

77

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES,
and, having this day passed as now printed, is transmitted to
the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,
4th November, 1924.*

Hon. Mr. Nosworthy.

HONEY-EXPORT CONTROL.

Title.	ANALYSIS.
1. Short Title.	
2. This Act not operative until brought into force by Proclamation.	15. As to existing contracts for purchase and sale of honey.
3. Interpretation.	16. Particular powers of Board.
4. Honey Control Board established.	17. Honey not to be exported save in accordance with determination of Board.
5. Term of office of members of Board.	18. Overseas agents.
6. Incorporation of Board.	19. As to contracts for shipment of honey.
7. Contracts of Board.	20. Levy on honey exported.
8. Provision for appointment of deputy members.	21. Application of moneys received by Board.
9. First meeting. Appointment of Chairman.	22. Audit of Board's accounts.
10. Other meetings of Board.	23. Liability of Board for its acts or omissions.
11. Officers of Board.	24. Penalty for obstructing Board in exercise of powers under this Act.
12. Board may assume control of honey intended for export.	25. Saving of provisions of Apiaries Act, 1908.
13. Where Board assumes absolute control of honey for export.	26. Returning Officers at elections under this Act.
14. Where Board assumes limited control of honey for export.	27. Regulations. Schedule.

A BILL INTITULED

AN ACT to make Provision for the Control of the Export of Honey. Title.

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

5 follows:—

1. This Act may be cited as the Honey-export Control Act, Short Title.
1924.

2. (1.) This Act shall come into operation on a date to be This Act not
operative until
brought into force
by Proclamation.
10 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 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.

15 (3.) At the poll to be taken as aforesaid, proposals shall be submitted in the form 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 apiary registered under the Apiaries Amendment Act, 1913, from 10
20 which at least two hundredweights of honey, the produce of that apiary, were exported in any one of the three years immediately

preceding the year commencing on the first day of October, 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.) Every voter at the poll on the proposals submitted under this section shall be entitled to one vote only, and shall record his vote by striking out the proposal for which he does not wish to vote. 5

(6.) 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.

(7.) For the purposes of a poll under this section 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 the poll. 10

(8.) 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 first day of January, nineteen hundred and twenty-five, and may be taken by post. 15

(9.) 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*. 20

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

Interpretation.

3. In this Act, unless the context otherwise requires,—

“ Minister ” means the Minister of Agriculture : 25

“ Producers ” means persons carrying on business as producers of honey for sale and being the occupiers of apiaries registered under the Apiaries Amendment Act, 1913.

Honey Control Board established.

4. (1.) There is hereby established a Board to be known as the New Zealand Honey Control Board (hereinafter referred to as the Board). 30

(2.) The Board shall consist of—

(a.) One person (herein referred to as the Government representative) to be appointed by the Governor-General, on the recommendation of the Minister, as the representative of the New Zealand Government : 35

(b.) Two persons (herein referred to as producers' representatives) to be appointed by the Governor-General as representatives of producers on election in manner hereinafter provided. 40

(3.) The producers' representatives shall be elected in the prescribed manner by direct vote of the producers of the Dominion engaged in the production of honey for export.

(4.) No person shall be qualified to vote at an election under this section as a producer unless at least two hundredweights of honey produced in the apiary of which he is the occupier were exported from New Zealand in any one of the three years immediately preceding the year in which such election is held. 45

(5.) At an election under this section every elector shall be entitled to one vote only. 50

(6.) Any corporate body entitled to vote at an election under this section may, by writing under its corporate seal, appoint some person to exercise its voting-power.

5. (1.) The person appointed as the Government representative under the *last preceding* section shall hold office during the pleasure of the Governor-General. Term of office of members of Board.

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

(a.) One of such members shall retire on the thirty-first day of December, nineteen hundred and twenty-five; and one shall retire on the thirty-first day of December, nineteen hundred and twenty-six.

10 (b.) The member so to retire on the thirty-first day of December, nineteen hundred and twenty-five, shall be determined by lot in the prescribed manner.

(c.) Any member retiring as aforesaid shall be eligible for reappointment to the Board.

15 (3.) Except as provided in the *last preceding* subsection, every person appointed as a producers' representative shall hold office for a term of two 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-
20 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
25 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.

6. The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding
30 real and personal property and of doing and suffering all that bodies corporate may do and suffer. Incorporation of Board.

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

35 (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 the 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.

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

45 8. (1.) In any case in which the Governor-General 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 Governor-General, on the recommendation of the Minister, if the member so incapacitated is the Government representative, or
50 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 Provision for appointment of deputy members.

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. 5

First meeting.

