

[AS PROPOSED TO BE REPORTED FROM THE COMMITTEE
OF THE WHOLE.]

Hon. Mr. Sullivan.

INDUSTRIAL EFFICIENCY.

ANALYSIS.

Title.	
1. Short Title.	
2. Interpretation.	
PART I.	
BUREAU OF INDUSTRY.	
3. Establishment of Bureau of Industry.	
4. Chairman of Bureau.	
5. Meetings of Bureau.	
6. Secretary of Bureau.	
7. Functions of Bureau.	
8. Bureau to have powers of Commission of Inquiry.	
PART II.	
INDUSTRIAL PLANS.	
9. Minister may invite submission of industrial plans in relation to any industry or related industries.	
10. Industrial Committees.	
11. Functions of Industrial Committee.	
12. Plans submitted to Minister to be considered by Bureau.	
13. Amendment of plan.	
14. Power to impose levies for purpose of defraying expenditure in relation to industrial plan.	
PART III.	
REGISTRATION AND LICENSING OF INDUSTRIES.	
15. Registration of industries.	
16. Licensing of industries.	
17. Licenses to be issued by Bureau.	
18. Matters to be considered on application for license for new business.	
19. Matters to be considered on application for license for existing business.	
20. Bureau may refuse application for license, or may grant a license subject to conditions.	
21. Revocation of licenses.	
22. Transfer of licenses.	
23. Right of appeal from decisions of Bureau.	
PART IV.	
MISCELLANEOUS.	
24. Bureau to co-operate with State Advances Corporation and Labour Department in utilization of funds available for promotion of industry.	
25. Persons commencing to carry on certain industries required to give notice of their intention to Bureau.	
26. Application of fees and other moneys received under this Act.	
27. Regulations.	

A BILL INTITULED

Title.	AN ACT to promote the Economic Welfare of New Zealand by providing for the Promotion of New Industries in the most Economic Form and by so regulating the General Organization, Development, and Operation of Industries that a greater measure of Industrial Efficiency will be secured. 5
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 10
Short Title.	1. This Act may be cited as the Industrial Efficiency Act, 1936.
Interpretation.	2. In this Act, unless the context otherwise requires,—
	“Bureau” means the Bureau of Industry established under this Act: 15
	“Committee” or “Industrial Committee” means an Industrial Committee appointed in relation to any industry or related industries in accordance with the provisions of Part II of this Act: 20
	“Industry” includes any trade, occupation, business, manufacture, works, or service of any kind whatsoever:
	“Industrial plan” or “plan” means a plan prepared in accordance with Part II of this Act: 25
	“Minister” means the Minister of Industries and Commerce.

PART I.

30

BUREAU OF INDUSTRY.

Establishment of Bureau of Industry.	3. (1) There is hereby established for the purposes of this Act a Bureau of Industry, which shall consist of—
	(a) Such number of ordinary members as the Minister from time to time thinks fit to appoint; and 35
	(b) Such number of special members as the Minister from time to time thinks fit to appoint.
	(2) The ordinary members of the Bureau shall be persons employed in the service of the Government of New Zealand (being persons who, in the opinion of the 40

Minister, are possessed of some special knowledge or qualifications that will be of advantage to the Bureau in the performance of its functions).

(3) The special members of the Bureau shall be appointed as follows:—

(a) Two such members shall be appointed to represent ~~the interests of persons engaged in~~ manufacturing industries:

(b) Two such members shall be appointed to represent ~~the interests of persons engaged in~~ agricultural ~~or~~ and pastoral industries:

(c) Two such members may be at any time appointed

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in respect of any other industry or group of related industries to represent persons engaged therein:

New.

to represent any particular industry or group of related industries.

(d) Two such members may be at any time appointed in respect of any industry or group of related industries to represent the workers employed therein.

(4) The special members appointed in accordance with the *last preceding* subsection shall, if a suitable recommendation is duly made, be appointed on the recommendation of any organization that is recognized by the Minister as representing the interests of persons or of any class of persons engaged in the industry or industries concerned with the appointment.

(5) All appointments to the Bureau shall be made by the Minister, and the members of the Bureau shall hold office during his pleasure:

Provided that a special member appointed on the recommendation of any organization as aforesaid shall cease to hold office within one month after notice given to the Minister by such organization of the withdrawal of its recommendation.

