

Serial Number **1953/155**



THE CITRUS MARKETING AUTHORITY REGULATIONS 1953

C. W. M. NORRIE, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 23rd day of
November 1953

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953, the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Citrus Marketing Authority Regulations 1953.

(2) These regulations shall come into force on the 1st day of December 1953.

2. In these regulations, unless the context otherwise requires,—

“ Authority ” means the Citrus Marketing Authority established by these regulations:

“ Coloured ”, in relation to lemons, shall have the same meaning as in the New Zealand Grown Fruit Regulations 1952*:

“ Cured lemons ” means lemons that have been subjected to a curing process:

“ Diameter ”, in relation to a lemon, means the greatest width of the fruit taken at right angles to its length from stem to tip:

“ Fresh lemons ” means mature, freshly picked, hand clipped lemons, green, silver-green, or coloured in appearance, and not having been subjected to any part of a curing process:

“ Loose bushel ”, in relation to lemons, means a quantity of lemons which, when loose packed, will fill a case the inside dimensions of which are 10½ in. by 11½ in. by 18 in.:

“ Loose-packed ” means packed without reference to size or grade:

“ Minister ” means the Minister of Agriculture:

“ Packed lemons ” means lemons packed in containers in accordance with the provisions of the New Zealand Grown Fruit Regulations 1952*:

“ Producer ” means a person who grows lemons for sale, or for processing into by-products:

* Statutory Regulations 1952, Serial number 1952/47, page 142.

- “Retailer” means a person who sells lemons to another person for purposes other than resale, but does not include a producer:
- “Sale” includes a contract for sale, agreement to sell, and offer for sale:
- “Sale” and “purchase” includes barter and exchange:
- “Standard field case” means a wooden container of the dimensions and description set out in the Schedule hereto:
- “Standard package No. 2” means a wooden container of the same dimensions and description as the standard package numbered 2 referred to in the First Schedule to the New Zealand Grown Fruit Regulations 1952*:

Citrus Marketing Authority

3. (1) There is hereby established a Marketing Authority to be called the New Zealand Citrus Marketing Authority.

(2) The Authority shall consist of five persons to be appointed by the Governor-General on the recommendation of the Minister, of whom—

(a) One shall be the Government representative:

(b) Four shall be producers' representatives appointed on the nomination of the New Zealand Citrus Council.

(3) The Government representative shall, in addition to his other functions under these regulations, represent the interests of consumers of lemons.

4. (1) Except as otherwise provided in these regulations, every member of the Authority shall be appointed for a term of four years, but may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in these regulations, every member of the Authority, unless he sooner vacates his office otherwise than by effluxion of time, shall continue to hold his office until his successor comes into office.

(3) With respect to the first members of the Authority the following provisions shall apply:

(a) One of those members shall retire at the expiration of one year from the date of their appointment, another of those members shall retire at the end of two years from that date, another of those members shall retire at the end of three years from that date, and the remaining two members shall retire at the end of four years from that date:

(b) The order of retirement of members shall be determined by lot.

5. (1) Any member of the Authority may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by written notice given to the Minister.

(2) If any member of the Authority dies, or resigns, or is removed from office, the vacancy shall be deemed to be an extraordinary vacancy.

(3) In the case of an extraordinary vacancy the Governor-General may appoint some person to fill the vacancy. Any such appointment shall be made in the same manner as the appointment of the vacating member. Every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

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

* Statutory Regulations 1952, Serial number 1952/47, page 142.

6. (1) In any case in which the Minister is satisfied that any member of the Authority is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister 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 Authority.

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

7. (1) At its first meeting the Authority shall appoint from among the producers' representatives a Chairman.

(2) In the month of April 1954, and in the same month in each succeeding year, the Authority shall hold a meeting for the purpose of appointing a Chairman for the ensuing twelve months.

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

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

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

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

(4) At all meetings of the Authority three members, of whom one shall be the Government representative, shall form a quorum.

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

(6) In the absence of the Chairman from any meeting of the Authority the members present shall appoint one of their number to be the Chairman of that meeting.

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

(8) Subject to the provisions of these regulations, the Authority may regulate its procedure in such manner as it thinks fit.

(9) Where the Government representative is employed in the Government Service, the Minister, if that representative is unable to attend any meeting, may appoint any other person employed in the Government Service to attend the meeting in his stead and the fact that any such person so attends a meeting shall be sufficient evidence of his authority to do so.

9. (1) The Authority may from time to time appoint a 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.