9. (1.) The first meeting of the Board 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 Board.

10. (1.) Except as provided in the *last preceding* section, 10 meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

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

(3.) At all meetings of the Board two members, of whom one 15 shall be the Government representative, shall form a quorum.

(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 20 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 25 of the Board.

Officers of Board.

11. The Board may appoint such officers and servants as it deems necessary for the efficient carrying-out of its functions under this Act.

Board may assume control of honey intended for export.

12. (1.) The Board is hereby empowered to assume control of 30 all honey 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 honey.

(2.) In any such case the control of the Board shall operate as 35 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 honey may be given either by service on the owner of any such honey or on any person having possession thereof, or by publication 40 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 honey 45 may, as the Board in any case determines, be absolute or limited.

Where Board assumes absolute control of honey for export.

13. All honey intended for export of which the 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. 50

Where Board assumes limited control of honey for export.

14. Where the Board has assumed limited control of honey intended for export the extent of its control shall be defined by notice in the manner provided by subsection *three* of section *twelve* hereof,

or by agreement between the Board and the owners of such honey or other persons having authority to enter into an agreement with the Board with respect to such honey.

15. Notwithstanding anything to the contrary in the foregoing provisions of this Act, the Board shall not exercise any powers under this Act with respect to the sale of any honey if it is satisfied that there is subsisting a *bona fide* contract or arrangement for the purchase and sale of that honey made before the passing of this Act.

As to existing contracts for purchase and sale of honey.

16. (1.) Without limiting any authority specifically conferred on the 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 blending, grading, packing, handling, and storage of honey of which it has assumed control;
- 15 (b.) For the shipment of such honey on such terms and in such quantities as it thinks fit;
- (c.) For the sale and disposal of such honey on such terms as it thinks advisable;
- 20 (d.) For the insurance against loss of any such honey either in New Zealand or in transit from New Zealand and until disposed of;
- (e.) For the display of any honey at exhibitions or elsewhere; and
- 25 (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 honey.

(2.) For the purpose of securing any advances that may be made to the Board or to the owners of any honey 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 honey to give security over such honey 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 honey.

(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.

17. For the purpose of enabling the Board effectively to control the export of honey, 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 honey, 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.

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

18. The 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 honey and as to other matters relative to the disposal of New Zealand honey in such places, and generally to act as the agent or agents of the Board in accordance with the directions of the Board.

Overseas agents.

As to contracts for shipment of honey.

19. (1.) After the constitution of the Board, or after such later date as the Board may by public notice appoint, no contract for the carriage by sea of any honey to be exported from New Zealand shall be made save by the Board, acting as the agent of the owners of that honey, or of other persons having authority to export that honey, 5 or in conformity with conditions to be approved by the Board.

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

Levy on honey exported.

20. (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 honey intended for export, such charges as may from time to time be prescribed in that behalf by regulations under this Act, not exceeding a levy of *one farthing* a pound. 10

(2.) All moneys payable under this section shall be paid to the Board, and the Board 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. 15

Application of moneys received by Board.

21. All moneys received by the Board by way of levy hereunder, or in respect of the sale of honey, 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 :— 20

- (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 : 25
- (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) : 30
- (d.) In payment of advances made by the Board to the owners of any honey on account of the price of that honey :
- (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 : 35
- (f.) In payment of the balance to the owners of the honey controlled by the Board in proportions to be determined by the Board, having regard to the quantity and quality of the honey disposed of by it on account of the several owners, and the respective costs and charges involved in the disposal thereof. 40

Audit of Board's accounts.

22. The accounts of the Board 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. 45

Liability of Board for its acts or omissions.

23. (1.) The Board in its corporate capacity shall, in all its operations under this Act, be deemed to be the agent of the owners of all honey 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 ; 50

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 honey, any power with respect to such honey that may expressly or by implication be conferred on the Board by or by 5 virtue of this Act.

(2.) No member of the 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.

10 24. Every person who obstructs or impedes, or attempts to obstruct or impede, the Board or any officer, servant, or agent of the 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.

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

15 25. Nothing in this Act shall be so construed as to affect the provisions of the Apiaries Act, 1908, or any amendment thereof, or any regulations for the time being in force thereunder.

Saving of provisions of Apiaries Act, 1908.

20 26. For the purposes of elections 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.

Returning Officers at elections under this Act.

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

Regulations.

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

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

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

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

SCHEDULE.

Schedule.

VOTING-PAPER ON PROPOSAL TO BRING HONEY-EXPORT CONTROL ACT INTO OPERATION.

- 1. I vote that the Act be brought into operation.
2. I vote that the Act be NOT brought into operation.