

BOARD OF TRADE BILL

EXPLANATORY NOTE

1. The object of this Bill is to set up a Board of Trade, whose functions generally are to be advisory to the Minister of Customs on matters related to industrial and trade development, import licensing, and (except in relation to agricultural or pastoral products) export licensing. The Board is also to have such powers as may be delegated to it by any Minister or other authority, including the licensing of imports and the licensing of exports other than agricultural or pastoral products.

2. The Board is to consist of not more than four members, and it is provided that the members of the Import Advisory Committee appointed by the Governor-General on 17th May, 1950, who are members of that Committee on the passing of this Bill are to be members of the Board. Appointments to the Board are to be for three years with eligibility for reappointment for similar terms. The remuneration and travelling allowances of members are to be determined by the Minister of Finance.

3. The Board is to have the powers of a Commission of Inquiry under the Commissions of Inquiry Act, 1908, and the Board may hold public hearings and summon persons to give evidence. Provision is made for the attendance of, and submission of reports and evidence by, public servants as may be required by the Board. The Minister of Industries and Commerce may refer to the Board the results of any judicial inquiry under the Board of Trade Act, 1919.

4. The Board is to be responsible to and generally will advise the Minister of Customs, but it may advise other Ministers, when the Minister of Customs so directs, on matters coming within the scope of the Bill.

5. The advisory functions of the Board are to cover the economic aspects of such matters as the rates of Customs duties and the general effect of the operation of the Tariff; the maintenance and development of existing industries and the development of new industries; the administration of import licensing and of export licensing (except in relation to agricultural or pastoral products), and applications and appeals related thereto; international trade agreements and conferences; and the marketing and distribution of products not specifically provided for in other legislation.

Hon. Mr. Bowden

BOARD OF TRADE

ANALYSIS

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A BILL INTITULED

AN ACT to Establish a Board of Trade, and to Define its Functions. 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 Board of Trade Act, 1950. Short Title.
2. In this Act, unless the context otherwise requires,— Interpretation.
 - 10 “ Board ” means the Board of Trade established under this Act:
 - “ Customs duty ” mean any duty within the meaning of the Customs Act, 1913:
 - 15 “ Industry ” includes any trade, occupation, business, manufacture, works, or service of any kind whatsoever:
 - “ Minister ” means the Minister of Customs:

See Reprint
of Statutes,
Vol. VII, p. 97

“ Tariff ” means the scale of Customs duties for the time being in force under the Customs Act, 1913.

Establishment
of Board of
Trade.

3. (1) There is hereby established for the purposes of this Act a Board, to be known as the Board of Trade. 5

(2) The Board shall consist of such number of members, not exceeding four, as the Governor-General from time to time thinks fit to appoint.

(3) The members of the Board shall be appointed by the Governor-General on the recommendation of the Minister, and shall be persons who, in the opinion of the Minister, are possessed of some special knowledge or qualifications that will be of advantage to the Board in the performance of its functions. 10

(4) Every member of the Board shall be appointed for a term of three years, and may from time to time be reappointed, or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister. 15 20

See Reprint
of Statutes,
Vol. VII, p. 522

(5) No person shall be deemed to be employed in the service of His Majesty for the purposes of the Public Service Act, 1912, by reason of his being a member of the Board.

(6) The powers of the Board shall not be affected by any vacancy in the membership of the Board. 25

(7) The persons holding office on the passing of this Act as the Chairman and members of the Import Advisory Committee established by the Governor-General on the seventeenth day of May, nineteen hundred and fifty, shall be deemed to have been appointed to be the Chairman and members of the Board for a term of three years from that date. 30

Meetings of
Board.

4. (1) Meetings of the Board shall be held at such times and places as the Board or the Chairman may from time to time appoint. 35

(2) At any meeting of the Board two members shall form a quorum.

(3) The Board may meet in private or in public, as the Board may from time to time decide. The Chairman shall cause such notice as he thinks fit to be given of any public meeting of the Board to persons likely to be affected thereby. 40

(4) The Board may make an order prohibiting the publication (whether orally or in writing) of any report or description of any part of the proceedings or evidence in any matter before the Board. Every person who acts
5 in contravention of any such order shall be liable on summary conviction to a fine not exceeding fifty pounds.

5. (1) One member of the Board shall be appointed by the Governor-General on the recommendation of the Minister as the Chairman of the Board.