4. (1) The Minister shall from time to time appoint one of the ordinary members of the Bureau to be the Chairman of the Bureau, and another such member to be the Deputy Chairman. In the absence of the Chairman from any meeting of the Bureau the Deputy Chairman shall act as the Chairman.

Chairman
of Bureau.

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

Meetings
of Bureau.

5. (1) At any meeting of the Bureau four ordinary members (of whom the Chairman or the Deputy Chairman shall be one) shall form a quorum. 5

(2) Any special member of the Bureau shall be entitled to attend any meeting of the Bureau at which any matter is dealt with that particularly affects the industry or any industry of the class or group which he has been appointed to represent, and in respect of any such matter he shall have the same rights of voting and discussion as an ordinary member, but shall not be entitled to attend any other meeting of the Bureau, or, if present at any such meeting, shall not be entitled to vote on any matter not directly affecting any such industry. 10 15

(3) The decision of the Chairman as to the right of any special member, in accordance with the *last preceding* subsection, to attend any meeting of the Bureau or to vote on any question shall be final. 20

Secretary of
Bureau.

6. An officer of the Department of Industries and Commerce shall be appointed as the Secretary of the Bureau.

Functions of
Bureau.

7. (1) The principal function of the Bureau shall be to make recommendations to the Minister, after due inquiry and investigation, in respect of matters arising in the course of the administration of this Act, and, in particular, in respect of any of the following matters, namely:— 25 30

(a) The constitution of Industrial Committees under Part II of this Act, and the method of their appointment:

(b) The subject-matter of any plan for the organization of any industry, ~~submitted to the Bureau pursuant to Part II of this Act,~~ and of any regulations made or proposed to be made for the purposes of any such plan or generally for the purpose of giving effect to this Act: 35

(c) *The capitalization of industries,* the establishment and development of new industries, and the development of existing industries: 40

- 5 (d) The rendering of assistance, by means of subsidies, grants, loans, tariff concessions or preferences, embargoes, or otherwise howsoever, with a view to the establishment and development of new industries or the development of existing industries:
- 10 (e) The co-ordination of related or interdependent industries:
- (f) The promotion of research in relation to industry:
- 10 (g) Any arrangement, method, or device designed to increase industrial efficiency (either generally or in respect of any particular industry) or designed to improve the quality of the products of any industry:
- 15 (h) The adoption, in relation to any industry, of uniform methods of accounting, costing, and the preparation of statistics:
- (i) The standardization and simplification, in relation to any industry, of any materials, processes, or products:
- 20 (j) The training of skilled workers, the utilization of their services, and the maintenance at all times, so far as possible, of a sufficient number of skilled and other workers to satisfy actual and anticipated industrial requirements:
- 25 (k) The marketing and distribution of products and the purchase of raw materials or other goods for use in manufacture:
- (l) Any other matters in relation to employment or industry that may be referred to the Bureau by the Minister or that may be considered by it of its own motion.
- 30 (2) In addition to its functions as an advisory body, as enumerated in the *last preceding* subsection, the
- 35 Bureau shall have the following further functions:—
- (a) At the request of the Minister, to prepare plans under Part II of this Act in relation to any industry or related industries, and to supervise the carrying-out of industrial plans: (~~whether prepared by the Bureau or by any Committee or other persons~~):
- 40 (b) To act as the licensing authority for the purposes of Part III of this Act:

- (c) To facilitate collaboration between Departments of State with respect to matters affecting the administration of this Act, and, with the consent of the Minister in charge of any Department, to require that Department to undertake any inquiry or investigation that may be within its powers and scope, and to report thereon to the Bureau, with such recommendations (if any) as it thinks fit to make: 5
- (d) To maintain a continuous survey of industries, *of industrial finance*, and of industrial methods, and to arrange for the collection, arrangement, publication, and distribution of statistics relating to *capitalization*, output, costs, prices, markets, working-conditions, and other related matters: 10 15
- (e) Through the medium of the Department of Scientific and Industrial Research, to collaborate with any research or other organization established in New Zealand or elsewhere, and to arrange for the publication and distribution of appropriate information among persons or organizations concerned with the object of increasing the general standard of industrial efficiency throughout New Zealand: 20 25
- New.*
- (ee) To collaborate with the New Zealand Standards Institute in the preparation and adoption of any arrangements or plans designed to achieve greater efficiency in any industry or group of industries by means of the standardization and simplification of any materials, processes, or products: 30
- (f) Any other functions that may be lawfully conferred on it by regulations under this Act or otherwise howsoever. 35

8. For the purpose of enabling it to carry out its duties and functions the Bureau shall have all the powers of a Commission under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply thereto accordingly. 40

Bureau to have powers of Commission of Inquiry.
See Reprint of Statutes, Vol. I, p. 1036

PART II.

