

# POTATO GROWING INDUSTRY BILL

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## EXPLANATORY NOTE

THIS Bill consolidates and amends the Potato Growing Industry Act 1950, and incorporates certain provisions of the Potato Board Election Regulations 1951 and the Potato Growing Industry Regulations 1951. The source of each clause is shown at its foot in the form of a reference to the enactment repealed. Unless in the following notes it is otherwise stated, each clause or subclause re-enacts the existing law without material change in the meaning although it may have been redrafted.

*Clause 1* relates to the Short Title and commencement. Except for provisions relating to the registration of potato plantings (which are expressed to come into force on 1 April 1978), the Bill will come into force 2 months after the date of the Governor-General's assent.

*Clause 2* is the interpretation clause. The main new definitions are "early potatoes", "quarter", "registration year", and "registered grower".

*Clause 3* provides that the Bill is to bind the Crown.

## PART I

### THE NEW ZEALAND POTATO GROWERS BOARD

*Clause 4* continues the Board as a body corporate. The composition of the Board has been changed, and will now consist of 9 members (instead of 7), being the Director-General of Agriculture and Fisheries, 3 each nominated by the New Zealand Potato Growers Federation Incorporated and the New Zealand Vegetable and Produce Growers Federation Incorporated to represent wards in each Federation's district, and 1 each nominated by the New Zealand Agricultural Merchants Federation Incorporated and the New Zealand Fruit and Produce Merchants and Auctioneers Federation Incorporated.

*Clause 5* provides that the nominees of the Potato Growers Federation are to be elected by registered growers of main crop potatoes in each ward, and the nominees of the Vegetable and Produce Growers Federation are to be elected by registered growers of early potatoes in each ward. The terms "registered grower", "main crop", and "early potatoes" are defined in *clause 2* of the Bill, and the boundaries of the wards are described in the *First Schedule*.

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*Clause 6* relates to the terms of office of the members of the Board, and makes special provision for the appointment and retirement of the first members after the Bill comes into force.

*Clause 7* provides for the appointment of deputies of members.

*Clause 8* relates to extraordinary vacancies.

*Clause 9* provides for a Chairman and Deputy Chairman to be elected by the Board from its members in April each year.

*Clause 10* relates to the meetings of the Board.

*Clause 11* authorises the Board to appoint advisory and technical committees to assist it.

*Clause 12* declares the Board and its committees to be statutory Boards for the purposes of the Fees and Travelling Allowances Act 1951.

*Clause 13* sets out the functions of the Board. The principal functions are to promote and assist in the orderly development of the potato growing industry, and to ensure, as far as practicable, an adequate supply of potatoes is available in New Zealand. The powers of the Board, both general and particular, are specified in *subclause (3)*.

*Clause 14* continues, with amendment, the power of the Minister to direct the Board to import potatoes if it appears that the supply is or may be insufficient.

*Clause 15* relates to the contracts of the Board.

*Clause 16* provides that the Board is to implement the policy of the Government as communicated to it in writing by the Minister. A copy of every such communication is to be included in the Board's annual report to Parliament. This provision is new.

## PART II

### REGISTRATION OF POTATO PLANTINGS

The provisions in this Part of the Bill are essentially new, and provide for a system of registration of potato plantings, and the payment of a registration fee.

*Clause 17: Subsection (1)* imposes an obligation on every grower who has at least 0.2 hectares of land planted in potatoes to register the plantings with the Board, and to pay the registration fee.

*Subclause (2)* imposes the same obligation (except the payment of the fee) on any person other than a grower who has at least 0.2 hectares of land planted in potatoes.

*Subclause (3)* provides for application for registration to be made to the Board in such form as the Board may require and supply.

*Subclause (4)* covers the case of further plantings being made in the same registration year.

