



## ANALYSIS

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1961, No. 123

**An Act to establish a Tariff and Development Board, and to define its functions** [1 December 1961]

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 Tariff and Development Board Act 1961.

(2) This Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

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

“Board” means the Tariff and Development Board established under this Act:

“Customs Acts” has the same meaning as in section 3 of the Customs Act 1913; and includes any enactment declared by any provision of any other Act to be one of the Customs Acts:

“Customs duty” means any duty within the meaning of the Customs Act 1913:

“Industry” includes any trade, occupation, business, manufacture, works, or service of any kind whatsoever:

“Tariff” means the Tariff as defined in the Customs Act 1913.

### **3. Establishment of Tariff and Development Board—**

(1) There is hereby established for the purposes of this Act a Board, to be known as the Tariff and Development Board.

(2) The Board shall consist of such number of members, being not less than four and not more than six, as the Governor-General from time to time thinks fit to appoint.

(3) The members of the Board shall be appointed by the Governor-General on the recommendation of the Minister of Industries and Commerce or, where different persons hold any of the offices of Minister of Customs and Minister of Industries and Commerce and Minister of Overseas Trade, on the joint recommendation of those Ministers.

(4) Every member of the Board shall be appointed for a term of three years, and may from time to time be re-appointed, or may be at any time removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister of Industries and Commerce.

(5) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1912 or the Superannuation Act 1956 by reason only of his being a member of the Board.

(6) If any employee of the Crown is appointed a full-time member of the Board he shall, while he holds office as a member of the Board, be granted leave of absence from his employment under the Crown.

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

**4. Chairman and Deputy Chairman of Board—**(1) One member of the Board shall be appointed as the Chairman and another as the Deputy Chairman of the Board.

(2) The Chairman and the Deputy Chairman shall be appointed by the Governor-General in the manner prescribed by subsection (3) of section 3 of this Act.

(3) During any vacancy in the office of Chairman or whenever the Chairman is unable to act, whether by reason of absence or otherwise, the Deputy Chairman may exercise and perform all the powers and duties of the Chairman.

(4) The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman from any meeting the Deputy Chairman shall preside.

(5) At any meeting of the Board the Chairman, or the Deputy Chairman if presiding, shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote.

**5. Meetings and procedure—**(1) The first meeting of the Board shall be held on a day to be appointed in that behalf by the Minister of Industries and Commerce.

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

(3) At any meeting of the Board three members, of whom one shall be either the Chairman or the Deputy Chairman, shall form a quorum.

(4) The Board may meet in private or in public, as the Board may from time to time decide. The Chairman shall cause such notice as he thinks fit to be given of any public meeting of the Board to persons likely to be affected thereby.

(5) A member of the Board shall not vote on or take part in the discussion of any matter before the Board in which he has, directly or indirectly, any pecuniary interest apart from any interest in common with the public.

(6) The Board may make an order prohibiting the publication (whether orally or in writing) of any report or description of any part of the proceedings or evidence in any matter before the Board. Every person who knowingly acts in contravention of any such order shall be liable on summary conviction to a fine not exceeding fifty pounds.

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

**6. Secretary of Board**—A suitable person shall be appointed under the Public Service Act 1912 to be the Secretary of the Board.

**7. Functions of Board**—(1) The Board shall from time to time, when requested by the Minister of Customs or the Minister of Industries and Commerce or the Minister of Overseas Trade, inquire into and report to the Minister on any of the following matters, with such recommendations as it thinks fit:

- (a) The desirability of new, increased, or reduced Customs duties, or of exemptions from such duties:
  - (b) The general effect of the operation of the Tariff on the trade and commerce and the farming, manufacturing, and distributing industries of New Zealand and also on the interests of consumers:
  - (c) The desirability of providing or continuing to provide assistance, whether by means of subsidies, grants, bounties, Tariff concessions or preferences, or otherwise, for the protection and encouragement of any New Zealand industry or for the development of New Zealand's overseas trade:
  - (d) The relationship between the rates of Customs duties on raw materials and those on finished or partly finished products:
  - (e) Any matter relating to the licensing of imports, including any appeal against a decision to decline, in whole or in part, any application for an import licence:
  - (f) Any matter relating to the application of Customs duty under any item of the Tariff, or to the granting of concessions as provided for in the Tariff or in the Customs Acts:
  - (g) Any other matter affecting the protection or development of industry or the development of overseas trade, whether by means of the Tariff or otherwise.
- (2) The Board may from time to time, of its own motion, inquire into and make recommendations to any of the said Ministers on any matter of policy specified in subsection (1) of this section.

