

## HORTICULTURE EXPORT AUTHORITY BILL

---

### EXPLANATORY NOTE

THIS Bill establishes the Horticulture Export Authority, and prescribes its powers and functions.

In general, the membership of the Authority consists of representatives of the 4 main horticultural products producer associations. When a particular group wishes the export of their product to be subject to export licensing, it will make a request through its main producer association (called a "producer group" in the Bill) who will recommend to the Minister that this be done. Making products subject to the Bill is done by Order in Council, which will also specify a date after which it will be illegal to export the product without a licence.

Although the Authority is autonomous in granting licences, it is subject to regulations made under the Bill and to any expressed policy of the Government in relation to the export of the product concerned. It is also to have regard to any guidelines produced by each producer group which, in general terms, relate to the attitude of that group to the licensing of the product concerned, and, more particularly, to any recommendation of the relevant producer group on any application for a licence.

*Clause 1* relates to the Short Title.

*Clause 2* is the interpretation clause.

*Clause 3* sets out how products are to be made subject to the Bill, and also provides that the Bill is to be subject to any other enactment relating to the export of horticultural products.

#### *Horticulture Export Authority*

*Clauses 4 to 11* relate to the establishment and administration of the Authority.

#### *Functions and Powers of Authority*

*Clauses 12 and 13* set out the functions and powers of the Authority.

#### *Licensing*

*Clauses 14 to 20* deal in some detail with the licensing functions of the Authority.

#### *Appeals*

*Clauses 21 to 29* provide for an appeal to an independent arbitrator against certain decisions of the Authority, and a further appeal on points of law only to the High Court.

No. 126—1

*Financial Provisions*

*Clauses 30 to 37* are financial provisions of a conventional nature.

*Miscellaneous Provisions*

*Clauses 38 to 41* relate to the giving of notices, the making of regulations, offences and penalties, and a consequential amendment.

---

*Right Hon. Mr MacIntyre*

## HORTICULTURE EXPORT AUTHORITY

### ANALYSIS

Title	
1. Short Title	
2. Interpretation	
3. Application and limitation of Act	
<i>Horticulture Export Authority</i>	
4. Horticulture Export Authority	
5. Terms of office of members of Authority	
6. Deputies of members	
7. Meetings of Authority	
8. Committees	
9. Officers and employees of Authority	
10. Fees and travelling allowances	
11. Members of Authority, etc., not personally liable	
<i>Functions and Powers of Authority</i>	
12. Functions and powers of Authority	
13. Authority to implement policy of Government	
<i>Licensing</i>	
14. Licensing	
15. Applications for licence	
16. Grant of licence	
17. Permits of exemption	
18. Provisional licences	
19. Authority may require information from licensee	
20. Revocation of licence	
	<i>Appeals</i>
	21. Appeals to arbitrator
	22. Appeals to High Court on question of law
	23. Notice of appeal
	24. Right to appear and be heard on appeals
	25. Orders relating to determination of appeals
	26. Dismissal of appeal
	27. Extension of time
	28. Date of hearing
	29. Suspension of decision while appeal pending
	<i>Financial Provisions</i>
	30. Bank accounts
	31. Investment of money
	32. Borrowing powers
	33. Financial year
	34. Unauthorised expenditure
	35. Audit of accounts
	36. Annual report and statement of accounts
	37. Taxation
	<i>Miscellaneous Provisions</i>
	38. Service of notices
	39. Regulations
	40. Offences and penalties
	41. Consequential amendment

### A BILL INTITULED

### **An Act to establish a Horticulture Export Authority and to provide for its powers and functions**

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

No. 126—1

**1. Short Title**—This Act may be cited as the Horticulture Export Authority Act 1983.

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

“Authority” means the Horticulture Export Authority 5  
established under **section 4** of this Act:

“Director-General” means the Director-General of  
Agriculture and Fisheries:

“Licence” means any licence issued pursuant to **section 16**  
of this Act: 10

“Minister” means the Minister of Agriculture:

“Producer group” means any body which is represented  
on the Authority under **section 3 (1)** of this Act:

“Product” means any horticultural material produced for  
export in its natural state; and includes, whether held 15  
in a frozen condition or otherwise, any fruit, vegetable,  
nursery stock, flower, or other plant material.

