

## TOBACCO GROWING INDUSTRY BILL

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### EXPLANATORY NOTE

THIS Bill consolidates and amends the Tobacco Growing Industry Act 1935 and its amendments, and implements, with some modifications, the recommendations of the Committee of Inquiry into the New Zealand Tobacco Growing Industry.

The Bill contains many amendments of varying degrees of importance, the major ones being—

- (a) The reconstitution of the present Tobacco Board (*clause 4*) and a change in the term of office of its members (*clause 5*).
- (b) The extension of the functions of the Board (*clause 10*).
- (c) The establishment of a Tobacco Quota Committee (*clause 12*). The basic functions of the Committee are the determination of applications for the granting of licences to grow tobacco, the approval of applications to transfer such licences, the determination of the basic quota to apply in respect of each licence, and the determination of applications to increase the amount of the basic quota. It has also powers to revoke licences and reduce the amount of the basic quota.
- (d) The establishment of a Tobacco Quota Appeals Tribunal (*clause 16*) to determine appeals from the decisions of the Tobacco Quota Committee.
- (e) The alteration of the character of a licence. At present licences to grow tobacco are granted annually. Under the Bill licences will continue in force until surrendered by the licensee or revoked by the Tobacco Quota Committee, and may be transferred.
- (f) The introduction of a basic quota to be specified in respect of each licence. The basic quota (the quantity of tobacco leaf falling within the saleable grades of the Schedule of Standard Grades approved by the Board) is to provide the basis upon which the adjusted quota is to be determined. The Tobacco Quota Committee will determine an adjusted quota in respect of each licence for each season and this will represent the quantity of quota leaf for which the licensee is guaranteed a purchaser. Any leaf produced in excess of this quota has no assured market.
- (g) The abolition of warrants to sell and growing contracts with manufacturers. Under the present Act growers require a warrant before they can sell tobacco leaf and in order to obtain a warrant they must have growing contracts with a manufacturer. Under the

Bill the growers adjusted quota is allocated by the Committee to a manufacturer and the manufacturer must purchase that quota. The adjusted quota for each grower is based on the total requirements of the manufacturers notified to the Board and manufacturers are not required to purchase tobacco in excess of those requirements. Any shortfall in the adjusted quota of any grower can be made up from any over-quota production from any other grower.

- (h) The classification of tobacco leaf by persons appointed by the Minister (*clause 42*). At present no provision is made in the Act for tobacco to be graded.
- (i) The price of tobacco leaf is to be determined by the Minister. At present the price is determined by the Price Tribunal.
- (j) A levy is to be made on manufacturers on all tobacco used by them in manufacture as well as the present levy on the grower on tobacco grown in New Zealand (*clause 21*).

*Clause 1* relates to the Short Title and commencement. With the exception of *clause 42* (Classification of tobacco leaf) and *clause 50* (Transitional provisions) the Bill is to come into force on 1 January 1974.

*Clause 2* is the interpretation clause.

## PART I

### THE TOBACCO BOARD, THE TOBACCO QUOTA COMMITTEE, AND THE TOBACCO QUOTA APPEALS TRIBUNAL

#### *The Tobacco Board*

*Clause 3* re-establishes the Tobacco Board and declares it to be a body corporate.

*Clause 4* reconstitutes the membership of the Board. At present the Board consists of a Chairman appointed on the advice of the Minister, a member of the Department of Trade and Industry appointed by the Minister, 4 growers' representatives elected by the growers and 4 manufacturers' representatives. Under the Bill the Board will consist of—

- (a) A Chairman and 1 other member to be appointed by the Minister after consultation with the growers' and manufacturers' representatives on the Board.
- (b) The Regional Advisory Officer of the Nelson Branch of the Ministry of Agriculture and Fisheries.
- (c) Three persons elected by the growers.
- (d) Three persons representing the manufacturers.

*Clause 5* provides that the term of office of each member (other than the Regional Advisory Officer) shall be 3 years. By reason of the transitional provisions (*clause 50*) 1 growers' representative and 1 manufacturers' representative will retire each year but may be re-elected or reappointed. At present the term of office is 2 years.

*Clause 6* provides for regulations to be made for the election of a growers' representative each year, for a term commencing on the 15th day of August in that year.

*Clause 7* provides the procedure for filling an extraordinary vacancy, the person appointed or elected holding office until the expiry of the term of office of the member he replaces.

*Clause 8* provides for the appointment of a deputy member where the actual member is incapacitated. The only change from the present Act is that the deputy will be appointed by the Minister and not by the Governor-General, and that any officer of a department of State who is a member of the Board by virtue of his office may authorise another officer of the department to act in his place.

*Clause 9* provides the procedure for meetings of the Board and is basically the same as in the present Act.

*Clause 10* is new and sets out in detail the functions of the Board and gives it certain powers as set out in the clause.

*Clause 11* authorises the Board to obtain information in respect of the tobacco growing industry. This authority is in the present Act.

#### *Tobacco Quota Committee*

*Clause 12* establishes a Committee of the Board to be known as the Tobacco Quota Committee. *Subclause (2)* provides that the Regional Advisory Officer and the growers' representatives on the Board shall be the members of the Committee.

*Clause 13* provides that the members of the Committee shall remain members thereof for such time as they are members of the Board.

*Clause 14* requires the Board to appoint a member of the Committee to be the Deputy Chairman of the Committee.

*Clause 15* prescribes the convening of and procedure at meetings of the Committee.

#### *Tobacco Quota Appeals Tribunal*

*Clause 16* establishes the Tobacco Quota Appeals Tribunal.

*Subclause (2)* provides that the Tribunal shall consist of 3 members.

The Chairman is to be a barrister and is to be appointed by the Minister.

The remaining 2 members are to be appointed by the Minister on the nomination of the New Zealand Tobacco Growers' Federation. No member of the Board shall be appointed to the Tribunal.

*Clause 17:* This clause provides that each member of the Tribunal shall hold office for 3 years but may be reappointed.

*Clause 18* provides for the filling of extraordinary vacancies on the Tribunal.

*Clause 19* authorises the appointment of deputy members of the Tribunal.

*Clause 20* provides for the convening of and procedure at sittings of the Tribunal.

*General Provisions*

*Clause 21: Subclause (1)* re-enacts the present provisions authorising the Board to levy the growers a charge, not exceeding  $1\frac{1}{2}$  cents a pound on all tobacco leaf sold for manufacture in New Zealand.

*Subclause (2)* is new and empowers the Board to levy on the manufacturers a charge equal to the levy paid by the growers.

*Subclause (3)* apportions the levy on the manufacturers so that each manufacturer's part is proportionate to the tobacco leaf used by the manufacturer.

