the Council may by resolution determine—

- (a) That the vacancy be filled by appointment by the Council of a person qualified to be elected as a member; or
- 5 (b) That the vacancy not be filled until the next general election of producer members.
- (7) Every person appointed pursuant to this section shall be deemed for all purposes to be a member of the Council.

8. Chairman and Deputy Chairman—(1) At the first meeting of the Council the members shall elect a Chairman and
10 a Deputy Chairman from among its producer members, and thereafter at the annual general meeting of the Council.

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

(3) In the absence of the Chairman from any meeting the
15 Deputy Chairman shall preside, and, if both should be absent, one of the producer members present shall be appointed by the members attending to preside at that meeting.

(4) At any meeting of the Council the Chairman or other person presiding shall have a deliberative vote, and in the
20 case of an equality of votes shall also have a casting vote.

9. Meetings of Council—(1) The first meeting of the Council shall be held on a day to be appointed by the Minister.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council may from time to time
25 appoint; but one meeting shall, in each financial year, be called as the annual general meeting of the Council.

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

(4) At any meeting of the Council the quorum necessary for
30 the transaction of business shall be 4 members, of whom at least 2 must be producer members.

(5) All questions arising at any meeting of the Council shall be decided by a majority of the votes recorded thereon.

(6) A resolution in writing signed or assented to by letter
35 or telegram by all members of the Council, shall be as valid and effective as if it had been passed at a meeting of the Council duly called and constituted.

(7) Subject to this Act, the Council may regulate its procedure in such manner as it thinks fit.

10. Advisory and technical committees—(1) The Council may from time to time appoint advisory or technical committees of one or more persons as it thinks fit to advise the Council on such matters relating to its functions and powers as are referred to them by the Council. 5

(2) Each advisory or technical committee may, in addition, furnish to the Council a report or reports on any matter concerning the pork producing industry of which the committee, or any member or members of it, may have special knowledge or experience. 10

(3) A person may be appointed to be a member of any committee appointed under this section whether or not he is a member of the Council.

(4) Subject to the other provisions of this Act, and to any directions given by the Council, each committee may regulate its own procedure in such manner as it thinks fit. 15

11. Remuneration and expenses of Council and committees—(1) The Council, and each advisory or technical committee appointed by it, is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 20

(2) There shall be paid out of the funds of the Council to the members of the Council, and to the members of any committee appointed by it (not being members of the Council), remuneration by way of salary, fees, or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 25

12. Contracts of Council—Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting, in its appropriate alphabetical order, the following item: 30

“The Pork Industry Council | 1974, No. 00—The Pork Industry Act 1974.”

13. Disclosure of interests—(1) Any member of the Council who, otherwise than as a member, is directly or indirectly interested in any arrangement or agreement made or entered into, or proposed to be made or entered into, by the Council shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council. 35 40

(2) A disclosure under this section shall be recorded in the minutes of the Council, and, except as otherwise provided by resolution of the Council, the member shall not take part after the disclosure in any deliberation or decision of the Council relating to the arrangement or agreement.

(3) The member may withdraw from the meeting during any period of any such deliberation or decision, but, if directed to do so by the Chairman, he shall withdraw during any such period.

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PART II

FUNCTIONS AND POWERS OF COUNCIL

14. Functions of Council—(1) The principal functions of the Council shall be—

- 15 (a) To promote and organise the orderly development of the pork producing industry in New Zealand:
- (b) To assist in the organisation and development of the orderly marketing of pigs:
- (c) To maintain and improve the quality of the stock used in the pork producing industry:
- 20 (d) To increase production of the stock used in the pork producing industry:
- (e) To ensure, as far as practicable, that measures and practices are adopted by persons engaged in the pork producing industry which will promote greater efficiency in that industry and will further the interests and welfare of those persons:
- 25 (f) To ensure, as far as practicable, a supply of feedstuffs for pigs.

