

New Zealand.



ANALYSIS.

- | | |
|--|---|
| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation and application of Act.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">CONTROL OF EXPORT OF FRUIT.</p> <p>3. This Part of Act not operative until brought into force by Proclamation.</p> <p>4. Any provincial district may be excluded from control on petition of 70 per centum of exporters.</p> <p style="text-align: center;"><i>Constitution of Export Control Board.</i></p> <p>5. Fruit-export Control Board established.</p> <p>6. Term of office of members of Board.</p> <p>7. Provision for appointment of deputy members.</p> <p style="text-align: center;"><i>Control of Fruit intended for Export.</i></p> <p>8. Export Board may assume control of fruit intended for export.</p> <p>9. Where Board assumes absolute control of fruit for export.</p> <p>10. Where Board assumes limited control of fruit for export.</p> <p>11. Particular powers of Board.</p> <p>12. Fruit not to be exported save in accordance with determination of Board.</p> <p style="text-align: center;"><i>Overseas Agents.</i></p> <p>13. Overseas agents.</p> <p style="text-align: center;"><i>Shipment of Fruit.</i></p> <p>14. As to contracts for shipment of fruit.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">CONTROL OF FRUIT INTENDED FOR LOCAL CONSUMPTION.</p> <p>15. This Part of Act not operative in any provincial district until brought into force by Proclamation.</p> <p>16. Polls to be taken on proposal to bring this Part of Act into operation.</p> | <p>17. Provision for fresh polls in certain cases where proposal rejected in first instance.</p> <p>18. Proclamation to give effect to poll.</p> <p style="text-align: center;"><i>Constitution and Powers of Local Control Boards.</i></p> <p>19. Constitution of Local Control Boards.</p> <p>20. Powers of Local Control Boards with respect to fruit intended for local consumption.</p> <p style="text-align: center;"><i>Union of Local Control Boards.</i></p> <p>21. Districts may be united on recommendation of Local Control Boards.</p> <p style="text-align: center;"><i>Dissolution of Local Control Boards.</i></p> <p>22. Board may be dissolved on poll of producers.</p> <p style="text-align: center;">PART III.</p> <p style="text-align: center;">LEVY ON FRUIT.</p> <p>23. Levy on fruit exported or subject to control of Local Control Board.</p> <p style="text-align: center;">PART IV.</p> <p style="text-align: center;">GENERAL.</p> <p>24. Incorporation of Boards.</p> <p>25. Contracts of Boards.</p> <p>26. First meetings. Appointment of Chairman.</p> <p>27. Other meetings of Boards.</p> <p>28. Officers of Boards.</p> <p>29. As to existing contracts for purchase and sale of fruit.</p> <p>30. Application of moneys received by Boards.</p> <p>31. Audit of Boards' accounts.</p> <p>32. Liability of Board for its acts or omissions.</p> <p>33. Penalty for obstructing Board in exercise of powers under this Act.</p> <p>34. Saving of provisions of Orchard and Garden Diseases Act, 1908.</p> <p>35. Returning Officers at polls under this Act.</p> <p>36. Regulations. Schedule.</p> |
|--|---|

1924, No. 54.

Title.

AN ACT to make Provision for Control of the Fruit Trade.

[6th November, 1924.

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

Short Title

1. This Act may be cited as the Fruit Control Act, 1924.

Interpretation and application of Act.

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

“Board” means either the Export Control Board or a Local Control Board established under this Act, as the case may require:

“Fruit” includes only apples and pears, and the term “fruit-trees” has a corresponding meaning:

“Minister” means the Minister of Agriculture:

“Producers” means persons carrying on business as producers of fruit for sale and being the occupiers of orchards registered under the Orchard and Garden Diseases Act, 1908:

“Year” means the period of twelve months commencing on the first day of September:

References to the Provincial District of Auckland shall be deemed not to have reference to the area which at the passing of this Act comprises the counties of Matakaoa, Waipapu, Uawa, Waikohu, Cook, and Wairoa, and the Borough of Gisborne, and the said area shall be deemed to form part of the Provincial District of Hawke's Bay.

