

“27. Notwithstanding anything to the contrary in the foregoing provisions of this Act, neither the Export Control Board nor any Local Control Board shall exercise any powers under this Act with respect to the sale of any fruit if the Board is satisfied that there is subsisting a *bona fide* contract or arrangement for the purchase and sale of that fruit made before the passing of this Act.

“28. All moneys received by a Board by way of levy under Part III hereof, or in respect of the sale of fruit, or otherwise howsoever, shall be paid by the Board into a separate account at a bank to be approved by the Minister of Finance, and shall be applied by the Board as follows:—

“(a.) In payment of the expenses, commission, and other charges incurred by the Board or for which the Board may become liable in the course of its business:

“(b.) In payment of the salaries and wages of officers and servants of the Board:

“(c.) In payment of travelling-allowances, fees, or other remuneration to members of the Board or to its overseas agents (not being persons permanently employed in the service of the Government).”

Now, apparently, there are three lots of payments to be made before the fruitgrowers can get even a small amount of money. Then, subclauses (d) (e) and (f) of the Bill provide—

“(d.) In payment of advances made by the Board to the owners of any fruit on account of the price of that fruit:

“(e.) 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 on its operations under this Act:

“(f.) In payment of the balance to the owners of the fruit controlled by the Board in proportions to be determined by the Board having regard to the quantity and quality of the fruit disposed of by it on account of the several owners and the respective costs and charges involved in the disposal thereof.”

That, to my mind, means absolute pooling; and I submit that there is no other meaning that can be taken out of that at all. As I say, it means pooling the whole of the fruit. For instance, supposing there was a lot of fruit produced in New Zealand that was not of very good quality, it would mean that that fruit would be pooled with the best quality of fruit from another district, and that would be detrimental to the man who had the foresight to select good land for the production of fruit. All the fruit would be pooled with unsuitable sizes and undersizes, and that would be of no use to the fruitgrower who is endeavouring to produce a good-quality article. He might just as well be a machine. Then, clause 30 of the Bill goes on to provide—

“30. (1.) Every Board in its corporate capacity shall in all its operations under this Act be deemed to be the agent of the owners of all fruit of which the Board has assumed control, and the mutual rights, obligations, and liabilities of the Board and the several owners shall accordingly be determined in accordance with the law governing the relations between principals and agents; save that nothing herein shall be construed to limit the power of the Board to exercise without the authority of the owner of any such fruit any power with respect to such fruit that may expressly or by implication be conferred on the Board by or by virtue of this Act.”

That means, I take it, that the Board would be in exactly the same position as an auctioneer: that is to say, when you put your fruit into the auctioneer's rooms it is at your own risk—no liability attaches to the auctioneer whatever; but you can go into his rooms and determine when the fruit may be sold, either to-day, to-morrow, or next week, according to how the fruit is keeping; and, as I say, you will be responsible for that fruit. The Board, according to the Bill, incurs no liability, and you do not dare to say a word, and if you do you incur a penalty of £50. That may be all right in the case of an article that does not perish, but in the case of fruit it depreciates in a week. I submit that the grower himself is the only person who can determine when the fruit is to be sold and how it is to be sold. I may say that the fruitgrowers in my district are not millionaires, and they have to sell their fruit according to circumstances: that is to say, perhaps they may want some cash right away and they must have it, and the first thing they do is to look at the fruit, and they say, “I must sell some apples to get some money”; or, on the other hand, they can see that the fruit will not keep any longer. According to the Bill, if it were brought into law, they would not be able to do that, because there is a lot of machinery procedure to go through: for instance, there would be the local control to deal with, and, in turn, they would have to get in touch with the control in Wellington who determines what quantity is to be allowed to be sold at one time. As a matter of fact, they decide on what is to be done, and perhaps by that time the fruit may be rotten. I submit also that the Board could not handle thousands and thousands of cases of fruit in New Zealand under the one control system—it could not be done. There must be individual efforts in this matter. Every individual grower must have his individual effort concentrated on his particular orchard. Orchards do not pay, as a rule, and that is the reason why, in my opinion, this Bill is brought forward—that is to say, to assist those people who have orchards at places which are situated a good distance away from the markets and in unsuitable localities—no judgment having been used in the matter at all—and now they find themselves in an awful hole, and expect the whole of New Zealand to help them out of their difficulties by pooling their fruit with that of more favoured districts. Why, the whole thing is so ridiculous that I cannot see how one could explain it any more than I have done so far as the Bill is concerned. According to the Bill, the moment the fruit is ready to be picked it is not yours—it is somebody else's—that is, it belongs to the Board to do what they like with it, and there is no redress whatever. You cannot market the fruit when you desire, and consequently it means there is no way of getting any money to carry on your business if it is necessary. To my mind it is impossible for a Board of this description to be worked satisfactorily so far as orchards are concerned—that is, so far as the Bill is concerned. There is another clause in the Bill that does not appear to me to be very clear, and that being the case I obtained an opinion from Mr. Harper, solicitor, of