INDUSTRIAL PLANS.

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5 9. (1) The Minister may at any time, in such manner
 as in the circumstances he deems appropriate, invite the
 submission to him, by any persons concerned or
 interested, of an industrial plan or of industrial plans
 for the organization of any industry or related
 10 industries.

(2) Plans for the purposes of this section may be
 submitted by any Industrial Committee appointed in
 accordance with the following provisions of this Act, or
 by any persons or by any organization of persons
 15 engaged in the industry or in any of the industries
 affected either as employers or as workers, or by any
 other persons or organizations of persons who, in the
 opinion of the Minister, are in any other way substan-
 tially concerned with or affected by any industry or
 industries as aforesaid.

20 (3) Notwithstanding anything in the foregoing
 provisions of this section, the Minister may at any time
 require the Bureau to submit a plan in relation to any
 industry or industries.

Minister may invite submission of industrial plans in relation to any industry or related industries.

New.

25 9A. (1) The Minister may at any time direct the
 Bureau to prepare an industrial plan for the organization
 of any industry or related industries.

(2) The Bureau shall thereupon proceed to prepare
 a provisional plan, and for that purpose may require
 30 any person or persons to furnish written or oral state-
 ments, on oath or otherwise, as to the subject-matter
 of the plan, or as to the necessity or desirability in the
 public interest of effect being given thereto or to any
 of the proposals contained therein, or as to the extent
 35 to which the proposals or any of the proposals contained
 in the provisional plan have the support of the persons
 engaged or interested in the industry or in any industry
 to which the plan relates.

Minister may require Bureau to submit plan for organization of any industry.

New.

(3) On submission to him of a provisional plan by the Bureau the Minister shall give public notice, in the *Gazette* or in such other manner as he deems appropriate, of the material proposals contained in the plan, and shall give special notice thereof to all such persons or organizations as in his opinion will be directly affected thereby if and when the plan is brought into operation. 5

(4) Any recommendations or objections that may be received to the provisional plan shall be referred to the Bureau for consideration, and the Bureau may thereupon modify or extend or alter the plan as it thinks fit, and shall submit the same to the Minister, with its recommendations. 10

(5) For the purpose of bringing into effective operation any plan prepared as aforesaid and approved by the Minister, and of carrying out such plan, the Governor-General may from time to time, by Order in Council, make regulations in accordance with the provisions of Part IV of this Act. Any such regulations may be at any time in like manner amended or revoked. 15 20

(6) Notwithstanding anything in the foregoing provisions of this section, no regulations in relation to any plan shall be brought into force unless the Governor-General in Council is satisfied that the material proposals contained in the plan or in the regulations have been submitted to and have been approved by a majority of the persons engaged as principals in the industry to which the plan relates, or have been approved by persons employing a majority of the workers engaged in such industry, or unless the Governor-General (in respect of any amending or revoking regulations, and notwithstanding that the approval of any such persons as aforesaid has not been obtained), is of opinion that such amending or revoking regulations are in the public interest: 25 30 35

Provided that the issue of any regulations under this section shall be conclusive proof that the requirements of this subsection have been complied with.

New.

- 5 given in such manner as in the circumstances he con- Industrial
6 sidered appropriate, require the appointment of an Committees.
7 Industrial Committee in connection with any industry
8 or group of industries or any section of any industry, to
9 carry out or to assist in carrying out the provisions of
10 any plan that has been approved by him in accordance
11 with the provisions of the *last preceding* section, and
12 may, in such notice, specify the method of appointment
13 and the extent to which the interests of owners,
14 employers, workers, and consumers of products or users
15 of services are to be severally represented on the
16 Committee.
- 17 (2) In lieu of requiring the appointment of a
18 Committee in accordance with the *last preceding* sub-
19 section, the Minister may recognize as an Industrial
20 Committee for the purposes of this Act any existing
21 committee or body of persons purporting to represent
22 the several interests concerned with the organization or
23 operations of any industry, with or without the
24 appointment of further members.
- 25 (3) The Minister may, if he thinks fit, appoint
26 any person or persons to be an additional member
27 or additional members of any Industrial Committee as
28 aforesaid, and may himself appoint an Industrial Com-
29 mittee in any case where a Committee is not duly
30 appointed on the request of the Minister, or in any
31 other case where, in his opinion, the appointment of a
32 special Committee is desirable.
- 33 (4) Any member of an Industrial Committee may at
34 any time resign by notice in writing addressed to the
35 Chairman of the Committee, and, with the leave of the
36 Minister but not otherwise, any member of the Com-
37 mittee may be removed from office by the appointing
38 authority, and any person or persons may from time to
39 time be added to the Committee.
- 40 (5) The Minister may at any time dissolve an
Industrial Committee if he is of opinion that it is not
co-operating with the Bureau or is otherwise failing to
carry out its functions under this Act, and in any such

