

Serial Number 1947/120



THE BOBBY CALF MARKETING REGULATIONS 1947

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 13th day of
August, 1947

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Marketing Act, 1936, and the Agriculture (Emergency Powers) Act, 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PART I.—PRELIMINARY

1. (1) These regulations may be cited as the Bobby Calf Marketing Regulations 1947, and shall come into force on the day following notification in the *Gazette* of the making thereof.

(2) The regulations specified in the Second Schedule hereto are hereby revoked.

(3) All pool areas, committees, appointments, and generally all acts of authority, and all documents, matters, acts, and things which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of the coming into force of these regulations shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations, and accordingly, shall, where necessary, be deemed to have so originated.

(4) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress at the commencement of these regulations may be completed, continued, and enforced under these regulations.

(5) The revocation of the said regulations shall not affect the liability of any person for any offence against any of the provisions thereof, and proceedings in respect of any such offence may be taken as if it were an offence against the corresponding provisions of these regulations.

2. In these regulations, unless the context otherwise requires,—
- “ Abattoir ” means an abattoir registered under the Meat Act, 1939 :
- “ Bobby calf ” means a calf which is sold or intended for sale for the purpose of being slaughtered for the production of boneless bobby veal and includes any other calf that has a live-weight of less than 100 lb. and that is sold or intended for sale for the purpose of being slaughtered at a meat-export slaughterhouse or an abattoir :
- “ Board ” means the New Zealand Dairy Board established under the Dairy-produce Act, 1923 :
- “ Central Executive ” means any body recognized from time to time by the Minister as the Central Executive of the Bobby Calf Committees established under these regulations :
- “ Committee ” means a Bobby Calf Committee established under these regulations :
- “ Company ” means the New Zealand Co-operative Rennet Company, Limited :
- “ Department ” means the Marketing Department established under the Marketing Act, 1936 :
- “ Inspector ” means an Inspector under the Meat Act, 1939 :
- “ Meat-export slaughterhouse ” means a meat-export slaughterhouse licensed under the Meat Act, 1939 :
- “ Minister ” means the Minister of Marketing :
- “ Pool area ” means a Bobby Calf Marketing Pool Area established under the provisions of these regulations :
- “ Producer ” means a person engaged in the business of raising or producing bobby calves who is either the occupier of a supplying dairy as defined by the Dairy-produce Regulations 1938* or the occupier of a dairy registered pursuant to the regulations relating to the sale of milk or cream for human consumption made under the Dairy Industry Act, 1898, on the 24th day of December, 1900, and enuring under the Dairy Industry Act, 1908 :
- “ Purchase ” includes a contract to purchase, agreement to purchase, and offer to purchase :
- “ Sale ” includes a contract for sale, agreement to sell, and offer for sale :
- “ Sale ” and “ purchase ” include barter and exchange, and “ to sell ” and “ to purchase ” have corresponding meanings.

PART II.—ADMINISTRATION

Declaration of Pool Areas

3. Upon being satisfied on such documentary evidence as he shall deem sufficient that not less than three-quarters of the producers in any area of land are in favour of the proposal, the Minister may, by notice under his hand published in the *Gazette*, declare—

- (a) That that area shall be a Bobby Calf Marketing Pool Area under a name to be set out in the notice :
- (b) That that area (whether or not it is already included in a pool area) shall be part of any pool area :
- (c) That that area (having been theretofore included in a pool area) shall no longer be included in the pool area :
- (d) That that area shall no longer be a pool area.

* Statutory Regulations 1938, Serial number 1038/91, page 369.

4. Every notice given under the last preceding regulation shall take effect on a day to be named therein, being not less than seven days after the date of publication thereof.

Bobby Calf Committees

5. For every pool area there shall be a Committee to be known as "The [*Name of pool area*] Bobby Calf Committee", which shall consist of not less than five and not more than nine persons, provided that in special circumstances the Minister may, by notice in writing, authorize a greater maximum number.

