



THE
NEW ZEALAND GAZETTE
EXTRAORDINARY.

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WELLINGTON, SATURDAY, SEPTEMBER 3, 1921.

SAMOA BOARD OF TRADE ORDER, 1921.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 30th day of August, 1921.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

HIS Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and in pursuance of the authority to make laws for the peace, order, and good government of the territory of Western Samoa conferred upon him by the Western Samoa Order in Council, 1920, made by His Majesty on the eleventh day of March, one thousand nine hundred and twenty, under the Foreign Jurisdiction Act, 1890, and further in pursuance of the Treaties of Peace Act, 1919, and of all other powers and authorities enabling him in that behalf, doth hereby order as follows :—

1. This Order may be cited as the Samoa Board of Trade Order, 1921, and shall come into force on the first day of October, one thousand nine hundred and twenty-one.

2. In this Order "industry" means and includes any trade, business, profession, or undertaking whatsoever carried on for the purpose of profit.

3. (1.) There is hereby established a Board to be called "The Samoa Board of Trade" (in this Order referred to as "the Board").

(2.) The Board shall consist of three persons to be appointed by the Administrator, one of whom shall be a member of the Samoan race and another of whom shall be nominated for appointment by the Apia Chamber of Commerce. Each of the members shall hold office during the pleasure of the Administrator, and may at any time resign his office by writing addressed to the Administrator.

(3.) The members of the Board shall receive out of the Samoan Treasury such salary and allowances as may from time to time be approved by the Administrator.

(4.) The members of the Board shall not as such be deemed to be permanent members of the Samoan Public Service.

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

4. The Administrator may appoint as officers of the Samoan Public Service, whether permanent or temporary, such persons as may from time to time be found necessary for the assistance of the Board.

5. (1.) In any case in which the Administrator is satisfied that a member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Administrator may appoint a deputy to act for that member during such incapacity, and any such deputy shall, while he acts as such, have all such powers and authority as the member for whom he is acting.

(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.

6. (1.) Meetings of the Board shall be held at such times and places as the Chairman or the Board or any two members of the Board shall from time to time appoint.

(2.) At all such meeting two members of the Board shall constitute a quorum.

(3.) The Administrator shall appoint one of the European members of the Board to be the Chairman thereof, and the Chairman of the Board shall preside at all meetings of the Board at which he is present.

(4.) In the absence of the Chairman the other European member of the Board shall preside at any meeting of the Board.

(5.) At any meeting of the Board the decision of a majority of the members present shall be the decision of the Board. When not more than two members of the Board are present at a meeting the Chairman shall have a casting as well as a deliberative vote.

7. The functions of the Board shall be—

(a.) To obtain by means of investigations under this Order, or otherwise, information as to the industries of Samoa :

(b.) To publish with respect to those industries, in such manner as the Board thinks fit, such information as the Board deems of advantage to the public :

(c.) Such other functions relative to those industries as may be lawfully conferred upon the Board.

8. (1.) The Board may, in pursuance of this clause, make an investigation into any matter whatsoever relative to any industry carried on or proposed to be carried on in Samoa, or relative to any industry wherever carried on which may affect the industries of Samoa, for the purpose of obtaining information which may be required for the due control, regulation, and maintenance of the industries of Samoa ; the due observance, enforcement, or amendment of the laws relative thereto ; the discovery of breaches of those laws ; the prevention or suppression of monopolies, unfair competition, and other practices detrimental to the public welfare ; the proper regulation in the public

interest of the prices of goods and the rates of services ; or for any other purpose relative to the industries of Samoa.

(2.) For the purpose of any such investigation the Board may by order require any person, firm, or body corporate engaged or concerned or supposed to be engaged or concerned in any industry to answer in writing, within such time and in such form as the Board thinks fit, any questions which relate to that industry or to the connection of that person, firm, or body corporate therewith, or to any other matter within the purpose of this Order.

(3.) For the purpose of such investigation the Board may by order require any person, firm, or body corporate engaged or concerned or supposed to be engaged or concerned in any industry to produce for the inspection of any member of the Board, or of any officer or other person nominated in that behalf by the Board, any books or documents in the possession or control of the person, firm, or body corporate relative to any matter affecting that industry, and to allow copies of or extracts from such books or documents to be made by the person so inspecting them.

(4.) If default is made by any person, firm, or body corporate in obedience to any order of the Board under this clause, such person, firm, or body corporate, and each member of such firm and every person who counsels, procures, or is otherwise knowingly concerned in such default, shall be liable on conviction to a fine not exceeding one hundred pounds.

(5.) Every person who deceives, obstructs, or attempts to deceive or obstruct the Board or any member or officer thereof, or any person nominated by the Board as aforesaid, in the conduct of any such investigation shall be liable on conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months.

(6.) All information obtained by the Board or by any member, officer, or agent thereof by means of any such investigation shall be treated as confidential, subject only to the right of publication expressly conferred on the Board by this Order.

9. So far as such publication is deemed by the Board to be expedient in the public interest, it shall be lawful for the Board from time to time to publish in such manner as it thinks fit any information obtained by the Board in the course of any investigation under this Order, and any report, findings, recommendations, or comments made with respect thereto by the Board or by its members.

10. The publication of any such matter by the Board, and the republication by any other person of any matter published by the Board, or of any part of such matter, shall be absolutely privileged, and the matter so published or republished shall be a lawful subject of comment within the meaning of the law of defamation, and no action shall be brought by any person for the publication or republication of such matter whether on the ground of defamation or otherwise.

11. (1.) Every person commits an offence who, either as principal or agent, sells or supplies or offers for sale or supply any goods at a price which is unreasonably high.

(2.) For the purposes of this clause the price of any goods shall be deemed to be unreasonably high if it produces or is calculated to produce more than a fair and reasonable rate of profit to the person selling or supplying or offering to sell or supply those goods or to his principal.

(3.) Every person commits an offence who being in possession of goods for mercantile purposes destroys or hoards and refuses to sell such goods or to make them available for sale, if such destruction or hoarding and refusal raises or tends to raise the cost of other similar goods to the public.

(4.) Every person who commits or attempts to commit, or does any act with intent to commit, or counsels, procures, aids, or incites any other person to commit, or conspires with any other person to commit, an offence under this clause shall be liable on conviction before a Judge of the High Court to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months in the case of an individual, or to a fine not exceeding one thousand pounds in the case of a body corporate.

(5.) If, after a contract of sale of any goods has been made in which no price has been expressly agreed upon, the seller by himself or his agent demands or receives from the buyer a price which is unreasonably high the seller shall, for the purposes of this clause, be deemed to have sold the goods at the price so demanded or received.

(6.) No prosecution shall be instituted under this clause except with the consent of the Board of Trade.

(7.) In this clause—

“Price” includes every valuable consideration whatsoever, whether direct or indirect:

“Indirect consideration” includes every valuable consideration whatsoever which in effect relates to the sale of any goods, although ostensibly relating to any other matter or thing:

“Sale” includes barter and every other disposition of goods for valuable consideration.

12. The liability of any employer or principal to any fine for offences against this Order committed by a servant or agent in the course of his employment shall be determined by the same principles as those which determine the liability of that employer or principal for civil injuries done by that servant or agent, and such offence shall be deemed to have been committed by the principal or employer accordingly.

J. W. BLACK,
Acting Clerk of the Executive Council.