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case may call for the appointment of another Industrial Committee or may himself appoint an Industrial Committee in accordance with the foregoing provisions of this section.

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(6) The names, occupations, and business addresses of the members of every Industrial Committee shall be published by the Minister in the *Gazette*.

(7) The members of an Industrial Committee shall from time to time appoint one of their number as Chairman, to whom all official notifications by or on behalf of the Minister or the Bureau shall be sent. No person shall hold office as Chairman of a Committee except with the approval of the Minister.

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Other functions
of Industrial
Committee.

9c. (1) While any industrial plan is in operation it shall be the duty of any Industrial Committee that is charged by regulations under this Act with any duties in respect of the carrying-out of the plan to furnish reports from time to time as required by the Minister on the operation of the plan, with such recommendations (if any) as it thinks fit to make for the modification or amendment of the plan.

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(2) In addition to their functions in relation to the carrying out of industrial plans, Industrial Committees shall have such other functions as may be conferred by regulations made under the authority of Part IV of this Act.

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Industrial
Committees.

10. (1) For the purposes of this Act the Minister may from time to time, in such manner as in the circumstances he considers appropriate, require the appointment of an Industrial Committee in connection with any industry or group of industries or any section of any industry, and may specify the method of appointment and the extent to which the interests of owners, employers, workers, and consumers of products or users of services are to be severally represented on the Committee. Without limiting the general authority conferred by this section in respect of the appointment of Industrial Committees, an Industrial Committee may be specially appointed in accordance with this section to carry out or to assist in carrying out the provisions of any plan that has been adopted in relation to any industry in accordance with the provisions of this Part of this Act.

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Struck out.

5 (2) In lieu of requiring the appointment of a Committee in accordance with the *last preceding* subsection, the Minister may recognize as an Industrial Committee for the purposes of this Act any existing committee or body of persons purporting to represent the several interests concerned with the organization or operations of any industry, with or without the appointment of further members.

10 (3) The Minister may, if he thinks fit, appoint any person or persons to be an additional member or additional members of any Industrial Committee as aforesaid, and may himself appoint an Industrial Committee in any case where a Committee is not duly
15 appointed on the request of the Minister, or in any other case where, in his opinion, the appointment of a special Committee is desirable.

20 (4) Any member of an Industrial Committee may at any time resign by notice in writing addressed to the Chairman of the Committee, and, with the leave of the Minister but not otherwise, any member of the Committee may be removed from office by the appointing authority, and any person or persons may from time to time be added to the Committee.

25 (5) The Minister may at any time dissolve an Industrial Committee if he is of opinion that it is not co-operating with the Bureau or is otherwise failing to carry out its functions under this Act, and in any such case may call for the appointment of another Industrial
30 Committee or may himself appoint an Industrial Committee in accordance with the foregoing provisions of this section.

35 (6) The names, occupations, and business addresses of the members of every Industrial Committee shall be published by the Minister in the *Gazette*.

40 (7) The members of an Industrial Committee shall from time to time appoint one of their number as Chairman, to whom all official notifications by or on behalf of the Minister or the Bureau shall be sent. No person shall hold office as Chairman of a Committee except with the approval of the Minister.

45 11. (1) On the appointment of an Industrial Committee in connection with any industry, the Minister may require the Committee to prepare and submit an industrial plan in relation to that industry, whether or not a plan in relation to that industry has been already submitted in accordance with this Act.

Functions of
Industrial
Committee.

Struck out.