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

15. Powers of Council—(1) The Council shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions.

35 (2) Without limiting the generality of subsection (1) of this section, the Council shall have power to make and carry out such arrangements and give such directions as it thinks proper to accomplish all or any of the following:

- (a) To devise, promote, and carry out, by such means as commend themselves to the Council, measures for the improvement of pigs, including the testing for production or quality and the development of artificial breeding: 5
- (b) To promote, by way of subsidy or otherwise, the carrying out of any research or experimental work undertaken in New Zealand or elsewhere with a view to improving the quality of pigs, or to developing the classes of pigs available for production in New Zealand: 10
- (c) To promote and organise, by such means as the Council thinks fit, the circulation of information relating to the pork producing industry for the benefit and guidance of persons engaged in that industry: 15
- (d) To promote the sale of pigs:
- (e) To devise, promote, and carry out, by such means as commend themselves to the Council, measures for improvement in the husbandry and management of pigs, and in the economics of pig production: 20
- (f) To advance money to pork producers from any investment and loan fund established for that purpose pursuant to regulations made under this Act:
- (g) To establish and maintain a register of pigs used for breeding purposes, and establish the criteria for, and regulate, any entry in such register: 25
- (h) To act in combination or association with any person or body of persons whether in New Zealand or elsewhere (whether by acquiring shares or other interests in a company or otherwise) engaged, concerned, or interested in the production, marketing, or distribution of any products of agricultural or pastoral industries, and to share or pay the costs and expenses involved in any such combination or association: 35
- (i) To purchase or to sell feedstuffs for pigs, to become a party to any transaction or arrangement to purchase or to sell feedstuffs for pigs (whether as a principal, underwriter, guarantor, or otherwise), and to store or transport, or arrange the storing or transporting of feedstuffs for pigs. 40

16. Acquisition and disposal of property—Without limiting the generality of section 15 of this Act, the Council may also from time to time for the purpose of carrying out its functions do all or any of the following things:

- 5 (a) Purchase, take on lease, accept, or otherwise acquire any property; and
- (b) Hold, furnish, equip, develop, improve, alter, extend, repair, and maintain any of its property; and
- 10 (c) Sell, exchange, convey, transfer, assign, lease, dispose of, turn to account, or otherwise deal with any of its property; and
- (d) Generally carry on any activity or exercise any rights or undertake any liabilities in respect of any property that could be carried on, exercised, or undertaken by any individual owning such property.

17. Acquisition of houses for use of officers—(1) The Council may, if in its opinion it is expedient to assist its officers or employees to acquire housing accommodation,—

- 20 (a) Take on lease, rent, or purchase land on which houses are erected, or flats; or
 - (b) Purchase land and erect houses or flats; or
 - (c) Take on lease or rent furnished houses or flats.
- (2) Where the Council exercises any of its powers under subsection (1) of this section, it may let the house or flat
- 25 to any officer or employee of the Council for such term and at such rent and otherwise on such terms and conditions as it thinks fit.

(3) The Council may make advances, on such terms and conditions as it thinks fit, to its officers or employees for the

30 purpose of enabling them to purchase for their own use land on which houses or flats are erected or to be erected, or to erect houses or flats for their own use.

18. Council may convene conferences and pay delegate's expenses—(1) The Council may at least once in each

35 financial year of the Council convene a national conference of delegates representing the pork producing industry within New Zealand.

(2) The Council may also convene such annual or general meetings of pork producers within their respective wards as

40 the Council thinks fit.

(3) Any national conference or ward meeting shall be convened and the delegates selected in such manner as the Council by resolution may from time to time determine.

