



## ANALYSIS

## Title

1. Short Title and commencement
2. Interpretation

## PART I

## NEW ZEALAND WHEAT BOARD

3. Establishment of Board
4. Membership of Board
5. Terms of office of appointed members
6. Extraordinary vacancies
7. Deputies of members
8. Meetings of Board
9. Advisory committees
10. Special committees and delegation
11. General functions of Board
12. Powers of the Board
13. Board to comply with general policy of Government
14. Members not personally liable
15. Fees and travelling allowances
16. Appointment of officers
17. Contracts of Board and members

## PART II

## FINANCIAL PROVISIONS

18. The Wheat Industry Account
19. Special funds and reserves
20. Money payable into and out of Wheat Industry Account
21. Borrowing powers of Board
22. Unauthorised expenditure
23. Insurance of members
24. Accounts and audit

## PART III

## DEALINGS IN WHEAT

25. Application of this Part
26. Restriction on purchase and sale of wheat
27. Exemptions
28. Authorised brokers
29. Purchase of wheat by Board
30. Sale of wheat by Board
31. Compensation schemes

## PART IV

## DEALINGS IN FLOUR

32. Powers of Board with respect to flour
33. Flour to be purchased and sold through Board
34. Prices for flour
35. Quotas for flour
36. Sales of flour by Board
37. Milling of surplus wheat
38. Quality of flour

## PART V

## MISCELLANEOUS PROVISIONS

39. Notices
40. Powers in Act not to affect other powers in respect of price fixation
41. Prohibition on disposal of mills
42. Annual report and statement of accounts
43. Board to have powers of Commission of Inquiry
44. Exemption from taxation
45. Offences
46. Dissolution of Wheat Committee and transitional provisions
47. Regulations
48. Revocations  
Schedule

1965, No. 60

**An Act to establish the New Zealand Wheat Board and to define its functions and powers** [22 October 1965]

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 Wheat Board Act 1965.

(2) This Act shall come into force on the first day of February, nineteen hundred and sixty-six.

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

“Appointed member” means a member of the Board appointed under paragraph (d) or paragraph (e) of section 4 of this Act:

“Board” means the New Zealand Wheat Board established by this Act:

“Flour” means flour and wheatmeal; and includes bran and pollard and any other produce of the milling of wheat:

“Free wheat” means—

(a) Any wheat which has been purchased by the Board and resold by the Board:

(b) Any wheat which has been offered to the Board for purchase and rejected by the Board as not being milling standard wheat:

“Mill” means a flour mill; and includes any premises used for the milling of wheat products:

“Miller” means a person who occupies a flour mill:

“Milling standard wheat” means wheat of a standard prescribed by regulations under this Act:

“Minister” means the Minister of Industries and Commerce:

“Purchase” includes barter and any other acquisition for valuable consideration, whether by a principal or an agent:

“Sale” includes barter and any other disposition for valuable consideration, whether by a principal or an agent:

“Season” means a period of twelve months ending with the thirty-first day of January in any year:

“Wheat” means wheat of any kind or quality, whether grown in New Zealand or elsewhere:

“Wheat Committee” means the Wheat Committee established under the Board of Trade (Wheat and Flour) Regulations 1944.

## PART I

### NEW ZEALAND WHEAT BOARD

**3. Establishment of Board**—(1) There is hereby established a Board to be known as the New Zealand Wheat Board.

(2) 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, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

**4. Membership of Board**—The Board shall consist of—

- (a) The Minister, who shall be Chairman of the Board:
- (b) An officer of the Department of Industries and Commerce appointed by the Minister:
- (c) An officer of the Treasury appointed by the Minister:
- (d) Six persons appointed by the Governor-General on the recommendation of the Minister of whom—
  - (i) One shall be appointed as being experienced in the wheat growing industry:
  - (ii) One shall be appointed as being experienced in general farming; including the growing of wheat:
  - (iii) One shall be appointed as being experienced in the flour milling industry:
  - (iv) One shall be appointed as being experienced in the bread baking industry:
  - (v) One shall be appointed as being experienced in the poultry industry:
  - (vi) One shall be appointed as being experienced in the grain, seed, and produce business:
- (e) One person, who shall be appointed by the Governor-General on the recommendation of the Minister, who shall have no direct association with any industry or business referred to in paragraph (d) of this section, and who shall be the Deputy Chairman of the Board.

