

1966/64



THE CITRUS MARKETING AUTHORITY REGULATIONS 1966

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 9th day of May 1966

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953, His Excellency 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 1966.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

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

“Authority” means the New Zealand Citrus Marketing Authority established under these regulations:

“Director-General” means the Director-General of Agriculture:

“Lemons” means all varieties of lemons grown in New Zealand; and includes Meyer lemons:

“Minister” means the Minister of Agriculture:

“Oranges” means sweet oranges which are grown in New Zealand:

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

“Producer” means a person who grows lemons or oranges for sale, or for sale for processing into juice or peel or other products of lemons or oranges:

“Retailer” means a person who sells lemons or oranges 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” include barter and exchange:

*S.R. 1952/47

New Zealand Citrus Marketing Authority

3. (1) There shall be an Authority to be known as the New Zealand Citrus Marketing Authority, which shall be the same Authority as that established by the Citrus Marketing Authority Regulations 1953* and existing under the same name immediately before the coming into force of these regulations.

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

(a) One shall be a representative of the Government:

(b) Five shall be representatives of producers, nominated by the New Zealand Citrus Council (Incorporated).

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

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 under regulation 6 of these regulations, shall continue to hold his office until his successor comes into office.

5. (1) Notwithstanding the provisions of regulation 4 of these regulations, every member of the Authority in office immediately before the coming into force of these regulations and appointed under regulation 3 (2) of the Citrus Marketing Authority Regulations 1953,* shall be deemed to have been duly appointed under the corresponding provisions of regulation 3 (2) of these regulations.

(2) The term of office of every person deemed by subclause (1) of this regulation to have been appointed to the Authority shall expire on the date on which, but for these regulations, his term would have expired under the provisions of the Citrus Marketing Authority Regulations 1953:*

Provided that the term of office of the member of the Authority whose term of office, but for these regulations, would have expired on the 23rd day of September 1969, shall expire on the 1st day of December 1969.

(3) With respect to the members of the Authority appointed to succeed those who retire on the 1st day of December 1969, the following provisions shall apply:

(a) The period of office of one of those members shall be two years:

(b) The period of office of one of those members shall be three years:

(c) The members whose periods of office shall be two and three years respectively shall be nominated in that behalf by the New Zealand Citrus Council (Incorporated).

6. (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, and 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.

7. (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 as such and no acts done by the Authority while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

8. (1) In the month of December 1966, and in the same month in each succeeding year, the Authority shall hold a meeting for the purpose of appointing a Chairman and a Deputy Chairman for the ensuing 12 months.

(2) The member of the Authority holding office as Chairman of the Authority immediately before the coming into force of these regulations shall, subject to the provisions of these regulations, continue to hold that office until his successor is appointed in accordance with this regulation.

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

9. (1) Meetings of the Authority shall be held at such times and places as the Authority shall from time to time appoint.

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

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

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

(5) In the absence of the Chairman from any meeting the Deputy Chairman shall preside, and in the absence of both the Chairman and the Deputy Chairman from any meeting the members of the Authority present shall appoint one of their number to be the chairman of that meeting.

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

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

(8) Where the representative of the Government is unable to attend any meeting the Minister may, by writing under his hand, authorise any person to attend that meeting in his stead; and the person so authorised shall, for all the purposes of that meeting, be deemed to be the representative of the Government on the Authority.

10. (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 functions.

(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 and Powers of Authority

11. (1) The functions of the Authority shall be to—

- (a) Acquire and market lemons and oranges, and to fix the prices which the Authority is to pay for lemons and oranges acquired by the Authority;
- (b) Process citrus fruits into juice and peel and to market products of citrus fruit;
- (c) Organise and develop the orderly marketing of lemons and oranges;
- (d) Assist in the orderly development of the citrus growing industry;
- (e) Exercise and perform such other functions, powers, and duties as are conferred or imposed on it by these regulations.

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

(3) Without limiting any of the powers conferred on the Authority by these regulations or otherwise howsoever, the Authority shall have full power to make and carry out arrangements (by contract or otherwise), for any or all of the following purposes:

- (a) The reception, acquisition, grading, curing, treatment, storage, packing, processing, distribution, or sale of lemons and oranges and the products of lemons and oranges;
- (b) The grading, treatment, or packing on behalf of growers or other persons of citrus fruit grown in New Zealand, not being lemons or oranges;
- (c) The supply of containers to or assembly of containers for persons who grow lemons or oranges or other citrus fruit in New Zealand.

(4) No member of the Authority shall be personally liable for any act done or omitted to be done by any such member in good faith and in pursuance or intended pursuance of the powers and authorities conferred upon the Authority or any member thereof by these regulations.

12. (1) The Authority may appoint such officers as it deems necessary for the efficient performance of its functions.