6. (1) Every Committee for any pool area defined pursuant to these regulations shall first consist of such persons as the Minister may appoint thereto after such consultation as he thinks expedient with representatives of producers in the pool area.

(2) Every appointment by the Minister of a member of a Committee shall be made by notice under the hand of the Minister published in the *Gazette*, and shall take effect on the date of appointment, or on such later date as may be stated in the notice.

7. (1) The members of a Committee other than the members first appointed by the Minister shall be elected as hereinafter provided at the annual meeting of producers within the pool area, and shall take office on the day on which they are elected.

(2) At the first annual meeting of producers held in any pool area the whole of the Committee appointed by the Minister shall retire from office, and at the annual meeting in every subsequent year one-third of the members for the time being, or, if their number is not a multiple of three, then the number nearest one-third, shall retire from office.

(3) The members to retire in every year shall be those who have been longest in office since their last election, but as between persons who became members on the same day those to retire shall be decided by lot.

(4) A retiring member (including a member first appointed by the Minister) shall be eligible for re-election.

8. (1) If any member of a Committee, whether appointed or elected,—

(a) Dies; or

(b) Resigns his office by writing under his own hand delivered to the Chairman of the Committee; or

(c) Becomes subject to disqualification because of any incapacity which, if he were a Councillor of a County Council, would render him incapable of being a Councillor by virtue of paragraphs (c) to (f) of subsection (1) of section 62 of the Counties Act, 1920; or

(d) Is absent without leave from three consecutive meetings of the Committee,—

he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy.

(2) Every casual vacancy shall be filled by the appointment by the Committee of a producer to fill the vacancy; the member so appointed shall be subject to retirement at the same time as if he had become a member on the day on which the member in whose place he is appointed was appointed or last elected.

(3) Forthwith upon the appointment of any member pursuant to this clause, the Committee shall notify the appointment to the Minister, who shall cause notice thereof to be published in the *Gazette*.

Annual Meeting

9. (1) For the purposes of the election of members of the Committee an annual meeting of producers in any pool area shall be held at a place to be named by the Committee and at a time to be fixed by the Committee, being not earlier than the 31st day of January and not later than the 31st day of May in any year in the North Island and not earlier than the 31st day of March and not later than the 31st day of July in any year in the South Island :

Provided that where it appears more convenient for the majority of the producers the annual meeting may be held on the day when the dairy company situate in that pool area holds its annual meeting of suppliers, or may, with the consent of the Minister given in writing, be held on a later date than that authorized by this subclause.

(2) Not less than seven days before the date of the meeting the Chairman of the Committee shall give public notification thereof by way of advertisement in one or more newspapers commonly circulating in the pool area or by way of placards posted in conspicuous places throughout the pool area.

(3) The notice shall specify the date, hour, and place of the meeting, and shall bear the name of the Chairman at the foot thereof.

10. The annual meeting and election of Committee members shall be conducted according to the procedure set out in the First Schedule hereto.

11. Immediately after the result of the election of members of the Committee has been declared to the meeting, the Chairman shall, by writing under his hand, notify the result to the Minister, who shall cause the same to be published in the *Gazette*.

12. (1) At the first meeting of any Committee appointed by the Minister and thereafter at the first meeting of a Committee following the annual meeting and election, the Committee shall elect one of its members to be Chairman until the next annual meeting is held.

(2) The Chairman shall preside at every meeting of the Committee at which he is present. In the absence of the Chairman from any meeting of the Committee the members present shall elect one of their number to be Chairman of that meeting.

(3) At any meeting of the Committee the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote. All questions before the Committee shall be decided by a majority of the valid votes recorded thereon.

(4) At any meeting of the Committee a quorum shall consist of not less than three-fifths of the members of the Committee for the time being, or such greater number as the Committee may from time to time fix.

