

1964/96

THE WOOL COMMISSION REGULATIONS 1964

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 8th day of July 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Wool Commission Act 1951, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Wool Commission Regulations 1964.
2. In these regulations, unless the context otherwise requires,—
 - “The Act” means the Wool Commission Act 1951:
 - “Approved wool exporter” means a person whose name is for the time being entered on the list of approved wool exporters compiled under regulation 6 of these regulations:
 - “Approved woollscourer” means a person whose name is for the time being entered on the list of approved woollscourers compiled under regulation 6 of these regulations:
 - “Auction sale” means an auction sale of wool approved by the Commission:
 - “Broker” means any person who in the ordinary course of business regularly sells wool or sheepskins at auction sales:
 - “Certificate of charge” means a certificate of charge issued under these regulations:
 - “Charge” means the charge on wool imposed by section 21 of the Act:
 - “Commission” means the New Zealand Wool Commission established under the Act:
 - “Dealer” means a person who buys wool from a grower otherwise than through the agency of a broker:

“Manufacturer” means a person who subjects wool to any process other than washing, scouring, carbonising, slipping, or fellmongering; and “manufacture” and “manufactured” have corresponding meanings:

“Person” includes a corporation sole; and also includes a body of persons whether corporate or unincorporate:

“Wool” means sheep’s wool or lambs’ wool produced in New Zealand, whether greasy, washed, scoured, carbonised, slipped, or fellmongered, or wool on the skin; but does not include manufactured wool (including wool tops), wool noils, dags or dag wool, or wool waste:

“Wool Board levy” means the levy imposed by section 12 of the Wool Industry Act 1944:

“Wool exporter” means a person by whom or on whose behalf any wool is exported from New Zealand.

3. Any approval or notice to be given, certificate or permit to be issued, discretion to be exercised, or thing or matter to be done by the Commission under these regulations shall be sufficient for all the purposes of these regulations if given, issued, exercised, or done by the Chairman or any member of the Commission or any officer or servant or agent of the Commission duly authorised in that behalf by the Commission.

4. For the purposes of these regulations wool shall be deemed to be exported when it is placed on board any ship for export from New Zealand; and the terms “export” and “exported” shall be construed accordingly.

Brokers, Manufacturers, and Woolscourers to Notify Place of Business

5. Every person who carries on business as a broker or as a manufacturer or as a woolscourer shall, within twenty-eight days after the commencement of these regulations or within twenty-eight days after the commencement of his business (whichever is the later), unless he has already done so under the regulations hereby revoked, give to the Commission notice of the address of his business and of the name under which it is carried on.

Lists of Approved Wool Exporters and Approved Woolscourers

6. (1) The Commission shall compile and keep in its office a list of approved wool exporters and a list of approved woolscourers for the purposes of these regulations.

(2) There shall be entered on the list of approved wool exporters:

(a) The name of every wool exporter who in the ordinary course of business regularly exports wool which has been purchased from a broker:

(b) The name of every dealer who in the opinion of the Commission ought to be placed on the list by reason of the nature of his business:

(c) The name of every person who is for the time being authorised in writing by the Commission to export slipe wool.

(3) There shall be entered on the list of approved woolscourers the name of every woolscourer who gives or has given to the Commission the notice required by regulation 5 of these regulations:

(4) The Commission may from time to time amend any list kept under this regulation—

- (a) By adding to the list the name of any person who is a wool exporter, dealer, person authorised to export slipe wool, or woollscourer, where the name of that person is not already entered on the list:
- (b) By removing from the list, either temporarily for such period as the Commission may determine or permanently, the name of any person who is a wool exporter, dealer, person authorised to export slipe wool, or woollscourer—
 - (i) If that person has been convicted of an offence against these regulations; or
 - (ii) If the Commission is of opinion, on such grounds as the Commission in its discretion deems sufficient, that the name of that person ought to be so removed from the appropriate list by reason of his failure to carry out to the reasonable satisfaction of the Commission the obligations imposed on him by or under these regulations.