(2.) This Act shall apply only with respect to fruit produced in orchards registered or required to be registered under the Orchard and Garden Diseases Act, 1908.

PART I.

CONTROL OF EXPORT OF FRUIT.

This Part of Act not operative until brought into force by Proclamation.

3. (1.) This Part of this Act shall come into operation on a date to be specified in that behalf by the Governor-General, by Proclamation approved in Executive Council.

(2.) A Proclamation shall not issue for the purpose of bringing this Part of this Act into operation unless and until a proposal to that effect has been carried at a poll of producers to be taken as hereinafter provided.

(3.) At the poll to be taken as aforesaid proposals shall be submitted in the form numbered 1 in the Schedule hereto.

(4.) No person shall be qualified to vote at the poll to be taken under this section unless at the date of the poll he is the occupier of an orchard from which at least one hundred cases of fruit the produce of that orchard were exported in the year ending on the thirty-first day of August, nineteen hundred and twenty-four. Save as aforesaid, every producer, within the meaning of this Act, shall be entitled to vote at the said poll.

(5.) A proposal under this section shall be deemed to be carried if a majority of the valid votes recorded at the poll is in favour thereof, but not otherwise.

(6.) The poll to be taken under this section shall be taken on a day or days to be appointed in that behalf by the Minister, being not later than the thirty-first day of December, nineteen hundred and twenty-four, and may be taken by post.

(7.) On the completion of the poll the Returning Officer shall make a declaration as to the result, and shall forward the same to the Minister, who shall cause notice of the same to be published in the *Gazette*.

(8.) The notice published in the *Gazette* shall be conclusive evidence of the result of the poll.

4. (1.) At any time after a proposal that this Part of this Act should be brought into operation has been carried, as provided in the last preceding section, the Minister shall, by notice published in the *Gazette*, exclude from the operation of this Part of this Act any provincial district specified in that notice on receipt of a petition praying that the district be excluded, signed by not less than seventy per centum of the producers carrying on business as such within that provincial district, and being the occupiers of orchards from which not less than one hundred cases of fruit were exported during the last preceding year.

Any provincial district may be excluded from control on petition of 70 per centum of exporters.

(2.) Any notice published by the Minister pursuant to this section in terms of a petition presented not later than the thirty-first day of January, nineteen hundred and twenty-five, shall take effect forthwith, and every other notice published pursuant to this section shall take effect as from the thirty-first day of August next following the date of that notice.

(3.) Where any provincial district is so excluded from the operation of this Part of this Act the provisions of sections five and six hereof (relating to the constitution of the Export Control Board) shall be modified by the Governor-General, by Order in Council, in such manner as he thinks proper, so as—

(a.) To exclude from the Board the representative or representatives of that provincial district; and

(b.) To make any adjustments that may be considered necessary in the representation of the other provincial districts, but so as to retain, so far as possible, the proportions of representation provided for in subsection three of section five hereof.

Constitution of Export Control Board.

5. (1.) There is hereby established a Board to be known as the New Zealand Fruit-export Control Board (hereinafter referred to as the Export Control Board).

Fruit-export Control Board established.

(2.) The Export Control Board shall consist of—

(a.) Two persons (herein referred to as Government representatives) to be appointed by the Governor-General, on the recommendation of the Minister, as representatives of the New Zealand Government:

(b.) Five persons (herein referred to as producers' representatives) to be appointed by the Governor-General as representatives of producers on election in manner hereinafter provided.

(3.) The producers' representatives shall be elected in the prescribed manner by direct vote of producers engaged in the production of fruit for export, as follows:—

- (a.) One shall be elected by the producers who are occupiers of orchards situated in the provincial districts of Auckland and Taranaki:
- (b.) One shall be elected by the producers who are occupiers of orchards situated in the provincial districts of Hawke's Bay and Wellington:
- (c.) Two shall be elected by the producers who are occupiers of orchards situated in the provincial districts of Nelson and Marlborough:
- (d.) One shall be elected by the producers who are occupiers of orchards situated in the provincial districts of Otago and Canterbury.

