

Serial Number 1946/182



**THE APPLE AND PEAR MARKETING REGULATIONS 1942,
AMENDMENT NO. 1**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 30th day of
October, 1946

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Marketing Act, 1936, and the Agriculture (Emergency Powers) Act, 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Apple and Pear Marketing Regulations 1942, Amendment No. 1, and shall be read together with and deemed part of the Apple and Pear Marketing Regulations 1942* (hereinafter called the principal regulations).

2. Part 5 of the principal regulations is hereby revoked, and the following substituted :—

“ PART 5.—FRUIT MARKETING COUNCIL AND LOCAL COMMITTEES

“ 5 : 1. (1) For the purposes of these regulations there may be appointed as hereinafter provided a Council, to be known as the Fruit Marketing Council.

“ (2) The functions of the Council shall be to assist the Department in directing and controlling the marketing of apples and pears and in determining the amounts which are to be paid to producers.

“ (3) The Council shall consist of ten persons, of whom—

“ (a) Five shall be appointed annually for a term of one year by the Minister as his nominees :

“ (b) Five shall be elected by the producers as their representatives in such manner and for such terms, not exceeding three years, as the Minister may approve or prescribe.

“ (4) Every vacancy on the Council shall be filled for the unexpired term of the member whose seat has become vacant—

“ (a) In the case of a nominee of the Minister, by the appointment of a fresh nominee ; or

“ (b) In the case of a representative of the producers, by election by the producers in such manner as the Minister shall approve or prescribe.

* Statutory Regulations 1942, Serial number 1942/314 page 767.

“(5) Every appointment of a nominee of the Minister shall be made by an instrument under the hand of the Minister, and notice thereof shall be published in the *Gazette*, and shall take effect on the day of the date of such instrument, or such later date as may be stated therein.

“(6) The result of every election held under this regulation shall be published in the *Gazette*.

“(7) The persons holding office at the date of coming into force of these regulations as members of the Fruit Marketing Council heretofore set up shall, until appointments have been made and elections held pursuant to these regulations, be deemed, without further appointment or election, to have been appointed or elected members of the Fruit Marketing Council for the purposes of these regulations.

“(8) All acts of the persons holding office as aforesaid at the date of coming into force of these regulations shall have the same validity as if they had been the acts of the Fruit Marketing Council under these regulations.

“(9) One of the members of the Council shall be appointed by the Minister to be the Chairman thereof.

“5 : 2. (1) There may be appointed in respect of each of such fruitgrowing areas, as the Council may designate and determine, a local committee.

“(2) Each local committee shall consist of such number of members as may be determined by the Council, and the members shall hold office for such period, not exceeding one year, as the Minister may determine.

“(3) The members of each local committee, including members to fill casual vacancies, shall be appointed by the Minister.

“(4) Each committee shall choose its own chairman.

“(5) Any persons appointed by the Minister since the 1st day of January, 1944, to be members of any local committee heretofore set up shall be deemed to have been validly appointed, and those persons in office at the commencement of these regulations shall be deemed, without further appointment, to be members of the local committee which may be appointed pursuant to this regulation in respect of the same area.

“(6) Each local committee shall have exclusive functions within its own area to implement the policy and directions of the Council upon all matters affecting the producers in its area.

“5 : 3. (1) No business shall be transacted or proceeded with at any meeting of the Council or of a local committee at any time when the number of members present does not equal or exceed the number of members absent, and a quorum shall be determined accordingly. The total number of members shall be deemed to be the actual number, not counting casual vacancies.

“(2) The Chairman of the Council or the local committee, as the case may be, shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

“5 : 4. (1) There may be paid to each member of the Council, not being an officer of the Public Service, an honorarium of £150 per annum and a subsistence allowance not exceeding 12s. 6d. as may be considered reasonable by the Minister for each half-day or part of a half-day on which he is absent from his usual place of residence and on which he is engaged on the business of the Council.

“(2) There may be paid to each member of the Council all locomotion expenses actually and reasonably incurred by him in attending meetings of the Council or at any place on the business of the Council, including the provision of first-class accommodation by boat, train, service car, aeroplane, or motor-vehicle; and including the provision of deck cabins on boats and sleeping-berths on trains.

“5:5. (1) There may be paid to each member of any local committee appointed under these regulations, not being an officer of the Public Service, a subsistence allowance not exceeding 12s. 6d. as may be considered reasonable by the Minister for each half-day or part of a half-day on which he is absent from his usual place of residence and on which he is engaged on the business of the committee.

“(2) There may be paid to each member of a local committee locomotion expenses actually and reasonably incurred by him in attending meetings of the committee or in attending with the approval of the Council at any place on the business of the committee, including the provision of first-class accommodation by boat, train, service car, aeroplane, or motor-vehicle; and including the provision of deck cabins and sleeping-berths on trains.

“5:6. Where no public conveyance is reasonably available and a private motor-car has been used by any member of the Council or of a local committee, the member shall be entitled to a mileage-allowance, computed by the shortest practicable route, at the rate of 5d. a mile where the horse-power of the car does not exceed $9\frac{1}{2}$, $5\frac{3}{4}$ d. a mile where the horse-power of the car does not exceed $14\frac{1}{2}$, and $6\frac{1}{4}$ d. a mile where the horse-power of the car exceeds $14\frac{1}{2}$.

“5:7. (1) No locomotion expenses or subsistence allowance shall be paid in respect of any period or occasion in respect of which payments of a similar nature are made to a member of the Council or of a local committee by any person, firm, company, or body corporate, including any private trust, or from any other person or public or administrative body.

“(2) Nothing contained in the clause (1) of this regulation shall prevent the Department from making or receiving payments to or from any person, firm, company, or body corporate by way of apportionment of fees, expenses, or allowances payable to any member engaged both upon the business of the Council or local committee, and also on the business of such person, firm, company, or body corporate.

“5:8. All payments of fees, allowances, and expenses heretofore made to persons holding office at the date of coming into force of these regulations as members of the Fruit Marketing Council or a local committee heretofore set up, or who have at any time held such office, shall be deemed to have been as validly made.”

W. O. HARVEY,
Clerk of the Executive Council.