

1973/313

THE PORK MARKETING BOARD REGULATIONS 1973

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of December 1973

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Pork Marketing Board Regulations 1973.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Primary Products Marketing Act 1953:

“Agent” means any person (including a company) appointed by the Board to carry out in such manner and subject to such terms as the Board may decide, particular marketing functions relating to the sale of pigs and pig meat on behalf of the Board:

“Board” means the Pork Marketing Board established by these regulations:

“Marketing Account” means the principal bank account operated by the Board for the purpose of receiving all money due to the Board and from which all sums due by the Board are paid:

“Meat export store” means a store approved or deemed to have been approved by the Minister under section 63 of the Meat Act 1964 in which meat and meat products are intended to be stored in a frozen or chilled state:

“Minister” means the Minister of Agriculture and Fisheries:

“Pig meat” or “pork meat” means—

(a) Any pork carcass; and

(b) The edible part of muscle which has been severed from a pork carcass, being muscle which is skeletal or found in the tongue or diaphragm, with or without the accompanying and overlying fat together with those portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing; but does not include the muscle found in the lips, snout, or ears; and

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

“Pork carcass” means the dressed body of any slaughtered pig:

“Pork Industry Council” or “Council”, means the Pork Industry Council as constituted and operated under the Dairy Board Act 1961:

“Producer” means the owner or occupier of a farming unit in which pigs are produced for sale:

“Purchase” includes a contract for purchase, an agreement to purchase, and an offer to purchase:

“Sale” includes a contract for sale, an agreement to sell, and an offer to sell.

PART I

PORK MARKETING BOARD

3. Establishment and membership of the Pork Marketing Board—

(1) There is hereby established a marketing authority to be called the Pork Marketing Board.

(2) The Board shall consist of 7 voting members elected or appointed as follows:

- (a) Four members who shall be the persons elected from time to time as producers' representatives on the Pork Industry Council;
- (b) One member who shall be appointed by the Minister as the representative of the Government;
- (c) Two members who shall be appointed by the Minister on the recommendation of the Pork Industry Council.

4. Terms of office of members of Board—(1) The member appointed as the Government representative and the members appointed on the recommendation of the Council shall hold office for a term of 3 years and may be reappointed, except that in the case of the initial appointments the terms shall be for such periods as to allow 1 member to retire each year, the order of retirement to be decided by agreement among the members concerned or, failing agreement, by lot.

(2) Every member of the Board, unless he sooner vacates his office other than by the effluxion of time, shall continue in office until his successor comes into office.

(3) The members of the Board who are conjointly members of the Pork Industry Council shall hold office only so long as they remain members of the Council.

(4) In the case of a vacancy in the office of the Government representative the Minister shall appoint another person to fill the vacancy.

(5) In the case of a vacancy in the office of a representative appointed on the recommendation of the Pork Industry Council the Council shall recommend another person to fill the vacancy.

(6) Any member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, where such is proved to the satisfaction of the Minister, or may resign his office by giving written notice to the Minister.

(7) The powers of the Board shall not be affected by any vacancy in its membership, nor shall the proceedings of the Board be invalidated by reason only of the subsequent discovery that some defect existed in the appointment or election of any member, or that any person acting as a member of the Board was not validly a member.

5. Extraordinary vacancies—(1) If any member of the Board dies, or resigns, or is removed from office, his office shall become vacant and the vacancy shall be deemed an extraordinary vacancy.

(2) Each extraordinary vacancy shall be filled in the same manner as the vacating member was elected or appointed for the residue of the term for which the vacating member was elected or appointed.

6. Quorum—At all meetings of the Board a quorum shall consist of not fewer than 4 members, 2 of whom shall be producer members and 1 shall be an appointed member.

7. Chairman and Deputy Chairman of Board—(1) The Chairman and Deputy Chairman of the Board shall be the persons for the time being holding office as Chairman and Deputy Chairman respectively of the Pork Industry Council.

(2) In the absence of the Chairman from any meeting the Deputy Chairman shall preside, and if both should be absent, 1 of the remaining 2 producer representatives shall be appointed as acting Chairman by the members attending. The Deputy Chairman or any acting Chairman shall have the powers of the Chairman in respect of any meeting over which they may preside.

