

House of Representatives, 2 December 1982.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 8 December 1982.

Words struck out are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a triple rule, or with triple rule before first line and after last line.

Right Hon. Mr MacIntyre

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PORK MARKETING BOARD

New

PORK INDUSTRY BOARD

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A BILL INTITULED

An Act to consolidate and amend certain enactments relating to pig farming and pork production and marketing, and to merge the functions of the Pork Marketing Board with those of the Pork Industry Council 5

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

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1. Short Title and commencement—(1) This Act may be cited as the Pork (*Marketing*) Industry Board Act 1982.

(2) This Act shall come into force on the 1st day of January 1983.

New

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1. Short Title, commencement, and application—(1) This Act may be cited as the Pork Industry Board Act 1982.

(2) Subject to subsection (3) and subsection (4) of this section, this Act shall come into force on the 1st day of January 1983. 20

(3) Part IIIA of this Act shall come into force on the 1st day of September 1983, and any levy fixed pursuant to that Part shall apply in respect of pigs slaughtered on licensed premises on and after the 1st day of October 1983. 25

(4) Section 37 (6) of this Act shall come into force on the 1st day of October 1983.

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

“Appointed members” means those members of the Board appointed pursuant to section 4 (2) (b), and (c) (c), and (d) of this Act: 30

“Board” means the New Zealand Pork (*Marketing*) Industry Board established by section 4 of this Act:

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“Licensed premises” means an abattoir, export slaughterhouse, or rural slaughterhouse which, in each case, is licensed under the Meat Act 1981:

“Minister” means the Minister of Agriculture:

“Pig” means any swine of the genus *Sus*, whether used for breeding or the production of pork:

“Pork” means—

5 (a) The dressed body of a slaughtered pig or any part thereof:

(b) The meat derived from a slaughtered pig, whether that meat is fresh, corned, or processed:

(c) Any edible offal taken from a slaughtered pig:

10 *New*

“Pork Industry Levy” or “levy” means the levy imposed by section 29A of this Act on each pig slaughtered in licensed premises:

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

“Pork product” means any article intended for sale, being an article used or capable of being used for human consumption and derived in whole or substantial (*or known*) quantities from pork:

20 “Producer members” means those members of the Board elected pursuant to section 4 (2) (a) of this Act:

“Purchase” means every mode of acquisition whether for valuable consideration or not; and includes acquisition by an agent for sale on consignment:

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.

Cf. 1974, No. 60, s. 2

30 **3. Act to bind the Crown**—This Act shall bind the Crown.

Cf. 1974, No. 60, s. 34

PART I

PORK (MARKETING) INDUSTRY BOARD

35 **4. Establishment of Board**—(1) There is hereby established the New Zealand Pork (*Marketing*) Industry Board.

(2) The Board shall consist of ~~(8)~~ 9 members, being—

40 (a) Five members, of whom one (or, in the case of Ward 4, 2) shall be elected for each of the wards having the names and boundaries set out in the First Schedule to this Act:

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

(c) One member, who shall be appointed by the Minister as the representative of the Government:

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(d) One member who shall be appointed by the Minister after consultation with the New Zealand Association of Bacon Curers and Meat Processors (Incorporated).

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(3) The Board 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 acts and things as bodies corporate may do and suffer.

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

(5) The Board is hereby declared to be the same body corporate as the Pork Industry Council established by section 3 of the Pork Industry Act 1974; and all references to the Pork Industry Council in any security, licence, bank account, or other document whatever which is subsisting immediately before the date of commencement of this Act, or in any notice or other communication served, given, or sent before, on, or after that date in relation to any such security, licence, bank account, or other document shall, unless the context otherwise requires, be read as references to the Board.

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Cf. 1974, No. 60, s. 3

5. Government member to represent consumers—

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(1) The Government member shall, in addition to his other functions as a member of the Board, represent the interests of consumers of pork and pork products.

(2) The person holding office as the Government member of the Pork Marketing Board (being a marketing authority constituted under regulations made pursuant to the Primary Products Marketing Act 1953) immediately before the commencement of this Act shall be deemed to be the Government member duly appointed to the Board on the commencement of this Act to represent the interests of consumers.