*Clause 18* imposes a registration fee on all growers of potatoes. "Grower" is defined in *clause 2*. The fee is to be fixed by the Board with the approval of the Minister, but is not to exceed \$10 for every hectare of potatoes planted. The minimum fee is to be the amount fixed for 1 hectare. The Board is to give notice of fees in the *Gazette*, if possible at least a month before the start of each registration year (as defined in *clause 2*). Any unpaid registration fee is to be recoverable as a debt due to the Board.

*Clause 19* relates to the time of registration. Application for registration and the payment of any registration fee is to be made within 7 days after the expiry of each quarter during which potatoes are planted. "Quarter" is defined in *clause 2*.

*Subclause (2)* allows a person entering into occupation of land on which unregistered potatoes are planted 14 days to register the plantings if they exceed 0.2 hectares.

*Clause 20* allows the Board, in certain circumstances, to assess the area of land planted in potatoes, and also provides for an appeal against the assessment. The appeal is to the Board, but the area of any land is to be independently determined by the Director-General whose determination will be binding on both the Board and the objector.

*Clause 21* provides for the establishment of a register of potato plantings.

### PART III

#### FINANCIAL PROVISIONS

*Clause 22* relates to the general bank accounts of the Board.

*Clause 23* is new, and provides for the establishment of an investment fund to be called the Potato Surplus Disposals Account. Interest from the Account is to be used to foster, arrange, and undertake the disposal of surplus potatoes of at least a minimum quality standard. Transfers of money from this Account to the general accounts of the Board is allowed in certain circumstances.

*Clause 24* relates to the borrowing powers of the Board.

*Clause 25* is new, and provides that the Board may invest surplus money in trustee investments.

*Clause 26* increases, from \$400 to \$2,000, the limit of unauthorised expenditure of the Board.

*Clause 27* provides for the Board to prepare proper accounts and to have them audited by the Audit Office.

*Clause 28* provides for a copy of the audited accounts and an annual report to be given to the Minister and to Parliament.

*Clause 29* exempts the Board from both land tax and income tax.

### PART IV

#### GENERAL PROVISIONS

*Clause 30* relates to the officers and employees of the Board.

*Clause 31* relates to the appointment by the Board of authorised wholesalers and agents.

*Clause 32* protects the members of the Board from personal liability in certain cases.

*Clause 33* is new, and authorises inspections of potato plantings by officers of the Board or the Ministry.

*Clause 34* grants the Governor-General power to make certain regulations.

*Clause 35* relates to offences and penalties. The maximum fine has been increased from \$200 to \$500.

*Clause 36* allows the First Schedule to the Bill (which relates to the names and boundaries of wards—see *clause 5*) to be amended by Order in Council.

*Clause 37* provides that the Bill is to be administered by the Ministry of Agriculture and Fisheries.

*Clause 38* relates to repeals and revocations.

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*Hon. Mr MacIntyre*

## POTATO GROWING INDUSTRY

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## A BILL INTITULED

**An Act to consolidate and amend the Potato Growing Industry Act 1950, and to make provision for the registration of potato plantings in New Zealand**

BE IT ENACTED by the General Assembly of New Zealand 5  
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 Potato Growing Industry Act 1977.

(2) Except as provided in subsection (3) of this section, 10  
this Act shall come into force 2 months after the day on which it receives the Governor-General's assent.

(3) Part II of this Act shall come into force on the 1st day of April 1978.

**2. Interpretation**—In this Act, unless the context otherwise 15  
requires,—

“Authorised wholesaler” means a wholesaler authorised by the Board pursuant to section 31 of this Act:

“Board” means the New Zealand Potato Growers Board established under this Act: 20

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

“Early potatoes” means potatoes produced from tubers planted in any year commencing with the 1st day of January and, either in that year or not later than the 25  
last day of February in the year next following, are subjected by the grower to any manufacturing process or are delivered by the grower to any person for the purposes of sale or of being processed, canned, or resold otherwise than by retail: 30

“Grower” means a person carrying on the business of growing potatoes for sale:

“Main crop potatoes” means potatoes produced from tubers planted after the 1st day of August in any year and delivered by the grower between the 1st 35  
day of March and the last day of November in the following year to any person for the purposes of sale:

“Minister” means the Minister of Agriculture:

“Potato” means the tuber from the plant *Solanum tuberosum*: 40

“Potato Surplus Disposals Account” or “Disposals Account” means the account established pursuant to section 23 of this Act:

5 “Purchase” includes every mode of acquisition whether for valuable consideration or not, and includes the acquisition by an agent for sale on consignment; but does not include any acquisition by way of security only; and “purchase” has a corresponding meaning:

10 “Quarter”, in relation to the time given in which to apply for registration, means the period of 3 months ending with the last day of July 1978 and every subsequent period of 3 months ending with the last days of October, January, April, and July:

15 “Registration fee” means a registration fee payable pursuant to section 18 of this Act:

“Registration year” means the period of 12 consecutive months commencing with the 1st day of April in any year:

20 “Registered grower” means any grower who has registered potato plantings pursuant to section 17 of this Act:

“Sale” includes every mode of disposition whether for valuable consideration or not, and includes the disposition to an agent for sale on consignment; but does not include any disposition by way of security only; and “sell” has a corresponding meaning:

25 “Seed potatoes” means potatoes complying with the standards specified in that behalf by the Board:

“Table potatoes” means potatoes complying with the standards specified in that behalf by the Board.

30 Cf. 1950, No. 4, s. 2; 1962, No. 94, s. 2 (1)

**3. Act to bind the Crown**—This Act shall bind the Crown.

#### PART I

##### THE NEW ZEALAND POTATO GROWERS BOARD

35 **4. New Zealand Potato Growers Board**—(1) There is hereby established the New Zealand Potato Growers Board.

(2) The Board shall consist of 9 members, of whom—

40 (a) One member shall be the Director-General (or his nominee) who shall, in addition to his other functions under this Act, represent the interests of consumers of potatoes:

(b) Eight members shall be appointed by the Minister, being—

(i) Three nominated by the New Zealand Potato Growers Federation Incorporated, one member for each of the wards having the names and boundaries set out in Part I of the First Schedule to this Act: 5

(ii) Three nominated by the New Zealand Vegetable and Produce Growers Federation Incorporated, one member for each of the wards having the names and boundaries set out in Part II of the First Schedule to this Act: 10

(iii) One nominated by the New Zealand Agricultural Merchants Federation Incorporated:

(iv) One nominated by the New Zealand Fruit and Produce Merchants and Auctioneers Federation Incorporated. 15

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

(4) The Board is hereby declared to be the same body corporate as the Board established by section 3 of the Potato Growing Industry Act 1950 (as amended by section 2 (2) of the Potato Growing Industry Amendment Act 1962). 25

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

Cf. 1950, No. 4, ss. 3, 4, 9 (5); 1962, No. 94, s. 2 (2)

**5. Election of certain nominees**—The members nominated under section 4 (2) (b) (i) and section 4 (2) (b) (ii) of this Act for appointment to the Board shall be elected in respect of their various wards— 30

(a) In the case of the nominees of the New Zealand Potato Growers Federation Incorporated, by registered growers of main crop potatoes in each ward: 35

(b) In the case of the nominees of the New Zealand Vegetable and Produce Growers Federation Incorporated, by registered growers of early potatoes in each ward.

Cf. 1950, No. 4, s. 6 40



**6. Terms of office of members of Board**—(1) Subject to this section, each appointed member of the Board shall hold office for a term of 3 years, but shall be eligible for reappointment from time to time.

5 (2) The persons holding office as members of the Board immediately before the commencement of this Act shall go out of office upon its commencement, but may be reappointed.

