

Authority on the 26th day of April 1985 having resolved that one further licence to export kiwifruit is needed called for applications for eligibility to tender for that licence.

Pursuant to regulations 22 and 23 of the Kiwifruit Marketing Licensing Regulations 1977 (Amendment No. 3), notice is hereby given that:

The following applicants have been granted eligibility to tender
Kiwi Harvest Limited
Wilson Neill Limited

Tenders for the single licence to be issued are now called pursuant to regulation 23 of the Kiwifruit Marketing Licensing Regulations 1977 (Amendment No. 3).

All tenders must be in writing, and must be contained in a sealed envelope marked "Tender for Kiwifruit Exporters' Licence" and addressed to the Secretary, New Zealand Kiwifruit Authority.

Tenders close at 12 noon, Friday, the 23rd day of August 1985.

Tenders will be opened at 12 noon on Tuesday, the 27th day of August 1985, at the office of the authority at Top Floor, Downtown House, Queen Street, Auckland.

Tenders are subject to the rules and procedures in regulation 23 (4) of the Kiwifruit Marketing Licensing Regulations 1977 (Amendment No. 3).

The terms and conditions and duration of the licence to be issued are as follows:

DURATION

Commencement: 1 September 1985 (but the licensee shall not export fruit prior to the 1986 export season).

Expiry: This licence is current until 31 March 1991.

General Conditions:

- (1) Only kiwifruit supplied from orchards approved by the Director-General of Agriculture and Fisheries shall be exported.
- (2) The holder of this licence shall export only kiwifruit of the Hayward variety (or such other variety as the authority may approve for export from time to time).
- (3) Exporters shall only collect fruit from growers who can provide by the time of collection, a complete, accurate and up-to-date copy of their spray diary which must show that such a spray programme as the grower or growers have elected to employ has not been contrary to the recommendations of the programme issued by the Ministry of Agriculture and Fisheries from time to time and approved by the authority.
- (4) The licensee shall comply with and facilitate the maintenance of such standards as to the quality, soundness, fitness for export, trueness to variety, keeping quality, and presentation of fruit as may be determined by the authority from time to time and notified to the licensee pursuant to its powers under the Kiwifruit Marketing Licensing Regulations 1977 and amendments.
- (5) The holder of this licence shall comply with such directions as to the adoption of industry labels, logos, or common presentation of packaging for marketing purposes as may be resolution of the authority be required and as are notified in writing to the licensee no later than 1 July in the year prior to the season in which usage is required.
- (6) The licensee shall, if required by the authority by notice in writing, given 12 clear months prior to the commencement of picking in any particular harvest season, ensure that all kiwifruit (or such lesser proportion as may be stipulated by the authority) exported by the licensee under this licence are individually labelled.
- (7) The licensee shall ensure that all units of packaging and all packaging components used in the export of kiwifruit comply with the packaging specifications and the packaging instructions as issued by the authority from time to time, pursuant to its powers under the Kiwifruit Marketing Licensing Regulations 1977 and amendments.
- (8) A kiwifruit levy shall be paid on each tray and kiwifruit exported, at a rate and in a manner notified in the *Gazette* from time to time.
- (9) The holder of this licence is required to immediately inform the authority if fruit exported under this licence is detained from entry into any market for any reason.
- (10) This licence shall not be transferred without the prior written approval of the authority pursuant to regulation 24 (2) of the Kiwifruit Marketing Licensing Regulations 1977, (Amendment No. 3).
- (11) The licensee shall keep such proper accounting records as shall enable its financial position at any time to be ascertained and shall at the request of any producer furnish to that producer either a copy of the licensee's most recent balance

sheet or a summary of its accounting records which discloses the licensee's financial position at the time of such request. Provided that where pursuant to a condition in its licence to export kiwifruit a principal shareholder of the licensee has issued a guarantee accepting general liability for the trading activities of the licensee, that licensee shall be entitled in lieu of disclosure of its financial position to elect to comply with this provision by disclosure of the financial position of the guarantor.

- (12) The annual accounts and kiwifruit pool account(s) of the holder of this licence shall be audited annually.
- (13) The holder of this licence shall, if requested by the authority, furnish to it, within a reasonable time of such request, such information relevant to the authority's functions, powers and duties under regulation 12 of the Kiwifruit Marketing Licensing Regulations 1977 as the authority may specify, including information regarding:
 - (a) The packaging, presentation, quantity, quality and condition of fruit controlled by the licensee from the time it is acquired by him from the producer to and including retail distribution in each market, and
 - (b) The form and impact of advertising and of promotion activities in overseas markets, and
 - (c) Marketing conditions in each market, including the performance of importers (both regionally and importer by importer) and pricing, and
 - (d) The form and impact of regulatory policies proposed or imposed in overseas markets (including the impact of requirements as to packaging, presentation, suitability for health purposes, distribution and price), and
 - (e) The shipping and transport of fruit.

and without prejudice to the generality of the foregoing, the holder of this licence shall, upon request and within the time specified, furnish to the authority the following information:

 - (i) A list of the names and addresses of all those from whom the licensee has obtained kiwifruit during the current year, together with quantities from each.
 - (ii) Details of the licensee's physical facilities in New Zealand connected with the export and marketing of kiwifruit (e.g. offices, agencies, coolstores, packing sheds, trucks, etc.). These need not be owned by the licensee nor necessarily be used solely in connection with the kiwifruit industry.
 - (iii) Activities undertaken in new market areas during the licence year (e.g. sales investigations, establishment of provisional arrangements with importers, proposals or arrangements for sales promotions).
 - (iv) A report on the year's operations and a review of trends and prospects in overseas markets.
 - (v) Any overseas facilities (relating to kiwifruit owned or shared by the licensee).
 - (vi) Amount spent on overseas promotion by countries by the licensee and his agents and the nature of such promotion.
- (14) The holder of this licence shall, if informed in writing of a resolution of the authority requiring it to cease dealing, for the importation of kiwifruit into an overseas market, with an overseas importer or importers and stating a reason or reasons for such requirement, cease its dealings with such importer or importers as soon as practicable (and not later than the end of the export season then current).
- (15) Provided that notice in writing is given to the holder of this licence, it shall comply with a direction or directions of the authority, adopted by resolution of the authority stipulating a minimum price or minimum prices in respect of a market or markets nominated in such notice or notices, and shall not without subsequent permission from the authority sell fruit in such markets below such minimum price or prices.
- (16) Provided that notice in writing is given to the holder of this licence it shall comply with a direction or directions of the authority, adopted by resolution of the authority, stipulating, whether by minimum or by maximum, or both, the relative proportions of the crop handled by the holder of this licence which may be exported to such markets as are stipulated in the notice, and, should the notice so require, shall in the same manner comply with a requirement of the authority specifying the rate of shipment and supply to nominated markets during the export season in relation to each such market.