

DAIRY PRODUCTION AND MARKETING BOARD BILL

EXPLANATORY NOTE

THE purpose of this Bill is to consolidate the legislation now contained in the Dairy Board Act 1953 and the Dairy Products Marketing Commission Act 1947. The principal change effected by the Bill is to merge the bodies now known as the Dairy Board and the Dairy Products Marketing Commission into one body to be known as the Dairy Production and Marketing Board. The functions of the Dairy Board and the Commission (subject to the alterations made by the Bill) will be exercised by the Dairy Production and Marketing Board.

Part I establishes the Dairy Production and Marketing Board and prescribes its functions. The Board will consist of 13 members of whom—

- (a) Two shall be appointed by the Governor-General on the recommendation of the Minister;
- (b) Eight shall be elected by dairy companies in various wards prescribed in the Bill; and
- (c) Three shall be appointed by the New Zealand Cooperative Dairy Co. Ltd.

At present there are eight members of the Dairy Board and seven members of the Commission but some members of the Commission are also members of the Dairy Board. There are now five elected members of the Dairy Board. In order that the Board may function immediately on the commencement of the proposed Act, *clause 9* provides that the five elected members of the Dairy Board in office will be deemed to be elected members of the new Board. In addition one designated member of the Commission and two other members designated by the Minister on the nomination of the electors of prescribed wards will be deemed to be elected members of the new Board. The members deemed to be elected will remain in office for the term of their original appointment or until 1 June 1965 if not in office as a member of the Dairy Board or the Commission at the commencement of the Act.

Members will be appointed or elected for a term of four years but the first appointed members will retire in rotation. A Chairman and not more than two Deputy Chairmen will be elected annually by the Board.

The usual provisions, following the legislation replaced, as to deputies, vacancies, and meetings are contained in the Bill.

Elections will be held in six prescribed wards (instead of five as is the case of the Dairy Board) and two wards, Northern and Taranaki, will each have two members. A new ward to be known as the Eastern Ward has been constituted and consists of part of the area now contained in the South Auckland Ward. Otherwise the boundaries of the wards remain unchanged.

The functions of the Board will be those now performed by the bodies replaced. The main functions are to acquire and market dairy produce intended for export (a function now performed by the Commission) and to promote and organise the development of the dairy industry (functions now performed by the Dairy Board).

Clause 15 requires the Board to comply with the general trade policy of the Government.

Part II relates to the marketing of dairy produce intended for export and follows existing provisions of the Dairy Products Marketing Commission Act 1947.

All butter and cheese intended for export shall, when placed on a vessel or aircraft for shipment, become the property of the Board and prices fixed in accordance with the proposed Act shall thereupon become payable to the persons entitled thereto.

For the purpose of fixing prices there is established a Dairy Products Prices Authority which is the same Authority now constituted under the Dairy Products Marketing Commission Act 1947.

The Authority will consist of seven members (instead of nine as at present) of whom—

- (a) One shall be Chairman;
- (b) Three shall be nominated by the Board; and
- (c) Three shall be appointed as representatives of the Government.

At present the Authority consists of the seven members of the Commission, the Chairman, and a Government representative. In effect the balance between Government members and Board members remains the same.

A new provision in *clause 20* provides for the retirement of members, other than the Chairman, in rotation. The usual provisions relating to deputies, vacancies, and meetings are included in the Bill. These follow existing provisions.

Clause 25 requires the Authority to consult with the Minister before fixing prices.

Prices for butter and cheese will be fixed at the beginning of each season, which begins on 1 June instead of 1 August as at present.

The Authority is required, when fixing prices, to take into consideration certain matters prescribed by *clause 26 (7)*. These follow, with modifications, the existing legislation.

Clause 26 (11) provides that the price fixed in any season shall not exceed or be less than, by more than five per cent, the maximum price fixed for the previous season. At present the restriction relates only to a decrease in price.

Clause 28 relates to the disposal of any annual surplus which may arise from the sale of butter and cheese. The provision is somewhat different from the existing law and permits the disposal of up to 50 per cent of the surplus to dairy factories and the balance to a reserve account except where the reserve account is in debit for an amount greater than the annual surplus in which case not more than 25 per cent may be distributed to factories. At present any surplus is applied in equalising the price of butter and cheese

with the cost of production and if any remains it is expended "for the benefit of the dairy industry". A new provision requires the Board to have regard to the desirability of repaying any debit in the Reserve Account before making a payment to dairy factories in cases where the debit is greater than the annual surplus.

Clause 31 is new and authorises the Board to acquire and market dairy produce which has been manufactured outside New Zealand.

Clauses 32-35 contain several new provisions. Instead of the Dairy Industry Account into and from which all the income and expenditure of the Commission is now paid, there are established three accounts, namely—

- (a) The Dairy Industry Account;
- (b) The Dairy Industry Reserve Account;
- (c) The Dairy Industry Capital Account.

The Bill specifies the amounts which are to be paid into and from each particular account and makes provision for their operation. Provision is made for each account to be overdrawn with the consent of the Minister of Finance.

Clause 36 repeats, with minor modifications, the provisions of section 23 of the Dairy Products Marketing Commission Act 1947 which section is, in effect, a guarantee by the Government that the prices fixed for butter and cheese will be paid.

Part III confers on the Board further powers with respect to the dairy industry and repeats, with minor modifications, the provisions of the Dairy Board Act 1953 conferring the powers on the Dairy Board. The Board is given such powers as are necessary to carry out its functions of promoting and organising the dairy, bobby calf, and pig industries in New Zealand.

Funds for the carrying out by the Board of its powers under the Part will be provided by levies on dairy produce manufactured for sale.

Part IV contains miscellaneous provisions all of which, other than those relating to the transfer of functions to the Board, are now contained in the legislation being consolidated. The Dairy Industry Loans Council constituted under the Dairy Products Commission Act 1947 is continued and reconstituted under this Part. The Council will consist of—

- (a) Five members of the Board;
- (b) The Secretary to the Treasury; and
- (c) The Director-General of Agriculture.

At present the membership of the Council consists of three members of the Commission, three members of the Dairy Board, and the same officers of the Crown who will be members on the commencement of the proposed Act.

All assets, rights, liabilities, and obligations of the Commission or the Dairy Board will pass to the new Board.

All officers and servants of the bodies replaced by the Board will become officers and servants of the Board and their superannuation rights are preserved.

Apart from transitional provisions, no substantial change in the law is effected by this Part.

Hon. Mr Hayman

DAIRY PRODUCTION AND MARKETING BOARD

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A BILL INTITULED

An Act to consolidate and amend the law relating to the acquisition and marketing of dairy produce, to establish a New Zealand Dairy Production and Marketing Board, and to define its functions and powers

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

1. Short Title and commencement—(1) This Act may be cited as the Dairy Production and Marketing Board Act 1961. 10

(2) This Act shall come into force on the first day of September, nineteen hundred and sixty-one.

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

“Authority” means the Dairy Products Prices Authority 15 established under this Act:

“Board” means the New Zealand Dairy Production and Marketing Board established under this Act:

“Commission” means the New Zealand Dairy Products Marketing Commission established under the Dairy Products Marketing Commission Act 1947:

“Company”, when used in relation to the owner or occupier of a dairy factory, includes any person or association of persons, whether incorporated or not:

“Containers” means butter boxes, cheese crates, casein containers, and milk powder containers, either complete or in parts; and includes any thing in which any dairy produce is packed:

“Council” means the Dairy Industry Loans Council established under this Act:

“Dairy Board” means the New Zealand Dairy Board established under the Dairy Board Act 1953:

“Dairy factory” means a factory for the time being registered as a manufacturing dairy pursuant to regulations under the Dairy Industry Act 1952:

“Dairy produce” includes—

(a) Milk and cream; and

(b) Butter, cheese, and all other products of milk or cream, whether derived therefrom by manufacturing processes or otherwise:

“Minister” means the Minister of Agriculture:

“Season” means a period of twelve months ending with the thirty-first day of May in any year.

Cf. 1947, No. 2, s. 2; 1953, No. 41, s. 3; 1956, No. 56, s. 2

PART I

30 NEW ZEALAND DAIRY PRODUCTION AND MARKETING BOARD

3. New Zealand Dairy Production and Marketing Board established—(1) There is hereby established a Board, to be called the New Zealand Dairy Production and Marketing Board.

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

(a) Two members who shall be appointed by the Governor-General on the recommendation of the Minister:

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

(c) Three members who shall be appointed by the New Zealand Cooperative Dairy Company Limited.

(3) Subject to the provisions of this Act, each member of the Board elected under paragraph (b) of subsection (2) of this section shall be elected by the companies (other than the New Zealand Cooperative Dairy Company Limited) which are owners or occupiers of the dairy factories situated within the ward for which the member is to be elected.

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

Cf. 1953, No. 41, s. 3

4. Terms of office of members of Board—(1) Except as otherwise provided by this Act, every member of the Board shall be appointed or elected for a term of four years, but may from time to time be reappointed or re-elected.

(2) Notwithstanding anything to the contrary in this Act, every member of the Board, unless he sooner vacates his office under section 7 of this Act, shall continue in office until his successor comes into office.

Cf. 1953, No. 41, s. 4

5. Chairman and Deputy Chairman of Board—(1) The Chairman of the Board shall be elected by the Board among its members at the first meeting of the Board held after the commencement of this Act, and thereafter in the month of June in each succeeding year.

(2) At any time after the commencement of this Act the Board may, from among its members, elect not more than two Deputy Chairmen, and any Deputy Chairman so elected shall hold office for a term of one year from the date of his election, but may from time to time be re-elected.

