

Serial Number 1939/269.

**THE PURCHASE OF WOOL EMERGENCY REGULATIONS 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 13th day of
December, 1939.

Present :

THE HON. W. NASH PRESIDING IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations with respect to the purchase of wool by the Marketing Department pursuant to the Marketing Department (Extension of Powers) Order 1939.

REGULATIONS.

1. These regulations may be cited as the Purchase of Wool Emergency Regulations 1939.
2. These regulations shall be deemed to have come into force on the 22nd day of November, 1939 (being the date on which the Marketing Department (Extension of Powers) Order 1939 was made).
3. In these regulations—
 - “ Department ” means the Marketing Department :
 - “ Minister ” means the Minister of Marketing, and includes any other Minister of the Crown acting for the purposes of these regulations with the authority or concurrence of the Minister of Marketing :
 - “ Owner, ” in relation to any wool, includes every person who, whether with or without the concurrence of any other person, is for the time being entitled to sell or procure the sale of any wool, or who would be entitled to sell such wool in the absence of any restriction or prohibition of the sale of wool by owners :
 - “ Person ” includes a firm of persons or any company or other corporation.

APPLICATION OF THESE REGULATIONS.

4. These regulations shall apply with respect to all greasy, slipe, or scoured wool produced in New Zealand.

WOOL ADVISORY COMMITTEE.

5. (1) For the purposes of these regulations there shall be a Committee, to be called "the Wool Advisory Committee," consisting of such number of persons as the Minister from time to time thinks fit.

(2) Members of the Committee shall be appointed by the Minister and shall hold office during his pleasure.

(3) It shall be the function of the Committee to advise the Minister on such matters in relation to these regulations as may from time to time be referred to it by the Minister.

(4) The members of the Committee, other than persons (if any) in the service of the Government, may, with the approval of the Minister, be paid any expenses for locomotion, board, or lodging reasonably incurred by them in respect of their attendance at meetings of the Committee or when travelling with the authority of the Minister on the business of the Committee.

APPOINTMENTS.

6. (1) For the purposes of these regulations the Minister may from time to time appoint such number of Government Brokers and Government Appraisers as he thinks fit.

(2) Of the Government Appraisers appointed under this regulation one shall be appointed as the Controlling Appraiser, one shall be appointed as the Deputy Controlling Appraiser for the North Island, and one shall be appointed as the Deputy Controlling Appraiser for the South Island. There may also be appointed such number of Supervising Government Appraisers as may be required.

(3) Any appointment made under this clause may be at any time revoked by the Minister.

(4) Notice of appointments made under this clause may be published in the *Gazette* and in such other manner (if any) as the Minister thinks fit.

REMUNERATION OF GOVERNMENT BROKERS, GOVERNMENT APPRAISERS,
AND OTHER PERSONS ENGAGED IN THE EXECUTION OF THESE
REGULATIONS.

7. (1) The several persons employed as Government Brokers or as Government Appraisers or otherwise in the execution of these regulations (not being persons ordinarily employed in the service of the Government) may be paid such salary or other remuneration for their services as the Minister from time to time thinks fit.

(2) In lieu of making personal agreements or arrangements with the persons employed as aforesaid, or with any of them, the Minister may make with any person or persons, or with any association of persons, such agreements or arrangements as in the circumstances he considers necessary or expedient whereby such person or persons, or association of persons, undertakes to provide all or any of the services required to be performed in the execution of these regulations. Subject to the terms of any such agreement or arrangement, the persons engaged as aforesaid to render any such services shall have no claim against the Minister or the Government of New Zealand in respect of their employment.

8. It shall not be lawful for any Government Broker, Government Appraiser, or any other person engaged in the execution of these regulations to demand or accept in respect of services rendered or required to be rendered by him for the purposes of these regulations any salary, commission, bonus, retaining fee or other remuneration or consideration whatsoever other than the salary or other remuneration provided for by agreement with the Minister or (as the case may be) with any person or association of persons with whom the Minister has entered into an arrangement or agreement under the last preceding clause of these regulations.

PURCHASE OF WOOL BY MARKETING DEPARTMENT.

