

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

6th December, 1944

Hon. Mr. Roberts

WOOL INDUSTRY

ANALYSIS

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A BILL INTITULED

AN ACT to make Better Provision with respect to the **Title.**
Wool Industry.

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

1. (1) This Act may be cited as the Wool Industry Act, 1944.

Short Title
and
commencement.

No. 44—2

(2) This Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Proclamation.

Interpretation.

2. In this Act, unless the context otherwise requires,—

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“ Board ” means the New Zealand Wool Board established under this Act:

“ Minister ” means the Minister of Agriculture:

“ Season ” means the period of twelve months commencing on the first day of October in any year: 10

“ Wool-grower ” means a person carrying on business as a sheep-farmer and owning not less than one hundred sheep:

“ Wool-manufacturer ” means a person who performs any process of manufacture on raw wool, other than the processes of washing and scouring. 15

New Zealand Wool Board

New Zealand Wool Board established.

3. (1) There is hereby established a Board to be called the New Zealand Wool Board. 20

(2) The Board shall consist of—

(a) Two members to be appointed by the Governor-General, on the recommendation of the Minister, as representatives of the New Zealand Government: 25

(b) Six members to be appointed by the Governor-General as representatives of the wool-growers of New Zealand, on election in the prescribed manner: 30

(c) Two associate members (being the Director-General of Agriculture and the Director of the Export Division of the Marketing Department). 35

(3) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer. 40

(4) The Board shall be deemed to be the same body corporate as the New Zealand Wool Council established under the Wool Industry Promotion Act, 1936.

(5) On the commencement of this Act the members of the New Zealand Wool Council then in office shall go out of office.

4. (1) Except as otherwise provided in this Act, every member of the Board (other than the associate members) shall be appointed for a term of two years, but may from time to time be reappointed.

Term of
office of
members of
Board.

(2) Notwithstanding anything to the contrary in this Act every member of the Board, unless he sooner vacates his office, shall continue to hold office until his successor comes into office.

(3) With respect to the first members of the Board appointed as Government representatives the following provisions shall apply:—

15 (a) They shall come into office on the commencement of this Act:

(b) One of those members shall retire on the thirty-first day of August, nineteen hundred and forty-six, and the other member shall retire on the thirty-first day of August, nineteen hundred and forty-seven:

20 (c) The member so to retire on the thirty-first day of August, nineteen hundred and forty-six, shall be determined by agreement of the two members or, failing agreement, shall be determined by lot.

(4) With respect to the first members of the Board appointed as wool-growers' representatives the following provisions shall apply:—

30 (a) They shall come into office on the commencement of this Act:

(b) Three of those members shall retire on the thirty-first day of August, nineteen hundred and forty-six, and the remaining three members shall retire on the thirty-first day of August, nineteen hundred and forty-seven:

35 (c) The members so to retire on the thirty-first day of August, nineteen hundred and forty-six, shall be determined by agreement of the six members or, failing agreement, shall be determined by lot.

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Extraordinary
vacancies.

5. (1) Any member of the Board may at any time be removed from office by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister. 5

(2) On the death, resignation, or removal from office of any member of the Board the Governor-General may appoint some fit person to be a member of the Board for the residue of the term for which the vacating member was appointed. Any such appointment shall be made on the recommendation of the Minister in the case of a Government representative, and on the recommendation of the Board in the case of a wool-growers' representative. 10 15

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

Deputies of
members.

6. (1) In any case in which the Governor-General is satisfied that any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General may appoint a deputy to act for that member during his incapacity, and any such deputy shall, while he acts as such, be deemed to be a member of the Board. 20

(2) No such appointment of a deputy and no acts done by him as such shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased. 25

Chairman and
Deputy
Chairman.

7. (1) At its first meeting the Board shall appoint a Chairman and a Deputy Chairman. 30

(2) On the second Wednesday in September, nineteen hundred and forty-five, and on the same day in each succeeding year, the Board shall hold a meeting for the purpose of appointing a Chairman and a Deputy Chairman for the ensuing twelve months. 35

(3) Any person appointed as the Chairman or Deputy Chairman of the Board shall hold office until the appointment of his successor in accordance with this section, and shall be eligible for reappointment.

Meetings of
Board.

8. (1) The first meeting of the Board shall be held on a day to be appointed in that behalf by the Minister. 40

(2) Subsequent meetings of the Board shall be held at such times and places as the Board from time to time appoints.

5 (3) The Chairman of the Board, or any four members thereof, may at any time call a special meeting of the Board.

(4) At all meetings of the Board four members, of whom at least one shall be a Government representative, shall form a quorum.