**3. Application and limitation of Act**—(1) The Governor-General may, from time to time by Order in Council on the recommendation of the Minister, specify any product the 20  
export of which is to be subject to the control of the Authority.

(2) The Minister shall not make a recommendation for the purposes of **subsection (1)** of this section unless he is satisfied—

(a) That there is in existence an association or body of  
persons representing at least 75 percent of the 25  
producers of the product to which the proposed  
Order in Council relates; and

(b) That that 75 percent of producers are the producers of  
what is estimated to be at least 80 percent of the  
exportable product; and 30

(c) That that association or body of persons has, through and  
with the approval of an appropriate producer group,  
requested him to make such a recommendation.

(3) Notwithstanding **subsections (1) and (2)** of this section, this  
Act shall be subject to any other enactment relating to the 35  
export of horticultural products.

*Horticulture Export Authority*

**4. Horticulture Export Authority**—(1) There is hereby  
established the Horticulture Export Authority.

(2) The Authority shall consist of the following members, 40  
appointed by the Minister:

- (a) A Chairman:
- (b) A nominee of the New Zealand Fruitgrowers Federation Limited:
- 5 (c) A nominee of the New Zealand Vegetable and Produce Growers' Federation Incorporated:
- (d) A nominee of the New Zealand Berryfruit Growers Association Incorporated:
- (e) A nominee of the New Zealand Nurserymens Association Incorporated:
- 10 (f) A nominee of the ad hoc committee known as the Horticulture Exporters Council:
- (g) A representative of the Government.

15 (3) The persons to be appointed under **paragraphs (b) to (e) of subsection (2)** of this section shall be nominated from the executive members of the respective producer groups.

(4) The Authority 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, of suing and being sued, and of doing or suffering all such  
20 other acts and things as bodies corporate may do and suffer.

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

25 (6) No appointment of a person under this section and no act done by him while acting as a member of the Authority shall, in any proceedings, be questioned on the grounds that the occasion for his appointment had not arisen or had ceased.

**5. Terms of office of members of Authority**—(1) Subject to this section, each member of the Authority shall hold office for a term of 3 years, but shall be eligible for reappointment  
30 or re-election from time to time:

Provided that if the term of office of a producer group representative on the executive of his producer group is less than 3 years, then that member shall hold office as a member of the Authority for that lesser term.

35 (2) Unless he sooner vacates his office under **subsection (3)** of this section, every member shall continue in office until his successor comes into office.

40 (3) Any member of the Authority may be removed from office at any time by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister.

(4) If any member of the Authority dies, or resigns, or is removed from office, the Minister may appoint a qualified person to fill the vacancy for the residue of the term for which the vacating member was appointed; and any such appointment shall be made in the same manner as the appointment of the vacating member. 5

**6. Deputies of members**—(1) In any case in which 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. 10

(2) Every deputy appointed under this section to act for any member whose appointment to the Authority was made on the nomination of any producer group shall be appointed on the nomination of that producer group, and shall be a person who would be qualified for appointment in accordance with section 4 of this Act. 15

(3) Any deputy appointed under this section shall, while he acts as such, be deemed for all purposes to be a member of the Authority. 20

(4) No appointment of a deputy and no acts done by him as such, and no acts done by the Authority 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. 25

**7. Meetings of Authority**—(1) The first meeting of the Authority shall be held at a time and place to be appointed by the Minister.

(2) Subsequent meetings of the Authority shall be held at such times and places as the Authority may from time to time appoint. 30

(3) The quorum at any meeting of the Authority shall be 4 members, of whom one shall be the Government representative, and one other the Horticultural Export Council representative. 35

(4) The Chairman shall preside at all meetings of the Authority at which he is present. In the absence of the Chairman from any meeting, the members present shall select one of their number to be the Chairman for the purposes of that meeting. 40

(5) The Chairman at any meeting shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(6) At any meeting the decision of a majority of the members present shall be the decision of the Authority.

(7) A resolution in writing signed or assented to by letter, telegram, or telex by all members of the Authority shall be  
5 as valid and effectual as if it had been passed at a meeting of the Authority duly called and constituted.

(8) Subject to this section, the Authority may regulate its own procedure.