9. (1) For the purpose of enabling the Department to purchase wool pursuant to the authority conferred on it by the Marketing Department (Extension of Powers) Order 1939 it shall, except as provided in subclause (3) hereof, be the duty of the owner of any wool to which these regulations apply to deliver such wool for appraisalment at the wool-store of a Government Broker at one of the following ports or other places, namely—Auckland, Tokomaru Bay, Tolaga Bay, Gisborne, Napier, Wanganui, Wellington, Nelson, Blenheim, Christchurch, Timaru, Oamaru, Dunedin, or Invercargill.

(2) All wool delivered to a wool-store in accordance with this clause shall be so delivered in bales or other containers which shall be packed and branded in accordance with directions to be from time to time communicated to all Government Brokers by the Director of the Export Division of the Department.

(3) Nothing in this clause shall apply with respect to any wool that on the date of the making of these regulations is held by a woollen-manufacturer for the purposes of his business, or to any wool that may be sold by the Department for use in New Zealand, or to any wool exempted from the operation of these regulations by the Minister.

10. (1) If any wool that is required to be delivered to the wool-store of a Government Broker for appraisalment under these regulations is not so delivered, the Minister may, by notice in writing, require the owner or any person having possession or control of such wool to deliver the same to the wool-store of a Government Broker named in the notice, and if such wool is not so delivered within fourteen days after the date of such notice or within such extended time as the Minister may allow it shall be lawful for any person who may be authorized in that behalf by the Minister, with such assistance as he may require, to enter into or upon any land or building in or on which such wool is or is supposed to be, and to seize any wool found thereon or therein.

(2) Every person commits an offence against these regulations, and shall be liable accordingly, who in any manner obstructs or resists any person acting pursuant to any authority given by the Minister under this clause.

(3) All wool seized pursuant to this clause shall be dealt with in accordance with the directions of the Minister in that behalf.

DUTIES OF GOVERNMENT BROKERS.

11. (1) All wool delivered to a Government Broker pursuant to these regulations or held by him at the commencement of these regulations shall, unless and until it becomes the property of His Majesty as hereinafter provided, be held by that Government Broker as the agent of the owner or owners and shall be kept insured by him against fire to its full insurable value.

(2) If any such wool is not properly packed or branded in accordance with the directions of the Director of the Export Division of the Department the Government Broker shall cause it to be properly packed and branded, and shall be entitled to charge the owner with the reasonable cost of such service.

DUTIES OF GOVERNMENT APPRAISERS.

12. (1) All wool held by a Government Broker for the purposes of these regulations shall be examined and classified by a Government Appraiser.

(2) If in the opinion of the Government Appraiser any such wool is not of a nature or quality to suit the requirements of the Department it may be rejected by the Government Appraiser, and thereupon it shall be held by the Government Broker on behalf of and subject to the directions of the owner, and shall not be further subject to these regulations.

(3) Any wool that is not rejected in accordance with the last preceding subclause shall, as soon as conveniently practicable, be appraised by the Government Appraiser in accordance with a scale of values to be fixed by the Minister :

Provided that if any wool, being the property of a dealer in wool, is not marked as "dealers' wool" its appraisalment may be postponed until after the ownership of the wool has been satisfactorily established.

(4) Notice of the scale of values for the time being in force shall be published by the Minister in the *Gazette** and in such other manner (if any) as he thinks fit.

13. (1) Written notice of the value assigned to any wool by a Government Appraiser shall be given by or on behalf of the appropriate Supervising Government Appraiser to the Government Broker in whose store the wool is stored.

(2) Within twenty-four hours after the receipt by him of a notice of the value assigned to any wool as aforesaid it shall be the duty of the Government Broker to communicate that value to the owner of the wool, and to inform the owner of the time within which notice of appeal against the valuation may be given in accordance with the next succeeding clause, and of the amount of the fee payable in respect of an appeal.

14. (1) Any owner who is dissatisfied with the value assigned to any wool as aforesaid may appeal from the valuation of the Government Appraiser within forty-eight hours after the time when notice of the valuation was given to the Government Broker by the Supervising Government Appraiser :

* See *Gazette*, 14th December, 1939, Vol. III, page 3510.