**5. Terms of office of appointed members—**(1) Except as otherwise provided by this Act, every appointed member of the Board shall be appointed for a term of three years, but may from time to time be reappointed.

(2) Two of the first appointed members shall be appointed for a term expiring with the thirty-first day of January, nineteen hundred and sixty-seven, two of those members shall be appointed for a term expiring with the thirty-first day of January, nineteen hundred and sixty-eight, and the remaining three (including the Deputy Chairman) shall be appointed for a term expiring with the thirty-first day of January, nineteen hundred and sixty-nine.

(3) The officers appointed under paragraph (b) or paragraph (c) of section 4 of this Act shall hold office during the pleasure of the Minister.

(4) Notwithstanding anything to the contrary in this Act, every appointed member of the Board, unless he sooner vacates his office under section 6 of this Act, shall continue in office until his successor comes into office.

**6. Extraordinary vacancies—**(1) Any appointed 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, or may at any time resign his office by written notice given to the Minister.

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

(3) Any extraordinary vacancy shall be filled by the appointment of some qualified person in the same manner as the appointment of the vacating member.

(4) Every person appointed to fill an extraordinary vacancy shall, if an appointed member, be appointed for the residue of the term for which the vacating member was appointed.

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

**7. Deputies of members—**(1) In any case in which the Minister is satisfied that any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for that member during the incapacity.

(2) Any deputy appointed under this section shall, while he acts as such, be deemed for all purposes to be a member of the Board appointed under the same provision as the member of whom he is the deputy.

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

**8. Meetings of Board**—(1) Meetings of the Board shall be held at such times and places as the Board or the Chairman from time to time determines.

(2) The Chairman of the Board, may, and if requested by any three members shall, call a special meeting of the Board:

Provided that not less than seven clear days' notice of every special meeting and of the business to be transacted thereat shall be given to each member for the time being in New Zealand, and no business other than that specified in the notice shall be transacted at any such special meeting.

(3) At all meetings of the Board the quorum necessary for the transaction of business shall be five members.

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

(5) In the absence of the Chairman from any meeting of the Board the Deputy Chairman shall preside and in the absence from any meeting of both the Chairman and Deputy Chairman the members present shall appoint one of their number to be chairman of the meeting.

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

(7) 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.

(8) 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.

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

**9. Advisory committees**—(1) The Board may from time to time appoint committees, consisting of two or more persons, to advise the Board on such matters as are referred to them by the Board.

(2) Every such committee may, in addition, furnish to the Board reports on any matter in respect of which the members of the committee have special knowledge or experience.

(3) Any person may be appointed to be a member of any such committee, notwithstanding that he is not a member of the Board.

**10. Special committees and delegation—**(1) The Board may from time to time appoint committees consisting of two or more members of the Board; and may from time to time delegate to any such committee, either generally or particularly, any of the functions or powers of the Board.

(2) Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board in relation to the committee or its affairs.

(3) Subject to the provisions of subsection (2) of this section, any such committee may exercise or perform any function or power so delegated to it in the same manner and with the same effect as if it had been conferred on the committee directly by this Act and not by delegation.

(4) Any delegation under this section may in like manner at any time be revoked.

(5) Every such committee 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.

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

(7) Subject to the provisions of this Act and of any regulations thereunder, every committee appointed under section 9 of this Act or this section may regulate its procedure in such manner as it thinks fit.

**11. General functions of Board—**(1) The general functions of the Board shall be—

(a) Subject to the provisions of this Act, to exercise a general control of the acquisition and marketing of wheat and flour:

(b) To encourage wheat growing in New Zealand and the use of wheat grown in New Zealand having regard to the best use of land available, the cost of imported wheat, the conservation of overseas funds, and other relevant considerations:

- (c) To ensure that adequate supplies of wheat and flour, other than specialty flour, are available throughout New Zealand at all times:
  - (d) To promote and organise the orderly development of the wheat growing industry and the flour milling industry and to promote greater efficiency in those industries:
  - (e) To exercise and perform such functions, powers, and duties as are conferred or imposed on it under this Act or otherwise howsoever.
- (2) It shall also be a function of the Board to report to and advise the Minister on such matters as may be referred to it by the Minister or as it may consider necessary or advisable.