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

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(2) Notwithstanding subsection (1) of this section, the persons who, immediately before the commencement of this Act, were producer members elected to the Pork Industry Council (being a council of that name constituted under the 5 Pork Industry Act 1974) shall be deemed to be the first producer members elected to the Board; and each such person shall continue to hold office until the expiry of the term of office for which the person was elected or, in the case of the Chairman and Deputy Chairman, until the next annual 10 general meeting.

Cf. 1974, No. 60, s. 4

7. Terms of office of members of Board—(1) Subject to this section, each member of the Board shall hold office for a term of 3 years, but shall be eligible for reappointment or re- 15 election from time to time.

(2) Unless he sooner vacates his office under section 9 of this Act, every member shall continue in office until his successor comes into office.

(3) The 2 members of the Pork Industry Council appointed 20 by the Minister shall go out of office as at the commencement of this Act, but shall be eligible for appointment to the Board.

Cf. 1974, No. 60, s. 5

8. Deputies of members—(1) In any case in which the Minister is satisfied that any member of the Board is 25 incapacitated by illness, or absence, or other sufficient cause from performing the duties of his office, the Minister may, after consultation with the Board, 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 30 member of the Board.

(2) No appointment of a deputy shall be for a term exceeding 6 months unless the member for whom the deputy is being appointed has less than 12 months to serve before the expiry of his term, in which case the deputy may be appointed 35 to act for the remainder of that term.

(3) No such appointment of a deputy and no acts done by him as such, and no acts done by the Board, while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not 40 arisen or had ceased.

Cf. 1974, No. 60, s. 6

9. Extraordinary vacancies—(1) Any member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(2) Any member may at any time resign his office by writing addressed to the Minister. 5

(3) If any member dies, or resigns, or is removed from office, the vacancy shall be an extraordinary vacancy.

(4) In the case of an extraordinary vacancy in the office of an appointed member, the Minister may appoint some qualified person to be a member of the Board for the residue of the term for which the vacating member was appointed. 10

(5) Any such appointment shall be made in the same 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 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 Board may by resolution determine— 20

(a) That the vacancy be filled by appointment by the Board of a person qualified to be elected as a member; or

(b) That the vacancy not be filled until the next general election of producer members. 25

(7) Every person appointed pursuant to this section shall be deemed for all purposes to be a member of the Board.

Cf. 1974, No. 60, s. 7

10. Chairman and Deputy Chairman—(1) At the annual general meeting of the Board the members shall elect a Chairman and a Deputy Chairman from among its producer members, and thereafter at each annual general meeting. 30

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

(3) In the absence of the Chairman from any meeting the 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. 35

(4) At any meeting of the Board the Chairman or other person presiding shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote. 40

Cf. 1974, No. 60, s. 8

11. Meetings of Board—(1) Meetings of the Board shall be held at such times and places as the Board shall from time to time appoint; but one meeting in each financial year shall be called as the annual general meeting of the Board.

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

(3) At all meetings of the Board, ~~(4)~~ 5 members, of whom at least one shall be an appointed member, shall form a quorum.

(4) All questions arising at any meeting of the Board shall 10 be decided by a majority of the votes recorded thereon.

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

15 (6) Subject to this Act, the Board may regulate its own procedure.

Cf. 1974, No. 60, s. 9

12. Advisory and technical committees—(1) The Board may from time to time appoint advisory or technical 20 committees of one or more persons as it thinks fit to advise the Board on such matters relating to its functions and powers as are referred to them by the Board.

(2) Each advisory or technical committee may, in addition, furnish to the Board a report or reports on any matter 25 concerning the pork producing industry of which the committee, or any member or members of it, may have special knowledge or experience.

(3) A person may be appointed to be a member of any committee appointed under this section whether or not he is a 30 member of the Board.

(4) Subject to the other provisions of this Act, and to any directions given by the Board, each committee may regulate its own procedure.

Cf. 1974, No. 60, s. 10

35 **13. Remuneration and travelling allowances**—The Board may pay to its members and the members of any committee appointed by the Board, such fees, salary, allowances, and travelling allowances and expenses, as the Board by resolution from time to time determines.

40 **14. Disclosure of interests**—(1) Any member of the Board 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 Board shall, as soon as possible after the relevant facts have 45 come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under this section shall be recorded in the minutes of the Board and, except as otherwise provided by resolution of the Board, the member shall not take part after the disclosure in any deliberation or decision relating to the arrangement or agreement. 5

(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.