(4.) No person shall be qualified to vote at an election under this section by virtue of being the occupier of an orchard in the area for which the election is held unless at least one hundred cases of fruit produced in that orchard were exported from New Zealand in the year immediately preceding the year in which such election is held.

Term of office of
members of Board.

6. (1.) Every person appointed as a Government representative under the last preceding section shall hold office during the pleasure of the Governor-General.

(2.) With respect to the first members appointed as producers' representatives the following provisions shall apply:—

- (a.) Two of such members shall retire on the thirty-first day of August, nineteen hundred and twenty-five; two shall retire on the thirty-first day of August, nineteen hundred and twenty-six; and the remaining member shall retire on the thirty-first day of August, nineteen hundred and twenty-seven.
- (b.) The members so to retire in any year shall be determined by lot in the prescribed manner.
- (c.) Any member retiring as aforesaid shall be eligible for reappointment to the Board.

(3.) Except as provided in the last preceding subsection, every person appointed as a producers' representative shall hold office for a term of three years, save that he may be reappointed in the manner prescribed by paragraph (b) of subsection two of the last preceding section, or may at any time be removed from office by the Governor-General on the recommendation of the Board.

(4.) On the death, resignation, or removal from office of any member of the Board appointed as a producers' representative the Governor-General shall, on the recommendation of the Board, appoint some fit person to be a member of the Board for the residue of the term for which such first-mentioned person was appointed.

(5.) The powers conferred on the Board by this Act shall not be affected by any vacancy in the membership thereof.

Provision for
appointment of
deputy members.

7. (1.) In any case in which the Governor-General is satisfied that any member of the Export Control Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General, on the recommendation of the Minister if

the member so incapacitated is a Government representative, or on the recommendation of the Board in any other case, may appoint some fit person to be named by the Minister or the Board, as the case may require, to be a deputy to act for that member during such incapacity ; and any deputy shall, while he acts as such, have all the powers and authorities of the member for whom he is so acting.

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

Control of Fruit intended for Export.

8. (1.) The Export Control Board is hereby empowered to assume control of all fruit produced in a district in which this Part of this Act is in operation and intended for export from New Zealand, and may determine from time to time the extent to which it is necessary for the effective operation of this Act and the fulfilment of its purposes that it should exercise control over the export of any such fruit.

Export Board may assume control of fruit intended for export.

(2.) In any such case the control of the Board shall operate as from a time to be specified in that behalf by the Board by notice given in conformity with this Act.

(3.) Notice by the Board of its intention to assume control of any fruit may be given either by service on the owner of any such fruit or on any person having possession thereof, or by publication in any newspaper or newspapers, in accordance with such conditions as may be prescribed. Every such notice shall, subject to the provisions of this Act, have effect according to its tenor.

(4.) The control to be exercised by the Board over any fruit may, as the Board in any case determines, be absolute or limited.

9. All fruit intended for export of which the Export Control Board has assumed absolute control shall be graded, packed, and shipped as the Board directs, and shall be sold and disposed of only by the Board or by direction of the Board at such times, in such manner, and on such terms as the Board in its discretion determines.

Where Board assumes absolute control of fruit for export.

10. Where the Export Control Board has assumed limited control of fruit intended for export the extent of its control shall be defined by notice in the manner provided by subsection three of section eight hereof, or by agreement between the Board and the owners of such fruit or other persons having authority to enter into an agreement with the Board with respect to such fruit.

Where Board assumes limited control of fruit for export.

11. (1.) Without limiting any authority specifically conferred on the Export Control Board, the Board shall have full authority to make such arrangements and give such directions as it thinks proper for the following matters :—

Particular powers of Board.

- (a.) For the grading, packing, handling, and storage of fruit of which it has assumed control ;
- (b.) For the shipment of such fruit on such terms and in such quantities as it thinks fit ;
- (c.) For the sale and disposal of such fruit on such terms as it thinks advisable ;
- (d.) For the insurance against loss of any such fruit either in New Zealand or in transit from New Zealand and until disposed of ;
- (e.) For the display of any fruit at exhibitions or elsewhere ; and

(f.) Generally for all such matters as are necessary for or incidental to the due discharge of its functions in handling, distributing, and disposing of fruit.

