



ANALYSIS

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1967, No. 52

An Act to amend the Tariff and Development Board Act 1961
[22 November 1967]

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—This Act may be cited as the Tariff and Development Board Amendment Act 1967, and shall be read together with and deemed part of the Tariff and Development Board Act 1961 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by inserting, before the definition of the term “Board”, the following definition:

“ ‘Authority’ means an Emergency Protection Authority appointed pursuant to section 10A of this Act:”.

3. New sections inserted—The principal Act is hereby amended by inserting, after section 10, the following sections:

“10A. Emergency Protection Authorities—(1) The Governor-General may from time to time appoint such persons as he thinks fit to be Emergency Protection Authorities for the purposes of this Act.

“(2) An Authority shall be appointed on the recommendation of the Minister or Ministers for the time being competent to recommend an appointment to the Board under subsection (3) of section 3 of this Act.

“(3) An Authority shall be appointed for such term, not exceeding three years, as may be specified in the instrument of his appointment.

“(4) No person shall be eligible for appointment under this section, and no person appointed under this section shall exercise his functions as an Emergency Protection Authority, in respect of any matter in which he has, directly or indirectly, any pecuniary interest apart from any interest in common with the public.

“(5) Subject to the foregoing provisions of this section, the following provisions of this Act shall, with the necessary modifications, apply in respect of an Authority in the same manner as they apply in respect of the Board or, as the case may require, the Chairman or a member of the Board, namely:

“(a) Subsections (4) and (5) of section 3:

“(b) Subsections (4), (6), and (7) of section 5:

“(c) Section 9:

“(d) Subsections (1) and (3) of section 10:

“(e) Section 11:

“(f) Section 12.

“10B. Reference of certain matters to Authority—(1) If it appears to the Minister of Customs or the Minister of Industries and Commerce or the Minister of Overseas Trade that urgent action may be necessary to protect a New Zealand industry in relation to the importation of any goods, pending the receipt and consideration of a report of the Board in relation to those goods, that Minister may request an Authority to undertake an inquiry in relation to the importation of such goods and to report to him on the following matters, namely:

“(a) Whether urgent action is necessary to protect that industry in relation to the importation of such goods; and

“(b) If such action is considered necessary, the nature of the protection that is considered by the Authority to be appropriate in all the circumstances, and the extent and duration of such protection.

“(2) Subject to subsection (4) of section 10A and section 10c of this Act, on receipt of the request the Authority shall forthwith undertake the inquiry.

“(3) For the purposes of the inquiry, the Authority shall have access to any evidence, including evidence of a confidential nature, that has been taken by the Board, being evidence that is relevant to the inquiry.

“(4) The State Services Commission shall provide, whether by secondment or otherwise, such secretarial and other services as are necessary to enable the Authority to carry out any inquiry under this section and to report as efficiently and expeditiously as possible.

“10c. Authority not to take part in certain inquiries—

(1) If an Authority is or has been a member of the Board, he shall not undertake an inquiry under section 10B of this Act in relation to any goods if he has taken part in an inquiry by the Board, in relation to those goods, that was pending when he received the request for the first-mentioned inquiry.

“(2) If an Authority undertakes an inquiry under section 10B of this Act in relation to any goods, and he is or becomes a member of the Board, he shall not take part in any inquiry by the Board, in relation to those goods, that was pending when he received the request for the first-mentioned inquiry; and if no such inquiry by the Board was pending at that time he shall not take part in the next inquiry by the Board in relation to those goods.

“(3) Except as provided by subsection (2) of this section, if an Authority undertakes an inquiry under section 10B of this Act in relation to any goods, and he is or becomes a member of the Board, he is not precluded from taking part, during or after the inquiry, in any business of the Board.

“10d. Report by Authority—(1) An Authority who undertakes an inquiry under section 10B of this Act shall as soon as practicable, but not later than thirty days after the date on which he received the request for the inquiry, report to the Minister on the matters that are the subject of the inquiry.

“(2) If the Authority reports that urgent action is necessary to protect the industry in relation to the importation of such goods, he may recommend that either or both of the following measures be taken, namely:

“(a) The imposition of a temporary Customs duty:

“(b) The temporary restriction of the importation of such goods, whether in whole or in part and from all places or any specified places.

“(3) In making any such recommendation the Authority shall also report what should be—

“(a) The rate of any temporary duty recommended by him; and

“(b) The extent and duration of any temporary restriction of the importation of such goods recommended by him.

“10E. **Temporary duty or restriction on importation—**

(1) **Where—**

“(a) Pursuant to section 10D of this Act an Authority has recommended the imposition of a temporary duty in respect of any goods; and

“(b) The Minister who requested the report has referred to the Board for inquiry and report the question whether any new or increased duty is necessary in respect of those goods—

a temporary Customs duty (in addition to any existing duty) may be imposed in respect of those goods in any manner provided for by the Customs Act 1966, at a rate not exceeding the rate specified in that behalf in the report of the Authority.

“(2) **Where—**

“(a) Pursuant to the said section 10D an Authority has recommended the temporary restriction of the importation of any goods; and

“(b) The Minister who requested the report has referred to the Board for inquiry and report the question whether any new or increased duty is necessary in respect of those goods, or the question of any import licensing allocation in respect of those goods, or both—

the importation of those goods may be temporarily restricted pursuant to the Customs Act 1966 or any regulations for the time being in force under that Act.

“(3) A temporary duty or temporary restriction on importation imposed pursuant to this section shall, unless it is sooner revoked, cease to have effect on the expiration of a period of three months from the date on which the Minister who requested the report receives the final report of the Board on the question so referred to it.

“(4) Notwithstanding the provisions of subsection (3) of this section, if the final report of the Board is not received by the Minister before the expiration of a period of twelve months from the date on which the temporary duty or restriction was imposed, that duty or restriction shall cease to have effect on the expiration of the said period of twelve months, unless at or before the expiration of that period it is reimposed, or a temporary duty or restriction is imposed in its place, following a further report from an Authority made after an inquiry requested by the Minister, in accordance with this Act; and the provisions of subsection (3) of this section and of this subsection shall apply, with all necessary modifications, with respect to any duty or restriction so reimposed or imposed, as the case may be.

“(5) For the purposes of this section, the Minister who requested the report from the Board shall, as soon as practicable after receiving the final report of the Board on the question referred to it or, as the case may be, any further report of an Authority under subsection (4) of this section, give notice in the *Gazette* of the fact that he has received that report and of the date on which he received it.

“(6) The fact that any Order in Council imposing a temporary duty pursuant to subsection (1) of this section is validated or confirmed by an Act of Parliament as required by subsection (2) of section 131 of the Customs Act 1966 shall not extend the temporary duty beyond the date on which it ceases to have effect pursuant to this section. Except as provided in this subsection, nothing in the foregoing provisions of this Act shall limit or affect the provisions of any of the Customs Acts.”

4. Board may insure members—The principal Act is hereby further amended by inserting, after section 12, the following section:

“12A. The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members.”