13. The powers of a Committee shall not be affected by any vacancy in the membership thereof, nor shall the proceedings of a Committee be invalidated by reason only of the subsequent discovery that some defect existed in the election of any member or that any producer acting as a member of a Committee was not validly a member thereof.

14. Subject to the foregoing provisions of these regulations, every Committee may make such arrangements as it thinks fit for the holding of Committee meetings, the procedure thereat, and generally for the conduct of its business and the exercise of its functions.

15. A Committee may from time to time appoint and discharge sub-committees consisting of two or more members of the Committee, and may delegate to a sub-committee or to any other person or persons any of the powers and functions of the Committee.

16. Every Committee shall appoint a fit person to act as Secretary of the Committee, and it shall be the duty of the Secretary to keep or have kept all necessary records and books of account and to perform all incidental clerical duties connected with the operations of the Committee. The Secretary shall be paid such remuneration as the Committee in its discretion decides.

Functions of Committees

17. (1) The functions of a Committee shall be to regulate and control in such manner as it thinks fit the marketing of all bobby calves raised or produced within the pool area for which the Committee is established.

(2) The Committee of any pool area shall have power to receive and expend moneys derived from the sale of all or any part of the bobby calves sold by or on behalf of that Committee.

18. Every Committee shall in the exercise of its powers and functions be deemed to be the agent of every producer for the marketing of bobby calves raised or produced within the pool area for which the Committee is established, and the mutual rights, obligations, and liabilities of the Committee and the several producers shall be determined in accordance with the law governing the relations between principal and agent.

19. Not later than the last day of February in any year every Committee shall lodge at the office of the Internal Marketing Division of the Department at Wellington a balance-sheet in such form as the Minister approves or directs, and duly audited and certified to be correct by a qualified auditor as defined by section 140 of the Companies Act, 1933, setting out the financial operations of the Committee during the period commencing on the preceding 1st day of January and ending on the 31st day of December or on such earlier date as any pool may cease operations in the year preceding that in which the balance-sheet is required to be lodged.

20. In addition to the balance-sheet required to be lodged by the Committee pursuant to the last preceding regulation, every Committee shall at the same time deliver at the office of the said Division such statistics or other information or statement relating to the operations of the Committee as the Minister may from time to time require, and in such form as the Minister approves or directs, and certified to be correct by the auditor.

21. All abattoirs and meat-export slaughterhouses engaged in the processing of bobby calves, whether produced in a pool area or elsewhere, shall record all such operations and deliver to the office of the Internal Marketing Division of the Department at Wellington any certified statistics or other information as the Minister may from time to time require, and in such form as the Minister approves or directs.

22. The Central Executive shall, upon the request of the Minister advise the Minister upon any question relating to the bobby calf industry.

Payments for Bobby Calves

23. All payments for bobby calves delivered to a meat-export slaughterhouse or an abattoir shall be remitted by post to the vendor.

PART III.—DISPOSAL OF BOBBY CALVES

24. Every Committee shall in each year fix in respect of the pool area under its control a minimum live-weight for all bobby calves collected at the farm gate so as to ensure that such calves upon slaughter will yield a dressed weight the equivalent of not less than 25 lb. hot weight.

25. (1) Every Committee shall make all necessary arrangements for the delivery of bobby calves from its pool area to an abattoir or a meat-export slaughterhouse for their disposal in accordance with these regulations.

(2) Any bobby calves to which the last preceding subclause does not apply (being bobby calves produced elsewhere than in a pool area) may be delivered by or on behalf of the owner to any abattoir or meat-export slaughterhouse for disposal as aforesaid.

(3) For the purposes of these regulations delivery on a railway siding used for the purposes of an abattoir or meat-export slaughterhouse shall be deemed to be delivery at the abattoir or meat-export slaughterhouse.

(4) Wherever any bobby calves have been delivered in accordance with the provisions of this regulation the owner shall be deemed to have agreed with the Department that they shall thereafter be subject to the provisions of these regulations.

