



ANALYSIS

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1976, No. 136

**An Act to consolidate and amend the Poultry Runs
Registration Act 1933** [9 December 1976]

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 Poultry Board Act 1976.

(2) This Act shall come into force on the 1st day of July 1977.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Appointed member” means a member of the Board appointed pursuant to section 4 (2) (a) of this Act:

“Board” means the New Zealand Poultry Board constituted under this Act:

“Minister” means the Minister of Agriculture and Fisheries:

“Occupier” means the person by whom, or on whose behalf, any land is actually occupied:

“Poultry” means hens and ducks not less than 5 months old:

“Poultry farm” means any land used for the keeping of not less than 100 head of poultry:

“Producer” means the occupier of a poultry farm for the time being registered under this Act:

“Producer member” means a nominated member of the Board appointed pursuant to section 4 (2) (b) of this Act:

“Registration year” means the period of 12 months commencing on the 1st day of July 1977, or on the corresponding day in any subsequent year.

(2) For the purposes of this Act, 2 or more poultry farms occupied and used as such by the same occupier shall be deemed to be one poultry farm.

Cf. 1933, No. 20, s. 2

3. Act to bind the Crown—This Act shall bind the Crown.

PART I

THE NEW ZEALAND POULTRY BOARD

4. New Zealand Poultry Board—(1) There is hereby established the New Zealand Poultry Board.

(2) The Board shall consist of 7 members appointed by the Governor-General on the recommendation of the Minister, of whom—

(a) Two members shall be appointed as representatives of the Government:

- (b) Five members shall be appointed as representatives of producers, being—
- (i) One nominated by members of the Auckland Provincial Association of Registered Poultry Keepers Incorporated:
 - (ii) One nominated by members of the Central North Island Registered Poultry Keepers (Farmers) Society Incorporated:
 - (iii) One nominated by members of the Wellington Provincial Registered Poultry Farmers' Association Incorporated:
 - (iv) One nominated by members of the Canterbury-Westland Registered Poultry Farmers Association Incorporated:
 - (v) One nominated by members of the Otago-Southland Provincial Association of Registered Poultry Keepers Incorporated.

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

(4) The Board is hereby declared to be the same body corporate as the Board of the same name established by section 3 of the Poultry Runs Registration Act 1933.

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

Cf. 1933, No. 20, ss. 3, 4; 1967, No. 110, s. 2 (1)

5. Terms of office of members of Board—(1) Subject to this section, each producer member and appointed member of the Board shall hold office for a term of 3 years, but shall be eligible for reappointment from time to time.

(2) The persons holding office as members of the Board immediately before the commencement of this Act and appointed under section 3 of the Poultry Runs Registration Act 1933 (as substituted by section 2 (2) of the Poultry Runs Registration Amendment Act 1967) shall be deemed to have been duly appointed as members of the Board under section 4 of this Act; and each such person shall continue to hold office until the expiry of the term of office for which he was appointed.

(3) Notwithstanding anything to the contrary in subsection (2) of this section, the person nominated by members

of the Canterbury-Westland Registered Poultry Farmers Association Incorporated shall retire on the 31st day of May 1979.

(4) Unless he sooner vacates his office under section 7 of this Act, every member shall continue in office until his successor comes into office.

Cf. 1933, No. 20, s. 3 (4); 1967, No. 110, s. 2 (2)

6. Deputies of members—(1) In any case in which the Minister is satisfied that any producer member or appointed member of the Board is incapacitated by illness, or absence, or other sufficient cause from performing the duties of his office, the Minister may, subject to subsection (2) of this section, appoint a deputy to act for the member during his incapacity; and any such deputy shall, while he acts as such, be deemed for all purposes to be a member of the Board.

(2) Every deputy appointed under this section to act for any member whose appointment was made on the recommendation of the Minister after being nominated by the bodies referred to in section 4 (2) (b) of this Act, shall be appointed by the Minister after consultation with those bodies.

(3) No such appointment of a deputy and no acts done by him as such, and no acts 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.

Cf. 1933, No. 20, 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.

(2) Any member may at any time resign his office by writing addressed to the Minister.

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

(4) In the case of any extraordinary vacancy the Governor-General may appoint some qualified person to fill the vacancy. Any such appointment shall be made in the same manner as the appointment of the vacating member.

(5) Any member appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which the vacating member was appointed.

Cf. 1933, No. 20, s. 3 (4), (5); 1967, No. 110, s. 2 (2)

8. Chairman and Deputy Chairman—(1) In the month of July every year, the Board shall hold a meeting for the purposes of electing a Chairman and a Deputy Chairman for the ensuing 12 months.