Cf. 1974, No. 60, s. 13 10

PART II

FUNCTIONS AND POWERS OF BOARD

15. Functions of Board—(1) The principal functions of the Board shall be—

- (a) To promote and organise the orderly development of an efficient pork producing industry in New Zealand: 15
- (b) To organise and develop, or to assist in the organisation and development, of the orderly marketing of pigs, pork, and pork products, and to promote greater efficiency in the marketing of pigs, pork, and pork products, whether the pigs, pork, or pork products are produced in New Zealand or elsewhere: 20
- (c) To ensure, as far as practicable, stability in the market for pigs and in the incomes of efficient producers of pigs: 25
- (d) To maintain and improve the quality of the stock used in the pork producing industry and the pork and pork products derived therefrom:

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- (e) To increase production of the stock used in the pork producing industry: 30

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- (e) To improve the productive ability of the stock used in the pork producing industry:

- (f) 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: 35

- (g) To ensure, as far as practicable, a supply of feedstuffs for pigs. 40

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

Cf. 1974, No. 60, s. 14

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

(2) Without limiting the generality of subsection (1) of this section, the Board shall have power to make and carry out
10 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 Board, measures for the improvement of pigs (including the testing for
15 production or quality and the development of artificial breeding), of pork, and of pork products:

(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, pork, or pork products, or to developing the classes of pigs available for production in New Zealand:

(c) To devise and carry out, or to promote the carrying out by way of grant or subsidy or otherwise, measures or research or experimental work into the marketing of pigs, pork, or pork products, or into the development and marketing of new pork products:

(d) To promote and organise, by such means as the Board thinks fit, the circulation of information relating to the pork producing industry for the benefit and guidance of persons engaged in that industry:

(e) To devise, promote, and carry out, by such means as commend themselves to the Board, measures for improvement in the husbandry and management of pigs, and in the economics of pig production:

(f) With the consent either generally or specifically of the Minister of Finance and subject to such conditions as he thinks fit, to advance money *(to pork producers)* to persons engaged in the production, processing,

40 promotion, and marketing of pork, with or without

security and at such rates of interest or at no interest as the Board thinks fit, or guarantee, with or without security and with or without making any monetary charge, any advances made by any person *(to any pork producer)* to persons engaged in the

45 production, processing, promotion, and marketing of pork, or the performance of contracts or obligations entered into by any *(pork producer)* such person so engaged:

- (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:
- (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, processing, 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: 5
- (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: 10
- (j) To promote the sale and consumption of pork and pork products, and, for this purpose, to export pigs, pork, or pork products: 20
- (k) To ensure, as far as may be practicable, a sufficiency of supply of all classes of pork and pork products to meet the full requirements of the New Zealand market and to satisfy available economic export markets: 25
- (l) To acquire pigs or pork by purchase or otherwise for purposes other than intervention in the market place:
- (m) To dispose of pigs or pork by sale or otherwise for purposes other than intervention in the market place: 30
- (n) To intervene in the marketplace, from time to time, by purchasing or selling pigs, pork, or pork products, pursuant to a scheme of intervention approved either generally in respect of all interventions or specifically in respect of any particular intervention by the Minister of Finance: 35
- (o) Subject to section 33 of this Act, to obtain, analyse, and make use of any information or particulars the Board thinks necessary. 40

Cf. 1974, No. 60, s. 15

17. Acquisition and disposal of property—Without limiting the generality of section 16 of this Act, the Board 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, hire, 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
- 15 by any individual owning such property.

Cf. 1974, No. 60, s. 16

18. Acquisition of houses for use of officers—(1) The Board 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.

25 (2) Where the Board exercises any of its powers under subsection (1) of this section, it may let the house or flat to any officer or employee of the Board for such term and at such rent and otherwise on such terms and conditions as it thinks fit.

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

Cf. 1974, No. 60, s. 17

35 **19. Board may convene conferences and pay delegate's expenses**—(1) The Board may at least once in each financial year convene a national conference of delegates representing the pork producing industry within New Zealand.

40 (2) The Board may also convene such annual or general meetings of pork producers within their respective wards as the Board thinks fit.

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

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

(5) The Board 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 Board but not exceeding the amount that would otherwise be payable under section 13 of this Act to a member of the Board if he were a delegate. 10

Cf. 1974, No. 60, s. 18

20. Delegation of powers of Board—(1) The Board may from time to time delegate in writing to any committee of the Board, or to any member, officer, or employee of the Board, any of the functions or powers of the Board 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 Board. 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 Board, 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 Board.