**12. Powers of the Board**—(1) The Board shall have all such powers, rights, and authorities as may reasonably be necessary or expedient to carry out its functions.

(2) The Board shall have all such powers as are conferred on it by this Act or otherwise.

(3) Without limiting the generality of subsection (1) of this section, the Board shall have power to purchase or otherwise acquire any land or building required for the purpose of providing office accommodation or otherwise for the purpose of exercising any of its functions or powers, and to sell or otherwise dispose of the same when no longer required.

(4) Without limiting any of the powers conferred on the Board by this Act or otherwise howsoever, the Board shall have full authority to make and carry out such arrangements and give such directions, not inconsistent with this Act or regulations thereunder, as it thinks fit:

- (a) For the acquisition and marketing by the Board of wheat and flour:
- (b) For the handling, pooling, transport, and storage of wheat and flour:
- (c) For the insurance against loss of any wheat and flour for the time being the property of the Board:
- (d) For the establishment of a fund for the purpose of meeting any loss or damage to wheat or flour acquired by the Board and for the taking of such other steps as the Board thinks fit for that purpose:
- (e) Generally for all such matters as are necessary for the exercise of the functions and powers of the Board under this Act.

**13. Board to comply with general policy of Government—**In the exercise of its functions and powers the Board shall comply with the general trade policy of the Government in relation to the functions and powers of the Board, and shall comply with any general or special directions given by the Minister pursuant to the trade policy of the Government in relation thereto.

**14. Members not personally liable—**No member of the Board shall be personally liable for any act done or omitted by the Board or by any member thereof in good faith and in pursuance or intended pursuance of the powers and authority of the Board.

**15. Fees and travelling allowances—**(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 by the Board from its funds to its members and to the members of any 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.

**16. Appointment of officers—**(1) The Board may appoint such officers and employees as it deems necessary for the efficient carrying out of its functions and powers.

(2) The Board may out of its funds subsidise the National Provident Fund or any other fund or scheme established with the approval of the Minister of Finance for the purpose of providing superannuation or retiring allowances for its officers and employees.

(3) Officers and employees of the Board shall be paid such salaries and allowances (within scales fixed by the Board with the approval of the Minister of Finance) as the Board from time to time determines.

(4) Before any officer entrusted by the Board with the custody or control of money by virtue of his office enters on the duties of his office, the Board shall take sufficient security for the faithful execution of his office.

(5) All persons who at the commencement of this Act are officers or employees of the Wheat Committee shall be deemed to become officers or employees of the Board, and for the purposes of any fund or scheme established for the purpose of providing superannuation or retiring allowances, the service

of any such persons as officers or employees of the Wheat Committee shall be deemed to have been service as officers or employees of the Board.

**17. Contracts of Board and members**—(1) 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 | 1965, No. 60—The Wheat Board  
Wheat Board | Act 1965.”

(2) Notwithstanding the provisions of subsection (3) of section 3 of the Public Bodies Contracts Act 1959, any oral contract made by the Board in respect of the transport of goods on behalf of the Board may be made for any sum authorised by the Board in that behalf.

(3) Part II of the First Schedule to the Local Authorities (Members' Contracts) Act 1954 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The New Zealand | 1965, No. 60—The Wheat Board  
Wheat Board | Act 1965.”

(4) Notwithstanding the provisions of the Local Authorities (Members' Contracts) Act 1954, the validity of the appointment of any member of the Board shall not be affected by the fact that he is directly or indirectly concerned, either as vendor or purchaser or agent of a vendor or purchaser in any contract made by the Board; nor shall any such contract be liable to be avoided so long as any such member does not vote or take part in the deliberations of the Board upon any such contract in which he is personally concerned.

## PART II

### FINANCIAL PROVISIONS

**18. The Wheat Industry Account**—(1) For the purposes of this Act there shall be established at any bank approved in that behalf by the Minister of Finance an account to be known as the Wheat Industry Account.

(2) The Board may from time to time open at any branch or agency of the bank in which is kept the Wheat Industry Account such imprest or subsidiary accounts as it deems necessary or desirable in the exercise of its functions or powers.