Cf. 1953, No. 41, s. 5

6. Deputies of members—(1) In any case in which the Minister is satisfied that any member of the Board, appointed under paragraph (a) of subsection (2) of section 3 of this Act, is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for that member during his incapacity.

(2) In any case in which the Minister is satisfied that any member of the Board, other than a member appointed under paragraph (a) of subsection (2) of section 3 of this Act, is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may, on the recommendation of the Board in the case of an elected member, and on the recommendation of the New Zealand Cooperative Dairy Company Limited in the case of a member appointed by that company, appoint a deputy to act for that member during his incapacity.

(3) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Board appointed or elected under the same provision as the member of whom he is the deputy.

(4) No appointment of a deputy and no acts done by him as such, and no act 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 arisen or had ceased.

20 Cf. 1953, No. 41, s. 6

7. Extraordinary vacancies—(1) Any member of the Board may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice given to the Minister.

(2) 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 to be an extraordinary vacancy.

30 (3) Except as provided by section 8 of this Act, an extraordinary vacancy shall be filled by the appointment of some qualified person in the same manner as the appointment of the vacating member.

(4) Every person appointed or elected to fill an extraordinary vacancy shall be appointed or elected for the residue of the term for which the vacating member was appointed or elected.

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

40 Cf. 1953, No. 41, s. 7

8. Filling extraordinary vacancy where member elected—

(1) In the event of an extraordinary vacancy occurring in the office of any elected member of the Board, the vacancy shall be filled by an election in the manner prescribed by regulations under this Act: 5

Provided that where any such vacancy occurs within six months before the expiry of the term of office of the member whose office has become vacant, the Board may by resolution determine—

- (a) That the vacancy shall be filled by appointment by the Board of a person qualified to be elected as a member; or 10
 - (b) That the vacancy shall not be filled until the next election of members is held.
- (2) Every person appointed by the Board pursuant to this section shall for all purposes be deemed to have been elected to fill the vacancy. 15

Cf. 1953, No. 41, s. 8

9. First elective members of Board—(1) With respect to the first elective members of the Board, the following provisions shall apply: 20

- (a) The member of the Dairy Board elected for the Northern Ward constituted by section 9 of the Dairy Board Act 1953 and the member of the Commission appointed to the Commission under paragraph (c) of subsection (2) of section 3 of the Dairy Products Marketing Commission Act 1947 on the first day of August, nineteen hundred and fifty-nine, shall, if in office immediately before the commencement of this Act, be deemed to have been duly elected for the Northern Ward constituted by this Act: 25 30
- (b) A person designated by the Minister by notice in the *Gazette* on the nomination of the electors of the South Auckland Ward constituted by this Act shall be deemed to have been duly elected for the South Auckland Ward: 35
- (c) The member of the Dairy Board elected for the South Auckland Ward constituted by section 9 of the Dairy Board Act 1953 shall, if in office immediately before the commencement of this Act, be deemed to have been duly elected for the Eastern Ward: 40

- 5 (d) The member of the Dairy Board in office immediately before the commencement of this Act and elected for the Taranaki Ward constituted by section 9 of the Dairy Board Act 1953 and a person designated by the Minister by notice in the *Gazette* on the nomination of the electors of the Taranaki Ward constituted by this Act shall be deemed to have been duly elected for the Taranaki Ward constituted by this Act:
- 10 (e) The member of the Dairy Board elected for the Wellington Ward constituted by section 9 of the Dairy Board Act 1953 shall, if in office immediately before the commencement of this Act, be deemed to have been duly elected for the Wellington Ward constituted by this Act:
- 15 (f) The member of the Dairy Board elected for the Southern Ward constituted by section 9 of the Dairy Board Act 1953 shall, if in office immediately before the commencement of this Act, be deemed to have been
- 20 duly elected for the Southern Ward constituted by this Act.

(2) The term of office of every person deemed by the foregoing provisions of this section to have been elected to the Board shall expire on the date on which, but for the

25 passing of this Act, his term of office as a member of the Dairy Board or of the Commission, as the case may be, would have expired in accordance with the provisions of the Act under which he was elected or appointed:

30 Provided that the term of office of any person designated by the Minister and referred to in a notice in the *Gazette* under paragraph (b) or paragraph (d) of subsection (1) of this section shall expire on the first day of June, nineteen hundred and sixty-five.

10. Election of members—(1) A person shall be appointed

35 under the provisions of the Public Service Act 1912 to act as Returning Officer; and the Returning Officer shall make all necessary arrangements for the conduct of any election held under this Act.

(2) The costs of every election shall be paid by the Board

40 out of the Dairy Industry Levy Account.

(3) Every election under this Act shall be conducted by post and the voting papers when completed shall be posted to the Returning Officer.

(4) The Returning Officer shall compute the value of all votes received by him within the appointed time as follows: 5

(a) In respect of each company entitled to vote he shall ascertain the quantity of butterfat received by the company from its suppliers and manufactured into butter, cheese, or other manufactured product of milk or cream at any dairy factory or factories within the ward during the last preceding financial year of the company. For the purposes of this paragraph a certificate under the hand of the Government Statistician as to the quantity of butterfat received and manufactured as aforesaid at any dairy factory during the said period shall be accepted by the Returning Officer as conclusive evidence of the facts certified to: 10

(b) In determining the amount of butterfat received at any dairy factory, no account shall be taken of any butterfat received by that factory from any other dairy factory: 15

(c) The Returning Officer shall then proceed to ascertain, in accordance with the provisions of paragraph (d) of this subsection, the value, expressed in terms of tonnage votes, of the votes recorded by the several companies: 20

(d) For every two thousand pounds of butterfat received and manufactured as aforesaid by the company from its suppliers at any dairy factory or factories within the ward in the period referred to in paragraph (a) of this subsection, the company shall be entitled to one tonnage vote. 25

(5) The candidate for election for any ward who receives the greatest number of tonnage votes, ascertained in accordance with the foregoing provisions of this section, shall be deemed to be elected for that ward: 30

Provided that where an election is held for two members, the two candidates who each receive a greater number of votes than any other candidate shall be deemed to be elected. 35

(6) Except as expressly provided by this Act, every election under this section shall be conducted in accordance with regulations made under this Act. 40

Cf. 1953, No. 41, s. 9; 1958, No. 62, s. 2

11. Retirement of first appointed members—(1) With respect to the first members of the Board appointed under paragraph (a) of subsection (2) of section 3 of this Act, the following provisions shall apply:

- 5 (a) One of those members shall retire at the expiration of three years from the date of their appointment, and the other member shall retire at the end of four years from that date:
- 10 (b) The member so to retire at the end of three years shall be determined by agreement of the two members; and failing agreement the member then to retire shall be determined by lot.

(2) With respect to the first members of the Board appointed under paragraph (c) of subsection (2) of section 3 of this Act, the following provisions shall apply:

- 15 (a) One of those members shall retire at the expiration of two years from the date of their appointment, one shall retire at the expiration of three years from that date, and the other member shall retire at the expiration of four years from that date:
- 20 (b) The member so to retire at the end of two years shall be determined by agreement of the three members, and the member so to retire at the end of three years shall be determined by agreement of the two members then remaining; and failing agreement on either occasion, the member then to retire shall be determined by lot.
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12. Meetings of Board—(1) The first meeting of the Board shall be held on a day to be appointed in that behalf by the Minister.

(2) Subsequent meetings of the Board shall be held at such times and places as the Board from time to time appoints.

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

35 (4) At all meetings of the Board the quorum necessary for the transaction of business shall be seven members of whom at least one shall be a member appointed under paragraph (a) of subsection (2) of section 3 of this Act.

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

(6) In the absence of the Chairman from any meeting of the Board a Deputy Chairman shall preside:

Provided that if there is more than one Deputy Chairman, the Board shall appoint one of the Deputy Chairmen to preside. 5

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

(8) 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. 10

(9) A resolution in writing signed, or assented to by letter or telegram, 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.

(10) Subject to the provisions of this Act and of any regulations thereunder, the Board may regulate its procedure in such manner as it thinks fit. 15

Cf. 1953, No. 41, s. 10

13. Committees—(1) The Board may from time to time appoint a committee or committees, consisting of two or more persons, to advise the Board on such matters concerning the dairy industry or the production or marketing of any dairy produce as are referred to them by the Board. 20

(2) Every committee may, in addition, furnish to the Board reports on any matter concerning the dairy industry or the production or marketing of any dairy produce in respect of which the members of the committee have special knowledge or experience. 25

(3) Any person may be appointed to be a member of any committee, notwithstanding that he is not a member of the Board. 30

Cf. 1953, No. 41, s. 11

14. General functions of Board—(1) The general functions of the Board shall be—

(a) To acquire and market all butter and cheese manufactured in New Zealand and intended for export: 35

(b) To acquire and market such dairy produce, other than butter and cheese, manufactured in New Zealand and intended for export as the Board may from time to time determine: 40

- (c) To control the export of dairy produce other than dairy produce acquired and marketed by the Board:
- 5 (d) To promote and organise the orderly development of the dairy, bobby calf, and pig industries in New Zealand with a view to maintaining and improving the standard of quality of the stock or produce derived or developed from those industries and expanding production of that stock or produce, and generally ensuring, as far as may be practicable,
10 the adoption of measures and practices designed to promote greater efficiency in those industries, in furtherance of the interests and welfare of persons engaged therein:
- 15 (e) To organise and develop the orderly marketing of vells and bobby calves, pigs, and dairy stock, and, with the approval of the Minister, to take measures to promote greater efficiency in the marketing of meat derived from pigs, bobby calves, and dairy stock:
- 20 (f) To exercise and perform such functions, powers, and duties in relation to the marketing of butter and cheese in New Zealand as are conferred or imposed on it under this Act or otherwise howsoever.
- (2) It shall also be a function of the Board to report to the
25 Minister from time to time concerning—
 - (a) Trends and prospects in overseas markets in respect of dairy produce:
 - (b) Movements in costs or prices, or other factors likely to prejudice the economic stability of the dairy industry.
- 30 (3) The Board shall have all such further functions as are by this Act or otherwise conferred upon it.