**8. Committees**—(1) The Authority may from time to time  
10 appoint a committee or committees, consisting of 2 or more persons, to advise the Authority on such matters concerning the horticulture industry or the marketing or export of products as are referred to them by the Authority.

(2) Every committee may, in addition, furnish to the  
15 Authority reports on any matter concerning the horticulture industry or the marketing or export of products 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  
20 committee, notwithstanding that he is not a member of the Authority.

**9. Officers and employees of Authority**—(1) The Authority may from time to time, on such terms and conditions (whether as to salaries, allowances, or otherwise) as it thinks fit, but  
25 subject to the provisions of the Higher Salaries Commission Act 1977, appoint such officers and employees as it considers necessary for the efficient exercise of its functions and powers.

(2) The Authority may, for the purpose of providing  
30 superannuation or retiring allowances for its officers and employees or their dependants, subsidise out of its funds any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or any other employer-subsidised scheme approved by the Minister of Finance.

**10. Fees and travelling allowances**—(1) The Authority is  
35 hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Authority and to every member of any committee appointed by the Authority remuneration by way of fees, salary, or allowances, and  
40 travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951; and, in the case of any such committee, the provisions of that Act shall apply as if that committee were a statutory Board within the meaning of that Act.

**11. Members of Authority, etc., not personally liable—**

No member of the Authority or employee of the Authority, or of any committee appointed by the Authority, shall be personally liable for any act performed or omitted in good faith in pursuance or intended pursuance of the provisions of this Act. 5

*Functions and Powers of Authority*

**12. Functions and powers of Authority—**(1) The principal functions of the Authority shall be—

- (a) To act as a licensing authority to grant licences to export products to which this Act applies, and to renew, revoke, or amend the conditions attached to such a licence, in accordance with regulations made under this Act: 10
  - (b) To implement such quality standards relating to any exported product as may be prescribed: 15
  - (c) To promote any product, or co-ordinate any work done in respect of any product, at the request of the producer group representing that product:
  - (d) To institute and carry out such matters relating to the imposition and collection of a levy on any exported product as may be prescribed. 20
- (2) The Authority shall also have such other functions as may be conferred on it by or under this Act or any other enactment.
- (3) The Authority shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions. 25

**13. Authority to implement policy of Government—**

(1) In the exercise of its functions and powers under this Act, the Authority shall give effect to the policy of the Government in relation to those functions and powers, as communicated to it from time to time in writing by the Minister. 30

(2) A copy of every communication made under this section to the Authority in any financial year shall be published in the *Gazette* as soon as practicable after it has been made. 35

*Licensing*

**14. Licensing—**(1) Every Order in Council made pursuant to **section 3 (1)** of this Act shall specify a date whereby the export of any product, the subject of the order, shall constitute an offence unless the exporter holds a licence granted by the Authority under this Act. 40

(2) Notwithstanding **subsection (1)** of this section, any person who was properly exporting any product as at the date specified in the Order in Council may continue to export the product until the expiry of a period of 6 months after that date, and shall then cease, unless—

- 5 (a) That person then holds an exporter's licence for that product; or
- (b) That person has made an application to the Authority before that date for an exporter's licence and the application has not yet been finally determined.
- 10 (3) As soon as practicable after a product has been declared subject to this Act, the producer group representing producers of the product shall submit to the Authority a set of guidelines relating to the export licensing of the product, and the Authority shall take the guidelines into account in any
- 15 consideration of an application for a licence.

**15. Application for licence**—(1) Every application for an exporter's licence shall—

- 20 (a) Be made in writing addressed to the Authority on a form to be provided for that purpose by the Authority, and signed by or on behalf of the applicant; and
  - (b) Be accompanied by such fee as is for the time being prescribed; and
  - 25 (c) Be accompanied by such evidence of the applicant's business experience and financial standing as the Authority may request as being relevant for the purposes of the application.
- (2) Upon receipt of an application for a licence the Authority shall refer the application to the relevant producer group, which shall make such inquiries into the matter as it thinks appropriate and shall then recommend that the Authority grants the licence or refuse to grant the licence.