(4) The Council may regulate the procedure at a national conference or at a ward meeting in such manner as it thinks fit. 5

(5) The Council may pay from its funds an amount towards the reasonable expenses incurred by a delegate attending a national conference or a ward meeting, such amount to be determined by the Council but not exceeding the amount that would otherwise be payable under section 11 of this Act to a member of the Council if he were a delegate. 10

19. Delegation of powers of Council—(1) The Council may from time to time delegate in writing to any committee of the Council, or to any member, officer, or employee of the Council, any of the functions or powers of the Council under this Act, except the power of delegation conferred by this subsection. 15

(2) No delegation under this section may be made to a committee that consists wholly or partly of persons who are not members, officers, or employees of the Council. 20

(3) Any delegation under this section may be made to—

(a) A specified person; or

(b) A person of a specified class; or

(c) The holder for the time being of a specified office or appointment; or 25

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

(4) Subject to any general or special directions given or conditions imposed by the Council, the committee or person to whom any functions and powers are delegated may exercise them in the same manner and with the same effect as if they had been conferred on it or him directly by this Act and not by delegation. 30

(5) Every committee or person 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. 35

(6) Every delegation under this section shall be revocable at will. 40

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

20. **Council to implement policy of Government**—(1) In the exercise of its functions and powers under this Act, the Council shall give effect to the policy of the Government in relation to those functions and powers, as communicated
5 to it from time to time in writing by the Minister.

(2) A copy of every communication made under this section to the Council in any financial year of the Council shall be included in the annual report of the Council for that year laid before Parliament under section 28 (2) of this
10 Act.

PART III

FINANCIAL PROVISIONS

21. **Bank accounts of Council**—(1) For the purposes of this Act there shall be established with the Bank of New
15 Zealand an account to be known as the Pork Industry Account.

(2) The Council may from time to time open with the Bank of New Zealand or with any branch or agency of that Bank such imprest or subsidiary accounts as the Council
20 thinks necessary for the exercise of its functions and powers.

(3) Subject to any regulations made pursuant to section 32 (1) (f) of this Act, the Council may from time to time establish such special funds or reserves as the Council thinks necessary for the exercise of its functions and powers.

25 (4) Every account under this section shall be operated upon only by cheque or other instrument (not being a promissory note or bill) signed by such person or persons as may from time to time be authorised by the Council for that purpose.

30 22. **Money payable into and out of Pork Industry Account**—(1) As soon as practicable after the commencement of this Act, all money in the Pork Production Levy Fund Account, the Pork Industry Development Fund Account, and in the District Pig Councils Reserve Account (in each
35 case being an account in the accounts of the New Zealand Dairy Board) shall be transferred to the Pork Industry Account.

(2) There shall from time to time be paid into the Pork Industry Account—

40 (a) All money received by the Council by way of grants—
(i) To maintain an advisory service for the pork producing industry:

- (ii) Towards the expenses of any research undertaken for the benefit of the pork producing industry:
- (b) All money received by the Council pursuant to section 84 of the Meat Act 1964 (as substituted by section 2 of the Meat Amendment Act 1973, and amended by section 34 of this Act): 5
- (c) All registration fees and licence fees received by the Council pursuant to regulations made under this Act:
- (d) All other money derived from the operations of the Council or otherwise payable into the Pork Industry Account. 10
- (3) There shall from time to time be paid out of the Pork Industry Account all money required to be expended for the purposes of the exercise of the functions and powers of the Council. 15

23. Investment of money—Any money of the Council which is available for investment may be invested—

- (a) In New Zealand Government securities;
- (b) On deposit with the Bank of New Zealand, or with the Post Office Savings Bank: 20
- (c) In any other securities that may from time to time be authorised by the Minister of Finance.

24. Borrowing powers—The Council may, with the consent of the Minister of Finance and upon and subject to such conditions as that Minister thinks fit, borrow money and mortgage or charge any of its real or personal property. 25

25. Financial year—The financial year of the Council shall end with the 30th day of September or with such other day in any calendar year as the Council, with the approval of the Minister, may determine. 30

26. Unauthorised expenditure—The Council may, in any financial year, expend out of the funds of the Council for purposes not authorised by this Act or any other enactment any sum or sums not amounting in the whole to more than \$1,500. 35

27. Audit of accounts—(1) As soon as reasonably practicable after the end of each financial year, the Council shall prepare a balance sheet, profit and loss account, and statement of source and application of funds, and such other 40

statements of account as are necessary to show fully the financial position of the Council and the financial results of its operation during the year.

