

AGRICULTURE (MISCELLANEOUS PROVISIONS) BILL

EXPLANATORY NOTE

Clause 1 relates to the Bill's Short Title.

PART I

VALIDATIONS

Certain members of the New Zealand Meat Producers Board and directors of the New Zealand Wool Board must be elected by an electoral committee established for the purpose. Elected Meat Board members take office on election. Elected Wool Board directors are appointed by the Governor-General after election.

It appears that for some 25 years successive electoral committees have conducted most elections in a manner that differs materially from the manner prescribed by the regulations governing their procedures.

Clause 2 defines certain terms used in *Part I*.

Clause 3 deems to be valid the election of all present elected members of the Meat Board.

Clause 4 deems to be valid the appointment of all present appointed directors of the Wool Board who were required to be elected before appointment, and the election of one present appointed director of the Wool Board who has been elected for reappointment for a further term but not yet reappointed.

Clause 5 validates all actions of the 2 Boards, the former New Zealand Wool Board (replaced by the present board in 1978), and any other person or body, that may be open to challenge by virtue of the unlawful manner in which some members and directors of those Boards have, over the years, been elected.

PART II

AMENDMENTS TO BIOSECURITY ACT 1993

Clause 6 provides that *Part II* is to be read with the Biosecurity Act 1993 ("the principal Act").

Clauses 7 to 9 amend certain sections of the principal Act as from their enactment (26 August 1993). These sections will not, however, come into force until 1 October 1993; so the effective date of the amendments concerned is the latter day.

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Clause 7 amends section 174 of the principal Act, which saves the appointments of certain existing inspectors and officers under enactments repealed by the principal Act. The clause makes 2 amendments to the section. First, it changes from 30 June 1993 (the day before the section was originally to come into force) to 30 September 1993 (the day before the section is now to come into force) the date at which the people saved by the section are to be ascertained. Secondly, it provides that existing inspectors under the Agricultural Pests Destruction Act 1967 or the Noxious Plants Act 1978 (who are regional council employees) are to have their appointments saved as “authorised persons” employed by regional councils, rather than as inspectors (who are to be employees of the Ministry of Agriculture and Fisheries).

Clause 8 amends section 176 of the principal Act so as to change from 30 June 1993 (the day before the section was originally to come into force) to 30 September 1993 (the day before the section is now to come into force) the date at which the permits and exemptions saved by the section are to be ascertained.

Clause 9 amends section 177 of the principal Act so as to change from 30 June 1993 (the day before the section was originally to come into force) to 30 September 1993 (the day before the section is now to come into force) the date at which the notices saved by the section are to be ascertained.

Hon. J. H. Falloon

**AGRICULTURE (MISCELLANEOUS
PROVISIONS)**

ANALYSIS

Title	PART II
1. Short Title	AMENDMENTS TO BIOSECURITY ACT 1993
	6. Part to be read with Biosecurity Act 1993
	7. Transitional provision concerning inspectors, etc.
	8. Transition of import permit and exemptions
	9. Transition of notices under section 13A of Animals Act 1967
PART I	
VALIDATIONS	
2. Interpretation	
3. Validation of election of certain members of Meat Board	
4. Validation of appointment of certain directors of present Wool Board	
5. Validation of certain actions	

A BILL INTITULED

An Act to—

5 **(a) Validate the election of certain members of the New Zealand Meat Producers Board and the appointment and election of certain directors of the New Zealand Wool Board, and to validate certain actions undertaken by or in relation to those boards; and**

(b) Amend the Biosecurity Act 1993

10 BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Agriculture (Miscellaneous Provisions) Act 1993.

PART I

VALIDATIONS

15 **2. Interpretation**—In this Part of this Act, unless the context otherwise requires,—

 “The Meat Board” means the New Zealand Meat Producers Board established (as the New Zealand

Meat-producers Board) by section 2 (1) of the Meat Export Control Act 1921-22:

“The former Wool Board” means the New Zealand Wool Board established by section 3 (1) of the Wool Industry Act 1944: 5

“The present Wool Board” means the New Zealand Wool Board established by section 4 (1) of the Wool Industry Act 1977.

3. Validation of election of certain members of Meat Board—Notwithstanding that they may not have been conducted in accordance with the Meat Board Regulations 1970*, the following elections to hold office under section 2A (1) (a) of the Meat Export Control Act 1921-22 as a member of the Meat Board are hereby deemed to have been valid and effectual: 10 15

- (a) The election in March 1991 of Gavan James Herlihy, of Ranfurly:
- (b) The election in March 1992 of Richard Campbell Johnstone, of Ngaruawahia:
- (c) The election in March 1992 of David James Frith, of Wellsford: 20
- (d) The election in March 1993 of Alan Graham Grant, of Ashburton:
- (e) The election in March 1993 of John Ormond Acland, of Geraldine: 25
- (f) The election in August 1993 of Bruce William Jans, of Hastings.