*Clause 22* sets out how the Board is to apply its funds. The principal change is that the Board is to make payment to the New Zealand Tobacco Growers' Federation Incorporated for the financing of the operations of the Federation. The Board may also incur expenditure not otherwise authorised of an amount not exceeding \$500 in any year.

*Clause 23* provides how contracts of the Board are to be made.

*Clause 24* empowers the Board, with the consent of the Minister of Finance, to borrow money.

*Clause 25* declares the Board and the Tribunal to be statutory boards for the purposes of the Fees and Travelling Allowances Act 1951, and authorises the payment of remuneration and travelling expenses to members of the Board and the Tribunal in accordance with that Act.

*Clause 26* provides for audit of the Board's accounts.

*Clause 27* is new and provides that the Board is to submit an annual report and a copy of its audited accounts to the Minister to be laid before Parliament.

*Clause 28* extends the present provisions regarding the employment of staff to include staff required by the Tribunal.

*Clause 29* is new and extends the provisions of the Local Authorities (Members Interests) Act 1968 to members of the Board and of the Tribunal.

*Clause 30* exempts members of the Board and of the Tribunal from personal liability for acts done in good faith in the course of their duties.

## PART II

## LICENCES AND QUOTAS

This Part is mostly new and sets out the procedure for the licensing of tobacco growers, the setting of quotas, and the sale of tobacco.

*Clause 31* re-enacts the present provision that tobacco for sale is not to be grown without a licence, but increases the amount of the fines in the case of offences against the clause.

*Clause 32* provides for the new form of licence to grow tobacco.

*Subclause (1)* empowers the Committee, subject to regulations made under this Act, to grant licences to grow tobacco.

*Subclause (2)* gives priority for a licence under the Bill to applicants who are holders of a current licence under the present Act.

*Subclause (3)* provides that every licence shall specify the name of the licensee, the land on which the tobacco is to be grown, and the basic quota of tobacco leaf applicable to that land.

*Subclause (4)* provides that every licence shall apply only in respect of tobacco grown by the licensee on the land specified in the licence and that no tobacco grown on any other land is to form part of his basic quota or adjusted quota.

*Subclause (5)* provides that it shall be a condition of every licence that the licensee use only those insecticides, sprays, or other materials approved by the Board on the recommendation of the Tobacco Research Committee.

*Subclause (6)* provides that every licence shall continue in force until it is surrendered by the licensee or revoked under the Bill, provided that in special circumstances a licence for a limited period may be granted.

*Clause 33* provides that licences granted by the Committee shall be transferable with the written consent of the Committee.

*Clause 34* gives a licensee the right to apply for an increase in his licensee's basic quota.

*Clause 35* gives the Committee power to revoke a licence or reduce the amount of a licensee's basic quota, should a licensee fail for 3 successive years to plant a sufficient acreage of tobacco to produce his basic quota or adjusted quota, whichever is the less, or fail for 4 successive years to produce his adjusted quota, or secure a licence by a false document or representation or be convicted of any offence against the Bill, or commit a breach of any condition of the licence.

*Clause 36* provides for appeals to the Tribunal from determinations of the Committee.

*Subclause (2)* provides that the only grounds of appeal are that the Committee's decision was reached in contravention of the provisions of the Bill, that the decision of the Committee would cause severe personal hardship to the appellant, or that in relation to the revocation of a licence or a reduction in a basic quota, the Committee has not acted in an equitable manner.

*Subclause (5)* provides that the decision of the Tribunal shall be final and conclusive.

*Clause 37: Subclause (1)* of this clause requires each manufacturer to specify in writing its requirements of domestic leaf for the coming season by 1 June in each year.

*Subclause (2)* requires each manufacturer to specify in writing its anticipated requirements of domestic quota leaf for the 2 seasons following the season in respect of which specification is required under *subclause (1)* by 1 June in each year.

*Subclause (3)* requires each manufacturer to purchase the amount specified by it under *subclause (1)* in the season following such specification. Each manufacturer is to purchase leaf only from those licensees whose adjusted quotas are, or over-quota leaf is, allocated to it.

*Subclause (4)* provides for every manufacturer who fails without reasonable excuse to comply with the provisions of the clause to be liable to a fine not exceeding \$20,000.

*Clause 38* requires the Board to determine the national tobacco quota for each season. This quota is to represent the total of the quantities specified by manufacturers under *subclause (1) of clause 37* of the Bill.

*Clause 39* requires the Committee to determine, in relation to each licensee, an adjusted quota for each season.

*Clause 40* requires licensees, prior to the commencement of each season, to provide the Board with names of manufacturers, expressed in descending order of preference, to whom they desire their adjusted quotas to be allocated for the coming season.

*Clause 41* requires the Board to allocate adjusted quotas to manufacturers in such a manner as to assure as far as possible that the total of the adjusted quotas allocated to each manufacturer corresponds with that manufacturer's requirements as specified under *subclause (1) of clause 37* of the Bill.

The Board shall not allocate adjusted quotas the total of which exceeds those specified requirements.

*Clause 42* requires quota leaf to be classified, prior to its purchase, by persons appointed by the Minister on the advice of the Board, into those grades appearing in a Schedule of Standard Grades approved by the Board.

*Subclause (2)* provides that this clause shall come into effect on a day to be appointed by the Governor-General in Council.

*Clause 43: Subclause (1)* requires the price of each grade of quota leaf within the Schedule of Standard Grades approved by the Board to be fixed by the Minister after consultation with the Board. The prices so fixed are to remain operative until altered by the Minister after consultation with the Board.

*Subclause (2)* provides that the average price per pound of all quota leaf produced in New Zealand shall not in any season be less than the seasonal average price. The seasonal average price for each season shall be determined by the Minister after consultation with the Board.

*Clause 44* requires manufacturers to make payment to the licensee or his nominee within 14 days of the purchase of quota leaf.

*Clause 45* regulates the situation when any licensee produces quota leaf in excess of his adjusted quota, or any leaf not of saleable grades. In respect of any over-quota leaf the Board is required first, to allocate it to meet any shortfall experienced by any other licensee, and secondly, to offer it for sale to any manufacturer or other person. In respect of any leaf of non-saleable grades it is to offer it for sale to any manufacturer or other person.

### PART III

#### MISCELLANEOUS PROVISIONS

*Clause 46* sets out the offences and penalties in connection with the Bill. Basically it re-enacts the present provisions with the following amendments—

- (a) The penalty for an offence has been changed from a fine of \$200 to a fine not exceeding \$500.
- (b) The penalty for a continuing offence has been changed from a fine of \$20 a day to a fine not exceeding \$50 a day.