(5) Forthwith after compiling the list of approved wool exporters or making any amendment to the list pursuant to subclause (4) of this regulation, the Commission shall deliver or cause to be delivered to the Comptroller of Customs a copy of the list or of the amendment.

(6) Where the name of any person is removed from any list kept pursuant to this regulation the Commission shall, forthwith after the removal, give to the person concerned notice of the removal.

(7) So long as the name of any person remains on the list of approved wool exporters kept pursuant to this regulation, but no longer, that person shall, notwithstanding the provisions of these regulations relating to certificates of charge, be authorised to export wool upon complying with the requirements of subclause (2) of regulation 21 of these regulations.

(8) So long as the name of any woollscourer remains on the list of approved woollscourers kept pursuant to this regulation, but no longer, the woollscourer may scour wool for the purposes of these regulations.

Charge on Wool

7. (1) For the purpose of providing for the Wool Board levy, the charge shall be charged in accordance with the Act and these regulations on all wool which is sold by a grower, delivered to a manufacturer or approved woollscourer, or exported from New Zealand, at any time on or after the commencement of these regulations.

(2) The rate of the charge shall be 0·84d. per pound weight of wool.

8. The person primarily liable for the charge payable on any wool by reason of its sale by a grower, or its delivery to a manufacturer or approved woollscourer, or its export from New Zealand, shall be the person by whom or on whose behalf the wool is sold, or the person by whom or on whose behalf the wool is so delivered to a manufacturer or approved woollscourer or is so exported, as the case may be.

9. (1) Where any wool is sold by a broker at auction or otherwise, or sold by a grower to a dealer, or purchased by an approved wool exporter from any person other than a broker or approved wool exporter, or delivered to an approved woollscourer by any person other than an

approved wool exporter, or delivered to a manufacturer, then in every such case the broker, dealer, approved wool exporter, approved wool-scourer, or manufacturer, as the case may be, shall, subject to the provisions of subclause (2) of this regulation, be liable to pay and shall pay to the Commission the charge (if any) payable on the wool, and may—

- (a) Recover from the person primarily liable therefor the amount of the charge payable in respect of the wool; or
- (b) Deduct the amount of the charge from any money payable to the person primarily liable for the charge in respect of the sale of the wool:

Provided that where any dealer is not for the time being an approved wool exporter, he shall not be liable to pay to the Commission the charge payable in respect of the wool, and the charge shall not become payable unless and until the dealer sells the wool through the agency of a broker, or sells the wool to an approved wool exporter, or causes the wool to be delivered to an approved woolscourer or manufacturer.

(2) Where any wool has been purchased from a broker, approved wool exporter, or manufacturer, or has been received from an approved woolscourer, and the wool is sold by a broker or sold to an approved wool exporter or is delivered to an approved woolscourer or manufacturer, it shall not again be charged with the charge in respect of that sale or delivery, nor shall the broker, approved wool exporter, manufacturer, or approved woolscourer, as the case may be, be liable to the Commission under subclause (1) of this regulation in respect of that sale or delivery if the owner of that wool be a broker, approved wool exporter, approved woolscourer, or manufacturer.

(3) Where any person other than a broker, approved wool exporter, manufacturer, or approved woolscourer purchases wool on which the charge required to be paid in respect of that wool by subclause (1) of this regulation has been paid, he may at any time after selling or delivering the wool to any broker, approved wool exporter, approved woolscourer, or manufacturer, apply to the Commission for a refund of the charge paid by him, and thereupon the Commission shall, on being satisfied by the production of such documentary or other evidence as it thinks fit that the charge has been so paid, refund the amount of the charge accordingly.

Certificate of Charge

10. (1) Every certificate of charge referred to in subclause (1) of regulation 21 of these regulations in respect of any wool shall be in a form prescribed by the Commission and shall be signed and completed by the Commission or by a person authorised in that behalf by the Commission pursuant to regulation 11 of these regulations:

Provided that where any charge is required by these regulations to be paid on the wool, the certificate of charge shall not be issued unless and until the owner of the wool pays the amount of the charge to the Commission or proves to the satisfaction of the Commission, by the production of such documentary evidence as the Commission may require, that the charge has been paid by virtue of the wool having been bought from a broker, approved wool exporter, approved woolscourer, or manufacturer.