**16. Grant of licence**—(1) Upon receiving a recommendation under **section 15 (2)** of this Act, the Authority shall consider the application and, after having regard to the recommendation, any guidelines given under **section 14 (3)** of this Act, and such other matters as may be prescribed, may grant or decline to grant the licence.

(2) Every licence granted, unless sooner revoked or surrendered, shall continue in force until the day specified in the licence.

(3) On its grant or at any other time, the Authority may attach conditions to a licence relating to the orderly export of the product concerned (including conditions specifying particular markets or segments of markets to which the product may be exported, and the form in which or the quantities of the product that may be exported) as the Authority thinks fit; and may, after giving 2 months' notice in writing to the licensee, vary or revoke any condition so attached.

**17. Permits of exemption**—Any person (not being an exporter) who wishes to export one particular consignment of a product, or export one particular series of consignments, or to make a trial shipment of a product, may apply to the Authority for a permit of exemption from licensing; and the Authority may grant such a permit subject to such terms and conditions as it thinks fit, after receiving a recommendation in that behalf from the relevant producer group.

**18. Provisional licences**—(1) Where, except for a lack of experience in exporting any product, an applicant would otherwise be entitled to be granted a licence, the Authority may instead grant the applicant a provisional licence, subject to such terms and conditions as it thinks fit, after receiving a recommendation in that behalf from the relevant producer group.

(2) A provisional licence granted under this section shall be the equivalent of and have the same effect as a licence granted under **section 16** of this Act, but only to the extent of the terms and conditions endorsed on it.

(3) The same fees shall be payable in relation to a provisional licence as are payable in relation to a licence granted under the said **section 16**.

**19. Authority may require information from licensee**—The Authority may at any time require a licensee to produce to the Authority such information relating to the licensee's exporting operations as the Authority may request in writing, and may require the licensee to verify by statutory declaration any information produced; and all such information obtained shall be regarded as being confidential to the Authority, and shall be treated as such.

**20. Revocation of licence**—The Authority may at any time revoke a licence, on the recommendation of the relevant producer group, if it is satisfied that—

- (a) The licensee has failed to comply with any condition imposed on the licence; or
- (b) Since the issue of the licence, the licensee has been convicted of an offence under this Act or any other enactment relating to the export of any product or to exporting generally.

*Appeals*

**21. Appeals to arbitrator**—(1) If the Authority does not grant a licence or revokes any licence, the licensee may, within 28 days after receiving written notice of the decision of the Authority, give written notice of the appeal setting out the grounds for appeal, to the Authority.

(2) On receipt of any notice of appeal, the Authority shall refer its decision together with that notice to the arbitrator appointed pursuant to **subsection (3)** of this section.

(3) For the purposes of hearing any appeal against any decision of the Authority mentioned in **subsection (1)** of this section, there shall be appointed an independent arbitrator who shall be a barrister or solicitor of the High Court of at least 7 years standing who shall be nominated by the President of the New Zealand Law Society.

(4) The arbitrator shall appoint a time and place for hearing the appeal, shall give reasonable notice of the appointed time and place to the appellant and to the Authority, and shall regulate the procedure to be followed on appeal.

(5) The appeal shall be heard by the arbitrator, who may affirm, or reverse, or vary the decision given by the Authority, and may award such costs as he thinks fit.

(6) The decision of the arbitrator shall be notified in writing to the appellant and the Authority.

(7) The decision of the arbitrator shall be final, and shall bind both the appellant and the Authority.

**22. Appeals to High Court on question of law**—(1) Where any party to any proceedings before the arbitrator is dissatisfied with any decision of his as being erroneous in point of law, that party may appeal to the High Court on that question of law.

(2) Every such appeal shall be heard and determined by the Administrative Division of the High Court, the decision of which shall be final.

(3) Subject to this section, the procedure in respect of any such appeal shall be in accordance with the rules of the Court.

**23. Notice of appeal**—(1) Every such appeal shall be instituted by the appellant lodging a notice of appeal within one month after the date of the decision with—

- (a) The Registrar of the Court in Wellington; and
- (b) The arbitrator.

5

(2) Either before or immediately after the lodging of the notice of appeal, the appellant shall serve a copy of the notice of appeal, either personally or by post, on every other party to the proceedings before the arbitrator.