(2) On the submission of a plan in relation to any industry (whether submitted by the Committee or not) the Committee shall co-operate with the Bureau in the consideration of the plan and, if so required by the Minister, shall furnish a separate report thereon. 5

(3) While any industrial plan is in operation it shall be the duty of any Industrial Committee that is charged by regulations under this Act with any duties in respect of the carrying-out of the plan to furnish reports from time to time as required by the Minister on the operation of the plan, with such recommendations (if any) as it thinks fit to make for the modification or amendment of the plan. 10

(4) In addition to the functions in relation to industrial plans conferred by the foregoing provisions of this section, Industrial Committees shall have such other functions as are conferred by this Act or as may be conferred by regulations made under the authority of Part IV of this Act. 15

12. (1) Except in the case of plans prepared by the Bureau itself, every plan submitted to the Minister in accordance with the foregoing provisions of this Part of this Act shall be referred to the Bureau for its consideration. 20

(2) The Bureau shall thereupon consider the plan, in collaboration with the appropriate Industrial Committee, and for the purposes of such consideration may require any persons by whom the plan has been submitted, or any other persons, to furnish written or oral statements, on oath or otherwise, as to the subject-matter of the plan, or as to the necessity or desirability in the public interest of effect being given thereto or to any of the proposals contained therein, or as to the extent to which the proposals or any of the proposals contained in the plan have the support of the persons engaged or interested in the industry or in any industry to which the plan relates. 25 30 35

(3) As soon as possible after the submission to it of any plan the Bureau shall report thereon to the Minister, and shall recommend to the Minister the adoption of the plan, in whole or in part, with or without alteration, or, in the alternative, that the plan be not adopted on the ground that its adoption would be impracticable or that its adoption would not be in the public interest. 40 45

Plans submitted to Minister to be considered by Bureau.

Struck out.

5 (4) If the Bureau recommends the adoption of a plan in respect of any industry or related industries (whether such plan has been submitted to the Bureau in accordance with the foregoing provisions or has been prepared by the Bureau itself), the Minister shall, in such manner as he considers appropriate, give such notice of the material proposals contained in the plan as he deems sufficient to all persons or organizations of persons whom he considers to be affected thereby.

10 (5) Any recommendations or objections that may be received to the plan shall be referred to the Bureau for consideration, and the Bureau may thereupon make such recommendations as it thinks fit for the modification or extension or alteration of the plan.

15 (6) For the purpose of bringing the plan into effective operation and of carrying out such plan the Governor-General may from time to time, by Order in Council, make regulations in accordance with the provisions of Part IV of this Act.

20 **13.** (1) Any industrial plan may be from time to time amended by the Minister or may be at any time revoked by him.

Amendment of plan.

25 (2) Notice of the amendment or revocation of any plan shall be given by the Minister, in such manner as he deems sufficient, to persons or organizations affected thereby.

30 **14.** (1) Regulations made under this Act ~~in relation to any industrial plan~~ may provide for the imposition and collection of levies for the purpose of providing funds to defray the expenditure incurred in the preparation of ~~the~~ any plan or in the carrying-out of such plan (including *the payment of compensation for loss of business or otherwise in any case where the payment of such compensation is deemed, for the effective carrying-out of this Act, to be necessary or desirable, and including also* an appropriate part of the expenditure incurred in the general administration of this Act).

Power to impose levies for purpose of defraying expenditure in relation to industrial plan.

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(2) If in any plan provision is made fixing the amount or rates of the levies that may be imposed, or fixing the persons or classes of persons who may be made liable for the payment of such levies, no provisions contrary to the provisions of the plan shall be made in any regulations made for the purpose of giving effect to the plan. In any other case, regulations under this Act may fix the amount or rates of the levies and the persons liable to pay the same.

(3) All levies payable as aforesaid shall be recoverable as a debt due to the Crown.

PART III.

REGISTRATION AND LICENSING OF INDUSTRIES.

Registration
of industries.

15
so directed by the Minister in respect of any industry shall, compile and maintain registers in connection with any industry or industries for the time being carried on in New Zealand, or may arrange that any such register shall be compiled and maintained by any Department of State, and that the particulars recorded therein shall be at all times available to the Bureau.

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(2) For the purpose of compiling any such register the Minister, by notice in the *Gazette* or otherwise as in the circumstances he thinks sufficient, may specify the matters in respect of which particulars are required to be furnished, the forms in which such particulars shall be supplied, and the persons by whom they shall be supplied.

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(3) Every person who, being duly required to furnish any particulars required for registration in accordance with this section, refuses or wilfully fails to furnish any such particulars within the time limited in that behalf or who furnishes particulars that are false in any material respect, commits an offence and shall be liable on summary conviction to a fine of *fifty* pounds. The offence of failing to furnish particulars for registration as aforesaid shall be deemed to be an offence continuing from day to day so long as the failure continues.