*Clause 47* re-enacts the present provisions regarding the application of sections 7 and 8 of the Agriculture (Emergency Powers) Act 1934.

*Clause 48* sets out the matters in respect of which the Governor-General may make regulations. The new matters are—

- (a) The criteria upon which applications for the granting of licences and transfer of licences are to be determined.
- (b) The criteria upon which the basic quota applicable to any land is to be determined.
- (c) The conditions upon which the tobacco leaf produced in New Zealand may be exported or made available for export.
- (d) The compilation and issue for use by growers of standard forms of farm working accounts and balance sheets.
- (e) Prescribing offences against the regulations and penalties for such offences not exceeding \$200, and, in the case of a continuing offence, to a further fine of \$20 for every day on which the offence is continued.

*Clause 49: Subclause (1)* repeals the enactments consolidated by this Bill.

*Subclause 2* preserves the present licensing system until the end of the 1973/74 season.

*Clause 50* provides that the first 3 growers' and manufacturers' representatives are to be appointed by the Minister on or before the commencement of this Act and, so far as possible, are to be appointed from the present representatives on the Board. One growers' and one manufacturers' representative will be appointed for a term ending on the expiration of the 14th day of August 1974, one of each for a term ending on the expiration of the 14th day of August 1975, and one of each for a term ending on the 14th day of August 1976.

The *Schedule* contains the repeals.

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## A BILL INTITULED

**An Act to consolidate and amend the law relating to the regulation of the tobacco growing industry, and for other matters incidental thereto**

BE IT ENACTED by the General Assembly of New Zealand 5  
in Parliament assembled, and by the authority of the same,  
as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Tobacco Growing Industry Act 1973.

(2) Except as otherwise provided herein, this Act shall 10  
come into force on the 1st day of January 1974.

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

“Adjusted quota”, in relation to any licensee, means the adjusted quota determined by the Committee under this Act as applicable to the land specified in his licence: 15

“Basic quota”, in relation to any licensee, means the basic quota determined by the Committee under this Act as applicable to the land specified in his licence: 20

“Board” means the Tobacco Board established under this Act:

“Committee” means the Tobacco Quota Committee established under this Act:

“Grower” means a person who by himself or his agent 25  
grows tobacco:

“Growers’ representatives” means the members of the Board elected to the Board pursuant to paragraph (c) of subsection (1) of section 4 of this Act:

“Licence” means a licence granted under section 32 of 30  
this Act:

“Licensee” means a person to whom a licence to grow tobacco has been granted under this Act:

“Manufacture” includes the processes of cutting, pressing, grinding, crushing, or rubbing any raw or leaf 35  
tobacco, or otherwise preparing raw or leaf tobacco or manufactured or partially manufactured tobacco for smoking or any other purpose; and “to manufacture” has a corresponding meaning:

“Manufacturer” includes any person who by himself or 40  
his agent carries on any business or process of

manufacturing, or in any way preparing for sale, tobacco in any shape for smoking or for any other purpose:

5 “Manufacturers’ representatives” means the members of the Board appointed to the Board pursuant to paragraph (d) of subsection (1) of section 4 of this Act:

“Minister” means the Minister of Trade and Industry:

10 “National tobacco quota” means the quantity of quota leaf which the Board declares from time to time to be the national tobacco quota:

“Non-quota leaf” means tobacco leaf falling into the non-saleable grades of the Schedule of Standard Grades approved by the Board:

15 “Over-quota leaf” means quota leaf produced by any licensee in any season in excess of his adjusted quota for that season:

“Purchase” includes every mode of acquisition, whether for valuable consideration or not, including acquisition by an agent for sale on consignment, but not including acquisition by way of security only; and “to purchase” has a corresponding meaning:

20 “Quota” means the quantity of tobacco leaf falling within the saleable grades of the Schedule of Standard Grades approved by the Board:

25 “Quota leaf” means tobacco leaf falling within the saleable grades of the Schedule of Standard Grades approved by the Board:

30 “Raw tobacco” means unmanufactured tobacco, or the leaves and stems of the tobacco plant before they have passed through any process of manufacture:

35 “Regional Advisory Officer” means the person for the time being holding office as the Regional Advisory Officer of the Nelson Branch of the Ministry of Agriculture and Fisheries:

40 “Sale” includes every mode of disposition, whether for valuable consideration or not, including disposition to an agent for sale on consignment, but not including disposition by way of security only; and “to sell” has a corresponding meaning:

“Season” means a period of 12 months commencing on the 15th day of August in any year and ending on the expiration of the 14th day of August in the following year:

“Shortfall” means the amount in any season by which the adjusted quota of any licensee exceeds the quantity of quota leaf produced by him:

“Tribunal” means the Tobacco Quota Appeals Tribunal established under this Act.

## PART I

### THE TOBACCO BOARD, THE TOBACCO QUOTA COMMITTEE, AND THE TOBACCO QUOTA APPEALS TRIBUNAL

#### *Tobacco Board*

**3. Tobacco Board**—(1) There shall continue to be a Tobacco Board which shall be a body corporate having perpetual succession and a common seal and with power to acquire, hold, and dispose of real and personal property, to sue and to be sued, and to do and suffer all such other acts and things as bodies corporate may lawfully do or suffer.

(2) The Board is hereby declared to be the same body corporate as the Tobacco Board established under the Tobacco Growing Industry Act 1935.

Cf. 1935, No. 38, s. 3 (1), 6; 1965, No. 12, s. 2

**4. Membership of Board**—(1) The Board shall consist of 9 members of whom—

(a) The Chairman and 1 other member shall be appointed by the Minister by notice in the *Gazette*, after consultation with the growers’ representatives and the manufacturers’ representatives on the Board:

(b) One shall be the person from time to time occupying the post of Regional Advisory Officer:

(c) Three shall be elected as the growers’ representatives in accordance with section 6 of this Act:

(d) Three shall be appointed by the Minister as the manufacturers’ representatives by notice in the *Gazette*, after consultation with persons representing the manufacturers.

(2) The Chairman and members of the Board in office at the commencement of this Act shall continue in office until their successors are appointed in accordance with this Act and shall then retire from office.

Cf. 1935, No. 38, s. 3 (2); 1965, No. 12, s. 2 (1)

**5. Term of office**—(1) The Chairman of the Board and all other members thereof, other than the Regional Advisory

Officer, shall hold office for a term of 3 years but may from time to time be reappointed or re-elected.

(2) Unless he sooner vacates his office as provided in subsection (3) of this section, every member of the Board shall continue in office until his successor is appointed or elected, notwithstanding that the term for which the member was appointed or elected may have expired.