Cf. 1947, No. 2, s. 11 (1), (2) ; 1953, No. 41, s. 12

- 15. Board to comply with general trade policy of Government**—In the exercise of its functions and powers under this
35 Act the Board shall comply with the general trade policy of the Government of New Zealand, and shall comply with any general or special directions given by the Minister pursuant to the policy of the Government in relation thereto.

Cf. 1947, No. 41, s. 12

PART II

MARKETING OF DAIRY PRODUCE

16. Dairy produce to which this Part of this Act applies—

- (1) This Part of this Act shall apply with respect to—
- (a) All butter and cheese that is manufactured from milk or cream delivered to a dairy factory after the commencement of this Act, and that is intended for export: 5
 - (b) All dairy produce, other than butter and cheese, that is intended for export. 10
- (2) Nothing in Part II of the Marketing Act 1936 shall apply with respect to any dairy produce to which this Part of this Act applies.

Cf. 1947, No. 2, s. 13; 1948, No. 55, s. 4 (2)

17. Powers of Board as to acquisition and marketing of dairy produce—Without limiting any of the powers conferred on the Board by this Act or otherwise howsoever, the Board shall have full authority to make and carry out such arrangements and give such directions as it thinks proper for any of the following purposes: 15 20

- (a) For the acquisition and marketing by the Board of any dairy produce to which this Part of this Act applies, and for prohibiting, restricting, and controlling the export of any such dairy produce by other persons: 25
- (b) For the handling, pooling, transport, and storage of any dairy produce to which this Part of this Act applies: 25
- (c) For the consignment of any such dairy produce that is intended for export on such terms and in such quantities as it thinks fit:
- (d) For the insurance against loss of any such dairy produce: 30
- (e) For the establishment of a fund for the purpose of meeting any loss of or damage to dairy produce acquired by the Board or for the taking of such other steps as the Board thinks fit for that purpose: 35
- (f) For the further treatment, processing, or packing of any dairy produce to which this Act applies:
- (g) For furthering the sale of any such dairy produce overseas, whether by advertising, experimental shipments, or otherwise howsoever: 40
- (h) Generally for all such matters as are necessary for the exercise of the functions and powers of the Board under this Part of this Act.

Cf. 1947, No. 2, s. 14; 1948, No. 55, s. 5 (2)

18. All butter and cheese intended for export to become property of Board—(1) All butter and cheese to which this Part of this Act applies shall, as soon as it is placed, with the concurrence of the Board, on board any vessel or aircraft
5 for export from New Zealand, become the property of the Board freed and discharged from all right, title, or interest possessed in respect thereof by any other person:

Provided that the Board may, in respect of any such butter or cheese, by notice in the *Gazette* or by notice in writing
10 given to the owner of the butter or cheese, determine that the ownership thereof shall pass to the Board at any specified time before any such shipment.

(2) Whenever any butter or cheese has become the property of the Board in accordance with subsection (1) of this section,
15 the price thereof, as fixed in accordance with this Part of this Act, shall become payable, and, after deduction therefrom of the levy (if any) payable to the Board pursuant to section 41 of this Act, shall be paid forthwith by the Board to the company or other person owning the factory in which the
20 butter or cheese was manufactured or to any other person entitled thereto:

Provided that if the price of the butter or cheese has not been fixed at the time when it becomes payable as provided
25 in this subsection, the Board may make advances on account of the amount payable, pending the ascertainment thereof, and if the amounts advanced exceed the amount ascertained to be payable, the amount of the excess shall be repayable forthwith to the Board or may be deducted by the Board from any money payable to the company or other person who
30 received the advances.

(3) Any butter or cheese which has become the property of the Board as aforesaid may be withheld from export if it is required for consumption in New Zealand, or the Board may, if it thinks fit, sell any such butter or cheese to any
35 person who undertakes to export and market it in accordance with any agreement made with the Board.

Cf. 1947, No. 2, s. 15

Dairy Products Prices Authority

19. Dairy Products Prices Authority—(1) There shall continue to be an Authority, to be known as the Dairy Products
40 Prices Authority, which shall be the same Authority as that established by the Dairy Products Marketing Commission Act 1947 and existing under the same name immediately before the commencement of this Act.

(2) After the commencement of this Act, the Authority, the members of which shall be appointed by the Governor-General on the recommendation of the Minister, shall consist of:

- (a) One member, who shall be appointed as Chairman: 5
- (b) Three members, who shall be nominated by the Board:
- (c) Three members, who shall be appointed as representatives of the Government of New Zealand.

(3) Notwithstanding the provisions of subsection (2) of this section, the members of the Authority in office at the commencement of this Act shall continue in office until their successors are appointed in accordance with this section and shall then retire from office. 10

(4) Before recommending that any person be appointed as Chairman of the Authority, the Minister shall obtain the approval of the Board to the appointment. 15

Cf. 1947, No. 2, s. 15A; 1956, No. 56, s. 9 (1)

20. Term of office of members of Authority—(1) Except as otherwise provided by this Act, every member of the Authority shall be appointed for a term of four years, but may from time to time be reappointed. 20

(2) Notwithstanding anything to the contrary in this Act, every member of the Authority, unless he sooner vacates his office under section 22 of this Act, shall continue in office until his successor comes into office. 25

(3) With respect to the first members appointed to the Authority under paragraph (b) or paragraph (c) of subsection (2) of section 19 of this Act, the following provisions shall apply:

- (a) Two of those members shall retire at the expiration of two years from the date of their appointment, two shall retire at the expiration of three years from that date, and the other two members shall retire at the expiration of four years from that date: 30
- (b) On each occasion when members retire in accordance with paragraph (a) of this subsection, one shall be a member appointed under paragraph (b) of subsection (2) of section 19 of this Act, and one shall be a member appointed under paragraph (c) of that subsection: 35 40

- (c) Each member so to retire at the end of two years shall be determined by agreement of the three members appointed in the same manner as the retiring member, and each member so to retire at the end of three years shall be determined by agreement of the two members, appointed as aforesaid, then remaining; and, failing agreement on either occasion, the member then to retire shall be determined by lot.

Cf. 1947, No. 2, s. 15c; 1956, No. 56, s. 9 (1)

- 10 **21. Deputies of members of Authority**—(1) In any case in which the Minister is satisfied that the Chairman or any other member of the Authority is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for the

- 15 Chairman or for that member during his incapacity:

Provided that the deputy of the Chairman or of a member appointed under paragraph (b) of subsection (2) of section 19 of this Act shall not be appointed otherwise than on the recommendation of the Board.

- 20 (2) In the case of the incapacity of the Chairman his deputy may or may not be one of the other members, and if the deputy of the Chairman is one of the other members some other person may be appointed to act as the deputy of that member.

- 25 (3) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Authority, and any deputy acting for the Chairman shall have all the powers of the Chairman.

- 30 (4) No appointment of a deputy and no acts done by him as such, and no act 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 arisen or had ceased.

- 22. Extraordinary vacancies**—(1) Any member of the
- 35 Authority may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice given to the Minister.

(2) If any member of the Authority dies, or resigns, or is removed from office, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

(3) An extraordinary vacancy shall be filled by the appointment of some qualified person in the same manner as the appointment of the vacating member. 5

(4) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.

(5) The powers of the Authority shall not be affected by any vacancy in the membership thereof. 10

Cf. 1947, No. 2, s. 15c; 1956, No. 56, s. 9 (1)

23. Meetings of Authority—(1) The first meeting of the Authority shall be held on a day to be appointed in that behalf by the Minister. 15

(2) Subsequent meetings of the Authority shall be held at such times and places as the Authority from time to time appoints.

(3) At all meetings of the Authority the presence of every member of the Authority, or his deputy, shall be necessary for the transaction of business. 20

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

(5) All questions before the Authority shall be decided by a majority of the valid votes recorded thereon. 25

(6) Subject to the provisions of this Act, the Authority may regulate its procedure in such manner as it thinks fit.

Cf. 1947, No. 2, s. 15D; 1956, No. 56, s. 9 (1)

24. Function of Authority—The general function of the Authority shall be to fix, in accordance with this Part of this Act, the prices which the Board is to pay for butter and cheese manufactured in New Zealand which is acquired by the Board. 30

Cf. 1947, No. 2, s. 15E; 1956, No. 56, s. 9 (1)

25. Authority to consult Minister before it fixes prices— 35
Notwithstanding anything to the contrary in this Act, the Authority shall consult with the Minister before it fixes any prices under this Act.

Cf. 1947, No. 2, s. 16A (9); 1956, No. 56, s. 11

Fixing Prices for Butter and Cheese

26. **Prices to be paid for butter and cheese**—(1) Not later than one month after the commencement of the season ending with the thirty-first day of May, nineteen hundred and sixty-three, or such later date as may be determined by the Board, the Authority shall fix the prices to be paid by the Board in respect of butter and cheese which becomes the property of the Board in that season.

(2) Not later than one month after the commencement of each season subsequent to the season ending with the thirty-first day of May, nineteen hundred and sixty-three, or such later date as may be determined by the Board, the Authority shall fix the prices to be paid by the Board in respect of butter and cheese which becomes the property of the Board in that subsequent season.

(3) Different prices may be fixed in respect of different kinds of butter or cheese, or in respect of different grades or qualities of the same kind of butter or cheese, or different prices may be fixed in respect of the same kind or grade or quality of butter or cheese by reason of the kind or quality of the packages in which the butter or cheese is contained or by reason of any other special conditions or circumstances that, in the opinion of the Authority, warrant the fixing of different prices.