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

10 **28. Annual report**—(1) As soon as reasonably practicable after the end of each financial year the Council shall deliver to the Minister a general report of its operations during the year together with a copy of its duly audited accounts for that year and the report of the Audit Office on those accounts.

15 (2) A copy of the general report and of the accounts of the Council, together with a copy of the report of the Audit Office on the accounts, shall be laid before Parliament as soon as practicable after their receipt by the Minister.

20 **29. Taxation**—The Council shall be exempt from land tax and income tax.

PART IV

GENERAL PROVISIONS

25 **30. Personal liability of members**—No member of the Council or of any of its committees shall be personally liable for any act done or default made in good faith by the Council, or by any committee of the Council, or by any member, in the course of operations of the Council or of any of its committees.

30 **31. Officers and agents of Council**—(1) The Council may from time to time, on such terms and conditions (whether as to salaries, allowances, or otherwise) as it thinks fit, appoint such officers and employees as it considers necessary for the efficient exercise of its functions and powers, and may at any time remove any officer or employee from his office or
35 employment.

(2) The Council may from time to time establish and maintain offices or employ and remove agents (whether within or outside New Zealand) for the conduct of its operations under this Act.

(3) The Council may, for the purpose of providing superannuation or retiring allowances for its officers and employees or their dependants, subsidise out of its funds any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or any other employer-subsidised scheme approved by the Minister of Finance. 5

(4) Without limiting the generality of subsection (1) of this section, all persons who at the commencement of this Act are officers or employees of the New Zealand Dairy Board and whose office or employment relates to the Pork Industry Council established under the Dairy Board Act 1961, or to the pork producing industry, shall be deemed to become officers and employees of the Council; and for the purpose of any fund or scheme for the purpose of providing superannuation or retiring allowances the service of any such persons as officers or employees of the New Zealand Dairy Board shall be deemed to have been service as officers or employees of the Council. 10 15

32. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 20

- (a) Regulating and controlling the testing for production or quality of pigs;
- (b) Obtaining any information or particulars that may be required for the effective performance of the functions of the Council under this Act: 25
- (c) Providing for the registration of all properties or holdings on which pigs are farmed:
- (d) Licensing pork producers:
- (e) Prescribing registration fees and licensing fees: 30
- (f) Establishing a pork industry investment and loan fund within the Pork Industry Account from which the Council may make advances to pork producers:
- (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 \$400 in the case of 35 of an individual and not exceeding \$2,000 in the case of a body corporate in respect of any offences so prescribed: 40

(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.

5 (2) Regulations made under this section may be so made as to apply generally throughout New Zealand or within any specified part or parts of New Zealand.

33. Amendment of certain Schedules—(1) The Governor-General may from time to time, by Order in Council, amend the First Schedule to this Act by changing the definition of
10 the boundaries of a ward.

(2) The Minister may for any year, on the recommendation of the Council, amend by notice in the *Gazette* any date or dates expressed in the Second Schedule to this Act to be
15 observed in the conduct of elections for producer members of the Council (except the date by which the voting qualification of a pork producer is established), with the intent that the results of any such election shall become known in time for a national conference convened pursuant to section 18 of this Act.

20 **34. Consequential amendments**—The enactments specified in the Third Schedule to this Act are hereby amended in the manner indicated in that Schedule.