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

(6) In the absence of the Chairman from any meeting of the Board the Deputy Chairman, if present, shall preside. In the absence from any meeting of both the
15 Chairman and the Deputy Chairman, the members present shall appoint one of their number to be the Chairman of that meeting.

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

(8) In the absence from any meeting of the Board of either of the associate members any officer of his Department having authority to act in his place during his absence may attend the meeting in his stead, and
25 while so attending shall be deemed to be an associate member of the Board.

(9) The associate members of the Board shall have full rights of discussion but shall not be entitled to vote on any question before the Board.

30 (10) Subject to the provisions of this Act and of any regulations made thereunder, the Board may regulate its procedure in such manner as it thinks fit.

9. (1) The Board may from time to time appoint a
35 committee or committees, consisting of two or more persons, and may from time to time, with the consent of the Minister, delegate to any such committee any of its powers or duties, other than the power to fix the amount of any levy on wool. Committees.

(2) Any person may be appointed to be a member
40 of a committee under this section, notwithstanding that he is not a member of the Board.

10. (1) The Board may appoint such officers as it
deems necessary for the efficient carrying-out of its Officers of Board.
functions under this Act.

(2) Any person in the service of the Crown may be appointed to be an officer of the Board, but no person shall be entitled to hold office concurrently as an officer of the Board and as a servant of the Crown except—

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

- (a) In the case of a person subject to the Public Service Act, 1912, with the consent of the Public Service Commissioner; and 5
- (b) In any other case, with the consent of the Minister to whose control he is subject.
- (3) The Board may, out of its funds, subsidize any fund or scheme established with the approval of the Governor-General in Council for the purpose of providing superannuation or retiring allowances for its officers and servants. 10

Functions of Board

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Functions of
Board.

11. The functions of the Board shall be—

- (a) To promote the use of New Zealand wool, in existing or in new markets, by such methods of publicity or other means as commend themselves to the Board: 20
- (b) To promote, by way of subsidy or otherwise, scientific or industrial researches in relation to wool or sheep, with a view to the improvement of the quality of New Zealand wool, or the increased production thereof, or the discovery of new or improved methods of utilizing it, or generally in connection with the wool-production industry: 25
- (c) To act in combination or association with any body having similar functions, whether established in any other part of His Majesty's dominions or elsewhere, on terms of sharing the costs and expenses involved in that combination or association in such proportions or in such manner as may be mutually agreed upon: 30 35
- (d) To exercise such functions in relation to the production, handling, pooling, appraising, storage, distribution, marketing, and disposal of wool as may be conferred on the Board by this Act or by regulations made under this Act: 40

- (e) To advise the Government in relation to all or any of the foregoing matters.

Levy on Wool

- 5 12. (1) For the purpose of providing funds to enable Levy on wool.
the Board to carry out its functions there shall be
charged, in accordance with this Act, a levy on all wool
produced in New Zealand which at any time after the
commencement of this Act—
- 10 (a) Is exported from New Zealand; or
(b) Is delivered to a wool-manufacturer for use in
New Zealand.
- (2) The rates of the levy shall be fixed for each
season by the Board by notice published in the *Gazette*.
The rates so fixed shall not exceed in any case the
15 maximum rates that may be prescribed by regulations
made under this Act.
13. (1) In the case of wool exported from New Method of
collection of
levy.
Zealand, the levy shall be payable by the exporter
thereof on or before the entry of the wool for export
20 and shall be paid to the Collector of Customs at the
port of entry for export.
- (2) The person by whom any wool is entered for
export, and any person for whom the first-mentioned
person was acting as agent in effecting an entry for
25 export, and every person having at the time of entry
any interest as owner in or by way of security over
any wool entered for export, shall be jointly and
severally liable for payment of all levies imposed under
the authority of this Act in respect of the wool so
30 entered.
- (3) In the case of wool intended for use in New
Zealand, the levy shall be payable by the wool-manu-
facturer by whom the wool is acquired for use, on
delivery of the wool to him or to any person on his
35 behalf, and shall be paid to the Collector of Customs
at the port nearest to the place of business of the
wool-manufacturer.
- (4) All moneys payable by way of levy under this
section shall be recoverable as a debt due to the Crown,
40 by action at the suit of a Collector of Customs in any
Court of competent jurisdiction.

Additional
levy in default
of prompt
payment.

14. If the levy payable in respect of any wool by a wool-manufacturer is not paid within twenty-eight days after the end of the month in which it became payable there shall be added thereto, by way of additional levy, an amount equal to ten per centum of the amount in respect of which default has been made. 5

Amount of levy
may be
recovered from
wool-grower.

