

Serial Number **1950/205**

**THE CANTERBURY RASPBERRY MARKETING
REGULATIONS 1950**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 22nd day of
November, 1950

Present :

THE RIGHT HON. S. G. HOLLAND PRESIDING 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 Canterbury Raspberry Marketing Regulations 1950.

2. In these regulations, unless the context otherwise requires,—

“ Committee ” means the Canterbury Raspberry Marketing Committee established by these regulations :

“ District ” means all that part of the Provincial District of Canterbury north of the southern boundary of the County of Ashburton :

“ Manufacturer ” means a person who purchases raspberries for the manufacture of a fruit product for sale :

“ Minister ” means the Minister of Marketing :

“ Producer ” means the occupier of any land within the district used for the growing of raspberry plants for the production on that land of raspberries for sale to a manufacturer or to a reseller :

“ Purchase ” includes a contract for purchase, agreement to purchase, and offer to purchase :

“ Raspberries ” means the fruit of the raspberry plant :

“ Reseller ”, in relation to the sale of any raspberries, means a person who buys any such raspberries for the purpose of resale :

“ Sale ” and “ purchase ” include barter and exchange, and “ to sell ” and “ to purchase ” have corresponding meanings :

“ Sale ” includes a contract for sale, agreement to sell, and offer for sale.

3. These regulations shall apply to every sale and purchase of raspberries except—

(a) A sale or purchase of raspberries which have been harvested from raspberry plants grown elsewhere than in the district, whether or not any such sale or purchase is made within that district ; or

(b) A sale or purchase of raspberries which have been harvested from raspberry plants grown in the district if any such sale is made otherwise than to a manufacturer or a reseller or if any such purchase is made otherwise than by a manufacturer or a reseller.

4. (1) There is hereby established a Committee, to be known as the Canterbury Raspberry Marketing Committee, which shall consist of five persons to be appointed by the Minister of whom—

(a) One person shall be appointed as the representative of the Government.

(b) Four persons shall be appointed as representatives of producers in the district.

(2) The first persons appointed under paragraph (b) of subclause (1) of this regulation shall hold office until their successors shall be elected in accordance with these regulations.

(3) The Committee shall be deemed to be a constituent Committee within the meaning of the Raspberry Marketing Regulations 1950.

5. Every appointment by the Minister of a member of the Committee shall be made by notification under the hand of the Minister published in the *Gazette*, and shall take effect on the date of notification or such later date as may be stated therein.

6. (1) Every person appointed as a Government representative under regulation 4 hereof shall hold office during the pleasure of the Minister.

(2) If any person appointed as Government representative aforesaid is unable to attend any meeting of the Committee, he may, by writing under his hand, authorize any person to attend any such meeting in his stead, and that person shall, for all the purposes of that meeting, be deemed to be the Government representative on the Committee.

7. (1) The first members of the Committee, other than the Government representative, shall be appointed by the Minister to hold office until the date of the first annual election of the Committee, and thereafter their successors shall be elected in accordance with these regulations.

(2) Except as provided in subclause (1) of this regulation and in regulation 9 hereof, every person appointed as a representative of producers shall hold office until his successor comes into office.

(3) Any person appointed as a representative of producers may from time to time be reappointed.

8. If any member of the Committee—

(a) Dies; or

(b) Resigns his office by writing under his hand delivered to the Chairman of the Committee; or

(c) Becomes incapable of being or remaining a member of the Committee on any ground on which if he were a Councillor of a County Council he would be incapable of being or remaining a Councillor by virtue of paragraphs (c) to (f) of subsection (1) of section 62 of the Counties Act, 1920; or

(d) Is absent without leave from three consecutive meetings of the Committee,—

he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy.

9. If no person is nominated as a candidate for an election, or if upon an election no person is returned, or if fewer persons are nominated or returned than there are vacancies to be filled, any vacancy remaining unfilled shall be deemed to be a casual vacancy occurring at the time appointed for the closing of the nominations or, as the case may be, of the poll.

10. (1) In the case of a casual vacancy, the vacancy shall be filled by the appointment of some person made in the same manner as the appointment of the vacating member.

(2) The person appointed to fill a casual vacancy shall be appointed for the residue of the term for which the vacating member was appointed.