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

Functions of Authority

10. (1) The functions of the Authority shall be to acquire and market lemons which are produced in New Zealand, to determine the prices which it is to pay therefor, and to exercise and perform such functions, powers, and duties in relation to the marketing of such lemons as are conferred or imposed on it under these regulations.

(2) The Authority shall have all the powers and authorities necessary, conducive, or incidental to the performance of its functions.

Sale of Lemons

11. (1) Except as otherwise provided by these regulations, no producer shall sell any lemons unless the sale is made in accordance with these regulations, and no person shall purchase any lemons from a producer unless the purchase is made in accordance with these regulations.

(2) Any producer may sell lemons to a purchaser for the use of the purchaser, and not in any case for resale, whether in a manufactured or processed state or not, and any person may buy lemons for his own use from a producer and not in any case for resale, whether in a manufactured or processed state or not, if the sale is made by the producer at his orchard and delivery is taken at the orchard by the purchaser in person, or if the sale is made by the producer and delivery is effected by the Railways Department, the Post Office, or a licensed carrier and the amount of lemons so sold does not exceed the equivalent of two standard packages, No. 2.

(3) Every retailer who has in his possession for the purposes of sale or who offers or exposes for sale any lemons that were not purchased by him from the Authority or an authorized agent of the Authority or that were not purchased by him from a producer in accordance with an authority given by the Authority under regulation 12 hereof commits an offence against these regulations and shall be liable accordingly.

(4) For the purposes of subclause (3) hereof and in the absence of proof to the contrary, a retailer shall be deemed to have lemons in his possession for the purposes of sale if more than 14 lb. of the lemons are found on premises occupied by him.

12. Except as otherwise provided by subclause (2) of regulation 11 hereof, all lemons sold by the producer shall be sold to the Authority, and all such lemons shall be delivered to the Authority in clean unbroken standard field cases free from protruding nails at such places as the Authority may from time to time by public notice or by notice served on a producer appoint as places of delivery:

Provided that, in the case of lemons produced in orchards remote from the appointed places of delivery, the Authority may, in its discretion, authorize other means of disposing of those lemons:

Provided also that the Authority may permit a producer who is also a retailer to dispose of the lemons produced by him by retail:

Provided further that the Authority may, in its discretion, permit lemons to be delivered in cases other than standard field cases if the cases are in a clean and unbroken condition and are free from protruding nails.

13. All lemons delivered for sale to the Authority shall be delivered loose packed and shall be delivered as fresh lemons, except in cases in which the Authority may agree to accept them as cured lemons, and acceptance thereof by the Authority shall be deemed to constitute an agreement for the sale thereof to the Authority at a price to be determined as hereinafter provided and subject in all respects to the provisions of these regulations.

-14. (1) Every producer shall keep adequate records of all lemons harvested or disposed of by him, and shall, when required at any reasonable time by a duly authorized officer of the Authority, allow the officer to examine all stocks of lemons for the time being in his possession, and shall produce for the inspection of the officer the books of account and other records relating to the production and sale of lemons, and the officer shall have the right to make copies of the entries appearing in any such books of account and records.

(2) Every person engaged in the business of selling lemons, whether by wholesale or by retail, and every person who, in the course of his business, subjects lemons to any process of manufacture, shall at any time during ordinary business hours when required by a duly authorized officer of the Authority—

- (a) Allow all stocks of lemons for the time being in his possession to be examined by the officer:
- (b) Produce for inspection all dockets, invoices, and records relating to the purchase, receipt, storage, sale, and disposal of lemons:
- (c) Allow the officer to make copies of or take extracts from any such documents.

15. The Authority shall be entitled at any time after delivery to it of any lemons to reject—

- (a) Any tree-ripened lemons which in the opinion of the Authority are unsuitable for marketing either as cured lemons or for conversion into lemon peel or lemon juice:
- (b) Lemons of a size less than $1\frac{1}{8}$ in. in diameter before or after curing:
- (c) Any other lemons which in the opinion of the Authority are unsuitable for marketing as cured lemons or for conversion into lemon peel or lemon juice.