(2) The Authority may purchase, take on lease, rent, hire, or otherwise acquire such real or personal property as in the opinion of the Authority are necessary for the performance of its functions and the exercise of its powers.

(3) The Authority may, on such terms and conditions as it thinks fit, sell, transfer, lease, hire, or otherwise dispose of any of its real or personal property.

Sale of Lemons and Oranges

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

(2) No producer shall sell any lemons or oranges to any person other than the Authority:

Provided that the Authority may, subject to such terms and conditions as it thinks fit, permit any producer to sell, otherwise than to the Authority, any lemons or oranges produced by him:

Provided also that any producer may sell lemons or oranges for the use of the buyer, and not in any case for resale, whether in a manufactured or processed state or not, and any person may buy lemons or oranges 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 buyer 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 or oranges so sold at any one time does not exceed the equivalent of two packed bushel cases.

(3) Subject to these regulations, the Authority shall buy all lemons or oranges offered to it for sale by any producer:

Provided that where any lemons or oranges offered to it for sale—

(a) Do not comply with any grades or sizes for the time being specified by the Authority as grades or sizes which it will accept for purchase; or

(b) Are not packed in accordance with such requirements as the Authority may from time to time specify and notify to producers; or

(c) Are not suitable for human consumption—
the Authority shall be entitled to reject the lemons or oranges at any time after their reception by the Authority.

(4) Where pursuant to subclause (3) of this regulation the Authority rejects any lemons or oranges offered to it for sale, it shall notify the producer accordingly, and shall, at the expense of the producer, arrange for the return of the lemons or oranges to the producer or, if the producer so requires, arrange for their destruction:

Provided that where the Authority rejects lemons or oranges for the reason that they are unsuitable for marketing because they are diseased to an extent greater than is allowed under Regulation 102 of the New Zealand Grown Fruit Regulations 1952,* the Authority shall, at the expense of the producer, destroy or otherwise dispose of the lemons or oranges so rejected in such manner as it thinks fit, and shall notify the producer accordingly.

(5) Where any oranges or lemons are returned to the producer or destroyed by the Authority under this regulation, the Authority may deduct the reasonable cost thereof from any money payable to the producer by the Authority under these regulations.

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(6) Except as provided in subclause (2) of this regulation, no producer shall sell to any person any lemons or oranges that have been rejected by the Authority pursuant to subclause (3) of this regulation.

(7) Every retailer commits an offence against these regulations who has in his possession for the purposes of sale, or who offers or exposes for sale, any lemons or oranges that were not bought by him from the Authority or from an authorised agent of the Authority or pursuant to an approval given by the Authority under the first proviso to subclause (2) of this regulation.

(8) For the purposes of subclause (7) of this regulation, every retailer shall, in the absence of proof to the contrary, be deemed to have lemons or oranges in his possession for the purposes of sale if more than 14 pounds of the lemons or oranges are found on premises occupied by him.

14. (1) Every producer shall keep adequate records of all lemons or oranges harvested and sold or otherwise disposed of by him and, when required so to do at any reasonable time by a duly authorised officer of the Authority, shall allow the officer to examine all stocks of lemons or oranges for the time being in his possession, and shall produce for the inspection of the officer all books of account and other records relating to the production and sale of lemons or oranges by the producer; and the officer may make copies of any entry appearing in any such books of account or other records.

(2) Every person engaged in the business of selling lemons or oranges, whether by wholesale or by retail, and every person who, in the course of his business, subjects lemons or oranges to any process of manufacture, shall, whenever during his ordinary business hours he is required so to do by a duly authorised officer of the Authority—

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

Grading

15. (1) The Authority shall from time to time specify the grades into which, subject to the provisions of these regulations, all lemons or oranges delivered to the Authority shall be graded, and shall prescribe the standards by which the respective grades shall be determined:

Provided that no grade or standard specified or prescribed by the Authority shall commence to have effect for the purposes of these regulations until such date as shall be fixed in that behalf by the Authority, being a date not earlier than thirty days after the date on which the grade is specified or, as the case may be, the standards are prescribed.

(2) As soon as practicable after specifying any grade, or prescribing any standards by which any grade shall be determined, the Authority shall, by circular letter delivered to producers or by publication in such newspaper or newspapers as the Authority thinks fit, give notice of

particulars of the grade or standards so specified or prescribed and of the date on which the grade or the standards, as the case may be, shall commence to have effect for the purposes of these regulations.

(3) The authority shall deliver to the Director-General particulars of every grade and of the standards by which the grade shall be determined, specified, or prescribed by the Authority under this regulation, and shall notify the Director-General of the date fixed by the Authority as that on which the grade or the standards, as the case may be, shall commence to have effect for the purposes of these regulations.

(4) The Authority shall, if at any time it is requested so to do by any person, deliver to that person particulars of any grade, or of any standards by which any grade shall be determined, specified, or prescribed by the Authority under this regulation.