11. (1) The first meeting of the Committee shall be held at a time and place to be appointed in that behalf by the Minister and notified by him to the members of the Committee.

(2) At the first meeting the Committee shall appoint one of its members to be the Chairman of the Committee.

(3) Except as provided in clause (1) of this regulation, meetings of the Committee shall be held at such times and places as the Committee shall from time to time appoint.

(4) The Minister may at any time appoint and notify a place and time for holding a meeting of the Committee.

12. (1) The Chairman shall preside at every meeting of the Committee at which he is present. In the absence of the Chairman from any meeting of the Committee the members present shall select one of their number to be the Chairman of that meeting.

(2) At all meetings of the Committee three members shall form a quorum.

(3) The Chairman at any meeting of the Committee may exercise a deliberative and a casting vote.

13. The powers of the Committee shall not be affected by any vacancy in the membership thereof, nor shall the proceedings of the Committee be invalidated by reason only of the subsequent discovery that some defect existed in the appointment of any member or that any person acting as a member was not validly a member thereof.

14. Subject to the foregoing provisions of these regulations, the Committee may make such arrangements as it thinks fit for the holding of Committee meetings, the procedure thereat, and generally for the conduct of its business and the exercise of its functions.

15. The Committee shall cause a copy of the minutes of every meeting of the Committee to be furnished to the Minister.

16. (1) The Committee shall appoint some fit person to act as Secretary of the Committee, and it shall be the duty of the Secretary to keep all the necessary records and books of account and to perform all incidental clerical duties connected with the operations of the Committee.

(2) The Committee may appoint such other officers as it deems necessary for the efficient carrying out of its powers and functions under these regulations.

(3) Any officer of the Committee appointed pursuant to this regulation shall be paid such remuneration as the Committee in its discretion decides.

17. The functions of the Committee shall be to regulate and control in such manner as it thinks fit (but subject to the prior approval of the Minister on all matters of marketing policy as communicated to it from time to time) the marketing of raspberries to which these regulations apply.

18. Without limiting the generality of the powers and functions conferred on the Committee by regulation 17 hereof, the Committee shall, with the prior approval of the Minister on all matters of marketing policy, have authority to make such arrangements and give such directions as are necessary or required in respect of the following matters:—

- (a) For the sale and disposal of raspberries to which these regulations apply, on such terms as it thinks advisable:
- (b) For the fixing of quotas for supplies to manufacturers and resellers:
- (c) For the promotion by way of subsidy or otherwise of experimental or investigational work in relation to the raspberry production industry, and generally for such other matters as are incidental to the due discharge of its powers and functions.

19. (1) The Committee shall, in the exercise of its powers and functions, be deemed to be the agent of every producer for the marketing of raspberries to which these regulations apply, and the mutual rights, obligations, and liabilities of the Committee and of the several producers shall be determined in accordance with the law governing the relations between principal and agent.

(2) Nothing contained in subclause (1) of this regulation shall be deemed to limit the power of the Committee to exercise, without the authority of the owner of any raspberries to which these regulations apply, any power with respect to any such raspberries that may, expressly or by implication, be conferred on the Committee by or by virtue of these regulations.

(3) The members of the Committee shall not be personally liable for any act or default of the Committee done or omitted to be done in good faith in the course of the operations of the Committee.

20. For the purpose of carrying out its functions the Committee may deduct from the proceeds of any sale of raspberries to which these regulations apply, which are sold by or through the agency of the Committee, such portion of the proceeds of any such sale as the Minister may from time to time determine, being not in any case more than a farthing in respect of any one pound of raspberries.

21. No producer shall sell and no person shall purchase from a producer any raspberries to the sale or purchase of which these regulations apply, except through the agency of the Committee.

22. The Committee shall, not later than the last day of April in every year, furnish to the Minister a report on its proceedings and operations during the year ended on the 31st day of March immediately preceding. Any such report shall contain, in such form as the Minister from time to time approves or directs, a balance sheet and a profit and loss account duly audited by the Audit Office, together with such other statements of accounts as may be necessary to show fully the financial results of the operations of the Committee for the year.

23. The accounts of the Committee shall be subject to audit in the same manner in all respects as if the moneys of the Committee were public moneys within the meaning of the Public Revenues Act, 1926.