Grades

16. (1) Every lemon received by the Authority under these regulations and not rejected as hereinbefore provided shall be graded into one of the following grades, namely:

Preferred Commercial Grade:

Commercial Grade:

First Grade Peel: ,

Second Grade Peel:

Juice Grade:

(2) Preferred Commercial Grade lemons include all lemons which,—

- (a) Conform with the specification prescribed by the New Zealand Grown Fruit Regulations 1952* for Fancy or Commercial Grades;
- (b) Are not more than $2\frac{7}{16}$ in. and not less than $2\frac{3}{16}$ in. in diameter; and
- (c) When cured, will produce fruit within the count ranges of 135 to 195 (both inclusive) to standard package No. 2.

(3) Commercial grade lemons include all lemons other than Preferred Commercial Grade lemons which,—

- (a) Conform with the specifications prescribed by the New Zealand Grown Fruit Regulations 1952* for Fancy or Commercial Grades;
- (b) Are not more than $2\frac{1}{2}$ in. and not less than $1\frac{7}{8}$ in. in diameter; and

* Statutory Regulations 1952, Serial number 1952/47, page 142.

- (c) When cured, will produce fruit within the count ranges of 120 to 273 (both inclusive) to standard package No. 2.
- (4) First Grade Peel lemons include all mature, freshly picked, hand clipped lemons exceeding $2\frac{1}{2}$ in. in diameter and of a standard of quality not lower than that prescribed by the New Zealand Grown Fruit Regulations 1952* for Fancy Grade.
- (5) Second Grade Peel lemons include all mature, freshly picked, hand clipped lemons exceeding $2\frac{1}{2}$ in. in diameter and of a standard of quality not lower than that prescribed by the New Zealand Grown Fruit Regulations 1952* for Commercial or Domestic Grades.
- (6) Juice Grade lemons include all lemons not included in any of the grades hereinbefore specified in this regulation, but suitable, in the opinion of the Authority, for conversion into juice.

Grading

17. Subject to the provisions of regulations 18 and 26 hereof, the Authority shall, not later than ten days after receipt of any lemons, grade the lemons or cause them to be graded into one or other of the grades specified in subclause (1) of regulation 16 hereof.

18. Notwithstanding the provisions of regulation 17 hereof, the Authority may postpone the grading of any lemons which, in the opinion of the Authority, require to be held for a further period in order to determine the grade at the date of delivery of the lemons, and payment therefor shall not be made to the producer until the grade of the lemons has been determined.

19. Any Inspector under the Orchard and Garden Diseases Act 1928 may at any time and at any place examine any package of lemons so graded for the purpose of checking the grading of the contents thereof.

20. (1) Not later than fourteen days after receiving any lemons the Authority shall furnish to the producer particulars in writing of the grade or grades at the date of grading of the lemons, the total quantity of lemons comprised in each grade, the quantities (if any) rejected and the grounds of rejection, the price payable in accordance with these regulations in respect of the lemons of each grade, and the total quantity of the lemons the grading of which has been postponed pursuant to regulation 18 hereof.

(2) Where the grading of any lemons has been postponed in accordance with regulation 18 hereof, the said particulars as to grading, quantities rejected, and price payable shall be furnished within four days after the lemons have been graded.

(3) The delivery of the aforesaid particulars shall be deemed to constitute an acknowledgment to the producer of a debt due and owing by the Authority to the producer of the amount of the price so payable in respect of the lemons delivered by him and accepted and graded as set out in the particulars.

Prices and Payment

21. The prices to be paid from time to time by the Authority for lemons shall be such as the Authority may from time to time fix.

22. Payment of the price of any lemons delivered to and accepted by the Authority shall be made to the producer not later than the 25th day of the month next following the month in which grading was effected,

* Statutory Regulations 1952, Serial number 1952/47, page 142.

and may be made by cheque and made payable to the order of the producer or the order of a person named by him for the purpose.

Deductions

23. The Authority shall destroy or otherwise dispose of all lemons forming part of a consignment delivered by a producer and rejected by the Authority, and the reasonable cost of the destruction or other disposal of those lemons shall be deducted from any moneys payable to the producer pursuant to these regulations.

24. In any case in which the Authority incurs any additional charge or is put to any additional expense or considers it necessary to undertake any additional work beyond normal grading and services incidental thereto in rendering lemons suitable for marketing, and that additional charge, expense, or work is, in the opinion of the Authority, made necessary by reason of improper orchard practice or mishandling on the part of the producer or his agent, the Authority may deduct the amount of the additional charge or expense or a sum representing, in the opinion of the Authority, the cost of the additional work from any moneys payable to the producer pursuant to these regulations.