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

Cf. 1935, No. 38, ss. 4, 5 (1); 1951, No. 36, s. 5; 1965, No. 12, ss. 3, 4 (1)

15 **6. Election of growers' representatives—**(1) In the manner prescribed by regulations made under this Act, an election shall be held in each year for a member of the Board to hold office as a growers' representative.

(2) The person elected under subsection (1) of this section shall commence his term of office on the 15th day of August in the year in which the election is held.

Cf. 1951, No. 36, s. 3

25 **7. Extraordinary vacancies—**(1) If any member of the Board dies, or resigns, or is removed from office, the vacancy shall be deemed to be an extraordinary vacancy.

(2) Except as provided in subsection (3) of this section, every extraordinary vacancy shall be filled by the appointment of some person made in the same manner as the appointment of the vacating member, and the member appointed in his place shall hold office for the residue of the term of the vacating member.

(3) In the event of an extraordinary vacancy in the office of a growers' representative, the vacancy shall be filled by election in the manner prescribed by regulations made under this Act:

Provided that where any such vacancy occurs within 6 months before the expiry of the term of office of the vacating member, the Board may by resolution determine that—

40 (a) The vacancy shall be filled by appointment by the Board of a person qualified to be elected as a member; or

(b) The vacancy shall not be filled until the next election of members is held.

(4) Every person appointed by the Board pursuant to paragraph (a) of subsection (3) of this section shall for all purposes be deemed to have been elected to fill the vacancy.

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

Cf. 1935, No. 38, s. 5; 1965, No. 12, s. 4 (1)

**8. Appointment of deputy members**—(1) Subject to subsection (2) of this section in any case where the Minister is satisfied that any member of the Board is, by reason of illness, absence, or other sufficient cause, incapacitated 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 Board. 10

(2) In any case where any person who is a member of the Board by virtue of being an officer of a department of State is, by reason of illness, absence, or other sufficient cause, incapacitated from performing the duties of his office as a member of the Board that person may authorise another officer of the department to perform those duties. 15 20

(3) The fact that a person attends and acts as a member of the Board at any meeting of the Board shall be conclusive proof of his authority to do so.

(4) No appointment or authorisation of a deputy as such shall in any proceedings be questioned on the grounds that the occasion for his appointment or authorisation had not arisen or had ceased. 25

Cf. 1935, No. 38, s. 8

**9. Meetings of the Board**—(1) Meetings of the Board shall be held whenever the Board or the Chairman so decides and at such times and places as the Board or the Chairman decides. 30

(2) A special meeting of the Board shall be convened by the Chairman at the request in writing of any 3 members of the Board. 35

(3) At any meeting of the Board, 5 members of the Board, of whom 1 shall be the Chairman or his deputy, shall form a quorum.

(4) The Chairman shall preside at all meetings of the Board at which he is present. 40

(5) In the event of the absence of the Chairman from any meeting of the Board his deputy shall preside at that meeting.

5 (6) At any meeting of the Board the person presiding at the meeting shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(7) All questions before the Board shall be decided by a majority of the valid votes recorded thereon.

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

Cf. 1935, No. 38, s. 10; 1965, No. 12, s. 5

**10. Functions of the Board—**(1) The functions of the Board shall be to promote and organise the orderly development  
15 of the tobacco growing industry in New Zealand with a view to—

(a) Improving the standard of quality of tobacco leaf produced by that industry; and

(b) Expanding the production of that industry; and

20 (c) Generally for ensuring, as far as may be practicable, the adoption of measures and practices designed to promote greater efficiency in the industry, in furtherance of the interests and welfare of persons engaged therein.

25 (2) The Board shall have such powers, rights, and privileges, not inconsistent with this Act, as are reasonably necessary for the effective performance of its functions and, without limiting the generality of the foregoing, the Board may—

30 (a) Devise, promote, and carry out measures for the qualitative improvement in tobacco leaf:

(b) Promote the growing of tobacco leaf of sufficient quality, grades, and quantity to increase the percentage of domestically produced tobacco leaf used in manufacture in New Zealand:

35 (c) Promote the sale in New Zealand or elsewhere of tobacco leaf grown or to be grown in New Zealand:

40 (d) Promote, by way of subsidy or otherwise, the carrying out of any research or experimental work in New Zealand or elsewhere, for the purpose of improving the quality and yield of tobacco leaf:

- (e) Promote and organise the collection and dissemination of information in relation to the tobacco growing industry for the benefit and guidance of persons engaged in that industry:
- (f) Undertake any other act, matter, or thing in relation to the tobacco growing industry which the Minister considers to be desirable or necessary in the interests of persons engaged in that industry. 5

Cf. 1935, No. 38, s. 18

**11. Information to be given to Board by manufacturers, growers, and certain other persons—**(1) The Board may from time to time require any manufacturer to supply information in respect of all or any of the following matters, namely: 10

- (a) The quantity of raw tobacco grown in New Zealand that has been used by the manufacturer for the purposes of his business in any period: 15
  - (b) The quantity of raw tobacco grown in New Zealand that is or has been owned by or held by or on behalf of the manufacturer for the purposes of his business at any time: 20
  - (c) The quantity of raw tobacco grown or to be grown in New Zealand that the manufacturer estimates he will use for the purposes of his business in any period, and the sources from which he proposes to obtain that tobacco. 25
- (2) The Board may from time to time require any grower to supply information in respect of all or any of the following matters, namely:
- (a) The quantity of tobacco that has been grown or is to be grown by the grower in any period: 30
  - (b) The quantity of raw tobacco grown or to be grown by the grower that has been sold in any period:
  - (c) The quantity of raw tobacco grown by the grower that is held by him and unsold at any time: 35
  - (d) The price at which any raw tobacco grown or to be grown by the grower has been sold:
  - (e) The area of land on which tobacco has been grown or is to be grown by the grower in any period or is being grown by him at any time. 40
- (3) The Board may from time to time, with the approval of the Minister, require any person (whether a grower or manufacturer or not) to supply such further information

as may be deemed necessary for the effective administration of this Act, but not including any information relating to formulas, methods, or processes used in manufacturing tobacco, or to the cost of manufacturing tobacco, or to any other matter incidental to the process of manufacturing tobacco.

(4) All information required under this section shall be supplied to the Chairman of the Board. With respect to all information supplied under subsections (1) and (2) of this section, and to such of the information supplied under subsection (3) of this section as the Minister directs, the Chairman shall not disclose details of the information supplied by any individual person, but he may lay before the Board returns showing the aggregate results of the information supplied, classified in such manner as the Chairman thinks fit.