8. Meetings of the Board—(1) The first meeting of the Board shall be held at a time and place to be determined by the Chairman within 60 days of these regulations coming into force and, after the first meeting, the Board shall meet at such times and places as the Board itself may determine:

Provided that the Board shall meet at least twice in any calendar year.

(2) All questions arising at any meeting of the Board shall be determined by a majority of the valid votes cast. In the case of an equality of votes the Chairman shall have a deliberative as well as a casting vote.

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

(4) The Chairman or any 3 members may, by letter or telegram, require the Secretary of the Board to convene a special meeting of the Board not earlier than 4 clear days from the date of receipt of the requisition.

(5) Subject to the Act and these regulations the Board may regulate its procedure in such manner as it thinks appropriate.

9. Liability of members—The members of the Board shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of its operations.

10. Advisory Committees—The Board may appoint such Advisory Committees of 2 or more persons as it considers appropriate, but where any Advisory Committee includes persons who are not members of the Board, a member of the Board shall be appointed Chairman of that Committee.

11. Functions of the Board—(1) The principal functions of the Board shall be to assist in the orderly marketing of pigs and to promote greater efficiency in the marketing of pork meat whether the pigs or pork meat are produced in New Zealand or elsewhere, to promote by such means as commend themselves to the Board measures for the improvement in the standard of quality of pigs and pork meat and, in relation to Part II of these regulations, to fix basic f.o.b. prices for various classes of pork meat.

(2) The Board shall have all such powers, rights and authorities as are necessary, conducive and incidental to the carrying out of its functions.

(3) Without limiting the generality of subclause (2) of this regulation, the Board 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 promote the sale and consumption, both within New Zealand and elsewhere, of pork meat or other products derived from pigs:
 - (b) 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 pigs or pork meat:
 - (c) To ensure, as far as may be practicable, a sufficiency of supply of all classes of pork meat to meet the full requirements of the New Zealand market and to satisfy available economic export markets:
 - (d) In relation to regulation 14 of these regulations—
 - (i) The acquisition by purchase or otherwise of pigs or pork meat:
 - (ii) The disposal by sale or otherwise of pigs or pork meat.
- (4) The person appointed to the Board as the Government representative shall, in addition to his other functions, represent the interests of consumers.

PART II

PORK INDUSTRY STABILISATION PLAN

12. Pork Industry Price Stabilisation Committee—(1) For the purposes of this Part of these regulations the Board shall appoint a Committee to be known as the Pork Industry Price Stabilisation Committee.

(2) The Committee shall consist of 3 persons of whom 1 shall be a producers' representative on the Board and that person shall be the Chairman of the Committee, and 1 shall have knowledge of and experience in both the bacon curing and pig meat wholesaling industries.

(3) The Committee shall meet in February and August of each year and at such other times as the Board may direct.

(4) The function of the Committee shall be to recommend to the Board such basic prices for specified classes of pork meat as may be considered necessary to ensure the development and continuation of a stable pig production industry operating efficiently at a level necessary to provide sufficient pork meat to meet the requirements of the domestic market and to satisfy available economic export markets.

13. Committee to recommend basic prices to Board—(1) The Committee shall recommend to the Board basic f.o.b. prices per kilogram for pork meat of the following classes—

(a) Headless sides of a weight not less than 12 kg and not exceeding 25 kg, graded prime quality or choice quality:

(b) Wiltshire sides of a weight not less than 25 kg and not exceeding 35 kg, graded prime quality or choice quality:

(c) Any other classes or cuts of pork meat the Board may from time to time decide to include in the classes of pork meat for which basic f.o.b. prices should be fixed.