25. Within ten days after receiving the particulars as to grades and prices for lemons delivered by him, the producer shall remove or cause to be removed from the premises at which the grading of his lemons was carried out all empty containers for lemons belonging to him, and if he makes default in removing the containers by the time aforesaid the Authority may charge storage thereon at such rates as it thinks fit, and may deduct the storage charges from any moneys payable to the producer pursuant to these regulations, and if the containers are not removed by the producer within two months after the time aforesaid the Authority may sell, destroy, or otherwise dispose of the containers without incurring any liability to the producer for so doing.

26. When the keeping quality of any lemons supplied by a producer to the Authority is such that the wastage after grading exceeds 5 per cent the Authority may, notwithstanding the provisions of regulations 17 to 22 hereof, recover from the producer or deduct from any moneys payable to the producer such portion of the amount paid or payable for the lemons as it thinks fit.

Levy

27. (1) There shall be payable to the Authority a levy at the rate of 1d. on every case of lemons delivered to and accepted by the Authority.

(2) The levy shall be deducted by the Authority from the purchase price paid to the producer.

28. (1) For the purposes of these regulations there shall be established with the Reserve Bank or the Bank of New Zealand an account to be known as the Citrus Industry Account.

(2) There shall be paid into the Citrus Industry Account:

(a) All money derived from the payment of the levy payable to the Authority;

(b) All money derived from the operations of the Authority.

(3) There shall be paid out of the Citrus Industry Account:

(a) All costs, charges, and expenditure incurred by the Authority in the performance of its duties and the exercise of its powers and functions under these regulations and in the administration thereof:

- (b) Such grants as the Authority may from time to time decide to make to the New Zealand Citrus Council;
- (c) Such grants as the Authority may from time to time decide to make to any institution or body conducting research into or in connection with the lemon growing industry.
- (4) The Authority may from time to time establish within the Citrus Industry Account such special accounts, pool accounts, or reserves as it deems necessary or expedient for any purpose authorized by these regulations.

Licensing

29. No person shall after the commencement of these regulations carry on the business of processing, packing, storage, or distribution of lemons unless he is the holder of a licence under these regulations.

30. Every application for a licence shall be made in writing addressed to the Authority and signed by or on behalf of the applicant.

31. The Authority may in its absolute discretion—

- (a) Grant or refuse a licence to any applicant; or
- (b) By notice in writing given to the licensee revoke the licence issued to him; or
- (c) Grant or refuse the transfer of any licence.

Offences and Penalty

32. Every person commits an offence against these regulations who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any requirement, permit, or condition issued or imposed under these regulations.

33. Every person who commits an offence against these regulations shall be liable on summary conviction,—

- (a) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding £200;
- (b) In the case of a body corporate, to a fine not exceeding £1,000.

SCHEDULE

OUTSIDE DIMENSIONS AND DESCRIPTION OF STANDARD FIELD CASES

Ends	.....	.....	11½ in. by	7⁄8 in. by	12¼ in.	
Sides	.....	.....	5¾ in. by	¾ in. by	20½ in.	(two boards).
Bottoms	.....	.....	6¼ in. by	¾ in. by	20½ in.	(two boards); or
			12¼ in. by	¾ in. by	20½ in.	(one board).
Cleats	.....	.....	12¼ in. by	2 in. by	1 in.	(four pieces per case).

The measurement of 11½ in. for ends represents the depth of the cases and the measurement of 12¼ in. represents the width of the cases.

Each case end shall be constructed of one piece of timber and the grain shall be vertical. Each side board shall be bevelled on each inner edge. All timber is to be dressed on both sides.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations set up the Citrus Marketing Authority which will replace the Marketing Division of the Department of Agriculture with which is associated the Citrus Marketing Committee in the assembly treatment and packing and marketing of New Zealand citrus fruit.

The Committee is to consist of five persons, four of whom will be nominated by the New Zealand Citrus Council and will represent the producers and one person will be appointed by the Minister of Agriculture to represent the consumers.

The Authority will assume control of the present system which is built up upon the assembly and packing of fruit at Kerikeri, Auckland, Tauranga and, through an agent, at Gisborne. The Authority will have power to acquire fruit coming within the scope of the regulations and either directly or through agents arrange for its packing and for its distribution and final sale. This industry has no guaranteed price, no subsidy from Government and will be entirely dependent upon market conditions.

The principal task is to sell fresh lemons, either directly or through agents, throughout New Zealand at prices related to cost of production and to processing unmarketable but otherwise sound fruit into by-products such as fruit juice and lemon peel.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 November 1953.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 5532.)