26. No producer carrying on business within any area of land declared to be a pool area for the purposes of these regulations shall sell, and no person shall purchase from such producer, any bobby calf raised or produced in that area except through the agency of the Committee established for that area.

27. (1) Forthwith on the purchase (whether by public auction or otherwise) of any bobby calves, whether within a pool area or elsewhere, the purchaser shall prepare in duplicate a purchase-note which shall contain the particulars prescribed by subclause (2) of this regulation, and shall forthwith deliver a copy of such note to the vendor, auctioneer, or other authorized agent of the vendor of the bobby calves comprised in the purchase.

(2) Every purchase-note under this regulation shall contain the following particulars :—

- (a) The number of bobby calves comprised in the purchase ;
- (b) The name and address or other identification of the vendor of the bobby calves ;
- (c) The price or prices at which the calves were purchased, if the purchase was a cash transaction ; and
- (d) If the bobby calves were raised or produced in a pool area, the name of that pool area.

(3) The purchaser shall retain the duplicate copy of every purchase-note for a period of six months after the date of the purchase of the bobby calves to which the purchase-note relates, and the purchaser shall at any time during that period produce such purchase-note for inspection on demand by any officer of the Public Service duly authorized in that behalf by the Minister.

Inspection of Bobby Calves

28. (1) All bobby calves delivered to any abattoir or meat-export slaughterhouse pursuant to these regulations shall be inspected by an Inspector in accordance with the provisions of section 47 of the Meat Act, 1939.

(2) If on inspection under the said section the Inspector determines with respect to the carcass of any calf that it is not suitable for human consumption, these regulations shall have no further application to it, and its disposal shall be a matter of arrangement between the Committee or owner, as the case may be, and the controlling authority or licensee of the abattoir or meat-export slaughterhouse.

29. With respect to the carcasses of all calves approved by an Inspector as being suitable for human consumption, the Department, by a general or special direction given by or on behalf of the Director of the Export Division of the Department, shall determine whether the meat derived therefrom shall be made available for human consumption in New Zealand or elsewhere or shall be otherwise disposed of.

30. The charges for services rendered in respect of any meat that, in accordance with Regulation 29 hereof, is reserved by the Department for human consumption shall be fixed by arrangement between the Department and the controlling authority of the abattoir or meat-export slaughterhouse.

PART IV.—DISPOSAL OF VELLS

Purchase of Vells by Board

31. (1) The Board shall purchase all vells derived from bobby calves slaughtered at any abattoir or meat-export slaughterhouse, and it shall not be lawful for the controlling authority of any abattoir, or the licensee of any meat-export slaughterhouse, to sell any such vells otherwise than to the Board, or to dispose of any such vells otherwise than in accordance with the direction of the Board.

(2) For all vells purchased by it under these regulations the Board shall pay to the controlling authority or to the licensee, as the case may be, the same price as, in accordance with subclause (1) of Regulation 33 hereof, is to be charged by the Board for vells sold by it to the company.

Disposal of Vells by Board

32. (1) All vells acquired by the Board under these regulations shall be disposed of—

(a) By sale to the company of all vells required by it for the purposes of its business :

(b) By sale of any surplus, after adequate provision has been made for satisfying the requirements of the company, in such manner and on such terms and conditions as the Board thinks fit.

(2) The company shall, as soon as practicable after the 1st day of May in each year, furnish to the Board an estimate of the number of vells required by it for the purposes of its business during the period ending on the following 30th day of April. Any such estimate may be at any time amended by the company ; but unless reasonable notice of its amended requirements is given by the company to the Board, the Board may charge the company with the amount of any loss suffered by it by reason of the amended requirements and may recover the amount of such loss as a debt due by the company to the Board.

Price to be charged for Vells sold to Company

33. (1) The price to be charged by the Board for any vells sold to the company under these regulations shall be—

(a) 5½d. per vell for all first-grade vells :

(b) 2d. per vell for all other vells :

Provided that in respect of all vells in excess of 500,000 a year sold by the Board to the company during the period from 1st day of May, 1947, to 30th day of April, 1948, the price to be charged by the Board and paid by the company shall be—

(a) 9d. per vell for all first-grade vells :

(b) 2d. per vell for all other vells.

