

APPLE AND PEAR MARKETING AMENDMENT BILL

EXPLANATORY NOTE

Clause 2 omits from section 12 of the principal Act the reference to regulations under the Orchard and Garden Diseases Act 1928.

Clause 3 makes provision for grading and packing standards to be prescribed in regulations under the principal Act. The standards will be the same as the standards prescribed in regulations under the Orchard and Garden Diseases Act 1928 except in cases where fruit is not capable of being graded under those regulations.

Clause 4 provides that standard costs of production will be assessed after taking into consideration any variation in costs of production estimated to occur between the last preceding season and the current season. At present the standard cost of production is based on estimates of variations in costs taking place between one season and the next ensuing season.

Clause 5 permits the Minister to authorize the Board to purchase apples and pears fit for human consumption but not able to be graded, such as hail-marked apples. The provisions of the principal Act relating to the guaranteed price will not apply to any fruit the subject of an order under the proposed section.

Clause 6 extends the power to make regulations conferred by the principal Act.

There is evidence that considerable quantities of apples and pears are sold by growers contrary to the provisions of the principal Act and it is desired to make regulations to prevent this.

Hon. Mr. Holyoake

APPLE AND PEAR MARKETING AMENDMENT

ANALYSIS

Title.	4. Standard cost of production to be assessed with reference to difference between costs of production in current and last preceding seasons.
1. Short Title.	5. Minister may authorize purchase by Board of apples and pears not up to grading standard.
2. Section 12 of principal Act amended.	6. Authority to make regulations extended. Repeal.
3. Authorizing regulations relating to packing and grading of apples and pears.	

A BILL INTITULED

AN ACT to amend the Apple and Pear Marketing Act 1948. Title.

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

1. This Act may be cited as the Apple and Pear Marketing Amendment Act 1951 and shall be read together with and deemed part of the Apple and Pear Marketing Act 1948 (hereinafter referred to as the principal Act). Short Title.
1948, No. 53

2. Section twelve of the principal Act is hereby amended by omitting from subsection one the words "in accordance with any regulations for the time being in force under the Orchard and Garden Diseases Act 1928". Section 12 of principal Act amended.
See Reprint of Statutes, Vol. I, p. 136

Authorizing regulations relating to packing and grading of apples and pears.

3. Section thirteen of the principal Act is hereby amended by adding the following subsections as subsection three and four: —

“(3) Regulations made under section thirty-three of this Act may provide that apples and pears, before being purchased by the Board, shall be packed and graded in accordance with prescribed specifications and standards and that apples and pears not packed and graded in accordance with the regulations shall not be purchased by the Board.

“(4) Nothing in this section shall authorize the making of regulations requiring apples and pears to be graded otherwise than in accordance with one of the standard grades prescribed by regulations for the time being in force under the Orchard and Garden Diseases Act 1928:

“Provided that, where apples and pears to which this Part of this Act applies do not conform with any such standard grade, regulations under this Act may prescribe standards of grading for the apples and pears for the purpose of this Act.”

4. (1) Section fifteen of the principal Act is hereby amended by repealing subsections one and two, and substituting the following subsections:—

“(1) Not later than the twenty-eighth day of February in each season the Board shall advise the Minister of its estimates of any variations that will take place between the costs of production of apples and pears grown in that season and the costs of production of apples and pears that were grown in the last preceding season.

“(2) The Minister, after receiving the advice of the Board under subsection one of this section and after consultation with the Board, shall, during the month of March in each season, declare in respect of that season, the standard cost of production of apples and pears.”

(2) This section shall be deemed to have come into force on the *thirtieth day of November, nineteen hundred and fifty-one*.

5. The principal Act is hereby amended by inserting, after section twenty-three, the following section:—

“23A. (1) Notwithstanding the provisions of this Act, or of any regulations thereunder, the Minister may, by notice published in the *Gazette*, declare that any apples and pears which are fit for human consumption

See Reprint of Statutes, Vol. I, p. 136

Standard cost of production to be assessed with reference to difference between costs of production in current and last preceding seasons.

Minister may authorize purchase by Board of apples and pears not up to grading standard.

but which do not conform with any standard of grading prescribed in regulations under this Act may be purchased by the Board.

5 “(2) Where any notice is published under this section, the amount paid or to be paid for the apples and pears to which the notice relates shall not be taken into account when determining, in accordance with section sixteen of this Act, the average price to be paid to growers for apples and pears, or when determining, 10 in accordance with subsection two of section twenty-three of this Act, the total amount paid by the Board for apples and pears purchased from growers during a season.

15 “(3) Any notice under this section may be at any time varied or revoked by a subsequent notice and may apply throughout New Zealand or in any specified district or districts and may apply to any specified class, grade, or description of apples or pears.”

20 6. (1) Section thirty-three of the principal Act is hereby amended by repealing paragraphs (b), (c), and (d) of subsection two, and substituting the following paragraphs:—

Authority to make regulations extended.

25 “(b) Providing for the prohibition or restriction of the sale of apples and pears, in excess of a specified quantity, by growers to persons other than the Board except pursuant to the authority of the Board:

30 “(c) Prescribing the quantity and the classes, grades, and kinds of apples or pears that may be sold by a grower to any purchaser or purchasers other than the Board:

35 “(d) Regulating the distribution and sale of apples and pears in New Zealand and prohibiting the sale, possession, or carriage of apples and pears sold by growers otherwise than in accordance with this Act:

“(e) Prescribing returns to be made and information to be supplied to the Board by growers:

40 “(f) Prescribing offences against the regulations.”

(2) Section fourteen of the principal Act is hereby repealed. Repeal.