(2) The Committee in its consideration of the basic price to be recommended to the Board shall have regard primarily to the ruling prices for pigs over the preceding 3 years, and also to the following matters—

- (a) Fluctuations in pig population numbers over the preceding 3 years:
 - (b) The availability of dairy by-products to supply the pig producing industry:
 - (c) Selling prices for pork meat on the local and export markets:
 - (d) The availability of funds in the Marketing Account:
 - (e) The market prices for feed barley, feed wheat, and maize, in the principal growing districts:
 - (f) The market prices for all classes of protein and other feed supplements and pig feedstuffs:
 - (g) Trends in local demand for all classes of pork meat, and the stocks of pork meat available to meet the demand:
 - (h) Movements in costs of production other than the costs of feedstuffs:
 - (i) The general movement in costs and prices in New Zealand:
 - (j) Any other factors that the Committee may think relevant.
- (3) The Committee shall have regard to submissions made orally or in writing to it by any interested person or organisation.
- (4) The Committee shall make its recommendation to the Board not later than the 20th day of the month following any month in which the Committee has met to consider or review the basic f.o.b. price.
- (5) The Board, on receiving any recommendation from the Committee for the fixing of basic f.o.b. prices or for any variation in basic f.o.b. prices, shall consider the recommendation and shall, by notice in the *Gazette*, fix such basic f.o.b. prices as it may determine. The Board may from time to time and in like manner revoke any notice under this regulation.

14. Board may arrange export of pig meat—(1) Any meat exporter (including a company) may from time to time, for the purpose of allowing the Board to gain control over stocks of pork meat for export, declare to the Board on a form provided by the Board, the quantity of pork meat of each or any of the classes for which basic f.o.b. prices have been fixed held by him or it and which have been derived from pigs slaughtered within the previous 14-day period and which, in the opinion of the meat exporter, are surplus to the requirements of the domestic market and which, if exported at the best possible terms before the date on which the declaration was made, would yield a net return per kilogram less than the basic f.o.b. price fixed for that class of pork meat:

Provided that no pork meat shall be so declared unless it has been passed by an Inspector under the Meat Act 1964 as being free from disease or defect, fit for human consumption, and suitable for export.

(2) On receipt of a declaration made pursuant to subclause (1) of this regulation the Board shall assume control of the pork meat so declared and shall make such arrangements and give such directions as it may consider necessary or expedient for the acquisition, transportation, storage, and disposal, of such pork meat.

(3) The Board shall, as far as practicable, arrange that all pork meat declared to it is exported or otherwise disposed of as soon as possible after being declared, on the best terms available at the time.

(4) The Board shall arrange for payment to be made to the meat exporter concerned in respect of any meat declared under subclause (1) of this regulation at a price being the basic f.o.b. price fixed for the class or classes of meat so declared as at the date of declaration, the payment to be made within 60 days after the date of declaration.

(5) All meat declared under subclause (1) of this regulation shall be suitably identified, and shall be enclosed in polythene or stockinet or otherwise packed to the satisfaction of the Board.

(6) It shall be the responsibility of the meat exporter to hold in storage at his own cost and risk, for a period of up to 60 days, any meat declared under subclause (1) of this regulation.

(7) Without limiting the power of the Board to sell pork meat direct, the Board may appoint an agent or agents on such terms and conditions as may be agreed by the parties to sell on its behalf any pork meat declared under subclause (1) of this regulation.

(8) Notwithstanding anything to the contrary in this regulation the Board may, at the request of a meat exporter, release to him for sale on the local market stocks of pig meat previously declared by him and remaining within the control of the Board, subject to the meat exporter—

- (a) Undertaking to export at least an equivalent quantity of pork meat of a class or classes other than that of the pork meat released pursuant to this subclause; and
- (b) Paying to the Board such premium above the appropriate basic f.o.b. price as may be agreed between the Board and the exporter.

PART III

FINANCIAL

15. Pork Industry Marketing Account—(1) For the purpose of these regulations the Board shall establish with the Reserve Bank or the Bank of New Zealand an account to be known as the Pork Industry Marketing Account.

(2) There shall be paid into the Marketing Account—

- (a) Any money which may be received by the Board from the Marketing Fund of the Pig Production Department of the New Zealand Dairy Board;
- (b) Any money which the Pork Industry Council may pay to the Board pursuant to section 84 of the Meat Act 1964 (as substituted by section 2 of the Meat Amendment Act 1973);
- (c) All money derived from the operations of the Board—
within 14 days after the receipt of the money by the Board.