(4) Without limiting the provisions of subsection (3) of this section, different prices may be fixed in respect of the same kind or grade or quality of butter or cheese according to whether or not the milk or cream used in the manufacture of the butter or cheese was produced from dairy herds which, pursuant to regulations under the Stock Act 1908, are registered as being free from tuberculosis.

(5) In fixing prices under this section, the Authority may provide for the computation and determination by the Board of such matters as the Authority thinks necessary with respect to—

(a) The amount of any deductions in price to be made in respect of insurance premiums paid or payable by the Board in connection with the insurance of butter and cheese acquired by the Board:

(b) The amount of any deduction in price to be made in respect of any money paid or payable by the Board in connection with the establishment of a fund for the purpose of reimbursing the Board for any loss of or damage to dairy produce acquired by the Board or used by the Board to reimburse itself for any such loss or damage:

- (c) The amount of any deductions in price to be made in respect of reduced costs incurred in the manufacture of unwaxed cheese as compared with the costs incurred in the manufacture of waxed cheese:
- (d) The amount of any addition or deduction in price to be made in respect of the manufacture of any butter or cheese which has been specially manufactured, prepared, or packed at the request or with the approval of the Board: 5
- (e) The allowance for loss in weight due to shrinkage that is to be made in computing the weight of any particular brand or class of cheese. 10
- (6) Any determination by the Board under subsection (5) of this section shall be final and binding on all persons concerned, and the prices payable by the Board for butter and cheese shall be deemed to be adjusted accordingly. 15
- (7) In fixing prices for butter under this section the Authority shall have regard to the following matters:
- (a) The necessity in the public interest of maintaining the stability and efficiency of the dairy industry: 20
- (b) The amount which butter and cheese acquired by the Board is realising, and market prospects for the season in respect of which prices for butter are required to be fixed:
- (c) The state of the accounts established under sub-section (1) of section 32 of this Act: 25
- (d) Any submissions made by the Board:
- (e) Any other matters deemed to be relevant.
- (8) The price for cheese fixed under this section shall be such amount as the Authority determines having regard 30 to—
- (a) The cost of manufacturing cheese as compared with the cost of manufacturing butter; and
- (b) The desirability of ensuring that dairy produce will be produced in such quantity and in such proportions as will be of the greatest benefit to the dairy industry. 35
- (9) If after the prices have been fixed in respect of any season for butter or cheese, the Authority is of the opinion that the price in respect of butter or cheese purchased by the Board should be increased, the Authority may fix a new price by way of increase. Any increase of the prices to be paid by the Board may be made to operate retrospectively from such date as the Authority thinks fit. 40

(10) Notification of the prices fixed under this section and of any increase thereof shall be published in the *Gazette*.

(11) Any price for butter under this section in respect of the season ending with the thirty-first day of May, nineteen hundred and sixty-three, shall not, by more than five per cent, exceed or be less than the maximum price for butter fixed by the Dairy Products Prices Authority under section 16A of the Dairy Products Marketing Commission Act 1947 in respect of the season ending with the thirty-first day of July, nineteen hundred and sixty-two.

(12) Any price for butter fixed under this section in respect of any season subsequent to the season ending with the thirty-first day of May, nineteen hundred and sixty-three, shall not, by more than five per cent, exceed or be less than the maximum price for butter fixed under this section in respect of any period during the last preceding season.

Cf. 1947, No. 2, s. 16A; 1956, No. 56, s. 11; 1957, No. 95, s. 2 (1)

27. Adjustment where local price not equivalent to export price—(1) If in the opinion of the Board the prices at any time paid to any dairy company as fixed pursuant to the Marketing Act 1936 in respect of butter or cheese intended for consumption in New Zealand are not equivalent to the prices that would have been paid by the Board if the butter or cheese had been acquired by the Board for export, the Board shall advise the Minister and the dairy company of its opinion and as to the extent of the difference.

(2) If the prices so paid to any dairy company are less than amounts equivalent to the prices that would have been paid by the Board, the Board shall pay to the dairy company the amount of the difference, and that amount shall be paid to the Board out of the Public Account without further appropriation than this section.

(3) If the prices so paid to any dairy company are more than amounts equivalent to the prices that would have been paid by the Board, the dairy company shall pay the amount of that difference to the Board, or the Board may deduct the same from any money payable by the Board to the dairy company, and the Board shall pay that amount into the Public Account.

(4) For the purpose of determining under subsection (1) of this section the price that would have been paid by the Board if butter or cheese had been acquired by the Board for export, any amount paid under subsection (1) of section 28 of this Act shall be deemed to be part of any such price.

5

Cf. 1947, No. 2, s. 18

28. Disposal of annual surplus—(1) Subject to the provisions of this section, if at the end of any trading period it appears to the Board that the amount obtained for butter and cheese sold beyond New Zealand by the Board during that period has exceeded the amount paid by the Board in acquiring and marketing that butter and cheese, the amount of the excess assessed by the Board (in this Part referred to as the annual surplus) shall be applied as follows:

10

(a) So much of the annual surplus as the Board thinks fit shall be paid to the dairy companies from which the butter and cheese was acquired during the trading period:

15

Provided that, except with the consent of the Minister, the amount paid under this paragraph shall not exceed fifty per cent of the annual surplus:

20

Provided also that where the Dairy Industry Reserve Account is in debit, and that debit exceeds the amount of the annual surplus, the amount paid to dairy companies under this paragraph shall be such proportion, not exceeding twenty-five per cent, of the annual surplus as the Board, having regard to the desirability of repaying any such debit as quickly as practicable, thinks fit in the circumstances:

25

(b) So much of the annual surplus as has not been expended under paragraph (a) of this subsection shall be transferred to the Dairy Industry Reserve Account.

30

(2) All payments to dairy companies authorised under paragraph (a) of subsection (1) of this section shall be paid by the Board out of the Dairy Industry Account.

35

(3) For the purposes of this Part of this Act the expression “trading period” means a period of twelve months ending with the thirty-first day of May in any year.

Cf. 1947, No. 2, s. 16B; 1956, No. 56, s. 12

29. **Marketing of milk powder**—(1) Without limiting the powers conferred on the Board by this Part of this Act or otherwise howsoever, the Board shall have authority to make arrangements with the New Zealand Cooperative Dairy
5 Company Limited (in this section referred to as the New Zealand Company) and with all other companies registered under the Cooperative Dairy Companies Act 1949 and engaged in the manufacture of milk powder (in this section referred to as the Companies) for the coordination of the marketing
10 of all milk powder manufactured in New Zealand and intended for export; and for this purpose the Board may—

(a) Join with the New Zealand Company and the Companies in setting up a committee to be known as the Milk Powder Committee consisting of three
15 members of the Board (one of whom shall be Chairman), three nominees of the New Zealand Company, and one nominee of the Companies:

(b) Agree to exercise, in relation to milk powder manufactured in New Zealand and intended for export,
20 all or any of the powers of the Board under section 17 of this Act in accordance with the recommendations of the Milk Powder Committee from time to time made to the Board.

(2) Any arrangements made under subsection (1) of this
25 section may enure for such period not exceeding six years as may be agreed upon between the Board, the New Zealand Company, and the Companies, and may be renewed from time to time for such further periods not exceeding ten years at any one time as may be agreed upon between the Board,
30 the New Zealand Company, and the Companies, and may provide that all questions arising at any meeting of the Milk Powder Committee shall be decided by a three-fourths majority of the votes of the members of that Committee and shall otherwise be upon such terms and conditions as may
35 be agreed upon between the Board, the New Zealand Company, and the Companies.

(3) Subject to the provisions of this section, the parties authorised under this section to set up the Milk Powder
40 Committee may from time to time make such arrangements as they think fit as to the term of office of members of the Committee, the appointment of deputies of members, the meetings of the Committee, and the regulation of the procedure of the Committee.

Cf. 1947, No. 2, s. 18B; 1956, No. 56, s. 14 (1)

30. Board may acquire shares in certain companies—

(1) Without limiting any of the powers conferred on the Board by this Part of this Act or otherwise howsoever, the Board may from time to time, with the prior consent in writing of the Minister of Finance, acquire or subscribe for shares or stock in any company incorporated or carrying on business in New Zealand or elsewhere and having among its objects the business of producing, processing, marketing, distributing, or promoting the sale of dairy produce. 5

(2) The Board may exercise all rights and powers as the holder of shares and stock so acquired or subscribed for by it and may advance to or deposit with a company in which shares or stock have been acquired or subscribed for by the Board as aforesaid money required by the company for carrying on its business. 10 15

(3) All money required to be paid in respect of the acquisition of or subscription for any such shares or stock or required for any such advances or deposits as aforesaid shall be paid out of the Dairy Industry Capital Account.

(4) Any shares or stock so acquired or subscribed for by the Board may be held by the Board or may be held on behalf of the Board by any member or officer of the Board: 20

Provided that no member or officer of the Board who holds any shares or stock on behalf of the Board shall vote at any meeting of any such company otherwise than in accordance with such directions as may be given by the Board. 25

(5) Any member of the Board (whether the Chairman or not) holding office as director of a company in which shares or stock have been acquired or subscribed for by the Board as aforesaid may— 30

(a) Receive from the company all the remuneration to which he may be entitled as holder of the office:

(b) Retain so much of that remuneration (if any) as the Governor-General in Council may from time to time approve. 35

(6) The Board shall in its annual report furnished under section 66 of this Act show the total sum paid out of the Dairy Industry Capital Account in respect of the acquisition of or subscription for shares or stock under this section.