24. (1) The Travelling Allowance Regulations 1949* shall apply to and be deemed to be incorporated in these regulations so as to relate to the Committee and to such of its members who are not members of the Public Service.

(2) The subsistence allowance referred to in regulation 5 of the Travelling Allowance Regulations 1949,* and the mileage allowance referred to in regulation 13 of those regulations shall be at such rates as the Minister of Finance from time to time approves.

25. There shall be payable to the Chairman and to each member of the Committee in respect of each day or part of a day spent in attending a meeting of the Committee, or in travelling to or from any meeting of the Committee, or in travelling upon any business of the Committee pursuant to a resolution of the Committee, a fee at a rate to be prescribed in that behalf by the Minister of Finance.

26. Every person is guilty of an offence against these regulations who—

(a) Sells or purchases any raspberries in breach of these regulations ;
or

(b) Commits any other breach of these regulations.

27. In each year the Committee may contribute from its funds towards the expenses of the Central Council of Raspberry Growers constituted under the Raspberry Marketing Regulations 1950†, such sum, not exceeding £25, as the Minister may from time to time prescribe by notice published in the *Gazette*.

28. For the purposes of the last preceding regulations these regulations shall be deemed to enure under the Marketing Act, 1936.

29. Where by the provisions of the Schedule hereto anything is to be done at or within or after a certain day or time the Minister, if he is satisfied that no person will be prejudicially affected by the exercise of the power hereby conferred, may by public notice extend any such time or validate anything done after the time required, or make such other provision for the case as he thinks fit.

SCHEDULE

CONDUCT OF ELECTION FOR PRODUCERS' REPRESENTATIVES

Preliminary

(1) For the purpose of elections or polls under the Canterbury Raspberry Marketing Regulations 1950 an officer of the Public Service shall be appointed to be Returning Officer, and the Returning Officer shall make all necessary arrangements for the conduct of every such election or poll, and shall have and perform such powers as are expressly hereinafter conferred on him and any such duties as are hereinafter prescribed.

Voting Qualifications

(2) Subject to the next succeeding clause hereof, every person who, on the 8th day of May in any year, is a producer shall be entitled to vote at the election to be held in that year. Every such producer is included in the term "producer qualified to vote" as used in this schedule.

* Statutory Regulations 1949, Serial number 1949/94, page 387.

† Statutory Regulations 1950, Serial number 1950/204.

SCHEDULE—*continued*

(3) If any holding of land used for the growing of raspberry plants for the production on that land of raspberries for sale to a manufacturer or reseller is occupied by two or more persons jointly or in common one only of those persons shall be entitled to vote as aforesaid, and the decision of the Returning Officer as to the area that comprises a single holding shall be final.

(4) Any producer being a corporate body may, by writing under its corporate seal delivered to the Returning Officer, appoint some person whose name shall be entered on the rolls as voter on behalf of that corporate body.

(5) At every election each producer shall be entitled to exercise one vote, save that a person whose name is entered on the rolls as an occupier and also as voter on behalf of a corporate body may exercise one vote in each capacity.

Rolls

(6) As soon as may be after the 8th day of May in any year, the Returning Officer shall prepare rolls of producers qualified to vote.

(7) Each such roll shall be compiled from the nominal list of producers in the possession of the Marketing Department, but the Returning Officer shall exclude from the roll the name of any person appearing in the said list whom he has reason to believe nevertheless is not a producer qualified to vote at the next succeeding election, and shall add to the roll the name of any person not appearing in the said list who he has reason to believe is a producer qualified to vote.

(8) Each such roll shall contain, in alphabetical order, the surnames of the producers entered therein, exclusive of corporate bodies, together with the forenames and addresses of such producers so far as known to the Returning Officer, and the names so entered shall be numbered consecutively.

(9) Where one of two or more persons is entitled to vote in respect of the occupation, whether joint or in common, of any land used for the growing of raspberry plants for the production on that land of raspberries for sale, the Returning Officer shall enter on the roll the name of such one of the said persons as he shall think fit, but at any time before the closing of the roll, on application in writing addressed to the Returning Officer, and signed either by the person whose name is so entered or by a majority of the persons appearing to occupy the said land, the name of some other one of the said persons may be entered on the roll instead of the name first entered.

