



## ANALYSIS

### Title

### PART I

#### PRELIMINARY

1. Short Title and commencement
2. Interpretation

### PART II

#### NEW ZEALAND WOOL TESTING AUTHORITY

3. New Zealand Wool Testing Authority
4. Terms of office of members of Authority
5. Retirement of first nominated members
6. Extraordinary vacancies
7. Deputies of members
8. Deputy Chairman
9. Meetings of the Authority
10. Functions of Authority
11. Testing of wool and wool products
12. Powers of Authority
13. Contracts of Authority
14. Appointment of staff by Authority

### PART III

#### FINANCIAL PROVISIONS

15. Borrowing powers
16. Advances to Authority
17. Money to be banked
18. Special funds and reserves
19. Investment of money belonging to the Authority
20. Fees and travelling expenses
21. Insurance of Authority members against personal accident while engaged in duties
22. Annual report and accounts
23. Unauthorised expenditure by Authority
24. Exemption from taxation

### PART IV

#### MISCELLANEOUS

25. Acceptability of certificates
26. Limitation of liability of Authority
27. Acquisition of houses for use of officers
28. Regulations

1964, No. 66

**An Act to provide for the establishment of a New Zealand Wool Testing Authority and to define its powers and functions**

[17 November 1964]

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

## PART I

### PRELIMINARY

**1. Short Title and commencement**—(1) This Act may be cited as the Wool Testing Authority Act 1964.

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

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

“Authority” means the New Zealand Wool Testing Authority established under this Act:

“Financial year” means a year ending with the thirtieth day of June:

“Member” means a member of the Authority:

“Minister” means the Minister of Agriculture:

“Nominated member” means a member appointed under paragraph (b) or paragraph (c) of subsection (2) of section 3 of this Act:

“Wool” means the natural fibre from the fleece of any variety of sheep:

“Wool Board” means the New Zealand Wool Board established under the Wool Industry Act 1944:

“Wool product” means every product and every portion of a product at any stage of manufacture which contains wool.

## PART II

### NEW ZEALAND WOOL TESTING AUTHORITY

**3. New Zealand Wool Testing Authority**—(1) There is hereby established an Authority, to be called the New Zealand Wool Testing Authority.

(2) The Authority shall consist of nine members to be appointed by the Governor-General of whom—

(a) One member shall be appointed as Chairman on the recommendation of the Minister, after consultation with the Wool Board:

(b) Three members shall be nominated by the New Zealand Wool Commission:

(c) Three members shall be nominated by the Wool Board:

(d) Two members shall be officers of the Department of Agriculture.

(3) The Authority shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, 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. Terms of office of members of Authority**—(1) Except as otherwise provided in this Act, every member of the Authority shall be appointed for a term of three years, but may from time to time be reappointed:

Provided that the members appointed under paragraph (d) of subsection (2) of section 3 of this Act shall hold office during the pleasure of the Governor-General.

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

**5. Retirement of first nominated members**—(1) With respect to the first members of the Authority appointed under paragraph (b) of subsection (2) of section 3 of this Act, the following provisions shall apply:

(a) One of those members shall retire at the expiration of one year from the date of his appointment, one shall retire at the expiration of two years from that date, and the other member shall retire at the expiration of three years from that date:

(b) The member so to retire at the end of one year shall be determined by agreement of the three members, and the member so to retire at the end of two years shall be determined by agreement of the two members then remaining; and, failing agreement on either occasion, the member then to retire shall be determined by lot.

(2) With respect to the first members of the Authority appointed under paragraph (c) of subsection (2) of section 3 of this Act, the following provisions shall apply:

(a) One of those members shall retire at the expiration of one year from the date of his appointment, one shall retire at the expiration of two years from that date, and the other member shall retire at the expiration of three years from that date:

(b) The member so to retire at the end of one year shall be determined by agreement of the three members, and the member so to retire at the end of two years shall be determined by agreement of the two members then remaining; and, failing agreement on either occasion, the member then to retire shall be determined by lot.

**6. Extraordinary vacancies**—(1) Any member of the Authority may at any time be removed from office by the Governor-General for disability, insolvency, 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.

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

(3) An extraordinary vacancy shall be filled in the manner in which the appointment to the vacant office was originally made.

(4) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which his predecessor was appointed.

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

**7. Deputies of members**—(1) Where the Minister is satisfied that any member of the Authority 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 his incapacity.

