

Hon. Sir J. G. Ward.

PRODUCTS EXPORT.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Inspection of Products intended for Export, and to regulate the Exportation thereof. Title.

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

1. The Short Title of this Act is "The Products Export Act, 1902." Short Title.

2. In this Act, if not inconsistent with the context,—

10 "Consignor" means the owner or shipper, whether jointly or severally, of any product, and includes any person authorised by such owner or shipper to ship such product; it also includes in the case of a company the managing director, manager, secretary, or other principal officer of the company in New Zealand:

Interpretation.

15 "Prescribed" means prescribed by regulations under this Act: "Products" means hemp, fruit, poultry, and such other products as are from time to time declared by the Governor in Council to be within the meaning of this Act.

20 3. The Governor may from time to time—

- (1.) Appoint fit and proper persons to be Inspectors, Graders, and other officers for the purposes of this Act; and
- (2.) Appoint fit buildings to be stores for the storage of products prior to export; and
- (3.) Specify the ports within which the provisions of this Act shall be enforced.

Power to appoint Inspectors, &c., and stores.

No products to be exported until certificate obtained.

4. No product shall be shipped or placed on board any ship for exportation to any place beyond New Zealand unless it bears the stamp or mark of the officer duly authorised in that behalf under this Act:

Provided that the Governor may from time to time by Order in Council declare that the provisions of this Act shall not apply to the exportation of any product to any country or colony specified in the Order. 5

Penalty for breach of Act.

5. Every person is liable to a penalty not exceeding *fifty* pounds who directly or indirectly— 10

- (1.) Exports or attempts to export, or is concerned in exporting, any products in contravention of any of the provisions of this Act; or
- (2.) Resists or wilfully obstructs any officer under this Act in the performance of his duty; or 15
- (3.) Refuses to give information, or gives false information, in answer to any inquiry made by any officer in the performance of his duty under this Act; or
- (4.) Knowingly makes any statement or gives any certificate required by this Act which is false in any material particular; or 20
- (5.) Alters or obliterates, wholly or partially, or causes to be so altered or obliterated, any Inspector's mark or brand on any product which has undergone inspection, or on any package containing any such product; or 25
- (6.) Counterfeits any such mark or brand, or improperly impresses or otherwise marks on any such product or package any mark purporting to be the mark of an Inspector or of the manufacturer or packer of the product, either with the proper marking instruments of the Inspector, manufacturer, or packer, or with counterfeit imitations thereof; or 30
- (7.) Empties or partially empties any package, marked after inspection, in order to put therein any other product of the same or any other kind; or 35
- (8.) Uses for the purpose of packing any product any old package bearing inspection marks; or
- (9.) Commits any breach of any of the provisions of this Act for which no penalty is provided elsewhere than in this section. 40

Procedure with respect to proceedings under Act.

6. With respect to proceedings in respect of any offence under this Act the following provisions shall apply:—

- (1.) In every case where the defendant's knowledge or wilful intent must be shown, such knowledge or intent shall be presumed until the contrary is proved; 45
- (2.) In every case where an offence under this Act is also an offence under any other Act, proceedings in respect of such offence may be taken under either Act: Provided that no person shall be punished twice for the same offence. 50

Regulations.

7. The Governor may from time to time, by Order in Council gazetted, make such regulations as he deems necessary for any of the following purposes, that is to say,—

- (1.) The registration and inspection of premises wherein products are treated, manufactured, or prepared for export ;
- (2.) The registration of marks, stamps, brands, and labels ;
- (3.) The inspection of products intended for export ;
- 5 (4.) The marking, stamping, branding, and labelling of products found to be sound, in good condition, and free from disease, and the mode in which such of them as are found to be unsound, in bad condition, or affected or infected with disease shall be disposed of ;
- 10 (5.) Prescribing the powers, functions, and duties of Inspectors, Graders, and other officers under this Act ;
- (6.) Prescribing the mode in which, and the conditions subject to which, stores shall be used under this Act ;
- 15 (7.) Prescribing the matters in respect whereof fees shall be payable under this Act, and fixing the amounts of such fees ;
- (8.) Exercising any power or authority conferred upon him by this Act ;
- 20 (9.) Any other matter for which regulations are contemplated or required by this Act or which he deems necessary for the efficient administration of this Act or the prevention of the exportation of products which are diseased ;
- (10.) The imposition of penalties not exceeding *fifty* pounds for the breach of any regulation.

25 8. All fees received and penalties recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund ; and all expenses incurred in the administration of this Act shall be paid out of moneys to be appropriated by Parliament.

Application of fees and penalties.

Expenses of administration.