(3) Service under **subsection (2)** of this section, if by post, shall be by registered letter and shall be deemed in the absence of proof to the contrary, for the purposes of this section, to be effected at the time when the letter would be delivered in the ordinary course of post.

(4) Every notice of appeal shall specify—

15

(a) The decision or the part of the decision appealed from; and

(b) The error of law alleged by the appellant; and

(c) The question of law to be resolved; and

(d) The grounds of the appeal, which grounds shall be specified with such reasonable particularity as to give full advice to both the Court and the other parties of the issues involved.

20

(5) The Authority shall, as soon as is practicable after receiving a copy of the notice of appeal, send a copy of the whole of the decision appealed from to the Registrar of the Court in Wellington.

25

**24. Right to appear and be heard on appeals**—(1) Any party to the proceedings before the arbitrator who wishes to appear and be heard on the hearing of the appeal shall, within 10 days after the date of the service on him of a copy of the notice of appeal pursuant to **section 23 (2)** of this Act, give notice to the Registrar of the Court in Wellington of that party's intention to appear and be heard.

30

(2) Any party who gives a notice of intention to appear and be heard and the appellant shall be parties to the appeal and shall be entitled—

35

(a) To be served with every document which is thereafter filed or lodged with the Registrar of the Court in Wellington and which relates to the appeal; and

40

(b) To receive a notice of the date set down for the hearing of the appeal.

**25. Orders relating to determination of appeals—**

(1) Subject to **subsections (2) and (3)** of this section, the Court may, of its own motion or on the application of any party to the appeal, make all or any of the following orders:

- 5 (a) An order directing the arbitrator to lodge with the Registrar of the Court in Wellington any document or other written material or any exhibit in his possession or custody:
- 10 (b) An order directing the arbitrator to lodge with the Registrar a report recording, in respect of any matter or issue which the Court may specify, any findings of fact which are not fully set out in his determination:
- 15 (c) An order directing the arbitrator to lodge with the Registrar a report setting out, in respect of any matter or issue which the Court may specify, any reasons or considerations of the arbitrator to which he had regard but which are not set out in his determination.
- (2) An application under **subsection (1)** of this section shall be made—
- 20 (a) In the case of the appellant, within one month of the date of the lodging of the notice of appeal; or
- (b) In the case of any other party to the appeal, within one month after the date of the service on him of a copy of the notice of appeal.
- 25 (3) The Court may make an order under **subsection (1)** of this section only if it is satisfied that a proper determination of the point of law in issue so requires; and the order may be made subject to such conditions as the Court thinks fit.

**26. Dismissal of appeal—**The Court may dismiss any  
30 appeal under **section 22** of this Act—

- (a) If the appellant does not appear at the time appointed for the hearing of the appeal; or
- (b) If the appellant does not prosecute his appeal with all due diligence and any party applies to the Court for  
35 the dismissal of the appeal.

**27. Extension of time—**The Court or a Judge thereof may, in its or his discretion, on the application of the appellant, or intending appellant, or any other party, extend any time prescribed or allowed under any of the provisions of **sections**  
40 **23 to 26** of this Act for the lodging of any notice, application, or other document.

**28. Date of hearing**—When any party to the appeal notifies the Registrar of the Court in Wellington—

(a) That the notice of appeal has been served on all parties to the proceedings; and

(b) That any application lodged under **section 25** of this Act has been heard and that any order under that section has been complied with,—

the appeal shall be, in all respects, ready for hearing and the Registrar shall arrange a date and place for the hearing as soon as is practicable.

**29. Suspension of decision while appeal pending**—Where the decision of the Authority appealed against is to revoke a licence, the operation of that decision shall be suspended until the final determination of the appeal.

*Financial Provisions*

**30. Bank accounts**—(1) For the purposes of this Act, there shall be maintained at any trading bank, bank accounts into which shall be paid all money received by the Authority.

(2) The Authority may from time to time open with the bank at which its accounts are kept, or with any branch or agency of that bank, such imprest or subsidiary accounts as it thinks necessary for the exercise of its functions and powers.

(3) The Authority may also from time to time establish such special funds or reserves as it thinks necessary for the exercise of its functions and powers.