Cf. 1974, No. 60, s. 19

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

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

10 Cf. 1974, No. 60, s. 20

PART III

FINANCIAL PROVISIONS

22. Bank accounts—(1) For the purposes of this Act there shall be maintained, at the Bank of New Zealand or any
15 other trading bank, bank accounts into which shall be paid all
money received by the Board.

(2) The Board may from time to time open with the bank at which its accounts are kept, or with any branch or agency of that bank, such imprest or subsidiary accounts as the Board
20 thinks necessary for the exercise of its functions and powers.

(3) The Board may also from time to time establish such special funds or reserves as the Board thinks necessary for the exercise of its functions and powers.

(4) Every account under this section shall be operated
25 upon 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 Board for that purpose.

Cf. 1974, No. 60, s. 21

23. Investment of money of Board—The Board may invest any of its money not immediately required in the exercise of its functions and powers in any investment authorised as a trustee investment under the Trustee Act 1956, or in any other investment that may from time to time
35 be authorised by the Minister of Finance for the purpose, or on deposit with the Bank of New Zealand or any other trading
bank or the Post Office Savings Bank.

Cf. 1974, No. 60, s. 23

24. Borrowing powers of Board—(1) The Board 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. 5

(2) The Minister of Finance may, from time to time,—

(a) Advance money to the Board:

(b) Give, in respect of any amounts borrowed by the Board, a guarantee, indemnity, or security pursuant to section 86 of the Public Finance Act 1977. 10

(3) All money advanced by the Minister of Finance under subsection (2) (a) of this section shall be paid from money appropriated by Parliament for the purpose.

Cf. 1974, No. 60, s. 24

25. Financial year—The financial year of the Board shall end with the 30th day of September or with such other day in any calendar year as the Board, with the approval of the Minister, may determine. 15

Cf. 1974, No. 60, s. 25

26. Unauthorised expenditure—The Board may, in any financial year, expend out of the funds of the Board for purposes not authorised by this Act or any other enactment any sum or sums not amounting in the whole to more than \$5,000. 20

Cf. 1974, No. 60, s. 25

27. Audit of accounts—(1) Within 6 months after the end of each financial year or within such further period as the Minister may allow, the Board shall prepare a balance sheet and such other statements of account as are necessary to show fully the financial position of the Board, and the financial results of its operations during the year. 30

(2) The balance sheet 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 Finance Act 1977 in respect of public money and stores and the audit of local authorities' accounts. 35

Cf. 1974, No. 60, s. 27

28. Annual report and statement of accounts—(1) As soon as reasonably practicable after the end of each financial year the Board shall deliver to the Minister a general report of 40

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.

(2) A copy of the general report and of the accounts of the Board, 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.

Cf. 1974, No. 60, s. 27

29. Taxation—The Board shall be exempt from land tax and income tax.

Cf. 1974, No. 60, s. 29

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PART IIIA

PORK INDUSTRY LEVY

15 **29A. Pork Industry Levy**—(1) There is hereby imposed a levy (to be called the Pork Industry Levy) on each pig slaughtered on licensed premises (except on pigs slaughtered on licensed premises in the Chatham Islands), whether the pig is subject to the control of the Board or not.

20 (2) The levy shall form part of the funds of the Board in accordance with this Act.

(3) On or before the 1st day of October in any year the Board may fix, by notice in the *Gazette*, the rates of levy which are to be paid in the next succeeding year.

25 (4) If in any year the rates of levy are not fixed pursuant to subsection (3) of this section by the 1st day of October, the rates for the next succeeding year shall be the same as those last fixed under this section.

30 (5) Except where the Minister has given his express consent in writing, the Board shall not fix any particular rate of levy which exceeds by more than 20 percent the rate last fixed for that levy.

29B. Payment of levy—(1) The person primarily liable for the payment of the levy shall be the person who is the owner of the pig, the subject of the levy, at the time of its slaughter, but payment of the levy in the first instance shall be made pursuant to this section.

40 (2) The licensee of any licensed premises where any pig, the subject of the levy, is slaughtered shall, on a form provided for the purpose by the Director-General of Agriculture and Fisheries, make a return of every such pig in such manner and for such period as the Director-General, after obtaining the agreement of the Board, may direct.