(10) Where the name of any person entitled to vote by virtue of the provisions of clause (5) hereof is entered on the roll the entry shall be followed by the words "Appointed by [*Name of corporate body*]."

(11) The said rolls shall be deposited in the Head Office of the Marketing Department and in such other place or places as the Returning Officer may appoint and notify in the *Gazette* not later than the third Wednesday in the month of May in any year, and shall thereupon be open to public inspection during ordinary office hours for a period of seven days from the said third Wednesday in May.

(12) Any person may during the said period of seven days lodge with the Returning Officer an objection in writing under his hand to any entry on any roll on either of the following grounds:—

(a) That any person whose name is on any such roll or, as the case may be, the corporate body on behalf of whom the name of any person is on the roll, is not a producer qualified to vote:

(b) That any person whose name is not on any such roll as a producer qualified to vote or, as the case may be, is appointed by a corporate body being a producer qualified to vote.

(13) The Returning Officer shall, without the necessity of calling upon or hearing any objector or person affected by the objection, decide the matter of the objection and make such amendment of the roll as may be necessary in consequence of his decision.

(14) At the expiration of the said period of seven days the rolls shall be closed, and no further amendment thereof shall be made.

Nominations

(15) No person shall be eligible for election as a producers' representative unless he is a producer and has been nominated in writing by one or more producers whose name or names appear on the roll compiled pursuant to clauses (6) to (14) hereof, and unless by writing in the prescribed form or by letter or telegram to the Returning Officer he has accepted nomination.

SCHEDULE—*continued*

(16) The form of nomination shall be in or to the effect of the form numbered 1 in the Appendix hereto.

(17) Nothing in clauses (15) and (16) shall prevent the Returning Officer from accepting any nomination paper made out in such form as, in his opinion, is sufficient to identify the candidate and at least one nominator.

(18) The last hour and day for receiving nominations in respect of the election held in any year after the year 1950, shall be noon on the second Wednesday in the month of June in such subsequent year.

(19) No producer shall be entitled to nominate more than two persons as candidates for election.

(20) If only two persons shall have been duly nominated for election, those persons shall be deemed to have been duly elected, and shall be declared elected by the Returning Officer by notice under his hand published in the *Gazette*.

Polls

(21) If more than four persons shall have been duly nominated for election a poll shall be taken, and the Returning Officer shall cause voting papers to be printed in the form numbered 2 in the Appendix hereto.

(22) The Returning Officer shall forward by post, addressed to each voter at the address appearing on the roll, a voting paper in the said form numbered 2 bearing on its face the consecutive number appearing on the roll against the name of the voter to whom the voting paper is forwarded, together with an envelope addressed to the Returning Officer and bearing on its face the same consecutive number.

(23) On proof to his satisfaction, by statutory declaration or otherwise, that a voter has not received his voting paper in due course of post, or that any voting paper received by a voter or its addressed envelope was accidentally destroyed before being used, the Returning Officer may issue a further voting paper to the voter bearing on its face the number aforesaid with an additional distinguishing mark to indicate its issue under this clause, together with an envelope addressed as aforesaid and bearing the same number and distinguishing mark.

(24) Any poll to be taken in any year after the year 1950 shall close at noon on the fourth Wednesday in the month of June in any such year.

(25) Voting papers may be delivered to the Returning Officer by hand or sent by post addressed as provided in the said form numbered 2.

(26) No voting paper shall be valid unless it is received by the Returning Officer in the envelope issued with such voting paper as aforesaid.

(27) No voting paper shall be valid—

(a) If it is not received by the Returning Officer at or before the time fixed for the closing of the poll pursuant to clause (24) hereof; or

(b) If anything not authorized by this Schedule is written or marked thereon by which the voter can be identified; or

(c) If the number of candidates for whom the elector has voted exceeds two; or

(d) If the voting paper does not in the opinion of the Returning Officer indicate the candidates for whom the elector desired to vote.

Scrutineers

(28) Any candidate for election as a producers' representative may, by writing under his hand addressed to the Returning Officer and delivered to him not less than two clear days before the closing of the poll, appoint a scrutineer for the purpose of the poll.

(29) Every scrutineer for the purposes of the poll shall, before being allowed to act, make and subscribe before the Returning Officer a declaration in the form numbered 3 in the Appendix hereto.