16. (1) The Minister may at any time by notice published in the *Gazette* declare that any industry specified in the notice shall, as from a date to be specified therein, be carried on only pursuant to a
5 license issued under this Part of this Act, and in conformity with the terms and conditions of such license. For the purposes of this Part of this Act the term "industry" includes any branch of an industry or any
10 industrial process forming an integral part of an industry, and any notice under this section may accordingly be limited in its application to any such branch or process.

Licensing of industries.

(2) Any such notice may specify different dates in respect of persons engaged in any such industry on the
15 publication of the notice and in respect of persons who may thereafter commence to carry on business in such industry.

(3) If any person carries on any industry or is engaged in carrying on any industry contrary to the
20 provisions of any notice under this section, or contrary to the terms of any license issued under this Part of this Act, he shall be guilty of an offence, and shall be liable on summary conviction to a fine of *one hundred*
25 pounds and to a further fine of *ten* pounds for every day on which such offence is committed or continues.

(4) If any company commits an offence under the *last preceding* subsection, every director or other person acting in the management of the business of the company (not being a servant of the company) shall, in addition
30 to any penalty to which the company may be liable, be liable to a fine of *ten* pounds for every day on which such offence is committed or continues.

(5) Nothing in this Part of this Act shall apply with respect to any industry that can lawfully be carried on
35 only in conformity with the terms of a license issued under any Act other than this Act if the Minister is satisfied that, before issuing such a license, the licensing authority is required to have regard to economic matters of substantially the same nature as would be considered
40 on application for a license under this Part of this Act.

17. (1) Every application for a license under this Part of this Act shall be made to the Bureau and, subject to the right of appeal hereinafter conferred, the Bureau shall be the controlling authority for the issue,
45 suspension, revocation, and control of licenses.

Licenses to be issued by Bureau.

(2) In considering any application for a license under this Part of this Act the Bureau shall give to the applicant and to all other persons who in its opinion will, whether directly or indirectly, be materially affected by its decision, a sufficient opportunity to produce evidence or to make representations to the Bureau with respect to the subject-matter of the application. 5

Matters to be considered on application for license for new business.

18. In considering an application by any person for the grant of a license in respect of an industry that is not being carried on by him on the date of the application, the Bureau shall have regard to such of the following matters as in its opinion are relevant to the application, namely:— 10

- (a) The efficiency of existing units of production and any proposals for new or improved processes or products: 15
- (b) The financial resources, ~~and reputed integrity,~~ technical knowledge, and experience of the applicant: 20
- (c) The existing and potential demand for the class of goods proposed to be manufactured:
- (d) The present and potential output of established units of production: 25

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and whether or not, in the opinion of the Bureau, maximum efficiency is more likely to be obtained by the extension of an established unit than by the creation of an additional unit: 30

- (e) The probable effect on the public revenues of New Zealand of the proposed new unit's activities: 35
- (f) Any assistance by way of grant, loan, subsidy, tariff concession or protection, embargo, or otherwise howsoever that has theretofore been afforded to persons engaged in the industry, and any application that has been received for the grant of any such assistance: 40

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(g) The technical knowledge and organizing ability and experience of the applicant:

- (h) The degree of skill required in the efficient conduct of the industry, and the available supply of workers possessed of the requisite skill:
- 5 (i) Any possible displacement of workers, whether employed in the industry to which the application relates or in any other industry:
- (j) Any advantage *likely* to be derived from the situation *or the proposed situation* of the applicant's premises in relation to markets or raw materials or power:
- 10 (k) Any possibility of an overseas market being obtained for the products of the industry:
- (l) The cost of production of similar products in countries outside New Zealand:
- 15 (m) Whether the industry proposed to be carried on by the applicant is in any way noxious, noisome, or offensive:

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20 (n) The possession or control by the applicant of any patent right or any secret process:

New.

- 25 (n) The existence in respect of the industry to which the application relates of any patent right or secret process (whether such right or process is owned or controlled by the applicant or by some other person):
- (o) Any other matter that may appear to the Bureau to be relevant to the application.

30 **19.** In considering an application for the grant of a license in respect of an existing business, the Bureau shall have regard to such of the matters referred to in the *last preceding* section as it considers relevant, and to such other matters as in the circumstances of the case it thinks fit, having regard to the fact that the general and predominant purpose of this Act is to promote the economic welfare of New Zealand by ensuring the most efficient conduct of its industries.