(3) Notwithstanding section 5 of this Act, the following  
10 provisions shall apply with respect to the first members of the Board appointed pursuant to section 4 (2) (b) of this Act:

(a) Those nominated pursuant to subparagraph (i) or subparagraph (ii) of the said section shall be  
15 nominated by their respective Federations without an election being held:

(b) One (being a nominee of the New Zealand Potato Growers Federation Incorporated) and one (being a nominee of the New Zealand Vegetable and Produce Growers Federation Incorporated) shall  
20 retire on the 1st day of April 1979, and the 2 other nominees of each of the 2 Federations shall retire on the 1st day of April 1980, the order of retirement to be decided by agreement between the members concerned or, failing agreement, by lot:

(c) Those nominated pursuant to subparagraph (iii) or subparagraph (iv) of the said section shall retire  
25 on the 1st day of April 1981.

(4) Unless he sooner vacates his office under section 8 of  
30 this Act, every member shall continue in office until his successor comes into office.

Cf. 1950, No. 4, s. 5

**7. Deputies of members**—(1) If the Minister is satisfied that any member of the Board is incapacitated by illness,  
35 absence, or other sufficient cause from performing the duties of his office, the Minister may, on the like nomination as that on which such member was appointed, appoint a deputy to act for the member during his incapacity; and each deputy shall, while he acts, be deemed for all purposes to be a  
40 member of the Board.

(2) No appointment of a deputy and no acts 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. 5

Cf. 1950, No. 4, s. 8

**8. Extraordinary vacancies—**(1) Any member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister. 10

(2) Any member may at any time resign his office by writing addressed to the Minister.

(3) If any member of the Board dies, or resigns, or is removed from office, his office shall become vacant and the vacancy shall be an extraordinary vacancy. 15

(4) An extraordinary vacancy shall be filled by the appointment of some qualified person in the same manner as the appointment of the vacating member, but in the case of an extraordinary vacancy in the office of a ward member, the nominee for appointment shall be elected by the appropriate Federation unless the vacancy occurs within 6 months before the expiry of the term for which the vacating member was elected in which case the appropriate Federation may by resolution determine— 20

(a) That the vacancy be filled by the appointment of a person otherwise qualified to be elected as a nominee; or 25

(b) That the vacancy not be filled until the next general election of ward members.

(5) Any member appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which the vacating member was appointed. 30

(6) Every person appointed pursuant to this section shall be deemed for all purposes to be a member of the Board.

Cf. 1950, No. 4, s. 9 35

**9. Chairman and Deputy Chairman—**(1) In the month of April every year, the Board shall hold a meeting for the purposes of electing, from its members, a Chairman and a Deputy Chairman for the ensuing 12 months.

(2) Every person elected as Chairman or Deputy Chairman shall hold office until his successor comes into office, and shall be eligible for re-election.

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

(4) In the absence of the Chairman from any meeting the Deputy Chairman shall preside, and, if both should be absent, one of the members present shall be appointed by the members attending to preside at that meeting.

10 (5) 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.

Cf. 1950, No. 4, ss. 7, 11 (5), (7)

**10. Meetings of Board**—(1) Meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

(2) The Chairman of the Board, or any 3 members, may at any time call a special meeting.

20 (3) At all meetings of the Board, 5 members shall form a quorum.

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

25 (5) A resolution in writing signed or assented to by letter or telegram or telex 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.

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

30 Cf. 1950, No. 4, s. 11

**11. Advisory and technical committees**—(1) The Board may from time to time appoint advisory or technical committees of one or more persons as it thinks fit to advise the Board on such matters relating to its functions and powers as are referred to them by the Board.

35 (2) Each advisory or technical committee may, in addition, furnish to the Board reports on any matter concerning the potato growing industry in respect of which the committee, or any member or members of it, may have special knowledge or experience.

40 (3) A person may be appointed to be a member of any committee appointed under this section whether or not he is a member of the Board.

(4) Subject to this Act and to any directions given by the Board, each committee may regulate its own procedure in such manner as it thinks fit.

Cf. 1950, No. 4, s. 12

**12. Remuneration and expenses of Board and committees—** 5

(1) The Board, and each advisory or technical committee appointed by it, is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid out of the funds of the Board to the members of the Board, and to the members of any committee appointed by it (not being members of the Board), remuneration by way of salary, 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. 15

Cf. 1950, No. 4, s. 13; 1951, No. 79, s. 10 (1)

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

(a) To promote and assist in the orderly development of the potato growing industry in New Zealand: 20

(b) To ensure, as far as practicable, that an adequate supply of potatoes is available for consumption in New Zealand.

