

MEAT EXPORT CONTROL AMENDMENT BILL

EXPLANATORY NOTE

THE main purpose of this Bill is to provide for the diversion of the sale of lamb to those markets most beneficial to the New Zealand meat industry. For this purpose provision is made for the establishment of a joint committee consisting of equal numbers of representatives of the Meat Producers Board and of exporters of meat.

The proposed legislation is presented as an amendment to the Meat Export Control Act 1921-22.

Clause 2 defines terms used in the Bill.

Clause 3 establishes a Committee, to be called the Market Development Committee, consisting of ten members of whom five shall be nominated by the Board and five nominated by meat exporters. Of the five members nominated by exporters, three shall be nominated by owners of export slaughterhouses operated primarily for the slaughter of stock owned by them, one by owners of export slaughterhouses operated primarily for the slaughter of stock not owned by them, and one by exporters of meat who do not own export slaughterhouses.

Clause 4 provides that members of the Committee will be appointed for a term of three years and will be eligible for reappointment.

Clause 5 prescribes the circumstances creating a vacancy in the membership of the Committee and provides for the filling of vacancies.

Clause 6 provides for the appointment of deputies of members who will act as members of the Committee during the absence of members for whom they are deputies.

Clause 7 provides for meetings of the Committee. Seven members shall form a quorum. The Chairman shall have a deliberative vote but, in the case of an equality of votes, shall not have a casting vote.

Clause 8 provides for the election by the Committee of a Chairman and a Deputy Chairman. Only members nominated by the Board shall be eligible for election as Chairman or Deputy Chairman.

Clause 9 provides for the payment of fees and travelling allowances to members of the Committee.

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Price 1s.

Clause 10 prescribes the functions of the Committee. The principal functions of the Committee will be to make inquiries and take necessary steps for the purpose of devising and implementing schemes for the diversification of markets for New Zealand lamb.

The Committee is required, before the commencement of each lamb killing season, to recommend to the Board the markets to which New Zealand lamb should be exported in the ensuing year, the maximum rate which it considers should be fixed in respect of the market development levy, the terms and conditions on which the levy shall be payable, and such other proposals as it considers necessary for the purpose of fulfilling its functions.

Clause 11 authorises and directs the Board to give such directions and make such arrangements as may be necessary to give effect to any recommendation of the Committee. The Board may refer any recommendation to the Committee for further consideration. If the Committee fails to make any necessary recommendation (either initially or after further consideration) the Board may itself take the necessary steps, and for that purpose exercise any function or power of the Committee.

Clause 12 provides for the payment of a market development levy. The levy will be payable by those persons who fail to comply with directions of the Board under *clause 11*. Payment of the levy will absolve a person from compliance with the direction of the Board but the Board is not bound to demand payment if it considers that payment is not justified in the circumstances.

Clause 13 provides for appeals against demands to pay a market development levy. The appeal will be to a person agreed upon by the Board and the appellant or, failing agreement, to arbitration under the Arbitration Act 1908.

No appeal shall lie except on the grounds that the payment is not in accordance with a determination of the Board in accordance with the Act or that, due to circumstances beyond the control of the appellant, it was not reasonably possible to comply with the directions of the Board. The decision on any appeal shall be final.

Clause 14 provides for the delegation of any powers or functions of the Board under the Bill to the Committee.

Clause 15 authorises the Meat Producers Board to purchase shares and other interests in companies carrying on operations relating to the promotion of the sale or the advertisement of New Zealand meat. The particular investment in respect of which the Board requires authority is the purchase of shares in a company publishing a journal promoting the sale of New Zealand meat. This clause is not related to the previous provisions relating to market diversification.

Hon. Mr Talboys

MEAT EXPORT CONTROL AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Meat Export Control Act 1921-22

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

1. Short Title—This Act may be cited as the Meat Export Control Amendment Act 1966, and shall be read together with and deemed part of the Meat Export Control Act 1921-22* (hereinafter referred to as the principal Act).