(3) There shall be paid out of the Marketing Account all costs, charges, and expenditure incurred by the Board in the performance of its duties and the exercise of its powers and functions under these regulations and in the administration thereof.

(4) No money shall be drawn out of the Marketing Account except by the authority of the Board. All payments shall be made by cheque or other instrument (not being a promissory note or bill) signed by the treasurer to the Board or other officer of the Board appointed for that purpose, and countersigned by a Board member, or by an officer authorised by the Board from time to time to countersign such cheques.

(5) The Board may from time to time establish within the Marketing Account such special accounts and reserves as it considers necessary or expedient for any purpose authorised by these regulations.

16. Financial year—For the purpose of section 11 of the Act the end of the financial year of the Board shall be the 30th day of September.

17. Unauthorised expenditure—The Board may in any financial year out of its income available for general purposes expend for purposes not authorised by these regulations any sum or sums not amounting in the aggregate to more than \$750.

PART IV

GENERAL

18. Board may make compositions—The Board may compound, compromise, or submit to arbitration any claim, debt, sum of money, action or demand made, owing, or brought either by or against the Board.

19. 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:

(b) Request the proprietor of a pig slaughtering and processing unit or the proprietor of a meat export store to supply information relating to stocks of pig meat held by that proprietor, and to the storage capacity of that proprietor's unit or store.

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

(3) All information received by the Board under this regulation 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 information.

20. Inspection of premises and records—(1) Any person duly authorised in that behalf by the Board shall at all reasonable times during business hours have full and free access to all premises where pig meat over which the Board has assumed control is held or stored for the purpose of inspecting those premises or that pig meat.

(2) Every person appointed an agent of the Board for the purpose of disposing of pork meat 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.

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

21. Board may acquire and dispose of livestock—The Board may, for the purpose of grazing any land over which the Board may exercise control, acquire and dispose of any livestock.

22. Offences—Every person commits an offence against these regulations who—

- (a) With intent to deceive, makes any false or misleading statement or any material omission in any declaration or other communication made to the Board or to any other person for the purpose of these regulations; or
- (b) Without lawful excuse, fails to comply with any request, requirement, obligation, or provision imposed or required to be observed by these regulations.

23. Penalties—Every person who commits an offence against these regulations shall be liable on summary conviction—

- (a) In the case of an individual, to a fine not exceeding \$400;
- (b) In the case of a body corporate, to a fine not exceeding \$2,000.

24. Notices—Any notice required to be given by the Board for the purpose of these regulations shall be sufficient if it purports to be given by or on behalf of the Board and is authenticated by the signature of the officer authorised in that behalf by the Board.

P. G. MILLEN,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations establish a Marketing Authority to be called the Pork Marketing Board. The regulations are made pursuant to the Primary Products Marketing Act 1953, and many of the powers of a Marketing Authority are derived directly from that Act.

Regulation 1 relates to the title and commencement.

Regulation 2 defines terms used in the regulations.

PART I

PORK MARKETING BOARD

Regulations 3 to 10 establish the Pork Marketing Board, and provide the general administrative framework within which the Board will work.

Regulation 11 sets out the functions of the Board. These are to assist in the orderly marketing of pigs, to promote greater efficiency in the marketing of pig meat, to improve the standard of quality of pigs and pig meat, and, as part of a floor-price scheme, to fix basic f.o.b. prices for various classes of pig meat.

PART II

PORK INDUSTRY STABILISATION PLAN

This Part of the regulations sets out the floor-price scheme.

Regulation 12 provides for a Price Stabilisation Committee which will recommend basic f.o.b. prices to the Pork Marketing Board.

Regulation 13 sets out the matters to be taken into account by the Committee in recommending prices, and provides that the Board is to fix prices by notice in the *Gazette*.

Regulation 14 provides that the Board may assume control over certain classes of pig meat for which prices have been fixed, and may export or otherwise dispose of such pig meat.

PART III
FINANCIAL

Regulations 15 to 17 relate to financial matters.

PART IV
GENERAL

Regulations 18 to 24 relate to miscellaneous matters, including offences against the regulations and penalties for any such offences.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 December 1973.

These regulations are administered in the Ministry of Agriculture and Fisheries.