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(3) The said Director-General shall give written notice of any levy payable to every licensee of licensed premises who has made a return under subsection (2) of this section, and the licensee shall, within 15 days after the receipt of the notice or within such extended period as the Board may allow, pay the amount of the levy or cause that amount to be paid to any bank account of the Ministry of Agriculture and Fisheries for the benefit of the Director-General or, upon application by the licensee in the particular circumstances of the case, to such office of the Ministry as the Director-General may approve.

(4) All money received by the Director-General of Agriculture and Fisheries pursuant to this section shall, subject to section 29F of this Act, be accounted for in full to the Board.

29c. Levy paid on behalf of other persons, and refunds—(1) 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.

(2) Where the Board finds in any case that any levy has been wrongfully paid, or that any levy had been overpaid, the Board shall refund, from its funds, the amount so paid or overpaid.

(3) No amount shall be refunded under this section unless the 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.

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

29d. Records relating to levy to be kept—(1) Every person who makes a return and pays a levy shall keep accurate records of the payment and full particulars of the transaction to which the payment related.

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

(3) Any member, officer, employee, or agent of the Board or Audit Office who is duly authorised in that behalf by the Board or Audit Office shall, at all reasonable times during business hours, have full and free access to all premises where

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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 any levy paid, and
5 may take copies of, or extracts from, any such records, books, accounts, documents, or other papers.

29E. Levy to constitute debt due to Board—(1) Every levy shall constitute a debt due to the Board when it becomes payable, and shall be recoverable accordingly by the Board in
10 any Court of competent jurisdiction.

(2) The provision of any information or the making of any return under section 29B of this Act shall not constitute a condition precedent to the right of the Board to assess, sue for, and recover any levy payable.

15 **29F. Crown may be reimbursed for collection of levy**—
For the purpose of reimbursing the Crown for any expenses incurred by the Director-General of Agriculture and Fisheries in collecting any levy, the Director-General may retain such amount of the levy collected by him as may be determined by
20 the Minister after consultation with the Board.

PART IV

GENERAL PROVISIONS

30. Personal liability of members—No member of the Board or of any of its committees, and no officer or employee
25 of the Board, shall be personally liable for any liability of the Board or for any act done or omitted by the Board or any of its committees, or by any member, officer, or employee of the Board in good faith in pursuance or intended pursuance of the functions or powers of the Board.

30 Cf. 1974, No. 60, s. 30

31. Officers and employees of Board—(1) The Board may from time to time, on such terms and conditions (whether as to salaries, allowances, or otherwise) as it thinks fit but subject to the provisions of the Higher Salaries Commission Act 1977, appoint such officers and employees as it considers necessary for the efficient exercise of its functions and powers.

(2) The Board 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

(3) 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 Pork Industry Council shall be deemed to become officers and employees of the Board; 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 Pork Industry Council shall be deemed to have been service as officers or employees of the Board. 10 15

Cf. 1974, No. 60, s. 31

32. Board may appoint agents—(1) The Board may from time to time employ and remove agents (whether within or outside New Zealand) for the conduct of any of its business under this Act. 20

(2) Every person appointed an agent of the Board shall keep and maintain accounts and records of all transactions relating to that agency and shall make them available for inspection at all reasonable times during business hours by any person duly authorised in that behalf by the Board. 25

(3) All accounts and records required by subsection (2) of this section to be made available for inspection shall be retained by their owner for a period of not less than 2 years.

Cf. 1974, No. 60, s. 31 (2) 30

33. Board may request information—(1) The Board may from time to time—

- (a) Request any owner or occupier of a pig production unit to supply information of a specified kind which the Board considers will assist in carrying out its functions: 35
- (b) Request the proprietor of any slaughterhouse where pigs are slaughtered or processed, the proprietor of any packing house where pork is packed or processed, the importer of any pigs, pork, or pork products, or the proprietor of a meat export store to supply such information as may be required relating to the quantities of pork or pork products processed, packed, or held by those proprietors, the number of pigs or the quantities of pork or pork products imported, and to the capacity of those proprietors' slaughterhouse, packing house, or export store. 40 45

(2) Every request made by the Board under subsection (1) of this section shall be in writing.

(3) All information received by the Board under this section shall be confidential to the Board, and may be published only where this can be done in such a manner as will prevent the identification of any person who has supplied the information.