4. Validation of appointment of certain directors of present Wool Board—(1) Notwithstanding that the people appointed may not have been elected for appointment in accordance with the Meat Board Regulations 1970 and the Wool Board Election Regulations 1946†, the following appointments to hold office under section 4 (2) (a) of the Wool Industry Act 1977 as a director of the present Wool Board are hereby deemed to have been valid and effectual: 30 35

- (a) The appointment on the 4th day of September 1990 of Patrick George Morrison, of Darfield:
- (b) The appointment on the 4th day of September 1990 of John Robert Massy Wills, of Napier:
- (c) The appointment on the 14th day of October 1991 of Thomas Graham Mandeno, of Tuakau: 40

*S.R. 1970/102

†S.R. 1946/17

(d) The appointment on the 14th day of October 1991 of Allan Kane, of Cromwell:

(e) The appointment on the 22nd day of September 1992 of William Woodhouse Lee, of Ward:

5 (f) The appointment on the 22nd day of September 1992 of Walter John Labes, of Tuapeka Flat.

(2) Notwithstanding that the election on the 25th day of August 1993 of Patrick George Morrison, of Darfield, to be appointed to hold office under section 4 (2) (a) of the Wool Industry Act 1977 as a director of the present Wool Board may not have been held in accordance with the Meat Board Regulations 1970 and the Wool Board Election Regulations 1946,—

15 (a) That election is hereby deemed to have been valid and effectual; and

(b) He may be appointed accordingly.

5. Validation of certain actions—(1) Every action (and failure or refusal to act), to which **subsection (2)** of this section applies is hereby deemed to be (and have been) as valid and effectual as it would be (and have been) if—

20 (a) Every purported appointment by the Governor-General, before the commencement of the Meat Export Control Amendment Act 1989, of a member of the Meat Board; and

25 (b) Every purported election under the Meat Board Regulations 1970, after the commencement of the Meat Export Control Amendment Act 1989 and before the commencement of this **Part of this Act**, of a member of the Meat Board; and

30 (c) Every purported appointment by the Governor-General, before the 7th day of February 1978, of a member of the former Wool Board; and

35 (d) Every purported appointment by the Governor-General, on or after the 7th day of February 1978 and before the commencement of this **Part of this Act**, of a director of the present Wool Board,—

had been valid and effectual.

(2) This subsection applies to every action (and failure or refusal to act), before or after the commencement of this **part of this Act**, of—

40 (a) The Meat Board, the former Wool Board, or the present Wool Board; or

(b) Any other person or body (whether corporate or unincorporate).

PART II

AMENDMENTS TO BIOSECURITY ACT 1993

6. Part to be read with Biosecurity Act 1993—This Part of this Act shall be read together with and deemed part of the Biosecurity Act 1993* (hereafter in this Part of this Act referred to as the principal Act). 5

7. Transitional provision concerning inspectors, etc.—(1) Section 174 (1) of the principal Act is hereby amended, as from its enactment,—

(a) By omitting the words “the Agricultural Pests Destruction Act 1967,”; and 10

(b) By omitting the word “June”, and substituting the word “September”.

(2) Section 174 (2) of the principal Act is hereby amended, as from its enactment, by omitting the words “June 1993 shall be deemed to have been appointed an inspector under and for the purposes of this Act”, and substituting the words “September 1993 shall be deemed to have been appointed an authorised person under section 103 (3) of this Act by the principal officer by whom that inspector was then employed”. 15 20

(3) Section 174 of the principal Act is hereby amended by adding the following subsection:

“(3) Every person duly appointed and holding office as an inspector under the Agricultural Pests Destruction Act 1967 at the close of the 30th day of September 1993 shall be deemed to have been appointed an authorised person under section 103 (3) of this Act by the principal officer by whom that inspector was then employed.” 25

8. Transition of import permits and exemptions—Section 176 of the principal Act is hereby amended, as from its enactment, by omitting the word “June”, and substituting the word “September”. 30

9. Transition of notices under section 13A of the Animals Acts 1967—Section 177 of the principal Act is hereby amended, as from its enactment, by omitting the word “June”, and substituting the word “September”. 35

*1993, No. 95