(2) In the case of a nominated member, every appointment of a deputy under subsection (1) of this section shall be made only on the nomination of the body that nominated the member.

(3) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Authority, and any deputy acting for the Chairman shall have all the powers of the Chairman.

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

**8. Deputy Chairman**—(1) The Minister may from time to time, after consultation with the Wool Board, appoint any member of the Authority, other than the Chairman, to be the Deputy Chairman of the Authority, to hold office as such during the pleasure of the Minister.

(2) During any vacancy in the office of Chairman, or in the absence of the Chairman from any meeting of the Authority, or in the event of the Chairman being incapacitated by illness or other cause from performing the duties of his office, the Deputy Chairman shall have and may exercise all the powers of the Chairman.

**9. Meetings of the Authority**—(1) The first meeting of the Authority shall be held on a day to be appointed in that behalf by the Minister.

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

(3) The Chairman of the Authority may at any time call a special meeting of the Authority and the Chairman shall call a special meeting whenever requested to do so in writing by any three members of the Authority.

(4) At all meetings of the Authority five members, of whom at least one shall be a member appointed under paragraph (d) of subsection (2) of section 3 of this Act, shall form a quorum.

(5) The Chairman shall preside at all meetings of the Authority at which he is present. In the absence from any meeting of the Chairman and the Deputy Chairman, the members present shall appoint one of their number to be chairman at that meeting.

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

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

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

**10. Functions of Authority**—(1) The principal functions of the Authority shall be—

(a) To carry out, at the request of any person, tests of wool or wool products for the purpose of determining the characteristics of the wool or wool products:

- (b) To issue certificates in respect of wool or wool products tested by it;
  - (c) To carry out such experiments and tests as the Authority thinks fit for the purpose of improving the methods of testing wool or wool products or of devising or improving any plant or equipment used in any such testing.
- (2) The Authority shall have such other functions as may be conferred on it by or under this Act or otherwise.

**11. Testing of wool and wool products**—(1) Tests of wool or wool products by the Authority shall be carried out in such manner, and in accordance with such standards, as may from time to time be determined by the Authority.

(2) Every certificate issued by the Authority in respect of tests of wool or wool products shall be in a form provided for the purpose by the Authority and shall be sealed with a seal of the Authority in such manner and in such form as the Authority from time to time determines by resolution.

**12. Powers of Authority**—(1) The Authority shall have all such powers, rights, and privileges as may be reasonably necessary or expedient to enable it to carry out its functions, and, in particular, without limiting the generality of the powers of the Authority, it may from time to time—

- (a) Provide, develop, or construct such plant, machinery, or equipment as it thinks necessary or desirable for the purpose of carrying out its functions;
- (b) Acquire, lease, hold, and dispose of, land, buildings, plant, machinery, goods, or other property for any such purpose;
- (c) Appoint agents and attorneys;
- (d) Advertise its services.

(2) The Authority may charge such fees or charges for its services as it from time to time determines.

(3) In fixing any fees or charges under this section, the Authority shall ensure that the amount recoverable therefrom shall be sufficient to meet its financial obligations.

**13. Contracts of Authority**—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 Wool Testing Authority	1964, No. 66—The Wool Testing Authority Act 1964.”
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**14. Appointment of staff by Authority**—(1) The Authority may from time to time appoint such officers and servants as it considers necessary for the efficient performance of its functions and the exercise of its powers under this Act, and may, out of its funds, pay to its officers and servants such salaries and allowances as the Authority from time to time determines.

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

### PART III

#### FINANCIAL PROVISIONS

**15. Borrowing powers**—The Authority may from time to time, with the consent of the Minister of Finance and subject to such terms and conditions as that Minister thinks fit, borrow money and issue debentures and mortgages or charge any of its real or personal property.

**16. Advances to Authority**—(1) The Minister of Finance may from time to time, on behalf of Her Majesty the Queen—

- (a) Advance money to the Authority; and
- (b) Give in respect of any advance made to the Authority by any other person any guarantee, indemnity, or security,—

on or subject to such terms and conditions as that Minister thinks fit.

(2) All money required to be paid by the Minister of Finance under this section shall, without further appropriation than this section, be paid out of the Consolidated Revenue Account or out of the National Development Loans Account. Where any payment under this section is made out of the National Development Loans Account, the authority of the Minister to borrow money under section 11 of the New Zealand Loans Act 1953 shall be deemed to be extended as if the money so paid had been transferred from the National Development Loans Account to another fund or account as mentioned in that section.