(2.) For the purpose of securing any advances that may be made to the Board or to the owners of any fruit at the request of the Board, the Board shall, by virtue of this Act, and without further authority, have full power on behalf of the owners of any fruit to give security over such fruit and to execute all mortgages and other instruments of assurance in the same manner in all respects as if the Board were the legal owners of such fruit.

(3.) The Board shall have power, for the purposes of its business, to borrow moneys by way of bank overdraft or otherwise howsoever, and may give as security therefor debentures, debenture-stock, mortgages, or other securities charged on any or all of the assets of the Board.

(4.) Notwithstanding anything to the contrary in the foregoing provisions of this Part of this Act, the Export Control Board shall not, save with the express consent in writing of the owners, pool for purposes of sale any fruit produced in one provincial district with fruit produced in any other provincial district.

12. For the purpose of enabling the Export Control Board effectively to control the export of fruit, the Governor-General, acting under the powers conferred on him by the Customs Act, 1913, and its amendments, may prohibit the export from New Zealand of any fruit save in accordance with a license to be issued by the Minister, subject to such conditions and restrictions as may be approved by the Board.

Overseas Agents.

13. The Export Control Board shall have power to appoint from time to time an agent or agents in any places beyond New Zealand (hereinafter called overseas agents), whose duty it shall be to keep the Board advised as to current prices of fruit and as to other matters relative to the disposal of New Zealand fruit in such places, and generally to act as the agent or agents of the Board in accordance with the directions of the Board.

Shipment of Fruit.

14. (1.) After the constitution of the Export Control Board, or after such later date as that Board may by public notice appoint, no contract for the carriage by sea of any fruit produced in a district in which this Part of this Act is in operation and which is to be exported from New Zealand shall be made save by the Board acting as the agent of the owners of that fruit or of other persons having authority to export that fruit, or in conformity with conditions to be approved by the Board.

(2.) Every contract for the carriage of fruit by sea made otherwise than in conformity with this section shall be void.

(3.) This section shall extend to apply with respect to contracts for the carriage by sea of fruit from one port of New Zealand to another prior to its export from New Zealand.

Fruit not to be exported save in accordance with determination of Board.

Overseas agents.

As to contracts for shipment of fruit.

PART II.

CONTROL OF FRUIT INTENDED FOR LOCAL CONSUMPTION.

15. This Part of this Act shall not apply, with respect to fruit produced in any provincial district and intended for consumption in New Zealand, save pursuant to a Proclamation to be issued by the Governor-General in that behalf as hereinafter provided.

This Part of Act not operative in any provincial district until brought into force by Proclamation.

16. (1.) A Proclamation shall not issue for the purpose of bringing this Part of this Act into operation, with respect to fruit produced in any provincial district and intended for sale for consumption in New Zealand, unless and until a proposal to that effect has been carried at a poll of producers, to be taken as hereinafter provided.

Polls to be taken on proposal to bring this Part of Act into operation

(2.) At every poll to be taken as aforesaid proposals shall be submitted in the form numbered 2 in the Schedule hereto.

(3.) No person shall be entitled to vote at a poll under this section unless he is—

(a.) A producer carrying on business as such within the provincial district to which the poll relates; and

(b.) The occupier of an orchard containing not less than one hundred and twenty fruit-trees.

(4.) A proposal under this section shall be deemed to be carried if not less than sixty per centum of the producers entitled to vote have recorded their votes in favour thereof, but not otherwise.

(5.) Polls shall be taken under this section in the several provincial districts on a day or days to be appointed in that behalf by the Minister, being not later in any case than the thirty-first day of December, nineteen hundred and twenty-four, and may be taken by post.

(6.) On the completion of any such poll the Returning Officer shall make a declaration as to the result, and shall forward the same to the Minister, who shall cause notice of the same to be published in the *Gazette*. Such notice shall be conclusive evidence of the result of the poll.

(7.) Nothing in this Part of this Act shall apply with respect to the Provincial District of Westland.