(30) Every scrutineer who directly or indirectly discloses any fact coming to his knowledge at any election in breach of his declaration shall be liable to a fine not exceeding £20.

Result of the Election

(31) Forthwith upon the closing of the poll the Returning Officer shall, in the presence of such scrutineers as are present, compare the numbers on the envelopes with the numbers on the roll, and shall reject any envelope not appearing to him to be issued in connection with the election or not appearing to contain the genuine voting paper of a person enrolled as a voter.

SCHEDULE—*continued*

(32) The Returning Officer shall then open the remaining envelopes and reject any voting papers which in his opinion are invalid, and shall then ascertain the number of votes received by each candidate.

(33) Where there is an equality of votes between any candidates, and the addition of a vote would entitle one of such candidates to be declared elected, the Returning Officer shall give a casting vote.

(34) Subject to the provisions of the last three preceding clauses hereof, the candidates required to be elected who have received the greatest number of votes shall be declared elected by the Returning Officer by notice under his hand published in the *Gazette*.

(35) The Returning Officer shall be the sole and absolute judge of the regularity and propriety of all matters connected with any election, and no election shall be called in question on the ground that a voting paper or an addressed envelope was not forwarded to any voter, or that a voting paper from any voter was not received by the Returning Officer, or that a voting paper prepared by the Returning Officer was irregular in form, or that any vote was irregularly cast, or that any voting paper was wrongly accepted or wrongly rejected, or that any other irregularity occurred in connection with any election, unless in the opinion of the Returning Officer such irregularity materially affected the result of the election and occurred otherwise than in good faith.

Appointment

(36) The names of the elected candidates shall be submitted to the Minister of Marketing for appointment as producers' representatives of the Canterbury Raspberry Marketing Committee pursuant to regulation 4 of the Canterbury Raspberry Marketing Regulations 1950.

APPENDIX

[Form No. 1

NOMINATION OF PRODUCERS' REPRESENTATIVES ON THE CANTERBURY RASPBERRY
MARKETING COMMITTEE

To the Returning Officer,
Canterbury Raspberry Marketing Committee Election, Wellington.

I (WE), the undersigned producer (producers), within the meaning of the Canterbury Raspberry Marketing Regulations 1950, do hereby nominate [*Full name*], of [*Residence and occupation*], with his consent, as a candidate at the election of members on the Canterbury Raspberry Marketing Committee established by the said regulations.

Dated at, this 195..

Signature :*Residence* :[*Full names and residences of
one or more producers.*]

I, [*Full name*], do hereby consent to the above nomination.

Signature of Candidate :

APPENDIX—*continued*

[Form No. 2]

VOTING PAPER

Canterbury Raspberry Marketing Committee

ELECTION of four producers' representatives on the Canterbury Raspberry Marketing Committee:—

Armstrong, Thomas	Shaw, Peter
Burton, Gerald	Walker, George

Directions.—The voter shall leave uncanceled the names of the candidates for whom he desires to vote, and must strike out the names of all candidates not voted for.

If anything not authorized by the Canterbury Raspberry Marketing Regulations 1950 is written or marked hereon by which the voter can be identified, the voting paper is invalid.

If a voter leaves more than two names uncanceled his voting paper is invalid.

A voter is entitled to one vote only.

After indicating the vote in the manner aforesaid, this voting paper is to be transmitted to the Returning Officer, Canterbury Raspberry Marketing Committee Election, Wellington, so as to be delivered at his office at or before noon on the day of, 19..

An addressed official envelope is enclosed for use in transmitting the voting paper. A voting paper not transmitted in the official envelope is invalid.

[Form No. 3]

DECLARATION OF SCRUTINEER

I, [*Full name*], scrutineer for [*Full name*], a candidate at the present election for the office of producers' representative on the Canterbury Raspberry Marketing Committee established by the Canterbury Raspberry Marketing Regulations 1950, do hereby solemnly promise and declare that I will not, directly or indirectly, disclose any fact coming to my knowledge at that election.

Signature :

Scrutineer.

Declared and signed before me, this day of, 19..

.....
Returning Officer.T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations constitute the Canterbury Raspberry Marketing Committee and define its powers and functions.

The provisions are similar to those of the Nelson Raspberry Marketing Regulations 1940.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 23rd day of November, 1950.

These regulations are administered in the Marketing Department.