(7) The Board shall in each year report to the Minister as to the operations of any such company for its then last ended financial year. No report under this subsection shall be laid before Parliament. 40

Cf. 1947, No. 2, s. 18A; 1953, No. 36, s. 3; 1960, No. 55, s. 2 45

31. Acquisition and marketing by Board of dairy produce manufactured overseas—(1) Notwithstanding anything to the contrary in this Act, the Board may acquire and market any dairy produce which has been manufactured elsewhere than in
5 New Zealand:

Provided that the Board shall consult with the Minister before it acquires or markets any dairy produce under this section.

(2) The Board shall have all such powers, rights, and
10 privileges as may reasonably be necessary or expedient to enable it to carry out its functions under this section.

Financial Provisions

32. Accounts of Board for purposes of this Part—(1) For the purposes of this Part of this Act there shall be established
15 at the Reserve Bank of New Zealand accounts to be known respectively as—

- (a) The Dairy Industry Account:
- (b) The Dairy Industry Reserve Account:
- (c) The Dairy Industry Capital Account.

(2) The Dairy Industry Account is hereby declared to be
20 the same account as that established under the same name under section 19 of the Dairy Products Marketing Commission Act 1947.

(3) As soon as practicable after the commencement of this
25 Act, there shall be transferred from the Dairy Industry Account—

(a) Into the Dairy Industry Reserve Account, the amount
30 which, immediately before the commencement of this Act, was standing to the credit of that section of the Dairy Industry Account known as Section B, or, as the case may be, the debit which, immediately before the commencement of this Act, existed in the said Section B:

(b) Into the Dairy Industry Capital Account, the debit
35 which, immediately before the commencement of this Act, existed in that section of the Dairy Industry Account known as Section C.

(4) Any money for the time being standing to the credit
40 of any of the accounts referred to in subsection (1) of this section shall, for the purposes of this Part of this Act, be deemed to be the money of the Board and any debit existing in any such account shall be deemed to be a liability of the Board.

(5) Each of the accounts referred to in subsection (1) of this section shall be operated on by cheque signed by or on behalf of the Chairman of the Board and countersigned by or on behalf of the Audit Office. For the purposes of this subsection the Board may from time to time authorise any member or officer of the Board to sign cheques on behalf of the Chairman. Until the first meeting of the Board each of the accounts established under subsection (1) of this section may be operated on in the same manner and by the same persons as the Dairy Industry Account was operated on immediately before the commencement of this Act.

(6) In addition to the accounts required to be established under subsection (1) of this section there may be opened by the Board at the Reserve Bank or at any branch or agency of the Bank of New Zealand (whether in New Zealand or elsewhere) such imprest or other subsidiary accounts as the Board may from time to time deem necessary or desirable for the purposes of this Part of this Act.

(7) Any money of the Board which is available for investment may, with the prior consent in writing of the Minister of Finance, be invested in the manner following:

- (a) In New Zealand Government securities; or
- (b) On deposit in the Bank of New Zealand; or
- (c) In any other securities that may from time to time be authorised by the Minister of Finance.

(8) The establishment and operation before the commencement of this Act of accounts within the Dairy Industry Account is hereby validated.

Cf. 1947, No. 2, ss. 19, 20

33. Dairy Industry Account—(1) There shall from time to time be payable into the Dairy Industry Account all money derived from the acquisition and marketing by the Board of any dairy produce under this Part of this Act.

(2) There may from time to time be paid out of the Dairy Industry Account:

- (a) All money payable by the Board, and all costs, charges, and expenses whatsoever incurred by the Board, in connection with the acquisition and marketing by the Board of any dairy produce under this Part of this Act:

(b) Any money which the Board and the Minister agree shall be payable out of that account for any purpose which they deem to be of benefit to the dairy industry:

5 (c) Any other money payable out of the Dairy Industry Account pursuant to this Part of this Act or to any other Act:

(d) All other money authorised by this Act to be expended by the Board and which the Board and the Minister of Finance agree should be paid from the Dairy Industry Account.

10 (3) The Reserve Bank may grant to the Board, and the Board may receive from the Reserve Bank, accommodation by way of overdraft in aid of the Dairy Industry Account, and that account may be overdrawn accordingly:

15 Provided that the amount of the accommodation by way of overdraft shall not at any time, except with the prior consent in writing of the Minister of Finance, exceed in amount the total purchase price which has been paid by the Board for dairy produce which it has acquired under this Part of this Act and which is for the time being unsold or in respect of which no part of the selling price has been received by the Board, together with the sum of the amounts paid by the Board in connection with that dairy produce for freights, storage, insurance, advertising, and salaries, and for administrative and other charges not being capital expenditure:

20 Provided also that the Reserve Bank shall be entitled to accept a certificate in writing signed by the Chairman of the Board, or some person duly authorised by him, as conclusive evidence of the amount of the aforesaid purchase price, freight, storage, insurance, advertising, and salaries, and of the administrative and other charges.

25 (4) The grant by the Reserve Bank of accommodation by way of overdraft under this section or under section 34 or section 35 of this Act shall not, for the purposes of section 14 of the Reserve Bank of New Zealand Act 1933, be deemed to be the making of unsecured loans or advances.

Cf. 1947, No. 2, ss. 19 (4), (5), 21, 22

34. **Dairy Industry Reserve Account**—(1) At the end of every trading period there shall be transferred into the Dairy Industry Reserve Account so much of the annual surplus as has not been expended under paragraph (a) of subsection (1) of section 28 of this Act.

(2) If at the end of any trading period the books of account of the Board show that for that period the Board has incurred a loss from the acquisition and marketing of dairy produce under this Part of this Act, the amount of that loss shall be transferred to the Dairy Industry Reserve Account. 5

(3) There may from time to time be paid out of the Dairy Industry Reserve Account any money which the Board and the Minister agree shall be payable for any purpose which they deem to be of benefit to the dairy industry.

(4) With the prior consent in writing of the Minister of Finance, the Reserve Bank may grant to the Board, and the Board may receive from the Reserve Bank, accommodation by way of overdraft in aid of the Dairy Industry Reserve Account, and that account may be overdrawn accordingly. 10

35. Dairy Industry Capital Account—(1) There shall from time to time be payable into the Dairy Industry Capital Account all money received by the Board in exercise of its functions under this Part of this Act and not required by this Part of this Act to be paid into the Dairy Industry Account or the Dairy Industry Reserve Account and any other money that may otherwise be lawfully payable into the Dairy Industry Capital Account. 15 20

(2) There may from time to time be paid out of the Dairy Industry Capital Account—

- (a) Any money required by the Board for the purposes of capital expenditure under this Part of this Act: 25
- (b) Any money payable out of the Dairy Industry Capital Account pursuant to this Act or any other Act:
- (c) Any money which the Board and the Minister agree shall be payable for any purpose which they deem to be of benefit to the dairy industry: 30
- (d) All other money authorised by this Act to be expended by the Board and which the Board and the Minister of Finance agree should be paid out of the Dairy Industry Capital Account. 35

(3) With the prior consent in writing of the Minister of Finance, the Reserve Bank may grant to the Board, and the Board may receive from the Reserve Bank, accommodation by way of overdraft in aid of the Dairy Industry Capital Account, and that account may be overdrawn accordingly. 40

36. Prices to be paid as required by this Part—(1) The prices fixed pursuant to this Part of this Act shall be duly paid as required by this Part of this Act.

5 (2) Without limiting the generality of the powers conferred on the Minister of Finance by sections 34 and 35 of this Act, the said Minister is hereby empowered, for the purpose of giving effect to the provisions of subsection (1) of this section—

10 (a) To consent in writing under subsection (3) of section 33 of this Act to the amount of the overdraft with the Reserve Bank of New Zealand in respect of the Dairy Industry Account being increased beyond the limit therein prescribed:

15 (b) To consent in writing under subsection (4) of section 34 of this Act to accommodation by way of overdraft being granted to the Board by the Reserve Bank in aid of the Dairy Industry Reserve Account:

20 (c) To consent in writing under subsection (3) of section 35 of this Act to accommodation by way of overdraft being granted to the Board by the Reserve Bank in aid of the Dairy Industry Capital Account:

(d) To consent under section 50 of this Act to the borrowing of money and the mortgaging or charging of any of the real or personal property of the Board:

25 (e) To advance to the Board out of the Public Account such sums as may be necessary, and on such terms and conditions not inconsistent with this Part of this Act as the Minister of Finance thinks fit to impose, which sums the said Minister is hereby authorised to advance without further appropriation than this
30 section.

(3) Where, in accordance with this Part of this Act, any money is advanced to the Board out of the Public Account or is advanced to the Board by way of overdraft in aid of any
35 of the accounts established under subsection (1) of section 32 of this Act, that money, together with all such interest as may be payable thereon, shall be repaid as soon as may be practicable to the Public Account or, as the case may be, to the Reserve Bank.

40 Cf. 1947, No. 2, s. 23; 1956, No. 56, s. 9 (6)

37. Powers of Minister of Finance unaffected by earlier exercise of other powers—The exercise by the Minister of Finance of any of the powers conferred on him by this Part of this Act shall not preclude that Minister from exercising at any time subsequently in respect of the same matter, whether in conjunction with the power previously exercised or in substitution therefor, such other of the powers so conferred on him as he may, after consultation with the Board, deem necessary or desirable; and the said Minister may make all such arrangements and give all such directions as he thinks fit in order that full effect may be given to the power so exercised.

38. Guarantees—In any case where the Minister of Finance consents to the borrowing by the Board of any sums, either by way of overdraft from the Reserve Bank or otherwise, that Minister may give such guarantees as he thinks fit in respect of the amounts borrowed by the Board.