**8. Delegation of powers**—(1) The Board may from time to time delegate to any two or more of its members the power to inquire in the first instance into any matter that the Board may lawfully inquire into, and to report to the Board thereon.

(2) The members to whom any delegation is made under this section shall include either the Chairman or the Deputy Chairman of the Board, who shall preside at any meeting of those members.

(3) No such delegation shall include the power to report or make recommendations to any Minister.

(4) Subject to the provisions of this section and of any general or special directions given or conditions imposed by the Board, the members to whom any delegation is made under this section may exercise the delegated power in the same manner as if it had been conferred directly by this Act and not by delegation.

(5) Any members purporting to act pursuant to 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 the contrary.

(6) Any such delegation may be revoked at any time by the Board.

(7) No such delegation shall prevent the exercise of any power by the Board.

#### **9. Officers of Public Service to attend meetings of Board—**

(1) The Secretary of Industries and Commerce, or the Comptroller of Customs, or any officer of the Department of Industries and Commerce or of the Customs Department authorised in that behalf by the Permanent Head of his Department, may by arrangement with the Chairman of the Board, or as required by the Minister in charge of his Department, attend such meetings of the Board, or of members of the Board acting under powers delegated by the Board, as may be deemed necessary, and submit such reports and other information as may be required for the deliberations of the Board or of such members as aforesaid.

(2) The Permanent Head of any other Government Department, or any officer of any such Department authorised by the Permanent Head, may by arrangement with the Chairman of the Board and with the approval of the Minister in charge of his Department, attend any such meeting as aforesaid and submit any such report or information as aforesaid.

#### **10. Board to have powers of Commission of Inquiry—**

(1) The Board, or any members of the Board acting under any delegation made by the Board pursuant to this Act, shall for the purposes of this Act be deemed to be a Commission

of Inquiry under the Commissions of Inquiry Act 1908, and, subject to this Act, all the provisions of that Act shall apply accordingly.

(2) The Chairman or Deputy Chairman of the Board, or the Secretary of the Board purporting to act by direction of the Chairman or Deputy Chairman, may exercise the powers of the Board or of such members as aforesaid in respect of citing parties and summoning witnesses, and may do any other act preliminary or incidental to the hearing or consideration of any matter by the Board or by such members as aforesaid.

(3) In addition to its powers under the Commissions of Inquiry Act 1908, the Board may from time to time, if it thinks fit, rehear any matter that has been heard and determined by it or by such members as aforesaid.

#### **11. Secrecy of information obtained for purposes of Act—**

(1) All information obtained by the Board or by any member or officer of the Board in the course of the administration of this Act shall be treated as confidential, except for purposes connected with the administration of this Act.

(2) Every such member or officer as aforesaid shall, before he begins to perform any official duty under this Act, take an oath before a Judge of the Supreme Court or a Magistrate that he will not divulge any information received by him under this Act except for the purpose of giving effect to this Act.

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

(2) There shall be paid to the members of 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.

**13. Money to be appropriated by Parliament for purposes of this Act—**All fees, salaries, allowances, and other expenditure payable or incurred under or in the administration of this Act shall be payable out of money to be appropriated by Parliament for the purpose.

**14. Abolition of Board of Trade**—(1) The Board of Trade is hereby abolished.

(2) Every reference to the Board of Trade in any Act, regulation, or other enactment shall hereafter, unless the context otherwise requires, be read as a reference to the Tariff and Development Board.

**15. Repeals**—The following enactments are hereby repealed, namely:

(a) The Board of Trade Act 1950:

(b) So much of the First Schedule to the Fees and Travelling Allowances Act 1951 as relates to the Board of Trade, and so much of the Second Schedule to that Act as relates to the Board of Trade Act 1950.

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This Act is administered in the Department of Industries and Commerce.

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