(2) Every person appointed as Chairman or Deputy Chairman shall hold office until his successor comes into office, and shall be eligible for re-election.

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

(4) In the absence of the Chairman from any meeting the Deputy Chairman shall preside, and, if both should be absent, one of the members present shall be appointed by the members attending to preside at that meeting.

(5) 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.

Cf. 1933, No. 20, s. 7

9. Meetings of the Board—(1) Meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

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

(3) At all meetings of the Board, 4 members, of whom at least one shall be an appointed member, shall form a quorum.

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

(5) 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.

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

Cf. 1933, No. 20, s. 8

10. Advisory and technical committees—(1) The Board may from time to time appoint advisory or technical committees of one or more persons as it thinks fit to advise the Board on such matters relating to its functions and powers as are referred to them by the Board.

(2) A person may be appointed to be a member of any committee appointed under this section whether or not he is a member of the Board.

(3) Subject to the other provisions of this Act and to any regulations made under it and to any directions given by the Board, each committee shall be subject to the control of the Board but may regulate its own procedure in such manner as it thinks fit.

11. Remuneration and travelling allowances—The Board shall pay to its members and to the members of any advisory or technical committee appointed by the Board 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.

Cf. 1933, No. 20, s. 13A; 1951, No. 79, s. 10 (1)

12. Functions and powers of Board—(1) The functions of the Board shall be to administer this Act and generally to promote, organise, and develop the poultry industry.

(2) The Board shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions; and in particular it may, from time to time,—

- (a) Publicise in New Zealand information relating to the activities of the Board and generally relating to matters of interest to poultry producers and directed to the purpose of encouraging the development of the poultry industry in New Zealand:
- (b) Grant, on such terms and conditions as it thinks fit and by way of subsidy or otherwise, payment in respect of the provision and carrying out by or on behalf of the Board of any exhibit, display, or advertisement in New Zealand or elsewhere in relation to New Zealand poultry and poultry products:
- (c) Effect improvements in the methods of marketing poultry and poultry products in New Zealand for the purpose of increasing the consumption of poultry and poultry products in New Zealand:
- (d) Pay expenses incurred in New Zealand or elsewhere, for the purpose of assisting generally in the export of poultry and poultry products:
- (e) Pay such sums in respect of the establishment and maintenance of any organisation of poultry producers in New Zealand and in respect of the expenses incurred in connection with any conference of representatives of poultry producers:

- (f) Act as agent for the Egg Marketing Authority established by the Egg Marketing Authority Regulations 1953:
- (g) Pay expenses, commissions, and other charges incurred by the Board or for which the Board may become liable in the exercise of its functions:
- (h) Purchase, take on lease, rent, hire, or otherwise acquire real or personal property as in the opinion of the Board is necessary for the performance of its functions and the exercise of its powers:
- (i) Sell, transfer, lease, hire, or otherwise dispose of any of its real or personal property:
- (j) Enter into any contract for any of the purposes of this Act.

Cf. 1933, No. 20, s. 10

13. Contracts of Board—Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

“The New Zealand Poultry Board | 1976, No. 136—The Poultry Board Act 1976.”

Cf. 1933, No. 20, s. 5

14. Delegation of powers of Board—(1) The Board may from time to time delegate in writing to any committee of the Board, or to any member, officer, or employee of the Board, any of the functions or powers of the Board under this Act except this power of delegation.

(2) Subject to any general or special directions given or conditions imposed by the Board, the committee or person to whom any functions and powers are delegated may exercise them in the same manner and with the same effect as if they had been conferred on it or him directly by this Act and not by delegation.

(3) Every committee or person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) If any person to whom any delegation under this section has been made ceases to hold office, the delegation shall continue to have effect as if it were made to the person for the time being holding the corresponding office.

(5) Every delegation under this section shall be revocable at will.

(6) No delegation under this section shall prevent the exercise of any function or power by the Board.

PART II

REGISTRATION OF POULTRY FARMS

15. Annual registration of poultry farms—(1) Every poultry farm existing at the commencement of any registration year or established during a registration year is hereby required to be registered for that year in accordance with the provisions of this Act and of any regulations made under it.

(2) The Board may, on application in such form as it may require and after receiving any fee prescribed pursuant to section 16 of this Act, register the poultry farm described in the application.

(3) Every such application shall be made by the occupier of the poultry farm and shall be verified by statutory declaration or by such other means as the Board thinks fit.

