

## NEW ZEALAND INSTITUTE OF HORTICULTURE BILL.

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### EXPLANATORY MEMORANDUM.

THE purpose of this Bill is to afford statutory recognition of certificates and diplomas in horticulture, to be issued, in accordance with its rules, by the New Zealand Institute of Horticulture (Incorporated).

There is, of course, no legal obstacle to the issue of such certificates and diplomas without specific statutory authority, but their value is likely to be enhanced by the fact that they are issued after examination in accordance with a scheme approved by the Governor-General in Council. The Bill empowers the Governor-General to approve such a scheme; certificates and diplomas issued in accordance therewith may bear on their face the words "Issued after examination in accordance with the New Zealand Institute of Horticulture Act, 1927," or words to the like effect.

The Bill also makes provision for the grant without examination of diplomas to persons engaged in the practice of horticulture, and to the holders of foreign certificates in horticulture. A right of appeal to the Minister of Agriculture is given from the refusal of the Institute to grant a diploma in any such case.

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
29th September, 1927.*

*Hon. Mr. Hawken.*

## NEW ZEALAND INSTITUTE OF HORTICULTURE.

### ANALYSIS.

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### A BILL INTITULED

AN ACT to make Provision for the Grant of Certificates and Diplomas in Horticulture by the New Zealand Institute of Horticulture (Incorporated). Title.

- 5 WHEREAS the New Zealand Institute of Horticulture (Incorporated) is a society incorporated under the Incorporated Societies Act, 1908, and having for its objects the following matters, namely:— Preamble.
- (a) To encourage, foster, and improve every branch of horticulture :
- 10 (b) To exercise all the powers and functions of a horticultural nomenclature and certificating Board, including the making of decisions and reports in regard to the nomenclature of plants, and to issue, in the name of the Institute, certificates, medals, or diplomas for novelties of merit or new varieties :
- 15 (c) To assist and promote horticultural education in every possible way :
- (d) To promote legislation having for its objects the advancement or protection of horticulture :
- 20 (e) To assist research work in connection with any or all branches of horticulture :
- (f) To endow or assist any Chair, lectureship, or horticultural teaching in New Zealand, in colleges, universities, or other educational institutions the Institute may decide upon :
- 25 (g) To promote the interchange of horticultural knowledge, and to co-operate with Governments, scientific or other societies or bodies, or persons in any part of the world who may be working along any or all of the lines covered by the objects of the Institute :

- (h) To undertake or assist in the introduction and acclimatization of any fruit-tree, flowering tree or plant, forest-tree, seeds, or other form of plant-life which, in the opinion of the Institute, should be introduced :
- (i) To establish, assist, or endow libraries, and to obtain, by purchase, exchange, or otherwise, books, papers, and other publications relating to any or all of the matters covered by the objects of the Institute : 5
- (j) To arrange for the carrying-out of work of " bud selection," the testing of new varieties of trees, plants, vegetables, and any and all things necessary to a better understanding of tree and plant life and the maintenance or improvement of the standard of such : 10
- (k) To arrange for the selection and breeding of any or all classes of trees and plants for testing, and for the supply of certificated propagating-material to nurserymen and others, on such terms as may be arranged : 15
- (l) To carry out, arrange for, or assist any object or objects which, in the opinion of the Dominion Council or of the executive of the Institute, come within the scope of horticulture in its widest sense (not excepting forestry or agriculture) : 20

And whereas, with a view to furthering the aforesaid objects, the Institute is desirous of conducting examinations in horticulture and allied subjects, and of issuing certificates and diplomas in horticulture to qualified persons : And whereas, in order that such certificates and diplomas may be issued only to persons who have given satisfactory proof of their qualifications, it is desirable that statutory authority to grant such certificates and diplomas should be conferred on the Institute, and that power be given to the Governor-General in Council to approve the conditions subject to which such certificates and diplomas should be granted : 25 30

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

Short Title.

1. This Act may be cited as the New Zealand Institute of Horticulture Act, 1927. 35

Interpretation.