Matters to be considered on application for license for existing business.

40 **20.** (1) On any application for the grant of a license under this Act in respect of any industry the Bureau, after due consideration of the several matters referred to in section *eighteen* or in section *nineteen* hereof, as the case may be, may in its discretion, but subject to the right of appeal conferred on the applicant by section

Bureau may refuse application for license, or may grant a license subject to conditions.

twenty-three hereof, refuse to grant a license or may grant a license subject to such conditions as, having regard to the intent and purposes of this Act, it thinks fit to impose.

(2) Any such conditions may at any time during the currency of the license be varied, added to, or revoked by the Bureau. 5

(3) If in any case the Bureau refuses to grant a license it shall, in notifying its decision to the applicant, state the grounds of its decision. 10

Revocation
of licenses.

21. (1) Subject to the right of appeal hereinafter conferred, the Bureau, on giving to the licensee not less than six months' notice of its intention so to do, may revoke any license granted under this Part of this Act in any of the cases following, namely:— 15

(a) If the licensee fails to comply with any of the provisions of this Act or of any regulation or industrial plan made under this Act; or

(b) If the licensee commits a breach of any of the conditions of his license; or 20

(c) If, in the opinion of the Bureau, the licensee is not achieving economic production in the industry in respect of which he is licensed or is not able to produce goods of suitable quality; or 25

(d) If, in the opinion of the Bureau, the licensee is not meeting or is unable to meet changing needs of markets due to inventions, advances in science, technology, or custom.

(2) Every license granted under this Part of this Act, unless it is surrendered by the licensee, shall continue in force until it is revoked in accordance with the foregoing provisions of this section. 30

Transfer of
licenses.

22. (1) No license granted under this Part of this Act shall be transferred by the licensee except with the authority of the Bureau. 35

(2) Application for leave to transfer a license may be made to the Bureau either by the licensee or by the proposed transferee.

Right of
appeal from
decisions of
Bureau.

23. (1) Every person, being an applicant for a license or for the transfer of a license under this Part of this Act or the holder of such a license, who is aggrieved by any decision of the Bureau in respect of his application or license, may, at any time within one 40

month after the decision of the Bureau has been communicated to him, appeal in the prescribed form to the Minister.

(2) Any other person who, in the opinion of the Minister, is materially affected by the decision of the Bureau may, with the leave of the Minister but not otherwise, appeal from such decision, but no leave to appeal shall be given under this subsection at any time later than three months from the date of the decision of the Bureau.

(3) For the purposes of an appeal under this section the Minister may appoint any person to inquire into and report to him upon the subject-matter of the appeal or upon any matter in relation thereto, and for the purposes of the appeal the Minister, and every person appointed by him as aforesaid, shall have the powers of a Commission under the Commissions of Inquiry Act, 1908.

(4) In determining any appeal under this section the Minister shall have regard to the general purposes of this Act, and, in particular, to the economic necessity of securing efficiency and co-ordination in industry. Subject to the foregoing provisions of this subsection the Minister may, as he thinks fit, confirm, modify, or reverse the decision appealed against, and his decision shall be binding on the appellant and on the Bureau.

(5) On any appeal under this section the Minister, if he is of opinion that the appeal is frivolous or vexatious, may order the appellant to pay the whole or any part of the costs of the appeal, and in any such case the costs so ordered to be paid shall be recoverable as a debt due to the Crown.

PART IV.

MISCELLANEOUS.

24. (1) The Bureau, by direction of the Minister of Industries and Commerce acting on the request of the Minister of Finance or the Minister of Labour, as the case may be, shall consider and report, with such recommendations as it thinks fit to make, on applications for loans from the State Advances Corporation, in accordance with section twenty-nine of the State Advances Corporation Act, 1936, to be used for the development of any industry or the establishment of any new industry in New Zealand, or on applications for grants or loans from the Employment Promotion Fund

Bureau to co-operate with State Advances Corporation and Labour Department in utilization of funds available for promotion of industry. 1936, No. 3 1936, No. 12

for any of the purposes mentioned in section thirty-five or in section thirty-six of the Employment Promotion Act, 1936.

(2) On the like request, made to the Minister of Industries and Commerce, the Bureau shall make general recommendations as to the utilization of any funds available for any of the purposes aforesaid, and shall, so far as practicable, co-operate with the State Advances Corporation and the Department of Labour in the allocation of such funds and in the supervision of their expenditure.