(4) The Board shall issue a form of receipt for every registration fee paid and, in the absence of proof to the contrary, every such form of receipt purporting to be issued by or on behalf of the Board shall be sufficient evidence of the registration of the poultry farm occupied by the person named in the receipt for the registration year stated in the receipt.

(5) The Board shall not accept any application for registration which discloses less than 100 head of poultry.

Cf. 1933, No. 20, s. 11 (1), (2)

16. Board may prescribe registration fee—(1) Subject to this Act, the Board may, from time to time after obtaining the approval of the Minister, prescribe by notice in the *Gazette* the rate of registration fee to be paid each registration year by the occupier of a poultry farm during that year.

(2) The prescribed rate shall not exceed \$10 for every 1000 head of poultry or part of 1000 head of poultry as disclosed by the application form made to the Board pursuant to section 15 (2) of this Act.

(3) Any notice under subsection (1) of this section may in like manner be amended or revoked at any time.

Cf. 1933, No. 20, s. 11 (2)

17. Time of registration—(1) Every person who—

(a) Occupies a poultry farm at the commencement of a registration year; or

(b) Establishes a poultry farm during a registration year;
or

(c) Becomes the occupier of an unregistered poultry farm during a registration year— shall, in respect of that registration year, make application for registration and pay any registration fee within one month after the commencement of that registration year or the establishment of the poultry farm or of becoming the occupier, as the case may require.

(2) Every person who fails to comply with the provisions of subsection (1) of this section commits an offence, and shall be liable on summary conviction to a fine not exceeding \$50 and to a further fine not exceeding \$5 for every week or part of a week that elapses after the time limit prescribed in the said subsection until application for registration is made and any registration fee is paid.

(3) Any unpaid registration fee shall be recoverable in any Court of competent jurisdiction as a debt due to the Board.

Cf. 1933, No. 20, s. 11 (3), (4)

18. Hardship—Notwithstanding anything to the contrary in this Part of this Act, the Board may remit the whole or any part of any registration fee otherwise payable under this Act on the grounds of undue hardship or on any other grounds it thinks sufficient.

Cf. 1933, No. 20, s. 11 (2)

19. Register of Poultry Farms—(1) For the purposes of this Act, the Board shall set up and maintain a Register of Poultry Farms.

(2) The Register shall be kept at the office of the Board in Wellington, and shall be open to inspection during ordinary office hours on payment of the prescribed fee (if any),—

(a) By any producer:

(b) With the permission of a member or an officer of the Board, by any other person.

PART III

FINANCIAL PROVISIONS

20. Bank accounts—(1) For the purposes of this Act, there shall continue to be maintained at a bank approved by the Minister of Finance a principal bank account into which shall be paid all registration fees and other money received by the Board.

(2) The Board may from time to time open with the bank at which its principal account is kept, or with any branch or agency of that bank, such imprest or subsidiary accounts as the Board thinks necessary for the exercise of its functions and powers.

(3) The Board may also from time to time establish such special funds or reserves as the Board thinks necessary for the exercise of its functions and powers.

(4) Every account under this section shall be operated upon only by cheque or other instrument (not being a bill or promissory note) signed by such person or persons as may from time to time be authorised by the Board for that purpose.

Cf. 1933, No. 20, s. 12

21. Investment of money of Board—The Board may invest any of its surplus money in any investment authorised as a trustee investment under the Trustee Act 1956.

Cf. 1946, No. 40, s. 66

22. Borrowing powers of Board—The Board may, with the consent 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.

Cf. 1936, No. 58, s. 62 (1)

23. Unauthorised expenditure—The Board may in any registration year expend out of its funds for purposes not authorised by this or any other Act any sum or sums not exceeding in the whole more than \$2,000.

Cf. 1933, No. 20, s. 12A; 1949, No. 51, s. 46

24. Audit of accounts—(1) Within 6 months after the end of each registration year or within such further period as the Minister may allow, the Board shall prepare a balance sheet and such other statements of account as are necessary to show fully the financial position of the Board, and the financial results of its operations during the year.

(2) The balance sheet and other accounts shall be audited by the Audit Office, which shall for that purpose have the same powers as it has under the Public Revenues Act 1953 in respect of public money and public stores and the audit of local authorities' accounts.

Cf. 1933, No. 20, s. 13

25. Annual report and statement of accounts—(1) As soon as reasonably practicable after the end of each registration year the Board shall deliver to the Minister a general report of its operations during the year together with a copy of its duly audited accounts for that year and the report of the Audit Office on those accounts.