(3) Every account under this section shall be operated on only by cheque or other negotiable instrument signed by such person or persons as the Board appoints from time to time for that purpose:

Provided that no such cheque or negotiable instrument shall be signed by one person only except with the prior consent of the Audit Office and subject to such conditions as that Office thinks fit to impose.

(4) Every payment of money by the Board shall be authorised by a prior resolution of the Board or shall be submitted to the Board for authorisation at its next ordinary meeting.

(5) The Board shall from time to time by resolution fix the maximum amount that may be held at any time in any imprest account, not exceeding one hundred pounds in any case where the imprest account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

**19. Special funds and reserves—**(1) With the consent of the Minister of Finance, the Board may from time to time out of its funds set aside in a separate bank account any money to form a fund or funds for any special purpose or as a reserve.

(2) The Board may from time to time apply the money so set aside to form any such fund only for the purpose for which the fund was established, and may invest in the manner specified in subsection (3) of this section any money so set aside and pay the proceeds of the investment into the fund.

(3) The Board may invest any part of any such fund (including any fund established under section 31 of this Act), or any other money available for investment, in the following manner:

(a) In New Zealand Government Securities:

(b) On deposit in the Bank of New Zealand or in the Post Office Savings Bank:

(c) In any manner, or in any securities, that may from time to time be authorised in that behalf by the Minister of Finance.

**20. Money payable into and out of Wheat Industry Account—**(1) There shall be paid into the Wheat Industry Account all money which, at the commencement of this Act, forms part of the funds of the Wheat Committee.

(2) There shall from time to time be payable into the Wheat Industry Account all money derived from the operations of the Board and any other money that may lawfully be payable to the Account.

(3) There may from time to time be payable out of the Wheat Industry Account all money payable by the Board, and all costs, charges, and expenses whatsoever incurred by the Board in the exercise of its functions and powers.

**21. Borrowing powers of Board**—The Board may, with the prior consent in writing 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.

**22. Unauthorised expenditure**—The Board may, for purposes not authorised by this Act or any other Act, in any financial year expend any sum or sums not amounting in the whole to more than two hundred pounds or such additional amount authorised in that behalf in respect of any year by the Minister of Finance.

**23. Insurance of members**—The Board may from time to time enter into contracts of insurance insuring members of the Board and members of any committee appointed by the Board against loss from personal accident arising out of and in the course of the exercise of their powers and duties as members, and pay the premiums payable in respect of any such contracts.

**24. Accounts and audit**—(1) The Board shall keep full and correct accounts of all money received and expended by it and the accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.

(2) The Board shall as soon as practicable after the end of every financial year, cause the accounts of the Board for that financial year to be balanced and prepare a balance sheet of the Board as at the end of the financial year, together with revenue accounts showing the financial transactions for that year.

(3) The financial year of the Board shall end with the thirty-first day of January in each year.

### PART III

#### DEALINGS IN WHEAT

**25. Application of this Part**—This Part of this Act shall apply to all wheat, other than free wheat, grown in New Zealand and to all wheat imported into New Zealand.

**26. Restriction on purchase and sale of wheat**—(1) Except as otherwise provided by this Act or regulations under this Act, all wheat to which this Part of this Act applies shall be purchased by the Board in accordance with this Act.

(2) Subject to the provisions of this Act, it shall not be lawful for any person to sell any such wheat except to the Board or in accordance with regulations under this Act.

(3) Subject to the provisions of this Act, it shall not be lawful for any person to purchase any such wheat except from the Board or in accordance with regulations under this Act.

**27. Exemptions**—Notwithstanding the provisions of this Act, the Board may by resolution exclude, either unconditionally or subject to such terms and conditions as the Board thinks fit, from any of the provisions of section 26 of this Act such wheat as may be prescribed by regulations under this Act:

Provided that—

- (a) Every such resolution shall be publicly notified in such manner as the Board may direct; and
- (b) No such resolution shall have any effect in respect of wheat grown in any season subsequent to the season in which the resolution is notified.

**28. Authorised brokers**—(1) Unless the Board determines otherwise, all purchases and sales of New Zealand grown wheat by the Board shall be effected through the agency of brokers authorised in writing in that behalf by the Board:

Provided that the Board may sell wheat for export otherwise than through the agency of an authorised broker.