17. (1.) If at a poll taken under the last preceding section a proposal to bring this Part of this Act into operation in any provincial district is rejected, the Minister may at any time and from time to time thereafter, on petition signed by not less than ten per centum of the producers carrying on business as such in that provincial district and entitled to vote at a poll under this section, cause another poll to be taken on the same proposal; save that where a proposal to bring this Part of this Act into operation has been rejected at a poll and carried at a subsequent poll the Proclamation to give effect to the proposal shall not come into force earlier than one year after the date of the first-mentioned poll.

Provision for fresh polls in certain cases where proposal rejected in first instance

(2.) The provisions of the last preceding section shall, so far as applicable, apply to a poll taken under this section.

18. Whenever a proposal to bring this Part of this Act into operation in any provincial district is carried, the Governor-General shall, by Proclamation, declare this Part of this Act to be in operation, with respect to fruit produced in that provincial district and intended

Proclamation to give effect to poll.

for sale for consumption in New Zealand, as from a date to be specified in that behalf in the Proclamation.

Constitution and Powers of Local Control Boards.

Constitution of
Local Control
Boards.

19. (1.) For every provincial district in which this Part of this Act is in operation there shall be a Local Control Board, consisting of three members to be appointed by the Governor-General on election in the prescribed manner by the producers carrying on business as such in the provincial district.

(2.) The first members of the Board shall retire from office on the thirtieth day of November next following the date of their appointment.

(3.) Of the members appointed as successors of the first members, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years, and thereafter every member shall be appointed for a term of three years. Of the members so appointed, it shall be determined by lot in the prescribed manner which shall be appointed for one year, which for two years, and which for three years.

(4.) Any member may from time to time be reappointed in the manner prescribed by the foregoing provisions of this section, or may at any time be removed from office by the Governor-General on the recommendation of the Board.

(5.) On the death, resignation, or removal from office of any member of the Board the Governor-General shall, on the recommendation of the Board, appoint some fit person to be a member of the Board for the residue of the term for which such first-mentioned person was appointed.

(6.) The powers hereinafter conferred on the Board shall not be affected by any vacancy in the membership thereof.

Powers of Local
Control Boards with
respect to fruit
intended for local
consumption.

20. The Local Control Board of a provincial district shall, with respect to fruit produced in that provincial district and intended for sale for consumption in that district or elsewhere in New Zealand, have the same powers, so far as applicable, as the Export Control Board has with respect to fruit intended for export; and the provisions of sections eight, nine, ten, and eleven hereof (defining the powers of the Export Control Board) shall apply with the necessary modifications with respect to every Local Control Board in relation to the fruit subject to the control of that Board.

Union of Local Control Boards.

Districts may be
united on
recommendation of
Local Control
Boards.

21. (1.) On the recommendation of two or more Local Control Boards the Governor-General may, by Proclamation, declare that, as from a date to be specified in that behalf in the Proclamation, the districts of those Boards shall for the purposes of this Act form a combined district under the control of one Local Control Board.

(2.) The Board of a combined district shall consist of such number of members, not exceeding five, as may be specified in the Proclamation aforesaid. Every such member shall hold office for a term of three years, and shall be appointed in the same manner in all respects as the members of an ordinary Local Control Board; save that pending

the election and appointment of a Board under this section the members of the Local Control Boards of the several combined districts shall together be deemed to form the Board of the combined district.

(3.) So far as the provisions of this Act as to Local Control Boards are inapplicable to the Board of a combined district, the Governor-General may, by regulations under this Act, make special provisions with respect thereto, and in particular may, if it is found expedient so to do, make provision for the separate representation of the several constituent districts of the combined district.

(4.) On the union of two or more districts under this section the Boards of the several constituent districts shall be deemed to be dissolved, and the new Board shall be deemed to be incorporated under this Act. All the assets and liabilities of the Boards of the several constituent districts shall thereupon become the assets and liabilities of the Board of the combined district.

Dissolution of Local Control Boards.

22. (1.) At any time after the expiration of one year from the establishment of a Local Control Board a poll of the producers in the district of the Board may, on petition to the Minister signed by not less than ten per centum of the producers, be taken on a proposal to disestablish the Board.

Board may be dissolved on poll of producers.