Cf. 1947, No. 2, s. 23 (4)

PART III

FURTHER POWERS OF BOARD WITH RESPECT TO DAIRY INDUSTRY

39. Development of dairy industry—(1) Without limiting any of the powers conferred on the Board by this Act or otherwise howsoever, it is hereby declared that in the exercise of its functions the Board may from time to time—

- (a) Devise, promote, and carry out, by such means as commend themselves to the Board, measures for the improvement of dairy stock or pigs, or produce derived from dairy stock or pigs, including the testing for production or quality of dairy stock or pigs and the development of artificial breeding of dairy stock or pigs:
- (b) 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 dairy stock or pigs, or the produce derived from dairy stock or pigs, or to developing the classes of dairy stock or pigs or the classes of produce derived from dairy stock or pigs available for production in New Zealand:

- (c) Promote and organise, by such means as the Board thinks fit, the circulation of information in relation to the dairy, bobby calf, or pig industries for the benefit and guidance of persons engaged in any of those industries:
- 5 (d) Promote the sale and consumption of products derived from dairy stock or pigs, whether by advertising or giving publicity to the merits and quality thereof, or otherwise howsoever:
- 10 (e) Act in combination or association with any body of persons, whether incorporated or not and whether in New Zealand or elsewhere, that may be engaged concerned, or interested in the production, marketing, or distribution of any of the products of the agricultural, pastoral, or horticultural industries, and share the costs and expenses involved in any such combination or association, or subscribe for or otherwise acquire shares or other interests in any body corporate or other body established for the purpose of giving effect to any such combination or association, in such manner as may be mutually agreed upon:
- 15 (f) Undertake or carry out, with the prior approval of the Minister, any other act, matter, or thing in relation to the dairy, bobby calf, or pig industries which the Minister considers to be necessary or desirable in the interests of persons engaged in any of those industries.
- 20 (2) The Board shall have all such other powers and authorities as are necessary, conducive, or incidental to the performance of its functions and powers under this Part of this Act.
- 30

Cf. 1953, No. 41, s. 12 (2)

- 40. Bobby calves, containers, and zoning of supplies of milk or cream—**(1) The Board, in accordance with regulations under this Act, shall have authority to—
- 35 (a) Regulate and control the marketing of bobby calves and vells derived from bobby calves:
- (b) Regulate and control the supply of containers to the owners or occupiers of dairy factories:
- 40 (c) Promote and administer schemes providing for a system of zoning in respect of the supply of milk or cream to dairy factories or other establishments used for the receipt or storage of milk or cream.

(2) Without limiting the general powers conferred by subsection (1) of this section, it is hereby declared that regulations may be made under this Act providing for—

- (a) The establishment, constitution, and functions of committees to supervise and control the distribution and marketing of bobby calves in prescribed areas: 5
- (b) The purchase and disposal by the Board of vells derived from bobby calves at prices determined by the Board in accordance with the regulations, and for the arrangements to be made in respect of money to be provided or received in respect of any such purchase or disposal: 10
- (c) The prevention of cruelty to bobby calves:
- (d) The purchase by the Board of containers and for the exclusive right of the Board to supply containers to owners or occupiers of dairy factories: 15
- (e) The licensing of manufacturers of containers and prescribing the conditions subject to which licences may be granted, refused, renewed, or revoked:
- (f) The fixing of prices in respect of containers purchased or supplied by the Board: 20
- (g) The definition and assignment of areas from which milk or cream may be delivered to or collected by owners or occupiers of specified dairy factories or other establishments and of routes along which any such delivery or collection shall take place: 25
- (h) The resumption by any company owning or occupying a dairy factory or other establishment of shares held in the company by a person formerly supplying milk or cream to the factory or other establishment and prevented by or pursuant to the regulations from continuing any such supply: 30
- (i) Any necessary assignments or adjustments of or in respect of orders given by suppliers of milk or cream to dairy factories or other establishments on money due from the owners or occupiers of any such factories or establishments in cases where the supply of milk or cream by any person who has given any such order is, pursuant to a zoning scheme established under the regulations, diverted from one dairy factory or establishment to another during the currency of the order: 40

- (j) The assessment and payment of compensation for loss incurred to the owner of a dairy factory or other establishment prejudicially affected by the operation of regulations under this Act providing for a system of zoning in respect of the supply of milk or cream to that factory or establishment.

Cf. 1953, No. 41, s. 13

41. **Levy on dairy produce**—(1) For the purpose of providing funds to enable the Board to carry out the functions specified in paragraphs (d) and (e) of subsection (1) of section 14 of this Act and to exercise the powers conferred on the Board by this Part of this Act, there shall be paid to the Board, by way of a general levy on dairy produce manufactured for sale, such charges as may from time to time be fixed by the Board, not exceeding in any case the maximum charges that may be prescribed by regulations under this Act.

(2) Differential charges may be prescribed in respect of dairy produce exported from New Zealand and dairy produce intended for consumption in New Zealand.

Cf. 1953, No. 41, s. 14

42. **Dairy Industry Levy Account**—(1) There shall be established at the Bank of New Zealand an account to be known as the Dairy Industry Levy Account.

(2) There shall be paid into the Dairy Industry Levy Account all money received by the Board under section 41 of this Act and all other money received by the Board and not paid into any other account established under this Act.

(3) Notwithstanding the provisions of section 41 of this Act, there may from time to time be paid out of the Dairy Industry Levy Account—

- (a) All money payable by the Board in connection with the carrying out of its functions and powers under this Part of this Act:
- (b) All money payable out of the Dairy Industry Levy Account pursuant to this Act or any other Act:
- (c) All other money payable by the Board and not payable under this Act from any other account established under this Act.

(4) The Dairy Industry Levy Account shall be operated on by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Board.

43. Accounts and special funds for purposes of this Part—

(1) For the purposes of this Part of this Act the Board may establish in the name of the Board at any branch of the Bank of New Zealand such accounts as it deems necessary or convenient for the exercise of its powers and functions under this Part of this Act. 5

(2) Every such account shall be operated on by cheque signed by such person or persons as may from time to time be authorised in that behalf by the Board.

(3) The Board may from time to time establish such special funds or reserves as it deems necessary or expedient for any purpose contemplated by this Part of this Act. 10

Cf. 1953, No. 41, s. 16

44. Guarantees by Board in respect of cooperative fertiliser manufacturing companies operating in Bay of Plenty district— 15

(1) With the approval of the Minister, and subject to such conditions as he may impose, the Board may give guarantees, indemnities, or securities in respect of the payment of money or the performance of contracts or obligations by any company which operates a fertiliser works in the Bay of Plenty district and is registered as a cooperative fertiliser manufacturing company under the Cooperative Companies Act 1956. 20

(2) With the approval of the Minister, charges different from charges fixed in respect of other parts of New Zealand may be fixed under section 41 of this Act in respect of dairy produce manufactured in the area referred to in subsection (3) of this section. 25

(3) The area to which subsection (2) of this section relates is all that area in the South Auckland Ward defined in the First Schedule to this Act and all that area in the Eastern Ward defined in the said First Schedule with the exception of the Gisborne Land District and that part of the County of Wairoa which does not lie within the Gisborne Land District. 30

Cf. 1953, No. 41, s. 14A; 1955, No. 25, s. 2 35

45. Superannuation for employees of dairy companies—

(1) Subject to the approval of the Minister of Finance, the Board is hereby authorised to promote, establish, maintain, and vary a scheme for the purpose of providing payment, by the Board or the National Provident Fund Board or any other corporate body, of superannuation or retiring allowances for 40

employees, or any class or classes of employees, of companies owning or occupying dairy factories and for the time being liable for the payment of the special levy imposed under this section.

5 (2) As a contribution by companies towards the scheme there shall be paid to the Board by every company not exempt as hereinafter provided from the provisions of this section, by way of a special levy on dairy produce manu-
10 fixed by the Board, not exceeding in any case the maximum charges prescribed by regulations under this Act.

(3) Any such charges may be prescribed pursuant to this section in respect of all dairy produce or in respect of specified kinds of dairy produce only, and differential charges may be
15 prescribed in respect of different kinds of dairy produce.

(4) The proceeds of any special levy imposed under sub-section (2) of this section, and all other money payable to the Board under the scheme, shall be paid into a separate account of the Board to be called the Dairy Industry Superannuation
20 Account; and the Board may make such payments out of that account as are necessary for the purposes of the scheme.

(5) The Board may exempt any company from the operation of this section if, on or before the commencement of this Act, the company has established and maintains a scheme
25 which in the opinion of the Board is a satisfactory scheme for the purpose of providing superannuation or retiring allowances for employees of the company.

(6) The Board may, in its discretion, exempt from the operation of this section any company whose principal function
30 is not the manufacture of dairy produce in respect of which a levy is payable under this section.

(7) Any exemption under this section shall be given by the Board by notice in writing addressed to the company concerned.