(4) Every account under this section shall be operated upon only by cheque or other instrument (not being a bill or promissory note) signed by such person or persons as may from time to time be authorised by the Authority for that purpose.

**31. Investment of money**—The Authority may invest any of its money not immediately required in the exercise of its functions and powers in any investment authorised as a trustee investment under the Trustee Act 1956, or in any other investment that may from time to time be authorised by the Minister of Finance for the purpose, or on deposit with any trading bank or the Post Office Savings Bank.

**32. Borrowing powers**—(1) The Authority may, with the consent of the Minister of Finance and upon and subject to such conditions as that Minister, after consultation with the

Minister of Agriculture, thinks fit, borrow money, issue debentures, and mortgage or charge any of its real or personal property.

(2) The Minister of Finance may, from time to time,—

5 (a) Advance money to the Authority:

(b) Give, in respect of any amounts borrowed by the Authority, a guarantee, indemnity, or security pursuant to section 86 of the Public Finance Act 1977.

10 (3) All money advanced by the Minister of Finance under subsection (2) (a) of this section shall be paid from money appropriated by Parliament for the purpose.

**33. Financial year**—The financial year of the Authority shall end with the 30th day of September or with such other day in any calendar year as the Authority may determine.

15 **34. Unauthorised expenditure**—The Authority may, in any financial year, expend out of the funds of the Authority for purposes not authorised by this Act or any other enactment any sum or sums not amounting in the whole to more than \$5,000.

20 **35. Audit of accounts**—(1) Within 6 months after the end of each financial year or within such further period as the Minister may allow, 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  
25 results of its operations during the year.

(2) The balance sheet and other accounts shall be audited by the Audit Office which shall, for that purpose, have the same powers as it has under the Public Finance Act 1977 in respect of public money and stores and the audit of local  
30 authorities' accounts.

**36. Annual report and statement of accounts**—(1) As soon as reasonably practicable after the end of each financial year the Authority shall deliver to the Minister a general report of its operations during the year together with a copy of its duly  
35 audited accounts for that year and the report of the Audit Office on those accounts.

(2) A copy of the general report and of the accounts of the Authority, together with a copy of the report of the Audit Office on the accounts, shall be laid before Parliament as soon  
40 as practicable after their receipt by the Minister.

**37. Taxation**—The Authority shall be exempt from land tax and income tax.

*Miscellaneous Provisions*

**38. Service of notices**—(1) Any notice or other documents to be given to or served on any person for the purposes of this Act may be given or served— 5

(a) By causing it to be delivered to that person personally; or

(b) By causing it to be left at his usual or last known place of residence or business or at the address stated by him in any application or other document under this Act; or 10

(c) By causing it to be sent by registered letter addressed to him at that place of residence or business.

(2) Where any notice or document is sent to any person by registered letter, the notice or document shall be deemed to be given or served at the time when the letter would have been delivered in the ordinary course of post. 15

(3) Every notice or other document shall be signed by the Chairman, or by such other officers as may from time to time be authorised by the Authority to sign notices; and every notice purporting so to be signed shall, in the absence of proof to the contrary, be deemed to have been duly signed by the person or persons purporting to have signed it. 20

**39. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 25

(a) Generally regulating the licensing of exporters of products to which this Act applies:

(b) Specifying the products which may be the subject of a levy under this Act, the persons by whom any such levy is payable, the amount of such levy, and the manner in which any such levy is to be collected: 30

(c) Prescribing the matters in respect of which fees are to be payable under this Act, and the amount of those fees: 35

(d) Prescribing quality standards for any product intended for export:

(e) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration. 40

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

- 5 (a) With intent to deceive, makes any false or misleading statement or any material omission in any application, statement, or other communication made to the Authority or to any other person for the purposes of this Act; or
- (b) Without lawful excuse, fails to comply with any request, requirement, or obligation made or imposed by the Authority in pursuance of its functions and powers, or by this Act.
- 10 (2) Every person who commits an offence against this Act shall be liable on summary conviction to a fine not exceeding \$2,000.

15 **41. Consequential amendment**—The Schedule to the Ministry of Agriculture and Fisheries Act 1953 (as substituted by section 4 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972) is hereby amended by inserting, in its appropriate alphabetical order, a reference to this Act.