(2.) A proposal to disestablish the Board of any district shall be deemed to be carried if a majority of the valid votes recorded at the poll are in favour thereof, but not otherwise.

(3.) If at a poll under this section the proposal to disestablish the Board is not carried, a further poll on a like proposal shall not be taken within three years after the date of the poll.

(4.) If the proposal to disestablish a Board is carried at a poll taken under this section, then the Governor-General may, by Order in Council, declare the Board to be dissolved as from a date to be specified in that behalf in the Order, and shall in such Order make such provision as he deems equitable with respect to the distribution of the assets of the Board.

PART III.

LEVY ON FRUIT.

23. (1.) After a date to be fixed in that behalf by the Governor-General in Council, there shall be payable by the producers by way of levy on all fruit produced in a district in which Part I of this Act is in operation and intended for export, and on all fruit produced in a district in which Part II of this Act is in operation and intended for sale for consumption in New Zealand, such charges as may from time to time be prescribed in that behalf by regulations under this Act, not exceeding in respect of any fruit, whether intended for export or for local consumption, a levy of threepence a case.

Levy on fruit exported or subject to control of Local Control Board.

(2.) All moneys payable under this section in respect of fruit intended for export shall be paid to the Export Control Board, and all moneys payable under this section in respect of fruit intended for sale for consumption in New Zealand shall be paid to the Local Control Board of the provincial district in which such fruit was produced. The Export Control Board or the Local Control Board, as the case may

be, shall be entitled to deduct the amount of any levies payable to it by any producer from any moneys received by the Board on behalf of that producer.

(3.) The amount paid in any year by any producer by way of levy under this section shall be deducted from the amount payable by him in the next succeeding year by way of orchard-tax under the Orchard-tax Act, 1916, and, notwithstanding anything to the contrary in that Act, only the excess (if any) of the orchard-tax over the amount paid as aforesaid by way of levy shall be payable by the producer as orchard-tax.

PART IV.

GENERAL.

Incorporation
of Boards.

24. Every Board established under this Act shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

Contracts of Boards.

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

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

(3.) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of a Board by any two members acting by direction of the Board, but no verbal contract shall be made of a value exceeding twenty pounds.

First meetings.

26. (1.) The first meeting of the Export Control Board or of any Local Control Board established under this Act shall be held on a day to be appointed in that behalf by the Minister.

Appointment of
Chairman.

(2.) At the first meeting the Board shall appoint one of its members to be the Chairman of the Board.

Other meetings
of Boards.

27. (1.) Except as provided in the last preceding section, meetings of a Board shall be held at such times and places as the Board shall from time to time appoint.

(2.) The Chairman or any three members of the Export Control Board, or the Chairman or any two members of a Local Control Board, may at any time call a special meeting of the Board.

(3.) At all meetings of the Export Control Board three members, of whom at least one shall be a Government representative, shall form a quorum. Three members shall form a quorum of the Local Control Board of a combined district, and two members shall form a quorum of any other Local Control Board.

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

(5.) In the event of the absence of the Chairman from any meeting of the Board the members present at such meeting shall appoint one of their number to be the chairman of the meeting.

(6.) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have

a casting-vote. A decision of the majority of the members present at a meeting of the Board shall be the decision of the Board.

28. Every Board established under this Act may appoint such officers and servants as it deems necessary for the efficient carrying-out of its functions under this Act. Officers of Boards.

29. Notwithstanding anything to the contrary in the foregoing provisions of this Act, neither the Export Control Board nor any Local Control Board shall exercise any powers under this Act with respect to the sale of any fruit if the Board is satisfied that there is subsisting a *bona fide* contract or arrangement for the purchase and sale of that fruit made before the passing of this Act. As to existing contracts for purchase and sale of fruit.

30. All moneys received by a Board by way of levy under Part III hereof, or in respect of the sale of fruit, or otherwise howsoever, shall be paid by the Board into a separate account at a bank to be approved by the Minister of Finance, and shall be applied by the Board as follows:— Application of moneys received by Boards.