SCHEDULES

Sections 3 (2) (b), 33 (1) FIRST SCHEDULE

NAMES AND BOUNDARIES OF WARDS

Name of Ward	Definition of Boundaries
No. 1 Ward	That area of the North Island, including the Counties of Mangonui, Hokianga, Whangaroa, Bay of Islands, Whangarei, Hobson, Otamatea, Rodney, Manukau, and Franklin, and part of the Counties of Raglan, Waikato, and Hauraki Plains, that lies north of a boundary line commencing on the Tasman Sea coast at Crayfish Point and thence proceeding in a straight line in an easterly direction to Trig M, Block XIII, Te Akau Block; thence in a north-easterly direction to Trig B, Block XI, Whangape Parish; thence continuing in a north-easterly direction to the north-eastern corner of Block XIII, Opuatia Parish; thence in an easterly direction to Trig Pukerua No. 2, Block XVI, Whangamarino Parish; thence in a north-easterly direction to Trig 1529, located in Block V, Whangamarino Parish; thence continuing in a north-easterly direction to Trig 1533, Block II, Whangamarino Parish; thence continuing in a north-easterly direction to the point where the northern bank of the Waitakaruru River flows into the Firth of Thames.
No. 2 Ward	That area of the North Island, including the Counties of Otorohanga, Waipa, Wai-tomo, Taumarunui, Taupo, Wairoa, Cook, Waikohu, Uawa, Waiapu, Matakaoa, Opotiki, Whakatane, Rotorua, Tauranga, Matamata, Piako, Ohinemuri, Thames, and Coromandel, and part of the Counties of Raglan, Waikato, and Hauraki Plains, that lies south of the boundary line described in the definition of the boundaries of No. 1 Ward, but excluding that area contained within the boundaries of No. 3 Ward.

FIRST SCHEDULE—*continued*NAMES AND BOUNDARIES OF WARDS—*continued*

Name of Ward	Definition of Boundaries
No. 3 Ward	That area of the North Island covered by the Counties of Clifton, Taranaki, Egmont, Inglewood, Stratford, Waimate West, Hawera, Patea, Eltham, Waimarino, Waiototara, Wanganui, Rangitikei, Manawatu, Oroua, Kiwitea, Pohangina, Kairanga, Horowhenua, Hutt, Featherston, Wairarapa South, Masterton, Eketahuna, Pahiatua, Akitio, Woodville, Dannevirke, Waipawa, Hawke's Bay, Wairoa, Waipukurau, and all boroughs and cities within this general region.
No. 4 Ward	The South Island, Stewart Island, and the Chatham Islands.

SECOND SCHEDULE Sections 4, 7 (6), 33 (2)

CONDUCT OF ELECTION FOR PRODUCER MEMBERS

Preliminary

(1) Every election for producer members shall be conducted under the general supervision of the Chief Electoral Officer of the Department of Justice.

(2) The Chief Electoral Officer shall appoint a Returning Officer, who shall make all necessary arrangements for the conduct of every election, and shall have the powers and duties described in this Schedule.

(3) The cost of every election shall be met by the Council.

Voting Qualifications

(4) Subject to clauses (5) and (6) of this Schedule, every person who is a pork producer on the 31st day of January in the year in which the election is held shall be entitled to vote in an election for a producer member for the ward in which he is a pork producer.

(5) Where a pork producer is comprised of persons acting jointly or in common, only one of those persons so acting shall be entitled to exercise the vote of that pork producer.

(6) Any pork producer being a corporate body may appoint some person to exercise the vote of that corporate body.

SECOND SCHEDULE—*continued*

(7) At every election each pork producer shall be entitled to exercise the following number of votes:

Pigs in possession as at 31st January	Number of votes
1-100	1
101-500	2
Over 500	3

Register of Electors and Rolls

(8) The Council shall establish and maintain, in such manner and by such means as it thinks fit, a register of pork producers who are qualified to vote in each ward described in the First Schedule to this Act.

(9) As soon as possible after the last day of February in any year in which an election is to be held, the Returning Officer shall prepare a roll of pork producers qualified to vote for each ward for which an election is to be held.