(2) The prices fixed by the last preceding subclause are fixed as for delivery free on rail at the railway-station that is nearest or most convenient of access to the abattoir or meat-export slaughterhouse from which the vells are delivered.

Financial Provisions

34. (1) All expenses incurred by the Board in or in connection with the purchase or sale of vells under these regulations shall be paid out of the funds of the Board, and all moneys recovered by the Board from the sale of vells or otherwise in connection with these regulations shall be paid into a special account as provided in subclause (3) of this regulation.

(2) All or any of the moneys held by the Department to the credit of its account known as the Calf Pool Account may, with the approval of the Minister, be paid into the Board's special account as aforesaid, and shall be deemed to have been received by the Board for the purposes of these regulations.

(3) The Board shall keep in its books a special account of all moneys received by it for the purposes of these regulations (whether from the sale of vells or otherwise howsoever) and of all expenses and charges incurred by it in connection therewith (including a reasonable charge to be fixed by the Board, with the approval of the Minister, in respect of the cost of administration).

(4) The Board, with the prior approval of the Minister given in writing, may at any time dispose of the whole or any portion of any surplus for the time being standing to the credit of the special account kept pursuant to the last preceding subclause for any purpose deemed to be for the promotion of the dairy industry in New Zealand.

PART V.—PREVENTION OF CRUELTY TO BOBBY CALVES

35. (1) No person, whether as principal or agent, shall sell or offer for sale any bobby calf unless the calf has been properly and sufficiently fed daily from birth and has been so fed not earlier than four hours before the time of its actual removal from his premises in pursuance of a sale or a contract or intended contract of sale.

(2) For the purposes of this regulation the act of any person in placing any bobby calf at or adjacent to any entrance to his land or premises or other customary place (whether on his own land or premises or not) at which calves are exposed for sale shall be deemed to be an offer to sell that calf.

(3) No person, whether as principal or agent, shall purchase, drive, or convey any bobby calf which appears to be unfit by reason of weakness or immaturity to be driven or conveyed to the place at which it is intended to be slaughtered.

(4) Proceedings for any offence against this regulation may be instituted by any constable or any Inspector appointed under the Stock Act, 1908, or under the Meat Act, 1939, or by any person acting on behalf of any society established for the prevention of cruelty to animals.

36. (1) Every vendor of bobby calves shall erect at each place where his calves are to be collected a suitable pen readily accessible from the roadside and so constructed as to provide adequate shelter from the weather for calves placed therein.

(2) A pen shall be deemed to be suitable for the purposes of this regulation if it has been approved as such by an officer of the Department authorized in that behalf by the Minister.

PART VI.—OFFENCES

Offences

37. (1) Every person commits an offence against these regulations who, without lawful excuse, acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction, restriction, requirement, or condition given or imposed under these regulations.

(2) Every person who aids, abets, counsels, or procures or is in any way knowingly concerned with the commission of an offence against these regulations shall be deemed to have committed an offence against these regulations.

(3) Any offence against these regulations committed by an agent or servant in the course of his employment shall be deemed to have been also committed by his employer or principal.

SCHEDULES

FIRST SCHEDULE

PROCEDURE AT ANNUAL MEETING OF PRODUCERS

Chairman

1. The Chairman of the outgoing Committee, if present, shall be the Chairman of the meeting of producers, and in his absence the outgoing Committee shall appoint another of their members to be Chairman of the meeting of producers.

Presence of other Persons

2. The producers present may at any time, by resolution, decide whether any person, not being a producer, may be present at the meeting or may speak at the meeting.