35 Cf. 1953, No. 41, s. 15

46. Investment of funds of Board—Any money paid to the Board under this Part of this Act and available for investment, including any money standing to the credit of the Dairy Industry Levy Account or of the Dairy Industry Superannua-
40 tion Account or of any special fund or reserve account estab-

lished pursuant to section 43 of this Act, may from time to time be invested by the Board in any manner authorised by or under the Trustee Act 1956 or any other Act for the investment of trust funds or in such other securities as may for the time being be authorised by the Minister of Finance. 5
 Cf. 1953, No. 41, s. 17

PART IV

MISCELLANEOUS PROVISIONS

47. Officers of Board—(1) The Board may appoint such officers as it deems necessary for the efficient carrying out of its functions under this Act. 10

(2) The Board may make payments to, or subsidise, the National Provident Fund or any fund or scheme established with the approval of the Governor-General in Council for the purpose of providing superannuation or retiring allowances for its officers and servants. 15

(3) All persons who at the commencement of this Act are officers or servants of the Dairy Board or the Commission shall be deemed to become officers or servants of the Board, and for the purposes of any fund or scheme established for the purpose of providing superannuation or retiring allowances the service of any such persons as officers or servants of the Dairy Board or the Commission, as the case may be, shall be deemed to have been service as officers or servants of the Board. 20 25

Cf. 1947, No. 2, s. 24; 1953, No. 41, s. 20

48. Performance of functions by Department of Agriculture or other agent on behalf of Board—The Board may from time to time, with the consent of the Minister, arrange that any of its duties or functions under this Act may be performed on its behalf, whether in New Zealand or elsewhere, by the Department of Agriculture or by some other agent appointed for the purpose, and the Department of Agriculture is hereby authorised to act as agent for the Board. 30

Cf. 1947, No. 2, s. 27 (1) 35

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

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

(3) Any contract which, if made between private persons, may be made orally, may be similarly made by or on behalf of the Board by any member acting by direction of the Board.

(4) The Board may, by writing under its common seal,
10 empower any person, either generally or in respect of any specified matter, to execute on its behalf in any place in or beyond New Zealand, instruments under or for the purposes of this Act. An instrument executed by such an attorney on behalf of the Board shall bind the Board and if executed as
15 a deed shall have the same effect as if it were under the common seal of the Board.

(5) Notwithstanding anything to the contrary in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was
20 not made in manner provided by this section, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

Cf. 1947, No. 2, s. 28; 1953, No. 41, s. 22

50. Unauthorised expenditure—The Board may, for
25 purposes not authorised by this Act or by any other Act, in any financial year expend any sum or sums not amounting in the whole to more than five hundred pounds.

Cf. 1953, No. 41, s. 18

51. Borrowing powers of Board—The Board may, with the
30 prior consent in writing 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:

Provided that nothing in this section shall apply to any
35 borrowing by way of overdraft from the Reserve Bank of New Zealand in accordance with subsection (3) of section
33 of this Act.

Cf. 1947, No. 2, s. 29; 1953, No. 41, s. 19

52. Board may acquire and dispose of property—(1) The Board may purchase, take on lease, rent, hire, or otherwise acquire such real and personal property as in the opinion of the Board are necessary for the performance of its functions.

(2) The Board may, on such terms and conditions as it thinks fit, sell, transfer, lease, hire, or otherwise dispose of any of its real or personal property. 5

Cf. 1953, No. 41, s. 23

53. Acquisition of houses for use of officers—(1) The Board may, if in its opinion it is expedient so to do, take on lease, rent, or purchase houses, or purchase sites and erect houses, whether within or outside New Zealand, for the use of its officers or make advances, on such terms and conditions as it thinks fit, to its officers for the purpose of enabling those officers to purchase houses, whether within or outside New Zealand, for their own use. 10 15

(2) Where, pursuant to subsection (1) of this section, the Board takes on lease or rents any house, or erects or purchases any house, it may let the house unfurnished or, if the house is situated elsewhere than in New Zealand, furnish and let the house, to any officer of the Board for such term and at such rent and otherwise upon such terms and conditions as it thinks fit. 20

Cf. 1947, No. 2, s. 25; 1951, No. 10, s. 2

54. Board may insure members—The Board may from time to time enter into contracts of insurance insuring members of the Board and members of any committee appointed by the Board under section 13 of this Act against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members, and may pay the premiums payable in respect of any such contracts. 25 30

55. Board to have powers of Commission of Inquiry—For the purpose of conducting any inquiry necessary or desirable for the carrying out of any of its functions under this Act and for the purpose of obtaining any information that may be deemed necessary or of value to enable the Board to fulfil its functions, the Board shall be deemed to be a Commission appointed under the Commissions of Inquiry Act 1908 and, subject to the provisions of this Act and of any regulations under this Act, all the provisions of that Act shall apply accordingly. 35 40

Cf. 1947, No. 2, s. 17; 1948, No. 55, s. 6

56. Remuneration and travelling expenses—(1) Such remuneration by way of salary, fees, or allowances as the Minister of Finance from time to time approves, either generally or in any particular case, shall be paid by the Board
5 to—

- (a) The Chairman and any Deputy Chairman of the Board:
- (b) The Chairman of the Authority:
- (c) The other members of the Board and the Authority:
- 10 (d) The members of any committee appointed under section 13 of this Act:
- (e) The members of the Council.

(2) The Board shall pay to the members of the Board, the Authority, and the Council, and to the members of any committee appointed by the Board under section 13 of this Act,
15 such travelling expenses and allowances as may from time to time be approved by the Minister of Finance after having regard to any recommendations made in that behalf by the Board.

20 Cf. 1947, No. 2, s. 30; 1953, No. 41, s. 21; 1956, No. 56, s. 9 (7)

57. Exemption from taxation—The Board shall be exempt from land tax and, in respect of all income derived by the Board from the exercise of its functions and powers under
25 Part II of this Act, shall be exempt from income tax.

Cf. 1947, No. 2, s. 31

58. Dairy Industry Loans Council—(1) There shall continue to be a Council, to be known as the Dairy Industry Loans Council, which shall be the same Council as that
30 established by section 22A of the Dairy Products Marketing Commission Act 1947 and existing under the same name immediately before the commencement of this Act.

(2) After the commencement of this Act the Council shall consist of—

- 35 (a) Five members of the Board, who shall be appointed by the Minister on the nomination of the Board:
- (b) The Secretary to the Treasury:
- (c) The Director-General of Agriculture.

(3) Notwithstanding the provisions of subsection (2) of this section, the members of the Council in office at the commencement of this Act shall continue in office until their successors are appointed in accordance with this section and shall then retire from office.

5

Cf. 1947, No. 2, s. 22A; 1956, No. 56, s. 15

59. Term of office of members of Council—(1) Every appointed members of the Council shall hold office during the pleasure of the Minister.

(2) Any appointed member of the Council 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, or may at any time resign his office by written notice given to the Minister.

10

(3) If any appointed member of the Council dies, or resigns, or is removed from office, or ceases to be a member of the Board, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

15

(4) An extraordinary vacancy shall be filled by the appointment of some qualified person in the same manner as the appointment of the vacating member.

20

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

Cf. 1947, No. 2, s. 22B; 1956, No. 56, s. 15

60. Chairman of Council—The Chairman of the Council shall be elected by the Council from among its members at the first meeting of the Council held after the commencement of this Act.

25

61. Deputies of members—(1) In the absence from any meeting of the Council of the Secretary to the Treasury or the Director-General of Agriculture, any officer of his Department authorised by him in that behalf may attend the meeting in his stead, and while so attending shall be deemed to be a member of the Council.

30

(2) In the absence from any meeting of the Council any member appointed on the nomination of the Board, any other member of the Board authorised by the Board in that behalf may attend the meeting in his stead, and while so attending shall be deemed to be a member of the Council.

35

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

62. Meetings of Council—(1) The first meeting of the Council shall be held on a day appointed in that behalf by the Minister.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council from time to time appoints.

(3) At all meetings of the Council four members shall form a quorum.

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

(5) In the absence of the Chairman from any meeting of the Council the members present shall appoint one of their number to be the Chairman of that meeting.

(6) All questions before the Council shall be decided by a majority of the valid votes recorded thereon.

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

Cf. 1947, No. 2, s. 22c; 1956, No. 56, s. 15

63. Functions of Council—The functions of the Council shall be—

(a) To approve of loans from the Dairy Industry Capital Account, on such terms and conditions as the Council thinks fit, to any company registered under the Cooperative Dairy Companies Act 1956 or to any association of any such companies for any purpose approved from time to time in that behalf by the Minister and the Board:

(b) To approve of loans from the Dairy Industry Capital Account, on such terms and conditions as the Council thinks fit, for any purpose which the Minister and the Board agree is necessary or desirable in the interests of any primary industry.

Cf. 1947, No. 2, s. 22E; 1956, No. 56, s. 15

64. Provisions with respect to loans—(1) There shall be paid by the Board out of the Dairy Industry Capital Account all sums required for loans approved by the Council pursuant to section 63 of this Act:

Provided that no payment shall be made from the Dairy Industry Capital Account under this section if the payment would result in the total amount for the time being owing to the Board in respect of all such loans exceeding two million pounds. 5

(2) All money paid to the Board by way of the repayment of principal or the payment of interest in respect of any such loan shall be paid into the Dairy Industry Capital Account. 10

(3) The power to make loans approved by the Council is in addition to the power of investment conferred by subsection (7) of section 32 of this Act and any such loan shall be administered by the Board in accordance with the terms and conditions approved in that behalf by the Council. 15

Cf. 1947, No. 2, s. 22F; 1956, No. 56, s. 15

65. Functions of Board in connection with loans—(1) All applications for loans under section 63 of this Act shall be forwarded to the Board and referred by the Board to the Council. 20

(2) The Board shall have the function of assisting the Council, so far as any such assistance may be required by the Council in the exercise of its functions under this Act. 25

Cf. 1947, No. 2, s. 22G; 1956, No. 56, s. 15

66. Annual report and accounts to be presented to Parliament—(1) The Board shall, as soon as practicable after the thirty-first day of May in each year, furnish to the Minister a report of its proceedings and operations for the year ending with that date, together with a copy of its accounts for that year. 30

(2) A copy of the report and of the accounts shall be laid before Parliament within twenty-eight days after the same have been furnished to the Minister if Parliament is then sitting and otherwise within twenty-eight days after Parliament reassembles. 35

(3) Notwithstanding the provisions of this Act, the annual reports and accounts furnished under this section in respect of the year ending with the thirty-first day of May, nineteen hundred and sixty-two, shall relate to the period beginning
5 with the first day of August, nineteen hundred and sixty-one, and ending with the thirty-first day of May, nineteen hundred and sixty-two, in all respects as if this Act had come into force on the first day of August, nineteen hundred and sixty-one, and the functions and powers of the Dairy Board and the
10 Commission had been exercised by the Board since that date.