(10) Each roll shall be compiled from the register maintained by the Council, but the Returning Officer shall—

(a) Exclude from a roll the name of any person who he has reason to believe is not a pork producer qualified to vote:

(b) Add to a roll the name of any person who he has reason to believe is a pork producer qualified to vote—

whether the name of that person is entered on the register or not.

(11) Where, under clause (5) of this Schedule, only one of 2 or more persons is entitled to exercise the vote, the Returning Officer shall enter the name of one of those persons on the roll; but if those persons advise the Returning Officer that they have appointed one of their number to exercise the vote, the Returning Officer shall enter the name of the person so appointed on the roll.

(12) Where the name of a person qualified to vote under clause (6) of this Schedule is entered on a roll, the entry shall be followed by the words "Appointed by [*Name of corporate body*]".

(13) The rolls shall be lodged in the Head Office of the Council and the Head Office of the Ministry of Agriculture and Fisheries, and in such other place or places as the Returning Officer may appoint and notify in the *Gazette* not later than the 1st day of March in any year, and shall thereupon be open to inspection by any pork producer during ordinary office hours for a period of 2 months from the 1st day of March in the year they are so lodged.

(14) Any pork producer may, during that period of 2 months, lodge with the Returning Officer an objection in writing to any entry on any roll on either of the following grounds—

(a) That any person whose name is on the roll or, as the case may be, the corporate body on behalf of whom the name of any person is on the roll, is not a pork producer qualified to vote:

(b) That any person whose name is not on the roll is a pork producer qualified to vote or, as the case may be, is appointed by a corporate body being a pork producer qualified to vote.

SECOND SCHEDULE—*continued*

(15) The Returning Officer shall, without the necessity of calling upon or hearing any objector or person affected by the objection, decide the matter of the objection and make such amendment of the roll as he thinks necessary.

(16) At the expiration of the said period of 2 months the rolls shall be closed, and no further amendment shall be made, and the Returning Officer shall consecutively number each entry in each roll and shall indicate the number of votes the elector is entitled to exercise.

Nominations

(17) No person shall be eligible for election as a producer member unless he is a pork producer and has been nominated in writing by 2 pork producers whose names appear on the roll for the ward in respect of which he is so nominated, and unless he has accepted nomination.

(18) The form of nomination shall be in or to the effect of the form set out in the Appendix to this Schedule.

(19) Nothing in clauses (17) and (18) shall prevent the Returning Officer from accepting any nomination paper made out in such form as, in his opinion, is sufficient to identify the candidate and the nominators.

(20) The last day for receiving nominations in respect of the election held in any year shall be on the last day of April in any such year.

(21) No pork producer shall be entitled to nominate more than one person as a candidate for election.

(22) If in respect of any ward only one person is duly nominated for election, that person shall be declared to be duly elected as the producer member for that ward by the Returning Officer by notice under his hand published in the *Gazette*.

Polls

(23) If in respect of any ward more than one person is duly nominated for election a poll shall be taken, and the Returning Officer shall cause voting papers to be printed.

(24) The Returning Officer shall, not later than the 7th day of May in that year, forward by post to each pork producer, or, as the case may be, his appointee, a voting paper bearing on its face the consecutive number appearing on the roll against the name of the pork producer to whom or to whose appointee the voting paper is forwarded, together with an envelope addressed to the Returning Officer and bearing on its face the same consecutive number.

(25) On proof to his satisfaction, by statutory declaration or otherwise, that a voter has not received his voting paper in due course of post, or that any voting paper received by a voter or its addressed envelope was accidentally destroyed before being used, the Returning Officer may issue a further voting paper to the voter bearing on its face the relevant number together with an additional distinguishing mark to indicate its issue under this clause, together with an envelope addressed as aforesaid and bearing the same number and distinguishing mark.

(26) Any poll to be taken in any year shall close at noon on the last Wednesday of May in each such year.

(27) Voting papers may be delivered to the Returning Officer by hand or sent by post addressed to the Returning Officer.