(2) Any authorisation under this section may, in the absolute discretion of the Board, be at any time cancelled.

(3) Every authorised broker shall be appointed on such terms and conditions and be paid such remuneration, whether by way of commission or otherwise, as may be prescribed by regulations under this Act.

**29. Purchase of wheat by Board—**(1) All wheat offered to the Board in any season shall be purchased by the Board before a date declared by the Board as the final date on which the Board will purchase wheat in that season except:

- (a) Wheat that is not milling standard wheat or is otherwise free wheat within the meaning of this Act:
- (b) Wheat for the time being subject to a resolution under section 27 of this Act.

(2) Notwithstanding the provisions of subsection (1) of this section, no wheat to which paragraph (a) of subsection (1) of this section applies shall be sold otherwise than to the Board unless it has been offered to an authorised broker on behalf of the Board and been rejected as not milling standard wheat.

(3) Nothing in this section shall be deemed to preclude the Board from purchasing wheat which it is not bound to purchase under this section.

(4) The prices, terms, and conditions applicable to wheat purchased by the Board shall be such as the Board from time to time notifies, and the Board may notify varying prices for different qualities and kinds of wheat or for delivery at different times or otherwise.

(5) Delivery of wheat purchased by the Board and payment for any such wheat shall be in accordance with such terms and conditions as may be prescribed by regulations under this Act.

**30. Sale of wheat by Board—**(1) All wheat sold by the Board shall be sold at such prices and on such terms and conditions as may be notified from time to time by the Board.

(2) Payment for wheat sold by the Board shall be made by the purchaser to the authorised broker on account of the Board, and the terms of payment shall be such as may be agreed upon between the purchaser and the broker or as may be prescribed by regulations under this Act.

**31. Compensation schemes—**(1) The Board may institute and carry out schemes for the compensation of wheatgrowers for loss or damage due to frost, hail, or flood and for that purpose establish a fund for the payment of any such compensation.

(2) All compensation schemes instituted by the Wheat Committee and in operation at the commencement of this Act shall be deemed to have been instituted under this section and all money held by the Wheat Committee in respect of any fund established in respect of any such scheme shall be transferred to the Board.

(3) Claims under any such scheme shall be made, considered, assessed, and paid in accordance with regulations under this Act.

## PART IV

### DEALINGS IN FLOUR

**32. Powers of Board with respect to flour—**(1) The Board may purchase, sell, deal in, and act as agent for the sale and purchase of flour in accordance with this Act.

(2) The Board may out of funds acquired by it in the administration of this Part of this Act establish funds—

(a) For the equalisation of returns to millers:

(b) For the purchase of land, machinery, and assets owned in respect of mills which in its opinion are not required for the best conduct of the flour-milling industry.

**33. Flour to be purchased and sold through Board—**(1) Subject to the provisions of this Act, no miller, whether in New Zealand or elsewhere, shall purchase or sell any flour except through the agency of the Board.

(2) Every miller shall appoint the Board as his agent to sell and dispose of all flour which he has available for sale for delivery in New Zealand or elsewhere and the Board shall act as his agent for that purpose on terms and conditions prescribed by regulations under this Act and on such additional terms and conditions not inconsistent with any such regulations as the Board thinks fit to impose.

(3) Any miller may grist wheat and effect retail sales for cash at his mill premises such quantity of flour in any month and subject to such conditions as may be prescribed by regulations under this Act.

(4) Any miller whose annual output does not exceed fifty tons of flour may, with the consent of the Board, grist wheat and sell flour of an amount not exceeding his annual output otherwise than through the agency of the Board, and the Board may, in its discretion, apply the provisions of this subsection to millers whose annual output exceeds fifty tons of flour subject to such terms and conditions as the Board may impose.

**34. Prices for flour—**The Board may from time to time notify the sale prices of flour, and may, if it thinks fit, apply any such prices to flour with such variations as the Board

thinks fit if in the opinion of the Board special conditions or circumstances warrant any such variation.

**35. Quotas for flour**—(1) The Board shall in respect of every year fix in respect of every mill a quota of flour which may be sold from that mill and may from time to time during that year fix monthly quotas in respect of that mill.