(2) A copy of the general report and of the accounts of the Board, together with a copy of the report of the Audit Office on the accounts, shall be laid before Parliament as soon as practicable after their receipt by the Minister.

Cf. 1933, No. 20, s. 14

26. Taxation—The Board shall be exempt from land tax and income tax.

PART IV

GENERAL PROVISIONS

27. Officers and employees of Board—(1) The Board may from time to time, on such terms and conditions (whether as to salaries, allowances, or otherwise) as it thinks fit, appoint such officers and employees as it considers necessary for the efficient exercise of its functions and powers.

(2) The Board may, for the purpose of providing superannuation or retiring allowances for its officers and employees or their dependants, subsidise out of its funds any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or any other employer-subsidised scheme approved by the Minister of Finance.

Cf. 1933, No. 20, s. 9; 1935, No. 41, s. 37 (1) (e)

28. Personal liability—No member of the Board or any of its committees, and no officer or employee of the Board, shall be personally liable for any liability of the Board or for any act done or omitted by the Board or any of its committees, or by any member, officer, or employee of the Board in good faith in pursuance or intended pursuance of the functions or powers of the Board.

29. Offences and penalties—(1) Every person commits an offence against this Act who does any act in contravention of or fails to comply with any provision of this Act or of any regulation made under it.

(2) Every person who commits an offence against this Act for which no penalty is provided other than in this section is liable to a fine not exceeding \$400 in the case of an individual or, in the case of a body corporate, to a fine not exceeding \$2,000.

30. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Registering poultry farms:
- (b) Prescribing any form required for the purposes of this Act:
- (c) Prescribing purposes for which the money of the Board may be expended:
- (d) Prescribing the amount of any fees (except registration fees) payable under this Act:
- (e) Providing for such matters as are contemplated by or are necessary for giving effect to the provisions of this Act and for its due administration.

Cf. 1933, No. 20, s. 15

31. Act to be administered by Ministry of Agriculture and Fisheries—The Schedule to the Ministry of Agriculture and Fisheries Act 1953 (as substituted by section 4 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972) is hereby amended by omitting the reference to the Poultry Runs Registration Act 1933, and substituting a reference to this Act.

32. Repeals, revocations, amendments, and transitional provisions—(1) The enactments specified in Part I of the Schedule to this Act are hereby repealed.

(2) The regulations specified in Part II of the Schedule to this Act are hereby revoked.

(3) The Fees and Travelling Allowances Act 1951 is hereby consequentially amended—

- (a) By omitting from the item in the First Schedule that relates to the New Zealand Poultry Board the reference to the Poultry Runs Registration Act 1933, and substituting a reference to this Act:
- (b) By omitting the item in the Second Schedule that relates to the Poultry Runs Registration Act 1933.
- (4) Where, pursuant to the Poultry Runs Registration Act 1933, any matter or thing is required to be completed or done in respect of the registration year ending with the

31st day of May 1977, it shall be sufficient for the purposes of this Act if that matter or thing is completed or done in respect of the period of 13 months ending with the 30th day of June 1977; and every poultry farm registered in respect of the registration year ending with the 31st day of May 1977 shall be deemed to be registered until the 30th day of June 1977.

SCHEDULE

Section 32

PART I

ENACTMENTS REPEALED

- 1933, No. 20—The Poultry Runs Registration Act 1933. (1957 Reprint, Vol. 12, p. 105.)
- 1935, No. 41—The Finance Act (No. 2) 1935: Section 37 (1) (e). (1957 Reprint, Vol. 12, p. 114.)
- 1936, No. 58—The Statutes Amendment Act 1936: Section 62. (1957 Reprint, Vol. 12, p. 114.)
- 1946, No. 40—The Statutes Amendment Act 1946: Sections 64 and 66. (1957 Reprint, Vol. 12, p. 114.)
- 1949, No. 51—The Statutes Amendment Act 1949: Section 46. (1957 Reprint, Vol. 12, p. 115.)
- 1961, No. 95—The Poultry Runs Registration Amendment Act 1961.
- 1967, No. 110—The Poultry Runs Registration Amendment Act 1967.

PART II

REGULATIONS REVOKED

Title	Reference
The Poultry-runs Registration Regulations, 1934	<i>Gazette</i> 1934, Vol. II, p. 1529.
The Poultry Runs Registration Regulations 1934, Amendment No. 1	S.R. 1961/60
The Poultry Board Regulations 1949	S.R. 1949/3

This Act is administered in the Ministry of Agriculture and Fisheries.