- (a.) In payment of the expenses, commission, and other charges incurred by the Board or for which the Board may become liable in the course of its business :
- (b.) In payment of the salaries and wages of officers and servants of the Board :
- (c.) In payment of travelling-allowances, fees, or other remuneration to members of the Board or to its overseas agents (not being persons permanently employed in the service of the Government) :
- (d.) In payment of advances made by the Board to the owners of any fruit on account of the price of that fruit :
- (e.) In payment into a reserve fund from time to time, as the Board in its discretion determines, of such amounts as the Board may consider necessary to enable it to carry on its operations under this Act :
- (f.) In payment of the balance to the owners of the fruit controlled by the Board in proportions to be determined by the Board having regard to the quantity and quality of the fruit disposed of by it on account of the several owners and the respective costs and charges involved in the disposal thereof.

31. The accounts of every Board established under this Act shall be subject to audit in the same manner in all respects as if the moneys of the Board were public moneys within the meaning of the Public Revenues Act, 1910. Audit of Boards' accounts.

32. (1.) Every Board in its corporate capacity shall in all its operations under this Act be deemed to be the agent of the owners of all fruit of which the Board has assumed control, and the mutual rights, obligations, and liabilities of the Board and the several owners shall accordingly be determined in accordance with the law governing the relations between principals and agents; save that nothing herein shall be construed to limit the power of the Board to exercise without the authority of the owner of any such fruit any power with respect to such fruit that may expressly or by implication be conferred on the Board by or by virtue of this Act. Liability of Board for its acts or omissions.

(2.) No member of a Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Penalty for obstructing Board in exercise of powers under this Act.

33. Every person who obstructs or impedes, or attempts to obstruct or impede, any Board established under this Act, or any officer, servant, or agent of a Board, in exercising any of the functions, powers, authorities, or duties vested in or conferred on the Board by this Act commits an offence, and shall be liable on summary conviction to a fine of fifty pounds.

Saving of provisions of Orchard and Garden Diseases Act, 1908.

34. Nothing in this Act shall be so construed as to affect the provisions of the Orchard and Garden Diseases Act, 1908, or any amendment thereof, or any regulations for the time being in force thereunder.

Returning Officers at polls under this Act.

35. (1.) For the purposes of elections or polls under this Act an officer of the Public Service shall be appointed as Returning Officer, and the Returning Officer shall make all necessary arrangements for the conduct of every such election or poll.

(2.) At any election or poll under this Act every voter shall be entitled to one vote only.

(3.) Where an orchard in respect of the occupation of which any person is entitled to vote at any such election or poll is occupied by two or more persons jointly, only one of those persons shall be entitled to vote in respect of the occupation of such orchard.

(4.) Any corporate body entitled to vote at any election or poll under this Act may, by writing under its corporate seal, appoint some person to exercise its voting-power.

(5.) Any firm one of whose members is entitled to vote at any election or poll as aforesaid may, by writing under the firm's name, appoint a member of the firm to exercise the voting-power.

Regulations.

36. The Governor-General may from time to time, by Order in Council, make regulations—

(a.) For the conduct of elections and polls under this Act :

(b.) Prescribing the maximum charges to be paid under this Act by way of levy in respect of any fruit :

(c.) Prescribing the maximum rates of travelling-allowances, fees, or other remuneration that may be paid under this Act to members of the Export Control Board or of any Local Control Board :

(d.) Generally for the purpose of giving effect to the provisions of this Act.

Schedule.

SCHEDULE.

FORM No. 1.

VOTING-PAPER on Proposal to bring Fruit Control Act into Operation in so far as it relates to Fruit intended for Export from New Zealand.

1. I vote that the Act be brought into operation for control of export of fruit.
2. I vote that the Act be NOT brought into operation for control of export of fruit.

FORM No. 2.

VOTING-PAPER on Proposal to bring Fruit Control Act into Operation in so far as it relates to Fruit produced in the Provincial District of [*Name of District*] and intended for Sale for Consumption in New Zealand.

1. I vote that the Act be brought into operation for control of sales of locally grown fruit for consumption in New Zealand.
2. I vote that the Act be NOT brought into operation for control of sales of locally grown fruit for consumption in New Zealand.