Cf. 1935, No. 38, s. 17

*Tobacco Quota Committee*

**12. Tobacco Quota Committee**—(1) For the purposes of this Act there shall be a committee of the Board to be known as the Tobacco Quota Committee.

(2) The Committee shall consist of 4 members, namely:

- (a) The Regional Advisory Officer, who shall be Chairman of the Committee; and
- (b) Those persons for the time being holding office on the Board as growers' representatives.

**13. Term of office of Committee members**—The Chairman and members of the Committee shall continue as members thereof during such time as they hold office as members of the Board.

**14. Appointment of Deputy Chairman of Committee**—The Board shall from time to time appoint a member of the Committee to be the Deputy Chairman of the Committee.

**15. Meetings of the Committee**—(1) All meetings of the Committee shall be held whenever the Committee or the Chairman of the Committee so decides, and at such times and places as the Committee or the Chairman of the Committee decides.



(2) A special meeting of the Committee shall be convened by the Chairman of the Committee at the request in writing of any 2 members of the Committee.

(3) At any meeting of the Committee a quorum shall consist of 3 members of the Committee. 5

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

(5) In the event of the absence of the Chairman of the Committee from any meeting of the Committee, the Deputy Chairman of the Committee shall preside at that meeting. 10

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

(7) The decision of the Committee on any matter shall be determined by a majority of the valid votes recorded thereon. 15

(8) The Chairman of the Committee may at any time refer any matter requiring the consideration of the Committee to all members of the Committee in writing, and any decision made by a majority of the members of the Committee shall have the same force and effect as a decision made at a properly constituted meeting. 20

(9) Subject to this Act and any regulations made thereunder the Committee may regulate its procedure in such manner as it thinks fit. 25

#### *Tobacco Quota Appeals Tribunal*

**16. Tobacco Quota Appeals Tribunal**—(1) For the purposes of this Act there shall be established a Tobacco Quota Appeals Tribunal.

(2) The Tribunal shall consist of 3 members, namely: 30

(a) A barrister of at least 5 years' practice, who shall be appointed by the Minister as Chairman of the Tribunal:

(b) Two persons appointed by the Minister on the nomination of the New Zealand Tobacco Growers' Federation Incorporated. 35

(3) No person who is a member of the Board shall be eligible for appointment as a member of the Tribunal.

**17. Term of office of Tribunal members**—Each member of the Tribunal shall hold office for a term of 3 years and may from time to time be reappointed. 40

**18. Vacancies on the Tribunal**—(1) Any member of the Tribunal may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may  
5 at any time resign his office by written notice given to the Minister.

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

(3) Every extraordinary vacancy shall be filled by the  
10 appointment of some person made in the same manner as the appointment of the vacating member, and the member appointed in his place shall hold office for the residue of the term of the vacating member.

**19. Appointment of deputy members**—(1) Where the  
15 Minister is satisfied that any member of the Tribunal is, by reason of illness, absence, or other sufficient cause, prevented 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,  
20 be deemed to be a member of the Tribunal.

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

**20. Sittings of Tribunal**—(1) All sittings of the Tribunal shall be convened by the Chairman.

(2) At all sittings of the Tribunal 2 members, of whom one must be the Chairman or his deputy, shall constitute a quorum.

(3) At any sitting of the Tribunal all questions shall be  
30 decided by a majority of the members present.

(4) In the event of only 2 members of the Tribunal being present at a sitting and failing to agree on any matter, that matter shall be referred to the next sitting of the Tribunal.

(5) Subject to this Act and any regulations made there-  
35 under, the Tribunal may regulate its procedure in such manner as it thinks fit.

*General Provisions*

**21. Levy on tobacco leaf used in manufacture**—(1) There  
40 shall be paid to the Board, by or on behalf of the growers, by way of levy on all tobacco leaf produced in New Zealand

and sold for manufacture in New Zealand such charge, if any, as may from time to time be fixed by the Board, not exceeding in any case a levy of  $1\frac{1}{2}$  cents a pound.

(2) There shall be paid to the Board by the manufacturers in New Zealand in respect of any period a sum equal to the total levy payable by the growers to the Board under subsection (1) of this section in respect of tobacco leaf sold for manufacture in New Zealand during that period. 5

(3) The amount payable by each manufacturer in respect of any period under subsection (2) of this section shall be an amount bearing the same proportion to the amount payable by all the manufacturers in respect of that period as the amount of unmanufactured tobacco used in New Zealand by that manufacturer in that period bears to the total amount of unmanufactured tobacco used in New Zealand by all the manufacturers in that period. 10 15

Cf. 1935, No. 38, s. 19; 1967, No. 120, s. 2 (1)

**22. Application of money received by Board—**(1) All money received by or on behalf of the Board, whether by way of levy or otherwise, shall be paid into a separate account at a bank to be approved by the Minister of Finance, and shall be applied by the Board as follows: 20

- (a) In payment of the expenses, commission, and other charges incurred by the Board or the Tribunal or for which the Board or the Tribunal may become liable in the exercise of their functions: 25
- (b) In payment of the salaries and wages of officers and servants of the Board or the Tribunal:
- (c) In payment of travelling allowances, fees, or other remuneration to members of the Board or the Tribunal: 30
- (d) In payment into a reserve fund from time to time, as the Board in its discretion determines, of such amounts as the Board may consider necessary to enable it to carry out its operations under this Act: 35
- (e) In payment to the New Zealand Tobacco Growers' Federation Incorporated for the financing of the operations of the Federation:
- (f) For such other purposes as may be prescribed.

(2) The Board may in every year expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the aggregate to more than \$500.

5 Cf. 1935, No. 38, s. 20

**23. Contracts of Board**—(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.

10 (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 2 members of the Board on behalf of and by the direction of the Board.

15 (3) Any contract which, if made between private persons, may be made orally without writing may be similarly made by or on behalf of the Board by any 2 members acting by the direction of the Board, but no oral contract shall be made involving the payment by the Board of a sum exceeding \$200.

20 (4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided in those provisions, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board, either in relation to contracts  
25 generally or in relation to that particular contract.

Cf. 1935, No. 38, s. 21

**24. Borrowing powers**—With the prior consent in writing of the Minister of Finance, the Board may borrow money from the Crown, from any local authority or public body,  
30 or from any person, and for the purpose of securing that money, may mortgage, charge, or pledge any right, title, estate, or interest in any of its property.