(3) The Bureau may also, by direction of the Minister, make recommendations with respect to the expenditure of any other public moneys available for the furtherance of the objects and purposes of this Act, or for the appropriation of moneys for any such purposes.

Persons commencing to carry on certain industries required to give notice of their intention to Bureau.

25. (1) For the purposes of this section the term "industry" includes any branch of an industry or any industrial process forming an integral part of an industry.

(2) No person shall, without the authority of the Bureau, commence to carry on any industry to which this section applies unless he has given to the Bureau at least one month's notice in writing of his intention so to do. Every person who commits a breach of this section in respect of any industry (whether or not a license under Part III of this Act is required for the carrying-on of such industry) shall be liable to the same penalties as if he had committed an offence against section *sixteen* of this Act.

(3) This section applies only to industries to which it is from time to time applied by the Minister by notice published in the *Gazette*.

New.

Secrecy of information obtained by Bureau for purposes of this Act.

25A. (1) All information obtained by the Bureau, or by any member or officer thereof, or by any other person in the course of the administration of this Act, shall be treated as confidential, save for purposes connected with the administration of this Act.

(2) Any information obtained by the Minister by means of any judicial inquiry or of any investigation under the Board of Trade Act, 1919, may be made available to the Bureau, by or by direction of the Minister, for the purposes of this Act.

See Reprint of Statutes, Vol. VIII, p. 629

26. Except as may be otherwise provided in regulations under this Act, all moneys received by the Crown in respect of this Act (whether as fees, fines, penalties, levies, or otherwise howsoever) shall be paid into the

Application of fees and other moneys received under this Act.

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Struck out.

Consolidated Fund as a credit-in-aid of the vote of the Department of Industries and Commerce.

Public Account.

27. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion are necessary or desirable for enforcing the provisions of any industrial plans or for effectively carrying out any such plan, or generally for the purpose of giving full effect to the intent and purposes of this Act.

Regulations.

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(2) Without limiting the general authority conferred by the *last preceding* subsection, regulations may be made as aforesaid for all or any of the following matters or purposes, namely:—

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(a) The registration of persons, firms, or companies engaged in any industry or in related industries:

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(b) The licensing of industries under Part III of this Act, the terms and conditions subject to which licenses may be issued, and the suspension or revocation of licenses:

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(c) The form of records to be kept by licensees and other persons, and the returns to be furnished to the Bureau or to other persons who may be authorized to require the furnishing of returns:

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(d) The details to be supplied in industrial plans submitted in accordance with Part II of this Act, and the method of setting out such plans:

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(e) The amounts or rates of levies imposed in accordance with Part II of this Act, the method of collecting such levies and of accounting for the same, the purposes for which and the manner in which the proceeds of such levies may be used, and the custody of such proceeds pending their application for the purposes aforesaid:

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(f) The mode of appointment and of removal from office of members of Industrial Committees appointed under Part II of this Act, the powers, duties, and functions of such Committees, and the conduct of their meetings:

- (g) The procedure to be adopted in respect of investigations and appeals under this Act:
- (h) The fees to be payable under this Act and the persons liable for the payment thereof:
- (i) The fixation of prices or rates or of maximum or minimum prices or rates for any classes of goods or services, or the fixation of fixed or maximum or minimum rates of royalties, fees, discounts, rebates, concessions, or considerations, of any kind whatsoever in respect of any goods or services, or in respect of any patent or other proprietary rights: 5
- (j) The control of production by the fixing of quotas or otherwise, and the control of the marketing and distribution of products: 10
- (k) The standardization and simplification of materials, processes, and products, and the use in connection with any industry of any standards or methods fixed or prescribed by regulations made for the purposes of this paragraph: 20
- (l) The imposition of penalties for the breach of any regulation made under this section or for the breach of the terms and conditions of any license issued under this Act, but no penalty shall be prescribed under this section exceeding ten pounds for any offence or, in the case of a continuing offence, exceeding ten pounds for every day on which any such offence is committed or continued. 25
- (3) Any regulations under this section may be of general application, or may be made to meet the particular circumstances of any case. 30
- (4) No regulation made in accordance with this section shall be deemed invalid on the ground that it delegates to or confers on the Minister or on any other person any discretionary authority or because it deals with any matter provided for by any other Act or because of repugnancy to any such Act. 35
- (5) All regulations made under this section shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session. 40