Adjournment of Meeting

3. If within half an hour of the time fixed for the meeting the number of producers present is fewer than the number of members for the time being of the outgoing Committee, the meeting shall be adjourned, and shall be resumed at a time and place to be thereafter fixed by the Committee and notified as provided by these regulations.

Presentation of Annual Report and Accounts

4. (1) The Chairman shall first read to the meeting the annual report previously approved by the Committee, and then present, or call upon the Secretary or other person authorized by the Committee to present, the audited statement of accounts for the pool area.

(2) Questions relating to the financial operations of the Committee shall be answered by either the Chairman or the Secretary or by any other person authorized by either of them.

Size of New Committee

5. The meeting shall then, by resolution, determine the number of members to constitute the Committee for the ensuing year.

Nomination of Candidates

6. (1) The Chairman shall call for nominations for membership of the Committee.

(2) The consent of every candidate to nomination shall be given.

(3) Every candidate shall be proposed by one producer and seconded by another producer.

(4) The proposal or seconding of a candidate and his consent to nomination may be given by word of mouth or in writing.

(5) A member of the Committee shall not necessarily be a producer.

(6) The decision of the Chairman as to the regularity of any nomination shall be final.

Election of Members

7. (1) If the number of candidates duly nominated is equal to or less than the number of members to be elected, the Chairman shall declare such candidates to be elected.

(2) If the number of candidates duly nominated is less than the number of members to be elected, any vacancies thereby arising shall be deemed to be casual vacancies, and the members elected shall at their first Committee meeting fill that vacancy or vacancies as provided by these regulations in respect of casual vacancies.

(3) If the number of candidates duly nominated exceeds the number of members to be elected, the members of the Committee shall be elected by ballot.

Ballot

8. (1) For the purpose of a ballot the meeting shall, by resolution, appoint two persons present to act as scrutineers; such persons need not necessarily be producers.

(2) A count shall be taken of the total number of producers present at the meeting and entitled to vote.

(3) A complete list of nominations shall be written on a blackboard or made available in such manner as shall enable the nominations to be clearly seen by persons present at the place of election, and underneath the list of nominations the number of members required for the Committee (already determined) shall be plainly stated.

(4) The scrutineers shall deliver to each producer a blank sheet of paper on which each producer shall, without leaving the room, or place of election write the names of the candidates for whom he desires to vote, being not more or less than the number to be elected. Each voting-paper shall then be folded and handed back to the scrutineers.

(5) A voting-paper on which are written the names of more candidates than the number to be elected shall be invalid.

(6) A voting-paper on which are written the names of fewer candidates than the number to be elected shall be invalid.

(7) Any name on a voting-paper which in the opinion of the scrutineers is illegible shall be deemed not to form part of the voting-paper.

(8) A voting-paper on which any one candidate's name is written more than once shall be invalid.

(9) When all voting-papers have been collected by the scrutineers a count shall be taken to ensure that the total number of voting-papers collected does not exceed the total number of producers present. Any irregularities shall be reported to the Chairman, who may direct that a fresh ballot be taken.

(10) The scrutineers shall count the valid votes recorded and hand to the Chairman a statement signed by the scrutineers showing the number of votes given to each candidate.

(11) If two or more candidates receive the same number of votes and the addition of a vote would entitle one or more of such candidates to be elected the Chairman shall give a casting vote, or he may at his discretion call for a show of hands to determine which candidate or candidates shall be elected.

(12) The Chairman shall thereupon declare the result of the election.

Marketing Methods

9. Any resolution by the meeting relating to the method by which the producers wish bobby calves to be marketed shall take effect as a recommendation to the incoming Committee, but shall not be binding upon that Committee.

SECOND SCHEDULE**REGULATIONS REVOKED**

1. The Bobby Calf Marketing Regulations 1946 (Serial number 1946/5, page 7).
2. The Calves (Sales for Slaughter) Regulations 1936 (*Gazette*, 18th June 1936, page 1157).

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 14th day of August, 1947.
These regulations are administered in the Internal Marketing Division of the Marketing Department.