Chairman of Board.

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

(3) If at any meeting of the Board the Chairman is not present, the members present shall appoint one of their number to be the Chairman of that meeting.

15 (4) At any meeting of the Board the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

20 6. A suitable person shall be appointed under the Public Service Act, 1912, to be the Secretary of the Board.

Secretary of Board.
See Reprint of Statutes, Vol. VII, p. 522

7. (1) The principal function of the Board shall be to make recommendations to the Minister in respect of the economic aspects of any of the following matters:—

Advisory functions of Board.

25 (a) The rates of Customs duties for the time being in force, including duties imposed wholly or partly for the purpose of protecting industries in New Zealand:

(b) The general effect of the operation of the Tariff on the trade and industries of New Zealand:

30 (c) The establishment and development of new industries and the maintenance and development of existing industries, including in particular the granting of assistance in relation thereto, whether by means of subsidies, grants, loans, Tariff concessions or preferences, or embargoes, or otherwise:

35 (d) The administration of any licensing of imports, or licensing of exports other than agricultural or pastoral products, that may for the time being
40 be in force under the Customs Act, 1913, or the Reserve Bank of New Zealand Amendment Act, 1936, or any other Act or under any regulations;

See Reprint of Statutes, Vol. VII, p. 97
1936, No. 1

- (e) The determination of any application for an import licence, or of any application for an export licence (except in relation to agricultural or pastoral products), or of any appeal in relation thereto, on which the Minister may seek the advice of the Board:
- (f) The negotiation of any trade or tariff agreements between New Zealand or other countries, and matters related thereto in regard to any international agreement, organization, or conference: 10
- (g) The marketing and distribution of products and the obtaining of raw materials and other goods for use in industry, except as may be specially provided in any other Act in respect of any particular industry or product: 15
- (h) Any other matters relating to the industries and trade of New Zealand that may be referred to the Board by the Minister or may be considered by the Board of its own motion. 20

(2) The Board may also, when requested by the Minister of Customs, make recommendations to the Minister of Finance, the Minister of Industries and Commerce, or any other Minister in respect of the economic aspects of any of the matters specified in subsection *one* of this section. 25

Licensing and other functions of Board.

8. In addition to its functions as an advisory body, the Board shall have such functions and powers as may from time to time be delegated to the Board by any Minister or other authority pursuant to any Act or regulations relating to industries or trade, including in particular the licensing of imports and the licensing of exports other than agricultural or pastoral products. 30

Officers of Public Service to attend meetings of Board and submit evidence.

9. (1) The Minister may arrange for the Comptroller of Customs and any other officers of Customs to attend such meetings of the Board as may be deemed necessary, and to submit such reports and other information as may be required for the deliberations of the Board. 35

(2) The Minister of Finance, or the Minister of Industries and Commerce, or any other Minister, when seeking a recommendation from the Board as hereinbefore provided, may arrange for any officer of his 40

Department to attend such meetings of the Board as may be deemed necessary, and to submit such reports and other information as may be required for the deliberations of the Board.

5 **10.** (1) The Board shall within the scope of its jurisdiction be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act, 1908, and, subject to this Act, all the provisions of that Act shall apply accordingly.

Board to be a Commission of Inquiry.
See Reprint of Statutes, Vol. I, p. 1036

10 (2) The Chairman of the Board, or the Secretary of the Board purporting to act by direction of the Chairman, may exercise the powers of the Board in respect of citing parties and summoning witnesses, and may do any other act preliminary or incidental to the hearing or consideration of any matter by the Board.

15 (3) In addition to its powers under the Commissions of Inquiry Act, 1908, the Board may from time to time, if it thinks fit, rehear any matter that has been heard and determined by it.

20 **11.** (1) All information obtained by the Board or by any member or officer of the Board or by any other person in the course of the administration of this Act shall be treated as confidential, except for purposes connected with the administration of this Act.

Secrecy of information obtained for purposes of Act.

25 (2) Any information obtained by the Minister of Industries and Commerce by means of any judicial inquiry or any investigation made under the Board of Trade Act, 1919, may be made available to the Board by or by direction of that Minister.

Ibid., Vol. VIII, p. 629

30 **12.** There shall be paid to the Chairman and each member of the Board such remuneration by way of salary, fees, or allowances, and such travelling allowances and expenses as the Minister of Finance may from time to time approve.

Remuneration and travelling allowances.