(2) The Board shall also have such other functions as may be conferred on it by or under this Act or any other enactment. 25

(3) The Board shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions; and in particular it may, from time to time,— 30

(a) Require any person to declare the area of land he has planted in potatoes and to register that area of land under section 17 of this Act:

(b) Foster, arrange, or undertake the disposal of surplus potatoes of a legal minimum quality standard or above; and for this purpose to set aside sums of money as provided in section 23 of this Act: 35

(c) Arrange for the handling, transport, and storage of potatoes purchased by the Board or any authorised wholesaler: 40

- (d) Arrange treatment for the purpose of preservation or otherwise of potatoes purchased by the Board, and the marketing and disposal of those treated potatoes:
- 5 (e) Administer such legal minimum quality standard scheme under which potatoes below a specified size and quality standard may not legally be sold for human consumption in New Zealand as may be prescribed by regulations made under this Act:
- 10 (f) Administer such tuber inspection scheme for seed potatoes in association with the New Zealand seed potato certification procedure as may be prescribed by regulations made under this Act:
- (g) Foster, arrange, or undertake the disposal of potatoes below the minimum quality standard other than for human consumption:
- 15 (h) Further the sale of potatoes in New Zealand or elsewhere by advertising, experimental shipments, or other means:
- 20 (i) Specify the standards to which seed potatoes and table potatoes shall comply:
- (j) Control the export from New Zealand or import into New Zealand of potatoes:
- (k) Insure against loss of any potatoes purchased by the Board:
- 25 (l) Maintain statistics and disseminate relevant information to growers:
- (m) Engage in publicity on quality standards and other matters of interest to the industry or consumer:
- 30 (n) Foster research and development in the potato growing industry.

Cf. 1950, No. 4, ss. 14, 22

**14. Supply of potatoes to be maintained**—(1) The Board shall report to the Minister from time to time on the area  
35 of land in New Zealand planted in potatoes, the expected yield of potatoes, and generally on the adequacy of the supply of potatoes for consumption in New Zealand.

(2) If, after considering any report made to him under subsection (1) of this section and after consultation with the  
40 Board, the Minister is of the opinion that the supply of potatoes in New Zealand available for consumption is or may be insufficient, he may direct the Board to make arrange-

ments for the importation of potatoes into New Zealand, and the Board shall, so far as it is able, comply with any such direction.

Cf. 1950, No. 4, s. 23

**15. Contracts of Board**—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: 5

“The New Zealand Potato Growers Board | 1977, No. 00—The Potato Growing Industry Act 1977.” 10

Cf. 1950, No. 4, s. 21

**16. Board to implement policy of Government**—(1) In the exercise of its functions and powers under this Act, the Board 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. 15

(2) A copy of every communication under this section to the Board in any financial year of the Board shall be included in the annual report laid before Parliament under section 28 of this Act. 20

## PART II

### REGISTRATION OF POTATO PLANTINGS

**17. Annual registration of potato plantings**—(1) Every grower who, in each registration year, has at least 0.2 hectares of land in the aggregate planted in potatoes shall register the plantings with the Board, and shall pay the registration fee. 25

(2) Every person (other than a grower) who, in each registration year, has at least 0.2 hectares of land in the aggregate planted in potatoes shall register the plantings with the Board. 30

(3) Application for registration under this section shall be made to the Board in such form as the Board may require and shall supply for the purpose, and shall be verified by statutory declaration or by such other means as the Board thinks fit. 35

(4) Every person who has registered potato plantings under this section and in the same registration year has further areas of land planted in potatoes or has replanted areas of land in potatoes shall register those further plantings with the Board and, in the case of a grower, shall pay any further registration fee. 40

18. **Registration fees**—(1) The Board may, from time to time after obtaining the approval of the Minister, prescribe by notice in the *Gazette* the rate of registration fee to be paid for each registration year by a grower registering plantings  
5 under section 17 of this Act.