(2) Every certificate of charge shall be in triplicate, and the original shall be delivered to the owner of the wool to which the certificate relates, the second copy shall be delivered to the Commission, and the third copy shall be retained by the person authorised to issue the certificate.

11. Where any firm or company carries on the business of shipping wool, on behalf of growers, to London for sale by auction, the Commission may, on application made to it in that behalf by the firm or company, authorise the firm or company, as the case may be, to issue certificates of charge required for the purposes of subclause (1) of regulation 21 of these regulations; and every certificate of charge issued by a firm or company so authorised shall be signed on behalf of the firm or company in the name only of such person as is duly authorised in writing by the Commission so to sign certificates of charge.

Lost Certificate

12. (1) In the event of any certificate of charge being lost, mislaid, or destroyed, the person entitled to the possession of the certificate may apply to the Commission for the issue of a certified copy of the certificates so lost, mislaid, or destroyed.

(2) Before issuing a certified copy of any lost, mislaid, or destroyed certificate under this regulation, the Commission may require the applicant to make a statutory declaration stating the facts of the case; and the Commission, if satisfied that the certificate is lost, mislaid, or destroyed, shall issue to the applicant a certified copy of the certificate with a statement on its face to the effect that it is issued under this regulation.

(3) A certified copy of any certificate issued under this regulation shall be available for all purposes for which the original certificate so lost, mislaid, or destroyed would have been available, and shall be as valid for all purposes as the original certificate.

Returns of Wool

13. Every broker who sells any wool shall, within eighteen days after the date of the sale, complete and deliver to the Commission a return in a form prescribed by the Commission in respect of all wool sold by him at that sale.

14. Every approved wool exporter shall, within eighteen days after the close of every month, complete and deliver to the Commission a return in a form prescribed by the Commission in respect of all wool purchased by him during that month otherwise than from a broker, approved wool exporter, approved woolscourer, or manufacturer, or, if no wool has been so purchased, stating that fact.

15. Every manufacturer shall, within eighteen days after the close of every month, complete and deliver to the Commission a return in a form prescribed by the Commission in respect of all wool delivered to him during that month, or, if no wool has been so delivered, stating that fact.

16. Every person who is for the time being authorised by the Commission to export slipe wool shall, within eighteen days after the close of every month, complete and deliver to the Commission a return in a form prescribed by the Commission in respect of all slipe wool sold by him or entered for export.

17. Every approved woolscourer shall, within eighteen days after the close of every month, complete and deliver to the Commission a return in a form prescribed by the Commission in respect of all wool scoured by him during that month, either on his own account or on behalf of any other person, or, if no wool has been so scoured, stating that fact.

18. Every return furnished under regulation 14, 15, 16, or 17 of these regulations shall contain the particulars indicated in the appropriate prescribed form, and shall be signed by or on behalf of that person and shall be accompanied by the amount of the charge (if any) payable on the wool as disclosed by the return.

19. In addition to any return required to be furnished to the Commission under regulation 14, 15, 16, or 17 of these regulations, the Commission may by notice in writing require any person to forward to the Commission within such time as may be specified in the notice such return or such further or fuller return as may be so specified.

20. Any return purporting to be made and signed by or on behalf of any person shall be deemed to have been made and signed by him or with his authority.

Export of Wool

21. (1) Except as provided in subclause (2) of this regulation, no person shall export or attempt to export any wool from New Zealand unless he is in possession of a certificate of charge in respect of that wool issued under these regulations or, where the wool is wool on the skin, a permit issued by the Commission authorising him to export that wool.

(2) Any approved wool exporter may export greasy, scoured, or slipe wool upon production to the Collector of Customs, at the port of entry of that wool for export, of a return in a form prescribed by the Commission, signed by the wool exporter or by such person as is duly authorised under the Customs Act 1913 to enter wool for export on his behalf.