Cf. 1935, No. 38, s. 21

**25. Fees and travelling allowances**—(1) The Board and  
35 the Tribunal are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Board and of the Tribunal remuneration by way of fees, salary, or allowances and travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 5

Cf. 1935, No. 38, s. 4A; 1951, No. 79, s. 10 (1)

**26. Audit of Board's Accounts**—(1) The Board shall keep full and correct accounts of all money received and expended by it, and the accounts shall be audited by the Audit Office, which for this purpose shall have and may exercise all the powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of the accounts of local authorities. 10

(2) The Board shall, as soon as practicable after the end of each financial year ending with the 30th day of September, cause to be prepared a balance sheet and an income and expenditure account for that year and a statement of source and application of funds. 15

Cf. 1935, No. 38, s. 22

**27. Annual report**—(1) The Board shall furnish to the Minister a report of its proceedings and operations for each financial year, together with a copy of its audited accounts for that year, as soon as practicable after these accounts have been audited by the Audit Office. 20

(2) A copy of the report and the audited accounts shall be laid before Parliament as soon as practicable after their receipt by the Minister. 25

**28. Staff of Board and Tribunal**—(1) The Board may from time to time appoint such officers and employees, including acting or temporary or casual officers and employees, as it considers necessary for the efficient exercise of its powers and functions, and may at any time remove any officer or employee from his office or employment. 30

(2) The Board may from time to time, on the request of the Tribunal, appoint such officers and employees, including acting or temporary or casual officers and employees, as the Board considers necessary for the efficient exercise of the powers and functions of the Tribunal, and may at any time, whether or not at the request of the Tribunal, remove any officer or employee from his office or employment. 35 40

(3) Any person in the service of the Crown may be appointed as an officer or employee under subsection (1) or subsection (2) of this section:

5 Provided that no such person shall accept such appointment and be entitled to retain his position as a servant of the Crown except—

(a) In the case of a person subject to Part III of the State Services Act 1962, with the consent of the State Services Commission; and

10 (b) In any other case, with the consent of the Minister to whose control he is subject.

(4) The Board may, out of its funds, subsidise any fund or scheme established, with the approval of the Minister, for the purpose of providing superannuation or retiring allow-  
15 ances for the officers and employees appointed under this section.

Cf. 1935, No. 38, s. 11; 1935, No. 41, s. 37 (1) (f), (2)

20 **29. Members' Interests**—Part II of the First Schedule to the Local Authorities (Members' Interests) Act 1968 is hereby amended by inserting, in their appropriate alphabetical order, the following items:

"The Tobacco Board		1973, No. <u>00</u> —The Tobacco Growing Industry Act 1973.
"The Tobacco Quota Appeals Tribunal		1973, No. <u>00</u> —The Tobacco Growing Industry Act 1973."

25 **30. Members of Board or Tribunal not personally liable for its acts**—No member of the Board or of the Tribunal shall be personally liable for any act or default done or made by the Board or by the Tribunal or by any member thereof in good faith in the course of the operations of the Board or the Tribunal.

Cf. 1935, No. 38, s. 23

## PART II

30

### LICENCES AND QUOTAS

**31. Tobacco not to be grown without licence**—(1) Subject to subsection (2) of this section, no tobacco shall be grown on any land in New Zealand by any person except in accordance with a licence in force under this Act in respect of that  
35 land and that person.

(2) This section shall not apply with respect to the growing of any tobacco by any person on his own land if and so long as no tobacco grown by him is manufactured or intended to be manufactured (except by him for the use of himself and the members of his family residing with him, and not for sale to any other person), or is sold or intended to be sold to any other person. 5

(3) If any tobacco is grown in contravention of this section, the grower of the tobacco, and every other person who aids, assists, or is concerned in the growing thereof,— 10

- (a) Shall be liable on summary conviction to a fine not exceeding \$500 and to a further fine of the value of the tobacco; and
- (b) Shall be liable on summary conviction to a fine not exceeding \$50 for every day on which the offence is continued after a conviction under paragraph (a) of this subsection. 15

Cf. 1935, No. 38, s. 12

**32. Grant of licences—**(1) On application in the prescribed manner by any person, and on payment of the prescribed fee (if any), the Committee may, subject to this Act and any regulations made thereunder, grant to that person a licence authorising him to grow tobacco in accordance with this Act. 20

(2) In exercising its functions under this section the Committee shall not unreasonably refuse a licence to an applicant who it is satisfied was the holder of a licence granted under the Tobacco Growing Industry Act 1935, and in force at the commencement of this Act. 25

(3) Every licence granted under this section shall specify— 30

- (a) The name of the licensee; and
- (b) The land on which the tobacco is to be grown; and
- (c) The basic quota of tobacco leaf determined by the Committee as applicable to that land.

(4) Every licence granted under this section shall apply only in respect of tobacco grown— 35

- (a) Subject to section 33 of this Act, by the licensee specified in the licence; and
- (b) On the land specified in the licence,— 40  
and no tobacco leaf grown by any licensee on any land other than the land specified in his licence shall form part of his basic quota or adjusted quota.

(5) It shall be a condition of every licence granted under this section that the licensee, in the growing of quota leaf, use only those insecticides, sprays, or other materials for the control of insects, disease, pests, weeds, or suckers as shall  
5 from time to time be approved and published by the Board on the recommendation of the Tobacco Research Committee.

(6) Every licence granted under this section shall continue in force in respect of the land specified in the licence until it is surrendered by the licensee or revoked under this Act:  
10 Provided that the Committee may, in special circumstances, grant a limited licence for a specified period only.

Cf. 1935, No. 38, s. 13

**33. Transfer of licence—**(1) With the prior approval in writing of the Committee, a licence granted under section 32  
15 of this Act in respect of any land may be transferred to any person and shall continue in force in respect of that land as if the licence had been granted to that person in respect of that land.

(2) The approval of the Committee to the transfer of a  
20 licence pursuant to subsection (1) of this section shall not be unreasonably withheld.

**34. Application for increase in basic quota—**(1) Any licensee who desires an increase in his basic quota may apply to the Committee for an increase in that quota.

25 (2) The application shall be made in the prescribed form and in the prescribed manner to the Chairman of the Committee.

(3) Upon consideration of any application so made the  
Committee may—

- 30 (a) Refuse the application; or  
(b) Grant the application by increasing the basic quota by such amount as it thinks fit; or  
(c) Defer final consideration of the application until further  
35 information has been received, either from the applicant or from any other person.