Cf. 1947, No. 2, s. 32

67. Audit of accounts—The accounts of the Board shall be audited by the Audit Office, which for that purpose shall have all such powers as it has under the Public Revenues Act 1953
15 in respect of public money and public stores and the audit of local authorities' accounts.

Cf. 1947, No. 2, s. 33; 1953, No. 41, s. 24

68. Offences—(1) Every person commits an offence against this Act who—

20 (a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of Part II of this Act or any regulations under this Act:

(b) With intent to deceive, makes any false or misleading
25 statement or any material omission in any communication with or application or return to the Board (whether in writing or otherwise) for the purposes of Part II of this Act or any regulations made under this Act.

(2) Every person who commits or attempts to commit,
30 or counsels, procures, aids, abets, or incites any other person to commit any offence against this Act, or against any regulations made under this Act, shall, where no other penalty is specifically prescribed, be liable on summary conviction to a fine not exceeding two hundred pounds, in the case of an
35 individual, and in the case of a company or other corporation, to a fine not exceeding one thousand pounds.

(3) Any prosecution for an offence against this Act, or against any regulations as aforesaid, may be instituted at any time within one year after the commission of the offence.

40 Cf. 1947, No. 2, s. 35

69. Regulations—(1) The Governor-General may from time to time, by Order in Council, in accordance with recommendations made by the Board to the Minister, make regulations in regard to any matter or for any purpose for which regulations are prescribed or contemplated by this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof. 5

(2) Without limiting the general power conferred by subsection (1) of this section, it is hereby declared that regulations may be made under this section for all or any of the following purposes: 10

- (a) Prescribing the maximum amount of the general levies that may be imposed on dairy produce intended for consumption in New Zealand and on dairy produce intended to be exported from New Zealand for the purposes of section 41 of this Act, and the methods to be adopted in the collection of any such levies: 15
 - (b) Prescribing the maximum amount of the special levies that may be imposed on dairy produce manufactured for sale for the purposes of section 45 of this Act, and the methods to be adopted in the collection of any such levies: 20
 - (c) Regulating and controlling the testing for production or quality of dairy cattle or pigs: 25
 - (d) Regulating the amounts, grades, or qualities of butter or cheese which may be manufactured for consumption in New Zealand:
 - (e) Regulating the distribution and sale of butter or cheese in New Zealand, and authorising the Board to acquire for resale in New Zealand, or to sell, any butter or cheese: 30
 - (f) Licensing persons engaged in the business of distributing or selling (otherwise than by retail) butter or cheese intended for consumption in New Zealand: 35
 - (g) Obtaining any information or particulars that may be required for the effective performance of the functions of the Board under this Act:
 - (h) Prescribing offences against the regulations. 40
- (3) On the coming into force of any regulations made for the purposes of paragraph (e) of subsection (2) of this section, the provisions of section 21 of the Marketing Act 1936 shall, to the extent to which they are contrary to the regulations, cease to apply with respect to butter and cheese to which the regulations apply. 45

(4) Regulations made under this section may be so made as to apply generally throughout New Zealand or within any specified part or parts thereof, or within the whole of New Zealand except such part or parts as may be specified in the 5 regulations.

(5) All regulations made under this section shall be laid before Parliament.

Cf. 1947, No. 2, s. 34; 1953, No. 41, s. 25

70. Vesting of property of Dairy Board and Commission—

10 (1) All real and personal property, whether in New Zealand or elsewhere, which immediately before the commencement of this Act was vested in or belonged to the Dairy Board or the Commission is hereby vested in the Board without conveyance, transfer, or assignment and, subject to the provisions of this 15 Act, shall be held by the Board for the same purposes it was held immediately before the commencement of this Act.

(2) The District Land Registrar, on a written request by the Board and on payment of the appropriate fee, shall, with respect to land in New Zealand, make such entries in his 20 registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of this section.

71. Board to assume all rights, obligations, and liabilities of Dairy Board and Commission—

25 (1) Subject to the provisions of this Act, all rights, obligations, and liabilities which immediately before the commencement of this Act were vested in or imposed on the Dairy Board or the Commission shall be deemed to be the rights, obligations, and liabilities of the Board.

30 (2) All references to the Dairy Board or the Commission in any Act, regulation, order, or other enactment or in any agreement, deed, instrument, application, notice, or other document whatsoever shall, unless the context otherwise requires, be read as references to the Board.

35 **72. Transitional provisions—**(1) Notwithstanding the provisions of the Dairy Products Marketing Act 1947, the price for butter and cheese fixed by the Authority under that Act in respect of the season ending with the thirty-first day of July, 40 nineteen hundred and sixty-two, shall apply only to the period commencing with the first day of August, nineteen hundred and sixty-one, and ending with the thirty-first day of May, nineteen hundred and sixty-two.

(2) For the purpose of enabling any property or assets of the Commission situate outside New Zealand to be transferred to or vested in the Board, the Commission shall be deemed to have retained its corporate identity for a period of thirty days after the commencement of this Act and for that purpose the Commission is hereby authorised and empowered during that period to execute such documents, pass such resolutions, and do all such acts and things as may be necessary to the same extent as if this Act had not come into force until the expiration of the said period of thirty days. 5
10

(3) The Board may make all such adjustments to and entries in its books of account and records as will enable it to give effect to the provisions of this section.

73. Repeals and savings—The enactments specified in the Third Schedule hereto are hereby repealed. 15

SCHEDULES

FIRST SCHEDULESection 3 (2) (b)

NAMES AND BOUNDARIES OF WARDS

Name of Ward	Definition of Boundaries
South Auckland Ward	All that portion in the North Auckland Land District not included in the Northern Ward, the whole of the Auckland Land District (with the exception of the Counties of Tauranga and Whakatane and that part of the County of Waitomo lying within ten miles from the right bank of the mouth of the Mokau River), and the whole of the Counties of Ohura and Kaitieke.
Eastern Ward	The whole of the Gisborne Land District, that part of the County of Wairoa which does not lie within the Gisborne Land District, and the Counties of Tauranga and Whakatane.
Wellington Ward	The whole of the Wellington Land District (with the exception of the County of Kaitieke, the Chatham Islands, and that part of the said district included in the Taranaki Ward), together with the whole of the Hawke's Bay Land District (with the exception of that part of the County of Wairoa included in that district), the Marlborough Land District, and the Nelson Land District (with the exception of the Counties of Buller and Inangahua).
Southern Ward	That portion of the South Island of New Zealand which is not included in the Wellington Ward, together with Stewart Island and the Chatham Islands.

Section 3 (2) (b)SECOND SCHEDULE

NAMES AND BOUNDARIES OF WARDS

Name of Ward	Definition of Boundaries
Northern Ward	All that portion of the North Auckland Land District lying northwards of the southern boundary of the County of Waitemata.
Taranaki Ward	The whole of the Taranaki Land District with the exception of the County of Ohura, together with that portion of the County of Waitomo not included in the South Auckland Ward, and together with that portion of the Wellington Land District lying north of the Waitotara River from its mouth to its junction with the boundary of the Taranaki Land District.

THIRD SCHEDULESection 73

ENACTMENTS REPEALED

- 1937, No. 17—The Finance Act 1937: Part III. (1957 Reprint, Vol. 3, p. 803.)
- 1942, No. 14—The Finance Act (No. 2) 1942: Section 2.
- 1947, No. 2—The Dairy Products Marketing Commission Act 1947. (1957 Reprint, Vol. 3, p. 771.)
- 1947, No. 45—The Finance Act (No. 2) 1947: Section 5. (1957 Reprint, Vol. 3, p. 803.)
- 1948, No. 35—The Finance Act 1948: The Schedule, so far as it relates to the Dairy Products Marketing Commission Act 1947.
- 1948, No. 55—The Dairy Products Marketing Commission Amendment Act 1948. (1957 Reprint, Vol. 3, p. 804.)
- 1950, No. 10—The Dairy Products Marketing Commission Amendment Act 1950. (1957 Reprint, Vol. 3, p. 805.)
- 1951, No. 10—The Dairy Products Marketing Commission Amendment Act 1951. (1957 Reprint, Vol. 3, p. 805.)
- 1953, No. 36—The Dairy Products Marketing Commission Amendment Act 1953. (1957 Reprint, Vol. 3, p. 806.)
- 1953, No. 41—The Dairy Board Act 1953. (1957 Reprint, Vol. 3, p. 729.)
- 1955, No. 25—The Dairy Board Amendment Act 1955. (1957 Reprint, Vol. 3, p. 745.)
- 1956, No. 56—The Dairy Products Marketing Commission Amendment Act 1956. (1957 Reprint, Vol. 3, p. 806.)
- 1957, No. 46—The Dairy Board Amendment Act 1957. (1957 Reprint, Vol. 3, p. 745.)
- 1957, No. 93—The Income Tax Assessment Act 1957: The Third Schedule, so far as it relates to the Dairy Products Marketing Commission Act 1947.
- 1957, No. 95—The Dairy Products Marketing Commission Amendment Act 1957. (1957 Reprint, Vol. 3, p. 808.)
- 1958, No. 62—The Dairy Board Amendment Act 1958.
- 1958, No. 111—The Dairy Products Marketing Commission Amendment Act 1958.
- 1960, No. 55—The Dairy Products Marketing Commission Amendment Act 1960.