(2) The prescribed rate shall not exceed \$10 for every hectare or part of a hectare planted in potatoes, but the minimum fee shall be the amount payable for one hectare.

10 (3) If practicable, the Board shall endeavour to give the notice mentioned in subsection (1) of this section at least one month before the commencement of a registration year.

(4) A notice under this section may be in like manner be amended or revoked at any time.

15 (5) Any unpaid registration fee shall be recoverable as a debt due to the Board.

Cf. 1950, No. 4, s. 15

19. **Time of registration**—(1) Every person who under section 17 of this Act is required to register potato plantings shall make application for registration and pay any registration fee within 7 days after the expiry of each quarter  
20 during which potato plantings were made.

(2) Every person who, in any registration year, becomes the occupier of land which has at least 0.2 hectares in the aggregate planted in potatoes which have not been registered under section 17 of this Act shall, within 14 days after  
25 so becoming the occupier, register those plantings in accordance with that section.

20. **Assessment by Board**—(1) If any person does not make a return if required to do so under section 17 of this Act, or if  
30 the Board believes on reasonable grounds that the area declared in any return is incorrect, the Board may, whether after an inspection made under section 33 of this Act or not, assess the area the person has planted in potatoes and, if that person is a grower, debit him with the prescribed registration  
35 fee.

(2) On making any assessment under subsection (1) of this section the Board shall, as soon as practicable, notify the person so assessed of its assessment and of the amount that he is required to pay to the Board by way of any fees or  
40 additional fees.

(3) Within 14 days of his being given notice under subsection (2) of this section, or within such extended period as the Board may allow, the person so notified shall pay to the Board the amount specified in the notice, unless he objects to the assessment, in which case he shall within the same time give notice in writing to the Board of his objection. 5

(4) As soon as practicable after receipt of a notice of objection, the Board shall consider the matter and, if the objection relates to the area of land assessed, refer the matter to the Director-General to determine independently the area of land the objector has planted in potatoes. When the area has been so determined, the Director-General shall notify the Board and the objector of his findings which shall be binding on them both. 10

(5) After considering the objection and, if necessary, having the area of land determined under subsection (4) of this section, the Board may confirm or rescind its assessment, or make such reassessment as it thinks fit; but no such confirmation, rescission, or reassessment shall be made unless reasonable opportunity has been given to the objector for him to be heard (whether personally, by counsel or agent, or by means of written submissions) at a place and time appointed by the Board for the purpose. 15 20

**21. Register of potato plantings**—(1) The Board shall, in respect of each registration year, set up and maintain a register of potato plantings. 25

(2) There shall be entered in the register the area and location of potato plantings required to be registered, the name of the person who has the land planted in potatoes, and such other details as the Board thinks fit. 30

(3) The register shall be kept at the office of the Board in Wellington, and shall be open to inspection during ordinary office hours—

(a) By any grower, or by any person who has potato plantings registered: 35

(b) With the permission of a member or an officer of the Board, by any other person.

### PART III

#### FINANCIAL PROVISIONS

**22. General bank accounts**—(1) For the purposes of this Act, there shall continue to be maintained at a bank approved by the Minister of Finance a principal bank 40



account into which shall be paid all registration fees and other money received by the Board.

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

10 (3) The Board may also from time to time establish such special funds or reserves as the Board 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 Board for that purpose.

15 (5) No money in any account, fund, or reserve under this section shall be used for the purpose described in section 13 (3) (b) of this Act.

Cf. 1950, No. 4, s. 16

20 **23. Potato Surplus Disposals Account**—(1) As soon as practicable after the commencement of this Act, the Board shall pay the sum of \$750,000 from its accumulated funds into an investment fund to be called the Potato Surplus Disposals Account.

25 (2) Interest from the Disposals Account shall be used solely for the purpose of disposing of surplus potatoes as described in section 13 (3) (b) of this Act.