(3) The Minister of Finance may from time to time, on behalf of Her Majesty the Queen, enter into agreements with the Authority for the purpose of giving full effect to the provisions of this section.

**17. Money to be banked**—(1) The Authority may, at any branch or branches of a bank, establish in the name of the Authority such accounts as it deems necessary or advisable for the performance of its functions and the exercise of its powers under this Act.

(2) No money shall be withdrawn from any such account except as authorised by the Authority, and any cheque or other withdrawal notice shall be signed by such person or persons as the Authority from time to time appoints for the purpose.

(3) All money belonging to the Authority shall be paid into an account established under this section.

**18. Special funds and reserves**—The Authority may from time to time establish such special funds or reserves as it deems necessary or expedient for any purpose contemplated by this Act.

**19. Investment of money belonging to the Authority**—Any money belonging to the Authority may from time to time be invested—

- (a) In New Zealand Government Securities;
- (b) On deposit in any bank or banks approved by the Minister of Finance, or in the Post Office Savings Bank;
- (c) In any manner, or in any securities, that may from time to time be authorised by the Minister of Finance.

**20. Fees and travelling expenses**—(1) The Authority 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 Authority remuneration by way of fees 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.

**21. Insurance of Authority members against personal accident while engaged in duties**—The Authority may at any time and from time to time enter into contracts of insurance insuring members of the Authority against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members, and pay the premiums payable in respect of any such contracts.

**22. Annual report and accounts**—(1) As soon as reasonably practicable after the end of each financial year the Authority shall prepare a balance sheet and such other statements of account as are necessary to show fully the financial position of the Authority and the financial results of its operations during that year together with a report of its operations for the year.

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

(3) Notwithstanding the provisions of this section, the first annual report and accounts prepared and furnished under this section shall relate to the period beginning with the first day of January, nineteen hundred and sixty-five, and ending with the thirtieth day of June, nineteen hundred and sixty-six, and no other report or accounts shall be required in respect of that period.

(4) The accounts of the Authority shall be audited by the Audit Office which for that purpose shall have all such powers as it has under the Public Revenues Act 1953 in respect of public money and public stores.

**23. Unauthorised expenditure by Authority**—In any financial year the Authority may, for purposes not authorised by this Act or by any other Act, expend out of its funds any sum or sums not amounting in the whole to more than one hundred pounds.

**24. Exemption from taxation**—The Authority shall be exempt from income tax on all income derived by it otherwise than income derived from investments.

**PART IV**  
**MISCELLANEOUS**

**25. Acceptability of certificates**—(1) A certificate sealed with a seal of the Authority in accordance with section 11 of this Act in respect of a test carried out by the Authority, or a document sealed with such a seal adopted by the Authority for the purpose of this section and purporting to be a copy of any such certificate, shall be evidence for all purposes of the matters stated in the certificate in relation to the test and that the results of the test as shown in the certificate are correct.

(2) All Courts and all persons acting judicially shall take judicial notice of a seal referred to in section 11 of this Act and shall presume that it was duly affixed.

**26. Limitation of liability of Authority**—(1) Subject to the provisions of this section, the Authority shall not be subject to any liability in respect of—

- (a) Any certificate issued by it; or
- (b) Failure for any reason to perform or complete a test; or

(c) Any wool or wool products deposited with it for testing.

(2) Subsection (1) of this section shall not affect any liability of the Authority arising out of the negligence or misconduct of a servant or agent of the Authority.

(3) No member of the Authority shall be personally liable for any act done or omitted by the Authority or by any member thereof in good faith and in pursuance or intended pursuance of the powers and authority of the Authority.

**27. Acquisition of houses for use of officers**—(1) The Authority may, if in its opinion it is expedient to assist its officers to acquire housing accommodation, take on lease, rent, or purchase land on which houses are erected, or purchase land and erect houses, or take on lease or rent furnished houses or flats, or make advances, on such terms and conditions as may be approved by the Minister of Finance, to its officers for the purpose of enabling those officers to purchase for their own use land on which houses are to be erected.

(2) Where, pursuant to subsection (1) of this section, the Authority takes on lease, rents, or purchases land on which a house is erected, or erects a house on any land which it has purchased, or takes on lease or rents any furnished house or flat, it may let that house or that furnished house or flat, as

the case may be, furnish and let the house, to any officer of the Authority for such term and at such rent and otherwise upon such terms and conditions as it thinks fit.

**28. Regulations**—The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

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This Act is administered in the Department of Agriculture.

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