2. In this Act—

“ The Institute ” means the New Zealand Institute of Horticulture (Incorporated), being a society incorporated under the Incorporated Societies Act, 1908 : 40

“ Rules ” means the rules of the Institute for the time being in force in accordance with the requirements of the Incorporated Societies Act, 1908.

Power to issue certificates and diplomas in horticulture.

3. The Institute may, in accordance with its rules, and subject to the provisions of this Act, conduct examinations in horticulture and subjects having relation thereto, and may grant such certificates and diplomas in horticulture as it thinks fit to persons qualified to receive the same. 45

Governor-General may approve scheme of examination.

4. (1) The Governor-General may by Order in Council approve any scheme of examination submitted by the Institute in relation to the conduct of examinations for the grant of certificates and diplomas under this Act. Such approval may at any time be in like manner withdrawn. 50

(2) Any scheme of examination approved as provided by this section may provide for the recognition of any examination conducted by any university or other institution (whether in New Zealand or elsewhere) as the equivalent of examination under the scheme, and on production by any candidate of evidence satisfactory to the Institute that he has passed any such examination the Institute may dispense in whole or in part with any examination under the scheme.

5. Every certificate or diploma granted in accordance with the foregoing provisions may bear on its face the words "Granted after examination in accordance with the requirements of the New Zealand Institute of Horticulture Act, 1927," or words to the like effect.

Form of certificate or diploma.

6. (1) Within the times limited by the *next succeeding* subsection, the Institute may, without examination, grant a diploma under this Act to any person not less than forty years of age who has practised horticulture for not less than twenty years, and who, in the opinion of the Institute, is qualified to receive such diploma; but no diploma granted under this section shall have printed or written thereon any words purporting to indicate that it has been granted after examination in accordance with this Act.

Institute may in certain cases grant diplomas without examination.

(2) A diploma under this section may be granted only within the times herein limited, namely:—

(a) In the case of a person resident in New Zealand on the date of the passing of this Act, within two years after that date:

(b) In the case of any other person, within two years after the date of his first becoming resident in New Zealand after the passing of this Act.

7. (1) The Institute may from time to time, in accordance with its rules, recognize any foreign certificate or diploma in horticulture as the equivalent of a certificate or diploma granted by the Institute under this Act, and may grant to the holder of any such certificate or diploma a certificate or diploma under this Act.

Institute may recognize foreign certificates and diplomas.

(2) Every certificate or diploma granted under this section shall bear on the face thereof words indicating that it has been granted to the holder of a recognized foreign certificate or diploma.

(3) For the purposes of this section the term "foreign certificate or diploma" means a certificate, diploma, or other like document (by whatever name known) granted by any university or other institution out of New Zealand to any person in respect of his attainments in horticulture.

8. (1) If the Institute refuses, on application duly made by any person, to grant a diploma under section *six* hereof, or a certificate or diploma under section *seven* hereof, or fails for a period of three months to dispose of any such application, the applicant may appeal to the Minister of Agriculture, who may, after making such inquiry into the matter as he thinks fit, decide whether or not a certificate or diploma, as the case may be, should be granted to the applicant.

Appeals from decision of Institute in certain cases.

(2) If in the opinion of the Minister the applicant is entitled to receive a certificate or diploma he shall inform the Institute accordingly, and thereupon the Institute shall reconsider the application and, having regard to the opinion expressed by the Minister, shall determine whether or not it will grant a certificate or diploma in terms of such application.

(3) The Institute may grant a diploma under this section to any person whom the Minister on appeal as aforesaid decides to be qualified to receive such diploma under subsection *one* of section *six* hereof, notwithstanding that the time limited by that section may have expired after the application for such diploma was received by the Institute, and whether before or after the date of the Minister's decision. 5

(4) If on any appeal under this section the Institute refuses or fails to grant a certificate or diploma in accordance with the Minister's decision the Minister may grant to the applicant a certificate in the prescribed form, to the effect that the holder of the certificate successfully appealed from the decision of the Institute and is, in the opinion of the Minister, possessed of the qualifications required for the grant by the Institute of a certificate or diploma, as the case may be, under this Act. 10

Regulations.

9. The Governor-General may from time to time, by Order in Council, make any regulations that may be required for the purpose of giving effect to this Act. 15