(2) The Board shall also in respect of every year fix a quota of flour to be allocated to the Board and may from time to time during that year fix monthly quotas to be so allocated.

(3) The whole or any part of any quota of flour fixed under subsection (2) of this section may from time to time be allocated by the Board to any miller or millers at such rental and subject to such conditions as the Board may determine.

(4) Quotas under this section shall be fixed in accordance with and shall be subject to such terms and conditions as may be prescribed by regulations under this Act.

(5) No quota shall be fixed under this section in respect of any mill unless the mill was in operation at the commencement of this Act or unless the mill is established in substitution for an existing mill and the Board is of the opinion that operation of the substituted mill is desirable in the public interest and in the general interests of the flour milling industry and has approved in writing the operation of the mill:

Provided that quotas may be fixed under this section in respect of any mill not established in substitution for an existing mill if the Board and the Minister are of the opinion that the operation of the mill is desirable in the public interest.

(6) Except as otherwise provided by this Act, no flour shall be sold by any miller except flour produced from his mill within the quotas fixed under this section.

**36. Sales of flour by Board**—(1) All flour disposed of by the Board on behalf of any miller shall be disposed of on such terms and conditions as may be prescribed in regulations under this Act, or, so far as any such regulations do not extend, as the Board may from time to time determine.

(2) Flour acquired by the Board shall be delivered in such manner and in accordance with such terms and conditions as may be prescribed by regulations under this Act.

**37. Milling of surplus wheat**—If at any time the Board has at its disposal any wheat which in its opinion is in excess of present and prospective requirements in New Zealand, the

Board may arrange with any miller to manufacture flour from any such wheat upon such terms as the Board thinks fit.

**38. Quality of flour—**(1) The grading of flour shall be from time to time determined by the Board in accordance with regulations under this Act.

(2) Subject to any regulations under this Act, if any flour is not of the appropriate grading, the Board may—

(a) Reject the flour; or

(b) Sell the flour at a price lower than the current price of flour of the appropriate grading; or

(c) If the flour has already been sold, agree with the purchaser for such adjustment of the purchase price as the Board considers just and equitable.

(3) No flour rejected by the Board under this section shall be offered by a miller or any other person for sale for human consumption unless, with the consent of the Board, the flour is reconditioned by the miller and accepted by the Board as of the appropriate grading.

## PART V

### MISCELLANEOUS PROVISIONS

**39. Notices—**(1) Any notice required to be given to a miller shall be in writing and may be sent by letter or telegram addressed to the miller at his usual place of business.

(2) Any notice sent by letter or telegram shall be deemed to be given at the time when it would be delivered at its address in the ordinary course of post.

(3) Where under this Act anything is required to be notified, it shall be notified by publication in the *Gazette* or in one or more newspapers circulating in the district to which the notice relates or in such other manner as the Board may determine.

**40. Powers in Act not to affect other powers in respect of price fixation—**Nothing in this Act shall be construed to affect the exercise by any person of any power to fix prices otherwise than under this Act and, where prices are fixed in accordance with any such power, the prices notified by the Board under this Act shall be in accordance with the prices so fixed.

**41. Prohibition on disposal of mills**—It shall not be lawful for any miller to sell or otherwise dispose of his mill or the effective control of his mill except with the consent of the Board and in accordance with such terms and conditions as the Board may determine:

Provided that any such consent shall not be unreasonably withheld.

**42. Annual report and statement of accounts**—(1) As soon as practicable after the thirty-first day of January but not later than the thirty-first day of July in each year, the Board shall furnish to the Minister a report of its proceedings for its preceding financial year together with a copy of its accounts and balance sheet for that year certified by the Audit Office.

(2) A copy of the report and of the accounts and balance sheet so certified shall be laid before Parliament if then sitting, and, if not, within twenty-eight days after the commencement of the next ensuing session.

**43. Board to have powers of Commission of Inquiry**—For the purpose of conducting any inquiry necessary or desirable for the carrying out of its functions under this Act and for the purpose of obtaining any information that may be deemed necessary or of value to enable the Board to fulfil its functions, the Board shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908 and, subject to the provisions of this Act and of any regulations under this Act, all the provisions of that Act shall apply accordingly.