16. All lemons and oranges delivered to the Authority and not rejected by it shall be graded into one or other of the grades specified by the Authority under regulation 15 of these regulations and payment for the lemons or oranges shall not be made to the producer until the lemons or oranges have been so graded.

17. In the event of any dispute arising between the Authority and any producer concerning the grading of any lemons or oranges delivered to the Authority by the producer, the question shall be referred to an umpire appointed for the purpose by the Director-General, and the decision of the umpire, which shall be notified to the parties to the dispute, shall be final and binding on the Authority and the producer.

Prices and Payments

18. (1) The Authority shall from time to time fix the prices to be paid by the Authority for lemons or oranges bought by the Authority from producers, and the conditions (if any) subject to which any such lemons or oranges shall be so bought. Different prices may be fixed in respect of different varieties of lemons or oranges, or in respect of different grades of the same variety of lemons or oranges, or different prices may be fixed in respect of the same variety or grade of lemons or oranges by reason of size or of any special conditions or circumstances that, in the opinion of the Authority, warrant the fixing of different prices.

(2) Where, pursuant to subclause (1) of this regulation, the Authority fixes the price to be paid for lemons or oranges of any grade or size, or variety, the Authority shall pay that price for any lemons or oranges of that grade, size or variety bought by the Authority on and after such date as shall be specified in that behalf by the Authority.

Financial

19. (1) There shall be payable to the Authority a levy at the rate of one penny on every case of lemons or oranges delivered to and not rejected by the Authority:

Provided that the total levy payable by any producer in any financial year of the Authority shall not exceed £3.

(2) Without limiting the provisions of subclause (1) of this regulation, the Authority may, for the purpose of providing funds for capital expenditure, with the prior consent of the Minister, fix a levy at a rate not exceeding 2s. 6d. on every case of lemons or oranges delivered to and not rejected by the Authority.

(3) All levies payable under this regulation shall be deducted by the Authority from any money payable to the producer by the Authority.

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

(2) The Citrus Industry Account is hereby declared to be the same account as that established under the same name under regulation 28 of the Citrus Marketing Authority Regulations 1953.*

(3) There shall be paid into the Citrus Industry Account—

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

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

(c) Any other money that may otherwise be lawfully payable to the Authority.

(4) 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 (Incorporated);

(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 or the orange growing industry;

(d) Any money which the Authority and the Minister agree shall be payable for any purpose which they deem to be of benefit to the citrus growing industry.

(5) 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 authorised by these regulations.

21. The Authority may, for any purpose not otherwise authorised by these regulations, in any financial year expend any sum or sums not amounting in the whole to more than £50.

22. For the purpose of section 11 of the Primary Products Marketing Act 1953, the financial year of the Authority in respect of its operations under these regulations shall end with the 30th day of November.

Licensing

23. Except as otherwise provided in these regulations, no person shall, after the commencement of these regulations, carry on the business of processing, grading, packing or storing lemons or oranges or distributing lemons or oranges otherwise than by retail unless he is the holder of a licence issued by the Authority under these regulations:

Provided that any person who, immediately before the commencement of these regulations, was the holder of a licence issued under regulation 29 of the Citrus Marketing Authority Regulations 1953,* shall be deemed to be the holder of a licence issued under these regulations.

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

25. The Authority may in its absolute discretion and subject to such terms and conditions as the Authority thinks fit—

- (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 Penalties

26. 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 with any requirement or with any terms or conditions of any licence, approval or permit issued, given, made, or imposed under these regulations.

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

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

Revocations

28. The regulations specified in the Schedule to these regulations are hereby revoked.

SCHEDULE

Reg. 28

REGULATIONS REVOKED

	Published in Statutory Regulations	
	Serial Number	Page
The Citrus Marketing Authority Regulations 1953	1953/155	731
The Citrus Marketing Authority Regulations 1953, Amendment No. 1	1955/7	11
The Citrus Marketing Authority Regulations 1953, Amendment No. 2	1957/176	831
The Citrus Marketing Authority Regulations 1953, Amendment No. 3	1957/244	1026
The Citrus Marketing Authority Regulations 1953, Amendment No. 4	1963/171	1029

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 consolidate the Citrus Marketing Regulations 1953 and amendments thereto.

The constitution of the Authority is not changed except that provision is made for rotation of membership of new members.

The provisions relating to the functions and powers of the Authority are more explicit than the previous provisions.

The regulations authorise the Authority from time to time to vary its grading standards so as to meet existing circumstances. Previously standards were prescribed in the regulations. The Authority is required to give adequate notice of any grading standards which it determines. Provision is made for arbitration when a grower disputes any grading.

The financial provisions are substantially the same as those previously applicable.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 May 1966.

These regulations are administered in the Department of Agriculture.