(3) Surplus interest from the Disposals Account shall be reinvested in that Account.

30 (4) Notwithstanding the provisions of this section, the Board may from time to time transfer money from the Disposals Account to any other account—

35 (a) If it considers that sufficient money is available in the Disposals Account to finance the disposal of surplus potatoes within the foreseeable future; and

(b) The money transferred is required to enable the exercise of other functions or powers of the Board; and

40 (c) The transfer is not made until the approval of both the Minister and the Minister of Finance has been obtained.

**24. Borrowing powers of Board**—The Board may, with the consent 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.

Cf. 1950, No. 4, s. 17; 1955, No. 5, s. 3

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**25. Investment of money of Board**—The Board may invest any of its surplus money in any investment authorised as a trustee investment under the Trustee Act 1956.

**26. Unauthorised expenditure**—The Board may in any registration year expend out of its funds for purposes not authorised by this or any other Act any sum or sums not exceeding in the whole more than \$2,000.

Cf. 1950, No. 4, s. 25A; 1970, No. 98, s. 2

**27. Audit of accounts**—(1) Within 6 months after the end of each registration year or within such further period as the Minister may allow, the Board shall prepare a balance sheet and such other statements of account as are necessary to show fully the financial position of the Board, and the financial 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 Revenues Act 1953 in respect of public money and public stores and the audit of local authorities' accounts.

Cf. 1950, No. 4, s. 20

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**28. Annual report and statement of accounts**—(1) As soon as practicable after the end of each registration year the Board shall deliver to the Minister a general report of its operations during the year together with a copy of its duly 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 Board, together with a copy of the report of the Audit Office on the accounts, shall be laid before Parliament as soon as practicable after their receipt by the Minister.

Cf. 1950, No. 4, s. 26; 1970, No. 98, s. 3

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**29. Taxation**—The Board shall be exempt from land tax and income tax.

Cf. 1950, No. 4, s. 27

PART IV

5

GENERAL PROVISIONS

**30. Officers and employees of Board**—(1) The Board may from time to time, on such terms and conditions (whether as to salaries, allowances, or otherwise) as it thinks fit, appoint such officers and employees as it considers necessary for the efficient exercise of its functions and powers.

(2) The Board may, for the purpose of providing 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.

15 Cf. 1950, No. 4, s. 24

**31. Appointment of authorised wholesalers and agents**—The Board may from time to time appoint—

20 (a) Any person to be an authorised wholesaler for the disposal of potatoes as described in section 13 (3) (b) and 13 (3) (g) of this Act:

(b) Any person to be an agent of the Board for the collection of registration fees.

25 Cf. 1950, No. 4, s. 20

**32. Personal liability**—No member of the Board or any of its committees shall be personally liable for any liability of the Board or for any act done or omitted by the Board or any of its committees or any member in good faith in pursuance or intended pursuance of the functions or powers of the Board.

Cf. 1950, No. 4, s. 28

**33. Inspection of premises**—(1) Any member of the Board, and any officer or agent of the Board duly authorised by the Board in that behalf, may at all reasonable times enter on land where potatoes are planted—

(a) To assess the area so planted:

(b) To inspect the potato plantings during the growing season.

(2) Any officer of the Ministry of Agriculture and Fisheries may at all reasonable times enter on land where potatoes are planted for the purpose of carrying out the provisions of this Act or any other enactment administered by that Ministry or for any other purpose authorised by or pursuant to the Ministry of Agriculture and Fisheries Act 1953. 5

(3) Every person entering on land under this section shall produce his warrant of appointment or other evidence that he is an authorised person if asked to do so by the occupier of the land. 10

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

- (a) Prescribing a minimum quality standard scheme under which potatoes below a specified size and quality standard may not legally be sold for human consumption in New Zealand: 15
- (b) Obtaining any information or particulars that may be required for the effective performance of the functions of the Board under this Act, including obtaining statutory declarations relating to the yield of potatoes from registered plantings, and stocks of potatoes held by a grower: 20
- (c) Prescribing a tuber inspection system for seed potatoes:
- (d) Authorising the New Zealand Potato Growers Federation Incorporated to levy a charge on main crop potatoes to finance the Federation's activities: 25
- (e) Prescribing the procedure by which nominees of the New Zealand Potato Growers Federation Incorporated and the New Zealand Vegetable and Produce Growers Federation Incorporated shall be elected for appointment to the Board: 30
- (f) Providing for such matters as are contemplated by or necessary for giving effect to the provisions of this Act and for its due administration. 35

Cf. 1950, No. 4, s. 30

**35. Offences and penalties**—(1) Every person commits an offence against this Act who does any act in contravention of or fails to comply with any provision of this Act or of any regulation made under it. 40

(2) Every person who commits an offence against this Act shall be liable on summary conviction to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$5 for every week or part of a week that the offence continues.

(3) Notwithstanding section 14 of the Summary Proceedings Act 1957, any information in respect of any offence against this Act may be laid at any time within 12 months from the time when the matter of the information arose.

Cf. 1950, No. 4, s. 29; 1960, No. 83, s. 2

**36. Amendment of First Schedule**—The Governor-General may from time to time, by Order in Council, amend the First Schedule to this Act by changing the name or the boundaries of a ward.

**37. Act to be administered by Ministry of Agriculture and Fisheries**—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 omitting the reference to the Potato Growing Industry Act 1950, and substituting a reference to this Act.

**38. Repeals and revocations**—(1) The enactments specified in Part I of the Second Schedule to this Act are hereby repealed.

(2) The regulations specified in Part II of the Second Schedule to this Act are hereby revoked.

SCHEDULES

FIRST SCHEDULE Sections 4 (2) (b), 5

PART I

*Names and Boundaries of Wards for Nominees of New Zealand Potato Growers Federation Incorporated*

	Name of Ward			Boundaries of Ward
Ward 1	.....	.....	.....	Auckland Province.
Ward 2	.....	.....	.....	The North Island (except Auckland Province) and the provinces of Nelson and Marlborough.
Ward 3	.....	.....	.....	The South Island (except the provinces of Nelson and Marlborough).

FIRST SCHEDULE—*continued*

## PART II

*Names and Boundaries of Wards for Nominees of New Zealand Vegetable and Produce Growers Federation Incorporated*

	Name of Ward			Boundaries of Ward
Ward 1	.....	.....	.....	Auckland Province.
Ward 2	.....	.....	.....	The North Island (except Auckland Province) and the provinces of Nelson and Marlborough.
Ward 3	.....	.....	.....	The South Island (except the provinces of Nelson and Marlborough).

Section 38

## SECOND SCHEDULE

## PART I

*Enactments Repealed*

- 1950, No. 4—The Potato Growing Industry Act 1950. (1957 Reprint, Vol. 12, p. 87.)
- 1951, No. 79—The Fees and Travelling Allowances Act 1951: So much of the First Schedule as relates to the Potato Board established under the Potato Growing Industry Act 1950; and so much of the Second Schedule as relates to the Potato Growing Industry Act 1950. (1957 Reprint, Vol. 4, pp. 860, 863.)
- 1955, No. 5—The Potato Growing Industry Amendment Act 1955. (1957 Reprint, Vol. 12, p. 99.)
- 1960, No. 83—The Potato Growing Industry Amendment Act 1960.
- 1962, No. 94—The Potato Growing Industry Amendment Act 1962.
- 1970, No. 98—The Potato Growing Industry Amendment Act 1970.
- 1975, No. 133—The Finance Act 1975: section 4.

## PART II

*Regulations Revoked*

Title	Reference
The Potato Board Election Regulations 1951 .....	S.R. 1951/173
The Potato Growing Industry Regulations 1951 .....	S.R. 1951/22
The Potato Growing Industry Regulations 1951, Amendment No. 1 .....	S.R. 1959/88