Provided that if in any case the Minister is satisfied that notice of appeal could not conveniently be given by or on behalf of the owner within the time aforesaid he may extend the time allowed for appeal, but not so as to exceed seventy-two hours after the time when notice of the valuation was given to the Government Broker.

(2) Every appeal under this clause shall be in writing signed by or on behalf of the owner, and shall be delivered to the Government Broker in whose store the wool has been stored.

(3) Every notice of appeal shall be accompanied by a fee computed at the rate of 2s. 6d. for every bale of wool in respect of which an appeal is lodged, but not less in any case than a fee of £2. In the event of the appeal in respect of any bale of wool being successful the fee for that bale shall be refunded to the owner, and in any other case it shall be forfeited to the Crown unless the Minister otherwise determines.

(4) The Government Broker shall be entitled to recover from the owner of any wool in respect of which an appeal is made a reasonable charge in respect of his services in submitting the wool for reappraisalment.

15. Where an appeal is duly made against the valuation of any wool by a Government Appraiser the wool shall be appraised by the appropriate Deputy Controlling Appraiser, whose appraisalment shall be final unless he refers the matter for the decision of the Controlling Appraiser.

16. (1) All wool which is appraised in accordance with the foregoing provisions of these regulations shall, upon the expiration of fourteen days after the date of appraisalment, become the property of His Majesty freed and discharged from all right, title, or interest possessed in respect thereof by any other person :

Provided that the Minister may, by notice in writing given before the expiration of the said period of fourteen days to the Government Broker in whose store any wool has been stored for appraisalment, fix an earlier or a later date as the date on which the property in such wool shall pass to His Majesty.

(2) For the purposes of this clause the expression "the date of appraisalment," in respect of any wool submitted for appraisalment in accordance with these regulations, means, in any case where there has been an appeal, the date of appraisalment by the Deputy Controlling Appraiser or by the Controlling Appraiser, as the case may be, and in any other case means the date on which the appraisalment was completed of all the wool submitted for appraisalment on the same occasion at all the wool-stores in the same locality. If any question arises as to the date of the completion of the appraisalment of any wool it shall be determined by the certificate of the Supervising Government Appraiser.

PAYMENT FOR WOOL ACQUIRED BY DEPARTMENT.

17. (1) Payment for all wool acquired by the Department in accordance with these regulations shall be made by the Minister to the Government Broker in whose store the wool has been stored for appraisalment.

(2) The price to be paid by the Minister for any such wool shall, subject to the following provisions of this clause, be fixed in accordance with the appraisalment thereof made in accordance with the foregoing provisions of these regulations.

(3) From the price computed as aforesaid there shall, in respect of wool that has been appraised at Tokomaru Bay, Tolaga Bay, Nelson, Blenheim, or Oamaru, be deducted as a charge payable to the Department, a sum to be determined by the Minister sufficient to defray the extra cost involved in arranging for the appraisalment of the wool at those places.

(4) On the date on which any wool becomes the property of His Majesty in accordance with the foregoing provisions of these regulations, or as soon thereafter as practicable, or within nine days after the receipt by the Department of all such invoices, debit-notes, and other documents in respect of the wool as the Minister may require (whichever is the later), payment shall be made on 95 per cent. of the price fixed as aforesaid, or such other proportion of the price as the Minister, having regard to the circumstances, may authorize in that behalf.

(5) As soon as practicable thereafter the balance of the price shall be paid. Such balance shall, in the aggregate, be equal to the excess of the price received by the Department on the sale of the wool to His Majesty's Government of the United Kingdom or other purchaser over the amount already paid by the Department in respect of the price of the wool purchased by it.

(6) Such residue shall be distributed by the Government Brokers to whom it is paid among the several owners (or on their account) in the proportions in which the first payment was distributed.

(7) All moneys received by a Government Broker under this regulation shall be received by him as the authorized agent of the owner or owners, and a receipt given by a Government Broker for any moneys received by him shall be a good discharge of the Department and of the Government of New Zealand for such moneys.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 14th day of December, 1939.

These regulations are administered by the Marketing Department.