**44. Exemption from taxation**—The Board shall be exempt from the payment of land tax and income tax.

**45. Offences**—(1) Every person commits an offence against this Act who—

(a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this Act or any regulations under this Act:

(b) With intent to deceive, makes any false or misleading statement or any material omission in any communication with or application or return to the Board (whether in writing or otherwise) for the purposes of this Act or any regulations under this Act.

(2) Every person who commits or attempts to commit, or counsels, procures, aids, abets, or incites any other person to commit any offence against this Act, or against any regulations

under this Act, shall, where no other penalty has been specifically prescribed, be liable on summary conviction to a fine not exceeding five hundred pounds.

**46. Dissolution of Wheat Committee and transitional provisions—**(1) The Wheat Committee is hereby dissolved.

(2) All real and personal property, whether in New Zealand or elsewhere, which immediately before the commencement of this Act was vested in or belonged to the Wheat Committee is hereby vested in the Board without conveyance, transfer, or assignment and, subject to the provisions of this Act, shall be held by the Board for the same purposes as it was held immediately before the commencement of this Act.

(3) The person charged with the keeping of any register, on the written request of the Board and on payment of the appropriate fee, shall make such entries in his register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of this section.

(4) Subject to the provisions of this Act, all rights, obligations, and liabilities which immediately before the commencement of this Act were vested in or imposed on the Wheat Committee shall be deemed to be the rights, obligations, and liabilities of the Board.

(5) All references to the Wheat Committee in any Act, regulation, order, or other enactment or in any agreement, deed, instrument, application, notice, or other document whatsoever shall, unless the context otherwise requires, be read as references to the Board.

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

- (a) Ensuring the efficient and economic conduct of the wheat growing industry in relation to production, quality, testing, storage, carriage, and sale of wheat:
- (b) Conferring on the Board such powers as may reasonably be necessary to enable it to exercise its functions under this Act:
- (c) Making provision and prescribing conditions with respect to the sale and purchase of wheat by the Board:
- (d) Prescribing the form and content of contracts made by authorised brokers on behalf of the Board:

- (e) Prescribing the powers, duties, and authorities of authorised brokers:
- (f) Providing for the settlement of disputes relating to the sale and purchase of wheat and flour by the Board:
- (g) Providing for returns to be made by wheatgrowers, authorised brokers, millers, and other persons in relation to wheat and flour:
- (h) Providing for the sale of wheat for export:
- (i) Prescribing conditions applicable in respect of contracts made for the sale of flour by the Board on behalf of millers:
- (j) Providing for the accounts to be rendered and the payments to be made in respect of sales of flour by the Board on behalf of millers:
- (k) Providing for the keeping of books and records by wheatgrowers, millers, authorised brokers, and other persons:
- (l) Providing for the determination of the quality of flour; and making provision for the rejection or disposition of flour not acceptable to the Board:
- (m) Providing for the testing of wheat and flour and for the taking of samples of wheat and flour and prescribing the powers and duties of persons taking samples:
- (n) Providing for the branding or other identification of wheat and flour and regulating the use of brands, brand names, or identification marks:
- (o) Providing for the making and collection of levies for expenditure for such purposes as may be prescribed:
- (p) Providing for the grading of wheat and flour:
- (q) Regulating the sale or other disposition of mills:
- (r) Prescribing the powers and authorities of the Board and of officers of the Board in respect of the inspection of books, records, and premises for the purpose of ensuring compliance with this Act:
- (s) Providing for the growing of special purpose wheat under contract and for the disposition of any such wheat and seed wheat:
- (t) Prescribing offences against the regulations and the penalties for any such offences:
- (u) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

**48. Revocations**—The regulations specified in the Schedule to this Act are hereby revoked.

## Section 48

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**SCHEDULE****REGULATIONS REVOKED**

- The Board of Trade (Wheat and Flour) Regulations 1944: S.R. 1944/94.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 1: S.R. 1945/198.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 2: S.R. 1948/32.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 3: S.R. 1954/53.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 6: S.R. 1959/193.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 7: S.R. 1960/97.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 8: S.R. 1960/171.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 11: S.R. 1962/210.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 13: S.R. 1963/208.  
The Board of Trade (Wheat and Flour) Regulations 1944, Amendment No. 14: S.R. 1964/175.
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This Act is administered in the Department of Industries and Commerce.

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