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

- (a) Regulating and controlling the testing for production or quality of pigs:
- (b) Providing for the registration of all properties or holdings on which pigs are farmed:
- 15 (c) Licensing pork producers:
- (d) Prescribing registration fees and licensing fees:

Struck Out

(e) Providing for the imposition, payment, and disposition of levies on pigs, pork, and pork products:

20 (f) Providing for the regulation, control, or prohibition of imports of pork and pork products, and the imposition, payment, and disposition of levies on imported pork or pork products:

25 (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 \$2,000 in respect of any offences so prescribed:

30 (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.

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

Cf. 1974, No. 60, s. 32

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

- 40 (a) With intent to deceive, makes any false or misleading statement or any material omission in any statement or other communication made to the Board or to any other person for the purposes of this Act; or

(b) Without lawful excuse, fails to comply with any request, requirement, or obligation made or imposed by the Board in pursuance of its functions and powers or by this Act.

(2) Every person who commits an offence against this Act shall be liable on summary conviction to a fine not exceeding \$2,000. 5

36. 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 the boundaries of a ward. 10

(2) The Minister may for any year, on the recommendation of the Board, amend by notice in the *Gazette* any date or dates expressed in the Second Schedule to this Act to be observed in the conduct of elections for producer members of the Board (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 19 of this Act. 15

Cf. 1974, No. 60 s. 33

20

37. Amendments, repeals, and revocations—(1) Section 2 of the Primary Products Marketing Act 1953 is hereby amended by repealing paragraph (a) of the definition of the term “primary product” (as substituted by section 2 (1) of the Primary Products Marketing Amendment Act 1975 and amended by section 26 (2) (a) of the Poultry Board Act 1980). 25

(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 inserting, in its appropriate alphabetical order, the words “The Pork (*Marketing*) Industry Board Act 1982.”. 30

(3) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended—

(a) By repealing the item that relates to the Pork Industry Council (as inserted by section 12 of the Pork Industry Act 1974): 35

(b) By inserting, in its appropriate alphabetical order, the following item:

“The New Zealand Pork (*Marketing*) Industry Board 1982, No. 00—The 40
Pork (*Marketing*)
Industry Board
Act 1982.”

(4) Part II of the First Schedule to the Higher Salaries Commission Act 1977 (as substituted by section 3 of the Higher Salaries Commission Amendment Act 1980) is hereby amended—

- 5 (a) By omitting the words “The Pork Industry Council.” and “The Pork Marketing Board.”:
- (b) By inserting, after the words “The New Zealand Milk Board.”, the words “The New Zealand Pork (Marketing) Industry Board.”.

10 (5) Section 26 (2) (a) of the Poultry Board Act 1980 is hereby consequentially repealed.

Struck Out

(6) Section 44 (1) of the Meat Act 1981 is hereby consequentially amended by omitting the words “Pork
15 Industry Council” and “Council”, and substituting respectively the words “New Zealand Pork (Marketing) Industry Board” and “Board”.

- (7) The Pork Industry Act 1974 is hereby repealed.
- (8) The following regulations are hereby revoked:
- 20 (a) The Pork Marketing Board Regulations 1973:
- (b) The Pork Marketing Board Regulations 1973, Amendment No. 1:
- (c) The Pork Marketing Board Regulations 1973, Amendment No. 2.

New

25 (6) Subject to section 1 (4) of this Act, section 44 of the Meat Act 1981 is hereby consequentially amended—

(a) By repealing subsection (1); and

30 (b) By omitting from subsection (2) the words “In addition to the power conferred by subsection (1) of this section,”; and

(c) By omitting from subsection (3) the words “subsection (1) and”.

38. Dissolution of Pork Marketing Board—(1) In this section, “Pork Marketing Board” means the marketing authority of that name constituted by regulations made under the Primary Products Marketing Act 1953 (and revoked by section 37 (8) of this Act); and “Marketing Board” has the same meaning. 5

(2) The Pork Marketing Board is hereby dissolved.