*1957 Reprint, Vol. 9, p. 489
Amendments: 1959, No. 52; 1960, No. 71; 1962, No. 85; 1962, No. 142;
1965, No. 33

Lamb Market Diversification

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

“Committee” means the Market Development Committee established under this Act: 5

“Export slaughterhouse” means an export slaughterhouse licensed as such under the Meat Act 1964:

“Lamb” means meat derived from sheep slaughtered before attaining maturity and intended to be sold as lamb: 10

“Minister” means the Minister of Agriculture.

3. Market Development Committee—(1) There is hereby established a Committee to be called the Market Development Committee.

(2) The Committee shall consist of ten members appointed 15 by the Minister of whom—

(a) Five members shall be nominated by the Board:

(b) Five members shall represent exporters of meat of whom—

(i) Three shall be nominated by the owners of 20 export slaughterhouses who operate those slaughterhouses primarily for the purpose of slaughtering therein stock owned by them and the meat from which they intend to export from New Zealand;

(ii) One shall be nominated by the owners of 25 export slaughterhouses who operate those slaughterhouses primarily for the purpose of slaughtering stock not owned by them and the meat from which is intended to be exported from New Zealand; and

(iii) One shall be nominated by those persons who 30 export from New Zealand meat derived from stock which they own at the time of slaughter but none of whom hold an export slaughterhouse licence under the Meat Act 1964.

4. Term of office of members of the Committee—(1) Every 35 member of the Committee shall be appointed for a term of three years but may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in this Act, every member of the Committee, unless he sooner vacates his office under section 5 of this Act, shall continue to hold office 40 until his successor comes into office.

5. Extraordinary vacancies—(1) Any member of the Committee 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.

5 (2) The office of a member of the Committee shall become vacant and the vacancy shall be deemed an extraordinary vacancy if he—

(a) Dies; or

10 (b) Resigns his office by written notice given to the Minister;
or

(c) Is removed from office.

(3) An extraordinary vacancy shall be filled in the manner in which the appointment to the vacant office was made.

15 (4) The person appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which the vacating member was appointed.

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

6. Deputies of members—(1) Every member of the Committee may from time to time and at any time by notice in writing to the Committee appoint some fit and proper person (not being a member of the Committee) to be his deputy to act for him while he is a member of the Committee and during his absence from any meeting of the Committee, and
25 any such deputy so appointed shall, while he acts as such, be deemed for all purposes to be a member of the Committee:

Provided that the Deputy of the Chairman shall not, in the absence of the Chairman, act as Chairman of the Committee.

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

7. Meetings and proceedings of the Committee—(1) Meetings of the Committee shall be held at such times and places as the Committee or the Chairman from time to time determines.

(2) At all meetings of the Committee seven members shall form a quorum.

40 (3) The Chairman shall preside at all meetings of the Committee at which he is present. In the absence from any meeting of the Chairman and the Deputy Chairman, the members present shall appoint one of their number to be Chairman at that meeting.

(4) At any meeting of the Committee the Chairman shall have a deliberative vote but, in the case of an equality of votes, shall not have a casting vote.

(5) Subject to the provisions of this Act and of any regulations under the principal Act, the Committee may regulate its procedure in such manner as it thinks fit. 5

8. Chairman and Deputy Chairman of Committee—

(1) The Committee shall from time to time elect from among those of its members nominated by the Board a Chairman and a Deputy Chairman. 10

(2) Any person elected as Chairman or Deputy Chairman shall, unless he sooner vacates that office, continue as Chairman or Deputy Chairman until the expiration of the current term of his appointment to the Committee and may thereafter, subject to reappointment, be re-elected. 15

(3) During any vacancy in the office of Chairman, or in the absence of the Chairman from any meeting of the Committee, or in the event of the Chairman being incapacitated by illness or other cause from performing the duties of his office, the Deputy Chairman shall have and may exercise all the powers of the Chairman. 20

9. Remuneration and travelling allowances—(1) The Committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) The Board shall pay to the members of the Committee remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 25

10. Functions of the Committee—(1) The principal functions of the Committee shall be— 30

(a) To consider the availability of markets outside New Zealand for the export of lamb produced in New Zealand:

(b) To consider the quantities of grades, classes, and types of lamb which might be exported from New Zealand to any specific market or markets and the prices at which the lamb might be sold during any specific period or periods: 35

- (c) To co-ordinate the activities of operators of export slaughterhouses for the purpose of facilitating the implementation of any direction given by the Board under this Act:
- 5 (d) To co-ordinate the activities of persons exporting lamb from New Zealand for the purpose of facilitating the implementation of any direction given by the Board under the provisions of this Act:
- 10 (e) To make inquiries and recommendations to the Board on any matters concerning this Act:
- (f) To exercise such powers, duties, and functions as may be delegated to it by the Board under this Act:
- (g) To exercise such other powers or functions as may from time to time be prescribed by regulations under the principal Act.
- 15 (2) In the exercise of its functions, the Committee, before the commencement of each lamb killing season in each year, and after having regard to the anticipated market for lamb in the United Kingdom in that year, shall—
- 20 (a) Recommend what it considers are the markets outside New Zealand, including the United Kingdom, to which lamb should be exported from New Zealand during the ensuing twelve months and the estimated weight of lamb, either in total or apportioned to specific markets, that should be exported to markets other than the United Kingdom during that time (which weight of lamb may be expressed as a percentage of the total weight of lamb anticipated to be exported); and
- 25 (b) Recommend to the Board the maximum rate or rates which it considers should be fixed by the Board in respect of the market development levy during the ensuing period of twelve months; and
- 30 (c) Recommend to the Board the terms and conditions on which the market development levy shall be payable by any person or class of persons under this Act; and
- 35 (d) Recommend to the Board such proposals as it considers desirable for providing incentives for persons exporting lamb from New Zealand to markets other than the United Kingdom; and
- 40 (e) Present to the Board a report containing its recommendations under the foregoing provisions of this subsection and setting out the matters (if any) in respect of which the Committee has been unable to reach a decision.
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(3) The Committee shall from time to time, at the request of the Board or without any such request, consider whether or not adequate supplies of grades, classes, and types of lamb for export from New Zealand are being provided for any specific market or markets and make such recommendations to the Board as may be necessary to ensure adequate supplies of lamb to those markets. 5

11. Market diversification—(1) Without limiting any authority specifically conferred on the Board with respect to any meat, the Board shall, subject to the provisions of this section, on receipt of any recommendation of the Committee under this Act give such directions to exporters of meat and other persons, and make such arrangements as the Board considers necessary or expedient for the purpose of giving effect to any such recommendations. 10 15

(2) The Board may from time to time refer to the Committee for further consideration any recommendation of the Committee, and may require the Committee to make further recommendations (either initially or by way of review) by a specified date. 20

(3) If the Committee fails to make any recommendation under section 10 of this Act or fails to make any recommendation within the time specified under subsection (2) of this section, the Board may give such directions and make such arrangements as it considers necessary and proper for the purpose of exercising any power or function of the Committee, and for that purpose the Board shall be deemed to have all the powers and functions of the Committee. 25

(4) Any direction given by the Board under this section may be given either by service on the owner of any lamb or on any person having possession thereof or by publication in a newspaper or newspapers in accordance with such conditions as may be prescribed by regulations under the principal Act. Every such direction shall be subject to the provisions of this Act and shall have effect according to its tenor. 30 35

(5) No direction shall be given under this section except in accordance with a recommendation of the Committee approved by the Board or unless the Committee has considered the matter in respect of which the direction is given and has failed or been unable to make a recommendation in respect of the matter. 40

(6) Any directions given or arrangements made under this section may be given to or made with any person or class of persons and may be general in their application or relate only to a particular matter or class of matters.

5 **12. Market development levy**—(1) Subject to the provisions of this section, any person who fails to comply with any direction of the Board under this Act shall, upon demand by the Board, pay to the Board a levy (in this Act referred to as the market development levy) at a rate not exceeding that from
10 time to time determined by the Board:

Provided that the Board may, in its absolute discretion, determine not to demand payment of any such levy in any case where, in the opinion of the Board, payment of the levy is not justified in the circumstances.

15 (2) Payment of the full amount of the market development levy in accordance with the terms and conditions prescribed by the Board in that behalf and notified to the person liable for the payment shall be deemed to be a full discharge of any obligation of that person pursuant to the direction of the
20 Board in respect of which the levy was payable.

(3) Any money paid by way of market development levy shall form part of the funds of the Board and shall be paid by the Board into a special account and used for the payment of the expenses of the Committee and for such purposes
25 relating to the development of markets for New Zealand lamb as the Board thinks fit.

(4) Every person liable to pay a market development levy shall, subject to his right of appeal under section 13 of this Act, upon demand in writing by the Board pay the amount
30 of the levy forthwith in accordance with the terms of the demand.

(5) The person liable to pay the market development levy in respect of any lamb shall be the person who owned the lamb at the time of the slaughter of the stock from which it
35 was derived.

(6) For the purposes of subsection (5) of this section, where any common pooling arrangement is operated on behalf of the owners of stock the meat derived from which is intended for export from New Zealand, the person operating that
40 pooling arrangement shall be deemed to be the owner of the meat at the time of the slaughter of the stock from which it was derived.

13. Appeals—(1) Where the Board has demanded payment of a market development levy, the person to whom the demand is made may appeal in accordance with this section.

(2) Notice of the appeal shall be in writing signed by the appellant and shall be delivered to the offices of the Board at Wellington within fourteen days after the receipt of the demand. 5

(3) Any such appeal shall be heard and determined by a person agreed upon by the appellant and the Board. If no such person can be agreed upon within one month after the date of the notice of appeal, the appeal shall be submitted to arbitration in accordance with the Arbitration Act 1908. 10

(4) Any such submission shall be to two arbitrators, one to be appointed by the appellant and the other by the Board, and an umpire appointed by the two arbitrators. 15

(5) For the purposes of any such arbitration, this section shall be deemed to be a submission within the meaning of the Arbitration Act 1908, and the relevant provisions of that Act shall apply accordingly.

(6) No appeal shall lie under this section except upon one or more of the following grounds: 20

(a) That the direction pursuant to which the demand for payment was made was not given pursuant to a recommendation of the Committee approved by the Board, or to a determination of the Board, in accordance with this Act: 25

(b) That, due to circumstances beyond the control of the appellant, it was not reasonably possible for him to comply with the directions of the Board.

(7) On any such appeal the decision of the Board may be confirmed or reversed or the amount demanded to be paid may be reduced. 30

(8) The decision of any person hearing an appeal or in an arbitration under this section shall be final and binding on the appellant and on the Board. 35

14. Delegation—(1) The Board may from time to time by writing under its seal delegate to the Committee any of its powers, functions, or duties under this Act, other than the power of delegation conferred by this section.

(2) Any such delegation may be made subject to such conditions and restrictions as the Board thinks fit and may be made either generally or in respect of any particular matter or class of matters. 40

(3) Subject to any general or special directions given or conditions attached by the Board, any powers or functions delegated under this section may be exercised or performed by the Committee with the same effect as if those powers had
5 been directly conferred by this Act and not by delegation.

(4) The Committee purporting to act under any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to
10 the contrary.

(5) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise or performance of any power or function by the Board.

(6) Until any such delegation is revoked, it shall continue in force according to its tenor, notwithstanding any change in
15 the membership of the Board or of the Committee.

Amendment to principal Act

15. Promotion of sale of meat—(1) Section 14A of the principal Act (as inserted by section 4 of the Meat Export Control Amendment Act 1956) is hereby amended by adding
20 to subsection (2) the following paragraph:

“(f) With the prior consent of the Minister of Finance,—

“(i) Subscribe for or otherwise acquire, in its own name or in the name of any member or officer of the Board, shares or other interests in
25 any company, whether incorporated in New Zealand or elsewhere, carrying on or proposing to carry on operations relating to the promotion of the sale or the advertisement of New Zealand meat:

“(ii) Advance money to any such company:

“(iii) Give such guarantee, indemnity, or security as it thinks fit to any such company.”

(2) All acts done before the commencement of this Act that would have been valid if this section had been in force when they were done are hereby validated and declared to
35 have been lawfully done.