SECOND SCHEDULE—*continued*

(28) No voting paper shall be valid unless it is received by the Returning Officer in the envelope issued with it.

(29) No voting paper shall be valid—

- (a) If it is not received by the Returning Officer at or before the time fixed for the closing of the poll under clause (26) of this Schedule; or
- (b) If anything not authorised by this Schedule is written or marked thereon by which the voter can be identified; or
- (c) If the voting paper does not in the opinion of the Returning Officer indicate the candidate for whom the elector desired to vote.

Scrutineers

(30) Any candidate for election as a producer member may, by writing under his hand addressed to the Returning Officer and delivered to him not less than 2 clear days before the closing of the poll, appoint a scrutineer for the purpose of the poll.

Result of the Election

(31) As soon as practicable after the closing of the poll the Returning Officer shall, in the presence of such scrutineers as are present, compare the numbers on the envelopes with the numbers on the roll, and shall reject any envelope not appearing to him to be issued in connection with the election or not appearing to contain the genuine voting paper of a person enrolled as a voter.

(32) The Returning Officer shall then open the remaining envelopes and reject any voting papers which in his opinion are invalid, and shall then ascertain the numbers of votes received by each candidate.

(33) When there is an equality of votes between any candidates, and the addition of a vote would entitle one of such candidates to be declared elected, the Returning Officer shall give a casting vote.

(34) Subject to the provisions of clauses (31) to (33) of this Schedule the candidate who has received the greatest number of votes shall be declared elected by the Returning Officer by notice under his hand published in the *Gazette*.

(35) The Returning Officer shall be the sole and absolute judge of the regularity and propriety of all matters connected with any election, and no election shall be called in question on the ground that a voting paper or an addressed envelope was not forwarded to any voter, or that a voting paper from any voter was not received by the Returning Officer, or that a voting paper prepared by the Returning Officer was irregular in form, or that any vote was irregularly cast, or that any voting paper was wrongly accepted or wrongly rejected, or that any other irregularity occurred in connection with any election unless, in the opinion of the Returning Officer, any such irregularity materially affected the result of the election and occurred otherwise than in good faith.

APPENDIX

NOMINATION OF PRODUCER MEMBER ON THE PORK INDUSTRY COUNCIL
To the Returning Officer, Pork Industry Council Election, Wellington.

We, the undersigned pork producers within the meaning of the Pork Industry Act 1974, hereby nominate [*Full name*], of [*Address and occupation*], with his consent, as a candidate at the election for a producer member for the Ward on the Pork Industry Council.

Dated at, this, 19....

Signature:

Address:

[*Full names and addresses of 2 pork producers.*]

I, [*Full name*], hereby consent to the above nomination.

Signature of Candidate:

THIRD SCHEDULE

Section 34

ENACTMENTS AMENDED

Title of Act	Amendment
1961, No. 5—The Dairy Board Act 1961 (Reprinted 1967, Vol. 3, p. 1695)	By omitting from paragraph (d) of subsection (1) of section 14 the words “dairy, bobby calf, and pig”, and substituting the words “dairy and bobby calf”. By omitting from paragraph (e) of the same subsection the word “pigs”, in both places where it occurs. By omitting from paragraph (a) and paragraph (b) of subsection (1) of section 39 the words “or pigs” wherever they occur. By omitting from paragraph (c) of the same subsection the words “dairy, bobby calf, or pig”, and substituting the words “dairy or bobby calf”. By omitting from paragraph (d) of the same subsection the words “or pigs”. By omitting from paragraph (f) of the same subsection the words “dairy, bobby calf, or pig”, and substituting the words “dairy or bobby calf”. By omitting from paragraph (c) of subsection (2) of section 69 the words “or pigs”.
1964, No. 71—The Meat Act 1964	By omitting from section 84 (as substituted by section 2 of the Meat Amendment Act 1973) the words “New Zealand”.