22. No person shall export or attempt to export any wool from New Zealand unless he has previously—

- (a) Entered the wool for export under the Customs Act 1913; and
- (b) Produced to the Collector of Customs at the port of entry for export the return referred to in subclause (2) of regulation 21 of these regulations in respect of that wool or the certificate of charge held by him in respect of that wool or the permit authorising him to export that wool.

23. Where part only of the wool comprised in a certificate of charge is included in any entry for export, the Collector of Customs shall endorse on the certificate particulars of the wool included in the entry for export, and shall thereupon return the certificate of charge to the wool exporter.

Collection and Recovery of Charge

24. The due date for payment of the charge to the Commission shall be—

- (a) In the case of the charge payable by a broker on any wool sold by him, the date on which the return in respect of that wool is delivered to the Commission under regulation 13 of these regulations or, if the return is not delivered within the period allowed by that regulation, the last day of that period:

- (b) In the case of the charge payable by an approved wool exporter on any wool purchased by him from any person other than a broker, approved wool exporter, approved woolscourer, or manufacturer the date on which the return in respect of that wool is delivered to the Commission under regulation 14 of these regulations, or, if the return is not delivered within the period allowed by that regulation, the last day of that period:
Provided that where any person is required to forward to the Commission a supplementary return under regulation 19 of these regulations, the charge shall be paid to the Commission within eighteen days after the close of the month to which the return relates:
- (c) In the case of the charge payable by a manufacturer on any wool delivered to him, the date on which the return in respect of that wool is delivered to the Commission under regulation 15 of these regulations or, if the return is not delivered within the period allowed by that regulation, the last day of that period:
- (d) In the case of the charge payable by an approved woolscourer on any wool delivered to him for scouring, the date on which the return in respect of that wool is delivered to the Commission under regulation 17 of these regulations or, if the return is not delivered within the period allowed by that regulation, the last day of that period:
- (e) In the case of the charge payable on any slipe wool exported in accordance with an authority in writing given in that behalf by the Commission, a date ascertained in accordance with the terms and conditions stated in the permit:
- (f) In the case of the charge payable on any wool exported otherwise than in pursuance of a permit, the date of the entry of the wool for export or the date on which the wool is exported, whichever is the later.

25. The Commission may, in its discretion, extend the time for payment of the charge on any wool for such period as the Commission thinks fit.

26. If the charge on any wool is not paid on or before the due date for payment, or within such further time as may be allowed by the Commission under regulation 25 of these regulations, an additional charge, equal to 10 per cent of the amount of the charge unpaid, shall be payable on the wool:

Provided that the Commission may in any particular case, on such grounds as it deems sufficient, remit the additional charge imposed or any part thereof.

27. Where any charge or additional charge becomes due and payable it shall be deemed to be a debt due to the Commission by the broker, approved wool exporter, approved woolscourer, or manufacturer, as the case may be, and shall be recoverable accordingly by the Commission in any Court of competent jurisdiction.

28. (1) Where the Commission finds in any case that the charge has been paid on any wool which is subsequently destroyed by fire or otherwise before the charge became payable, or that the charge has been overpaid or wrongfully paid on any wool, the Commission shall refund the amount so paid or overpaid:

Provided that no amount shall be refunded under this regulation unless the Commission is satisfied that the person claiming the refund has not recouped himself for that amount (whether by deduction from the proceeds of wool sold on behalf of some other person or otherwise) or, if he has so recouped himself, that he has since repaid the amount to the person from whom he recouped himself.

(2) A refund under this regulation shall not be made to any person unless he furnishes to the Commission such return or other information, verified in such manner as the Commission may require, as will enable the Commission to determine the amount to be refunded.

29. Where, for the purposes of these regulations, any person pays any charge for or on behalf of any other person, he shall be entitled to recover the amount so paid from that other person as a debt or to deduct that amount from any money in his hands belonging or payable to that other person.

Auction Sales

30. (1) For the purposes of this regulation, the Commission may, after consultation with the New Zealand Wool Buyers Association, the New Zealand Wool Brokers Association, and the New Zealand Wool Board, appoint a committee, to be called the Wool Auction Sales Committee (in this regulation referred to as the Committee).