**35. Revocation of licences and reduction of basic quotas—**

- (1) Where the Committee is satisfied that a licensee—  
40 (a) Has failed for 3 successive seasons to plant a sufficient acreage of tobacco to produce his basic quota or adjusted quota, whichever is the less; or



- (b) Has failed for 4 successive seasons to produce his adjusted quota; or
- (c) Has been granted a licence erroneously in consequence of any false document, statement, or representation; or
- (d) Has been convicted of any offence against this Act, or has committed a breach of any condition of his licence—

5

the Committee may by notice call upon the licensee to show cause within the time specified in the notice (not being less than 28 days after the date of the notice) why the Committee should not—

10

- (a) Revoke his licence; or
- (b) Reduce the amount of his basic quota by such amount as is specified in the notice.

15

(2) Where the licensee fails to show cause within the time specified in the notice, or within any extension of time which the Committee, in its discretion, may allow, the Committee may revoke his licence or reduce his basic quota by the amount specified in the notice.

20

(3) Where the licensee shows cause why the Committee should not revoke his licence, the Committee may, if it thinks fit, reduce his basic quota by such amount as it thinks equitable.

(4) Where the licensee shows cause why the Committee should not reduce his basic quota by the amount specified in the notice, the Committee may, if it thinks fit, reduce his basic quota by such lesser amount as it thinks equitable.

25

**36. Appeals—**(1) Any person who is aggrieved by a decision of the Committee upon an application made by him under section 32, section 33 or section 34 of this Act, or by a decision revoking his licence or reducing his basic quota, may appeal against the decision to the Tribunal.

30

(2) An appeal under this section shall be limited to one or more of the following grounds:

- (a) That the decision of the Committee was reached in contravention of the provisions of this Act:
- (b) That the decision of the Committee would cause severe personal hardship to the appellant:
- (c) That, in relation to the revocation of a licence or a reduction in a basic quota, the Committee has not acted in an equitable manner.

35

40

(3) Every appeal brought under this section shall be made in the prescribed form and in the prescribed manner.

(4) The Tribunal shall determine every appeal and may by its decision confirm, vary, or reverse the decision of the Committee.

(5) The decision of the Tribunal on every appeal to which  
5 this section relates shall be final and conclusive.

**37. Manufacturers to inform Board of leaf requirements—**

(1) On or before the 1st day of June in each year, every manufacturer shall furnish to the Board a written specification of its requirements of quota leaf to be produced in  
10 New Zealand for the season commencing on the next succeeding 15th day of August. Any manufacturer having no such requirements shall furnish to the Board a written statement to that effect on or before the said 1st day of June.

(2) On or before the 1st day of June in each year every  
15 manufacturer shall furnish to the Board a written specification of its anticipated requirements of quota leaf to be produced in New Zealand for the 2 seasons following the season in respect of which requirements are to be specified under subsection (1) of this section. Any manufacturer having  
20 no such anticipated requirements shall furnish to the Board a written statement to that effect on or before the said 1st day of June.

(3) Each manufacturer shall be obliged to purchase the quantity of quota leaf specified by it under subsection (1)  
25 of this section in the season to which it relates, such purchases to be made exclusively from those licensees whose adjusted quotas are allocated to it under section 41 of this Act:

Provided that—

30 (a) Where there is a shortfall in relation to any of the adjusted quotas allocated to a manufacturer, that manufacturer shall be required to purchase any over-quota leaf allocated to it by the Board under section 45 of this Act for the purpose of wholly or partially  
35 covering that shortfall, whether or not the licensee or licensees producing that over-quota leaf are persons whose adjusted quotas have been allocated to that manufacturer:

40 (b) Where the amount of quota leaf or over-quota leaf available for purchase by any manufacturer be less than the amount specified by the manufacturer under subsection (1) of this section, the amount

specified under that subsection shall be deemed to be reduced to that lesser amount for the purpose of this subsection.

(4) Every manufacturer who fails without reasonable excuse to comply with any of the foregoing provisions of this section commits an offence, and is liable on conviction on indictment to a fine not exceeding \$20,000. 5

**38. Board to determine the national tobacco quota**—Before the 1st day of July in each year the Board shall determine the national tobacco quota for the season commencing on the next succeeding 15th day of August, which quota shall represent the total of the quantities of quota leaf specified by manufacturers under subsection (1) of section 37 of this Act. 10

**39. Committee to determine adjusted quotas**—(1) On or before the 31st day of October in each season the Committee shall determine, in relation to each licensee, an adjusted quota for that season. 15

(2) The adjusted quota of each licensee shall be determined by taking into consideration— 20

(a) His basic quota; and

(b) The national tobacco quota for that season.

**40. Licensees to nominate manufacturers**—(1) On or before the 1st day of July in each year every licensee shall forward to the Board in writing the name of the manufacturer to which he desires his adjusted quota to be allocated for the season commencing on the next succeeding 15th day of August. 25

(2) The statement required by subsection (1) of this section shall also include the names, in descending order of preference, of other manufacturers to which the licensee desires his adjusted quota to be allocated in the event of its non-allocation to the manufacturer referred to in subsection (1) of this section. 30

**41. Allocation of quotas**—(1) On or before the 31st day of March in every season the Board shall allocate each adjusted quota to a manufacturer in such a manner as to assure as far as possible that the total of the adjusted quotas 35

allocated to each manufacturer corresponds with that manufacturer's requirements as specified under subsection (1) of section 37 of this Act:

5 Provided that the Board shall not allocate to any manufacturer adjusted quotas the total of which exceeds the requirement specified by that manufacturer under the said subsection.

(2) The Board shall endeavour but be under no duty to allocate adjusted quotas to those manufacturers named by  
10 licensees under subsection (1) of section 40 of this Act.

**42. Classification of quota leaf**—(1) Prior to the purchase of any quota leaf by any manufacturer or its representative, the leaf shall be classified, in accordance with the Schedule of Standard Grades approved by the Board, by persons  
15 appointed by the Minister on the advice of the Board.

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

**43. Price of quota leaf**—(1) The minimum price of each grade of tobacco leaf within the Schedule of Standard  
20 Grades shall be fixed by the Minister after consultation with the Board and the prices so fixed shall remain operative until altered by the Minister after consultation with the Board.

(2) Notwithstanding subsection (1) of this section the average price per pound of all quota leaf produced in New  
25 Zealand in any season shall not fall below the seasonal average price.

(3) Subject to subsection (4) of this section, the seasonal average price for each season shall be determined by the Minister after consultation with the Board, and the Minister  
30 shall cause notice thereof to be published in the *Gazette* prior to the 15th day of April in each season.

(4) The seasonal average price for each season shall not be determined at a figure lower than the average cost of production per pound plus an adequate remuneration for  
35 the growers' investment, labour, and skill.

(5) Nothing in the Control of Prices Act 1947 shall be construed to affect the exercise of the powers conferred by this section.