15. (1) Except as may be otherwise agreed upon by the parties, all levies paid in respect of any wool under the foregoing provisions of this Act (not including amounts paid by way of penalty under the *last preceding* section) shall be deemed to have been paid on behalf of the wool-grower, and may be recovered from the wool-grower accordingly. 10

(2) Subject to the provisions of the *last preceding* subsection, an allowance for the levy to be paid by the wool-manufacturer or the exporter, as the case may be, may be made in all transactions of sale and purchase between the wool-grower and a wool-buyer, and in all subsequent transactions, so that the levy shall in fact be imposed on and borne by the wool-grower. 20

Manufacturers
to give certain
notices to
Collector of
Customs.

1936, No. 48

16. (1) Every person who carries on business or proposes to carry on business as a wool-manufacturer in New Zealand shall, within twenty-eight days after the commencement of this Act or within twenty-eight days after the commencement of his business (whichever is the later), unless he has already done so under the Wool Industry Promotion Act, 1936, advise the Collector of Customs at the port nearest to his place of business as to the address of his business and the name under which it is carried on, and shall, within twenty-eight days after the end of each month, deliver to the Collector of Customs a return in the prescribed form setting forth the total number of bales or other packages of wool delivered to him during that month. 25

(2) Every such return shall be verified by declaration in the prescribed form and shall be accompanied by the amount of the levy payable. 35

(3) Every declaration made for the purposes of this section shall be exempt from stamp duty.

Disposal of
proceeds of
levy pending
expenditure.

17. (1) All moneys received by way of levy under this Act shall be paid in the first place into the Public Account to the credit of a Deposit Account. 40

The expenses of collection shall be deducted from the amount so received and shall, without further appropriation than this section, be paid to the credit of the appropriate fund or account.

- 5 (2) The residue of the moneys collected shall from time to time, on the recommendation of the Minister and without further appropriation than this section, be paid to the Board.

Miscellaneous

- 10 18. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Board, be in writing under the seal of the Board. Contracts of Board.

- (2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either under the seal of the Board or signed by two members of the Board on behalf of and by direction of the Board.

- 20 (3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of the Board by any two members acting by direction of the Board, but no oral contract shall be made for any sum exceeding *twenty* pounds.

- 25 19. The Board shall not borrow any moneys or mortgage or charge any of its property except with the precedent consent in writing of the Minister of Finance. Restriction of Board's borrowing powers.

- 30 20. (1) There shall be paid to the Chairman and to the other members of the Board, and to the members of any committee appointed by the Board, such remuneration by way of fees or allowances as the Minister from time to time approves: Remuneration and travelling-expenses of members of Board.

- 35 Provided that any moneys received under this subsection by an officer of the Public Service to whom the Public Service Act, 1912, applies shall be subject to the provisions of that Act.

(2) The members of the Board or of any committee appointed by the Board shall be paid such travelling expenses and allowances as may from time to time be prescribed by regulations made under this Act.

- 40 (3) All payments under this section shall be made out of the funds of the Board.

Audit of
Board's
accounts.

See Reprint
of Statutes,
Vol. VII, p. 10.

Offences.

21. The accounts of the Board shall be subject to audit in the same manner in all respects as if the moneys of the Board were public moneys within the meaning of the Public Revenues Act, 1926.

22. (1) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding *twenty* pounds who refuses or fails, without lawful justification or excuse, to furnish any return or statement required for the purposes of this Act or who furnishes any return or statement that is false in any material particular. 5 10

(2) Failure to furnish any return or statement as aforesaid shall be an offence continuing from day to day so long as the default continues.

Regulations.

23. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may, in his opinion, be necessary or expedient for the purpose of giving effect to the purposes of this Act. 15

(2) Any regulations relating to the election of wool-growers' representatives may be made under this section and come into force at any time after the passing of this Act, whether before or after the date appointed for the commencement of this Act. 20

Repeals and
savings.
1936, No. 48
1939, No. 39
1943, No. 20

24. (1) The Wool Industry Promotion Act, 1936, section sixty-nine of the Statutes Amendment Act, 1939, and section thirty of the Statutes Amendment Act, 1943, are hereby repealed. 25

(2) All appointments, Orders in Council, regulations, contracts, levies, claims, liabilities, notices, returns, statements, declarations, recommendations, approvals, consents, and generally all acts of authority that originated under any of the provisions of the enactments hereby repealed, and are subsisting or in force on the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. 30 35

(3) All matters and proceedings commenced under any such enactment, and pending or in progress on the commencement of this Act, may be continued and completed under this Act. 40