(2) The functions of the Committee shall be to consider and determine the following matters in relation to the sale of wool by auction:

- (a) The places to be appointed for the sale of wool by auction, and the days on which wool may be so sold at those places:
- (b) The maximum aggregate quantity of wool to be offered for sale at any specified auction sale or during any specified period:
- (c) Any other matter within the scope of its functions which should in the opinion of the Committee be dealt with by it.

(3) The Committee shall regulate its procedure in such manner as it thinks fit.

(4) No person shall sell or offer for sale by auction any wool otherwise than at an auction sale for the time being appointed by the Committee or otherwise contrary to any determination of the Committee under this regulation.

Records of Transactions in Wool

31. Every broker, dealer, manufacturer, approved wool exporter, and approved woollscourer shall keep books and accounts in which shall be recorded full particulars of all transactions, acts, and operations in connection with wool, including the price received or paid for any wool, and shall preserve those books or accounts for a period of not less than two years after completion of the transactions, acts, or operations to which they relate.

32. Any officer or servant or agent of the Commission or any member of the Commission or any other person duly authorised in that behalf by the Commission shall at all reasonable times during business hours have full and free access to all premises used for the storage, scouring, or

marketing of wool for the purpose of inspecting any wool or any books, accounts, documents, or other papers relating to the storage, scouring, or marketing of wool, and may take copies of or extracts from any such books, accounts, documents, or other papers.

Travelling Allowances

33. (1) Where any member of the Commission or of any committee appointed by the Commission is required to be absent from his usual place of residence for the purpose of attending any meeting of the Commission or, with the approval of the Commission, of transacting any business of the Commission, there shall be paid to that member a subsistence allowance at such rate as the Minister of Finance from time to time approves in that behalf.

(2) When the member, for such purpose, is required to make any journey and he travels by public conveyance, there shall be paid to him all fares and other expenses of locomotion incurred by him in making the journey.

(3) Where a private means of conveyance is used for any such journey there shall be paid to the member a mileage allowance at such rate as the Minister of Finance from time to time approves in that behalf.

(4) Notwithstanding the foregoing provisions of this regulation, where any member of the Commission or of any committee appointed by the Commission is absent from New Zealand with the approval or authority of the Commission on the business of the Commission the member shall be paid all subsistence and locomotion expenses actually and reasonably incurred by him within the period during which he is so absent.

Offences

34. (1) Every person commits an offence against these regulations who—

- (a) Acts in contravention of or fails to comply in any respect with any provision of these regulations or any requirement, permit, or condition issued or imposed under these regulations:
- (b) Makes any false or misleading statement or any material omission in any certificate, return, information, particulars, declaration, application, or communication furnished or made for the purposes of these regulations:
- (c) Wilfully destroys, alters, mutilates, or renders illegible any certificate or permit under these regulations, or wilfully makes a false or fraudulent entry in any such certificate or permit:
- (d) Resists, obstructs, deceives, or attempts to deceive any person who is exercising or attempting to exercise any power or function under these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £50, or to imprisonment for a term not exceeding twelve months, or to both.

35. The regulations referred to in the Schedule hereto are hereby revoked.

Reg. 35

SCHEDULE

REGULATIONS REVOKED

| Title | | Serial Number |
|---|-------|---------------|
| The Wool Commission Regulations 1952 | | S.R. 1952/31 |
| The Wool Commission Regulations 1952, Amendment No. 2 | | S.R. 1954/178 |
| The Wool Commission Regulations 1952, Amendment No. 4 | | S.R. 1957/118 |
| The Wool Commission Regulations 1952, Amendment No. 6 | | S.R. 1961/4 |
| The Wool Commission Regulations 1952, Amendment No. 9 | | S.R. 1964/66 |

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are a consolidation of the Wool Commission Regulations 1952 and their amendments. No substantial change is made in the effect of the previous regulations except that provision is made for the collection of the charge when wool is sold by a grower to a dealer; that is to say sold otherwise than through a broker.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 July 1964.

These regulations are administered in the Department of Agriculture.