**44. Payment for quota leaf**—A manufacturer shall make payment to the licensee or his nominee within 14 days of the purchase of quota leaf by the manufacturer from the licensee.

**45. Over-quota and non-quota tobacco leaf**—(1) Where any licensee produces in any season any over-quota leaf, the Board shall— 5

(a) Allocate such over-quota leaf to cover any shortfall, and in making such allocation the Board shall not be obliged to allocate the over-quota leaf to the manufacturer to which the adjusted quota of that licensee has been allocated: 10

(b) In the case of over-quota leaf in excess of the national tobacco quota, make such leaf available for purchase by manufacturers or other persons in accordance with conditions of sale determined by it. 15

(2) Should any licensee produce in any season any non-quota leaf the Board shall make such leaf available for purchase by manufacturers or other persons in accordance with conditions of sale determined by it. 20

### PART III

#### MISCELLANEOUS PROVISIONS

**46. Offences and penalties**—(1) Every person commits an offence against this Act who—

(a) Obstructs or impedes, or attempts to obstruct or impede, the Board, the Committee, or the Tribunal, or any officer, servant, or agent of the Board or of the Tribunal, in exercising any of the functions, powers, authorities, or duties vested in or conferred on the Board, the Committee, or the Tribunal by this Act: 25 30

(b) Fails to comply with any condition attached to a licence under this Act.

(2) Every person who commits an offence against this Act for which no penalty is provided except in this section shall be liable on summary conviction to a fine not exceeding \$500, and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence is continued. 35 40

**47. Provision for transfer of powers of Board to Minister of Agriculture and Fisheries**—Sections 7 and 8 of the Agriculture (Emergency Powers) Act 1934 are hereby extended to apply with respect to the Board as if the Board and this  
5 Act had been referred to in subsection (1) of the said section 7.

Cf. 1935, No. 38, s. 25

- 48. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations—
- 10 (a) Prescribing forms of applications and of licences, and such other forms as may be required for the purposes of this Act:
  - (b) Prescribing fees to be paid in respect of applications under this Act and in respect of the granting of  
15 licences thereunder:
  - (c) Prescribing the criteria upon which applications for the granting of licences and the transfer of licences are to be determined:
  - (d) Prescribing the criteria upon which the basic quota  
20 applicable to any land is to be determined:
  - (e) Prescribing conditions upon which licences may be granted and conditions to be attached to licences granted under this Act:
  - 25 (f) Prescribing the methods to be adopted in the collection of the levies that may be imposed on tobacco under this Act:
  - (g) Providing for the insurance of growers against loss or damage to tobacco crops and prescribing conditions in respect of any insurance scheme in force  
30 under the regulations:
  - (h) Prescribing the conditions upon which the tobacco leaf produced in New Zealand may be exported or made available for export:
  - 35 (i) Prescribing the compilation, and issue to and use by growers, of standard forms of farm working accounts and balance sheets:
  - (j) Prescribing purposes for which the money of the Board may be expended:
  - 40 (k) Prescribing offences against the regulations; and prescribing penalties for such offences not exceeding a fine of \$200 and, in the case of a continuing offence, a further fine of \$20 for every day on which the offence is continued:

- (1) For any other purposes for which regulations are contemplated by or may be required to give effect to this Act.

Cf. 1935, No. 38, s. 26; 1965, No. 12, s. 6

**49. Repeals and savings—**(1) The enactments specified in the Schedule to this Act are hereby repealed. 5

(2) Without limiting the Acts Interpretation Act 1924, the provisions hereby repealed shall continue to apply for all purposes whatsoever in respect of licences and warrants in relation to the growing of tobacco in the season ending on the 14th day of August 1974. 10

**50. Transitional provisions—**(1) Notwithstanding any other provision of this Act, the first persons to hold office on the Board as the 3 growers' representatives under paragraph (c) of subsection (1) of section 4 of this Act (such growers' representatives hereinafter in this subsection being referred to as the new members) shall, instead of being elected by the growers, be appointed by the Minister by notice in the *Gazette* in accordance with the following provisions: 15

(a) The Minister shall consult the growers' representatives holding office on the Board as growers' representatives under the former Act (such growers' representatives hereinafter in this subsection being referred to as the old members) with regard to the persons to be appointed as the new members, and, so far as the old members are willing to be appointed, shall appoint the new members from amongst the old members: 20

(b) The terms of office of the 3 new members shall be as follows: 30

(i) One shall be appointed for a term ending on the expiration of the 14th day of August 1974:

(ii) One shall be appointed for a term ending on the expiration of the 14th day of August 1975: 35

(iii) One shall be appointed for a term ending on the expiration of the 14th day of August 1976.

(2) Every person appointed by the Minister under subsection (1) of this section shall be deemed for the purposes of this Act to have been elected to the Board. 40

(3) Notwithstanding any other provision of this Act, the first persons to hold office on the Board as the 3 manufacturers' representatives under paragraph (d) of subsection (1) of section 4 of this Act (such manufacturers' representatives

5 hereinafter in this subsection being referred to as the new members) shall be appointed by the Minister by notice in the *Gazette* in accordance with the following provisions:

(a) The Minister shall consult the manufacturers' representatives holding office on the Board as manufacturers' representatives under the former Act (such manufacturers' representatives hereinafter in this subsection being referred to as the old members) with regard to the persons to be appointed as the new members, and, so far as the old members are willing to be appointed, shall appoint the new members from amongst the old members:

(b) The terms of office of the 3 new members shall be as follows:

(i) One shall be appointed for a term ending on the expiration of the 14th day of August 1974:

(ii) One shall be appointed for a term ending on the expiration of the 14th day of August 1975:

(iii) One shall be appointed for a term ending on the expiration of the 14th day of August 1976.

## SCHEDULE

Section 49 (1)

### ENACTMENTS REPEALED

- 1935, No. 38—The Tobacco Growing Industry Act 1935. (1957 Reprint, Vol. 15, p. 635.)
- 1935, No. 41—The Finance Act (No. 2) 1935: Section 37 (1) (f). (1957 Reprint, Vol. 15, p. 648.)
- 1951, No. 36—The Tobacco Growing Industry Amendment Act 1951. (1957 Reprint, Vol. 15, p. 648.)
- 1951, No. 79—The Fees and Travelling Allowances Act 1951: So much of the First Schedule as relates to the Tobacco Board and so much of the Second Schedule as relates to the Tobacco Growing Industry Act 1935. (1957 Reprint, Vol. 4, p. 853.)
- 1965, No. 12—The Tobacco Growing Industry Amendment Act 1965.
- 1967, No. 120—The Tobacco Growing Industry Amendment Act 1967.