(3) On the commencement of this Act—

(a) The estate and interest of the Marketing Board in any real and personal property shall vest in the Board 10 subject to all liabilities, charges, obligations, or trusts affecting that property:

(b) Any levy, fee, charge, interest, debt, or money payable to the Marketing Board shall become payable to and be recoverable by the Board: 15

(c) All liabilities, contracts, and engagements, and all rights and authorities of any nature whatever of the Marketing Board shall become liabilities, contracts, engagements, rights, and authorities of the Board:

(d) All rights, authorities, and licences granted or issued by the Marketing Board shall continue in force on the same terms and conditions on which they were granted or issued or on which they arose as if such rights, authorities, and licences had been granted or issued by the Board: 20 25

(e) All proceedings pending by or against the Marketing Board may be carried on, completed, and enforced by or against the Board:

(f) Every person who immediately before such commencement was an officer or employee of the Marketing Board shall become, without further appointment than this section, an officer or employee of the Board on and subject to the same terms and conditions of employment (including those applicable to salaries and allowances) as applied to him immediately before such commencement; and those provisions of section 31 (3) of this Act which relate to superannuation shall apply accordingly. 30 35

(4) All references to the Marketing Board in any security, licence, bank account, or other document whatever which is subsisting immediately before the date of commencement of this Act, or in any notice or other communication served, given, or sent before, on, or after that date in relation to any such security, licence, bank account, or other document shall, unless the context otherwise requires, be read as references to the Board. 40 45

(5) No registrar or any other person charged with the keeping of any books, accounts, or registers shall be obliged, solely by the provisions of this section, to change the name of the Marketing Board to that of the Board in his books, 5 accounts, or registers or in any document in his charge; but the presentation to any such registrar or other person of any instrument—

- (a) Executed or purporting to be executed by the Board; and
- 10 (b) Relating to any property held immediately before the commencement of this Act by the Marketing Board; and
- (c) Containing a recital that the property has become vested in the Board by virtue of the provisions of this 15 section—

shall, in the absence of proof to the contrary, be sufficient evidence that the property is vested in the Board.

(6) No stamp duty shall be payable on any instrument required for any purpose in relation to the vesting of any real 20 or personal property in the Board under this section.

(7) The accounts of the Board to be prepared and audited under section 27 of this Act for the financial year ending with the 30th day of September 1983 shall include the financial operations of the Marketing Board and the Pork Industry 25 Council (as constituted under the Pork Industry Act 1974) for the period that commenced on the 1st day of October 1982 and ended with the coming into force of this Act, as if the Board had been constituted on the 1st day of October 1982 and those operations were operations of the Board.

30 (8) The report of the Board for the financial year ending with the 30th day of (June) September 1983 required to be sent

to the Minister under section 28 of this Act shall include a summary of the activities of the bodies specified in subsection (7) of this section for the period that commenced on the 1st 35 day of October 1982 and ended with the coming into force of this Act.

SCHEDULES

Sections 4 (2) (b), 36 (1) FIRST SCHEDULE

NAMES AND BOUNDARIES OF WARDS

Name of Ward	Definition of Boundaries
No. 1 Ward ...	<p>... That area of the North Island, including the Counties of Mangonui, Hokianga, Whangaroa, Bay of Islands, Whangarei, Hobson, Otamatea, Rodney, 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 on the northern bank of the Waitakaruru River near where that river flows into the Firth of Thames.</p>
No. 2 Ward ...	<p>... That area of the North Island, including the Counties of Otorohanga, Waipa, Waitomo, Taumarunui, Taupo, Cook, Waikohu, Waiapu, 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.</p>

FIRST SCHEDULE—*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 6, 9 (6), 36 (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 Board.

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 or, in the case of Ward 4, for 2 producer members, 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.
7. At every election each pork producer shall be entitled to exercise the following number of votes:

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

SECOND SCHEDULE—*continued**Register of Electors and Rolls*

8. The Board 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 Board, 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 Board 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.

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.

SECOND SCHEDULE—*continued*

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 (or, in the case of Ward 4, 2 persons) as a candidate for election.

22. If in respect of any ward only one person (or, in the case of Ward 4, 2 persons) 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 (or, in the case of Ward 4, 2 persons) 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.

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.

SECOND SCHEDULE—*continued**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 (or, in the case of Ward 4, 2 candidates) 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

Cl. 18

NOMINATION OF PRODUCER MEMBER ON THE NEW ZEALAND PORK (MARKETING) INDUSTRY BOARD

To the Returning Officer, Pork (*Marketing*) Industry Board Election, Wellington.

We, the undersigned pork producers within the meaning of the Pork (*Marketing*) Industry Board Act 1982, 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 (*Marketing*) Industry Board.

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: