



THE RASPBERRY MARKETING REGULATIONS 1979

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 16th day of July 1979

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Raspberry Marketing Regulations 1979.

(2) These regulations shall come into force on the 1st day of August 1979.

2. Application—These regulations shall apply with respect to every sale and purchase of raspberries grown in New Zealand, being sales to a manufacturer or a reseller and purchases by a manufacturer or a reseller.

3. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Primary Products Marketing Act 1953:

“Council” means the Raspberry Marketing Council established under these regulations:

“Director-General” means the Director-General of Agriculture and Fisheries:

“District” means a district established under regulation 12 of these regulations:

“District Committee” or “Committee” means a district Raspberry Marketing Committee established under these regulations:

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

“Minister” means the Minister of Agriculture:

“Ministry” means the Ministry of Agriculture and Fisheries:

“Producer” means the occupier of any land used for the growing of raspberry plants for the production on that land of raspberries for sale:

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

“Raspberries” means the fruit (whether fresh or frozen) 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” includes a contract for sale, an agreement to sell, and an offer to sell.

PART I

RASPBERRY MARKETING COUNCIL

4. Raspberry Marketing Council—(1) There is hereby established a marketing authority to be called the Raspberry Marketing Council.

(2) The Council shall consist of not more than 11 members appointed by the Minister as follows:

(a) One member who shall be appointed as the representative of the Government:

(b) Up to 10 members, being not more than 3 representatives from each District Committee nominated pursuant to regulation 16 of these regulations.

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

5. Terms of office of members of Council—(1) Subject to these regulations,—

(a) The member appointed as the Government representative shall hold office for a term of 3 years and may be reappointed:

(b) The members representing District Committees shall each hold office for a term of one year and may be reappointed.

(2) Unless he sooner vacates his office under regulation 7 of these regulations, every member shall continue in office until his successor comes into office.

(3) The proceedings of the Council shall not 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 of the Council was not validly a member.

6. Deputies of members—(1) If any member of the Council is incapacitated by illness, absence, or other sufficient cause from attending a meeting, he may, by writing under his hand, appoint a deputy to act for him during his incapacity.

(2) Any deputy appointed under this regulation shall, while he acts as such, be deemed to be a member of the Council appointed under the same provision as the member for whom he is deputising.

7. Extraordinary vacancies—(1) Any member of the Council may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, where such is proved to the satisfaction of the Minister, or may at any time resign his office by giving written notice to the Minister.

(2) If any member of the Council dies, or resigns, or is removed from office, his office shall become vacant and the vacancy shall be an extraordinary vacancy.

(3) Each extraordinary vacancy shall be filled in the same manner as the vacating member was appointed for the residue of the term for which the vacating member was appointed.

8. Chairman of Council—(1) The Council shall appoint one of its members to be Chairman of the Council.

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

(3) In the absence of the Chairman from any meeting the members present shall appoint one of their number to preside. Any person so presiding shall have the powers of the Chairman in respect of that meeting.

(4) No acts done by any member acting as the Chairman, or by the Council while any member is so acting shall in any proceedings be questioned on the grounds that the occasion for his so acting had not arisen or had ceased.

9. Meetings of Council—(1) Meetings of the Council shall be held at such times and places as the Council may from time to time appoint.

(2) The Chairman of the Council or any 3 members may at any time call a special meeting of the Council.

(3) At all meetings of the Council a quorum shall consist of 5 members:

Provided that at least one member of each District Committee must be present to constitute a quorum.

(4) All questions arising at any meeting of the Council shall be determined by a majority of the valid votes cast. In the case of an equality of votes the Chairman shall have a casting vote as well as a deliberative vote.

(5) A resolution in writing signed or assented to by letter, telex, or telegram by all members of the Council shall be as valid and effective as if it had been passed at a meeting of the Council duly convened and constituted.

(6) The Council shall cause a copy of the minutes of every meeting of the Council to be furnished to the Director-General.

(7) Subject to the Act and these regulations, the Council may regulate its procedure in such manner as it thinks fit.

10. Advisory or technical committees, delegation—(1) Subject to regulation 11 of these regulations, the Council may from time to time appoint such advisory or technical committees as it thinks fit to advise it on such matters concerning the exercise of its functions and powers as it may refer to them; and may from time to time, with the consent of the Minister, delegate to any such committee any of its powers or functions except those relating to the export of raspberries.

(2) Any person may be appointed to be a member of a committee under this regulation, notwithstanding that he is not a member of the Council.

11. Raspberry Marketing Export Authority—(1) There is hereby established, as a committee of the Council, the Raspberry Marketing Export Authority (hereinafter referred to as the Authority).

(2) The Authority shall have and may exercise all those powers of the Council relating to the export of raspberries, and such other powers as may from time to time be delegated to it by the Council pursuant to regulation 10 of these regulations.

(3) The Authority shall consist of up to 10 members selected and appointed by the Council at the first meeting of the Council held immediately following the end of each financial year.

(4) Each member shall hold office for a period of 12 months or until his successor comes into office, and may be reappointed.

(5) The members of the Authority shall be selected from members of the District Committees, and the number from each District Committee shall be determined as follows:

- (a) Up to 4 members from any Committee whose district supplied more than 50 percent of the raspberries supplied for export in the previous financial year;
- (b) Up to 3 members from any Committee whose district supplied between 37.5 percent and 50 percent of the raspberries supplied for export in the previous financial year;
- (c) Up to 2 members from any Committee whose district supplied between 25 percent and 37.5 percent of the raspberries supplied for export in the previous financial year;
- (d) One member from each Committee whose district either did not supply any raspberries for export or else supplied less than 25 percent of the raspberries supplied for export in the previous financial year, if that Committee so wishes:

- (e) One member, who shall be the representative of the Government from one of the Committees or the Council.

12. Functions and powers of Council—(1) The principal functions of the Council shall be—

- (a) To regulate and control in such manner as it thinks fit the marketing, both within New Zealand and elsewhere, of raspberries to which these regulations apply:
- (b) To promote the sale and consumption of raspberries, both within New Zealand and elsewhere:
- (c) To promote and organise the orderly development of the raspberry industry:
- (d) To carry out and promote research in relation to the growing and marketing of raspberries:
- (e) To advise the Minister from time to time of trends and prospects in matters affecting the marketing of raspberries:
- (f) To co-ordinate the functions of the District Committees in relation to the marketing of raspberries:
- (g) To recommend to the Minister steps to be taken for the purpose of safeguarding the interests of the raspberry growing industry.

(2) The Council shall have all the powers that are reasonably necessary for the performance of its functions.

(3) Without limiting the generality of subclause (2) of this regulation, the Council shall have power to make and carry out such arrangements and give such directions as it thinks proper to accomplish all or any of the following:

- (a) To purchase, sell, export, or dispose of raspberries to which these regulations apply, on such terms as it thinks advisable:
- (b) To fix quotas for supplies to manufacturers and resellers:
- (c) To handle, transport, receive, store, package, or process raspberries acquired by the Council:
- (d) To insure against loss of any raspberries:
- (e) To act as agent for any producer of primary products for the purpose of handling, transporting, storing, or selling those primary products if the Minister, for the time being, approves.
- (f) To act in combination or association with any person or organisation, within or outside New Zealand, for the purpose of furthering the fulfilment of the functions of the Council, on terms of sharing the costs and expenses involved in that combination or association in such proportions or in such manner as may be mutually agreed upon:
- (g) To promote by way of subsidy or otherwise 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 functions:
- (h) To delegate to any or all of the District Committees such of its powers and its functions as it thinks fit except those relating to the export of raspberries and also excepting this power of delegation.

(4) Notwithstanding anything to the contrary in this regulation, a District Committee may apply to the Minister for exemption from any direction given by the Council pursuant to this regulation; and the Minister may, if he thinks fit, by writing under his hand addressed to the Council, exempt a District Committee from complying with such direction of the Council as may be specified by the Minister.

PART II

DISTRICT COMMITTEES

13. District Committees—(1) There are hereby established 4 marketing authorities to be called respectively the Canterbury Raspberry Marketing Committee, the Nelson Raspberry Marketing Committee, the Otago Raspberry Marketing Committee, and the North Island Raspberry Marketing Committee.

(2) The district of the Canterbury Raspberry Marketing Committee shall be all that part of the Provincial District of Canterbury north of the southern boundary of the County of Ashburton.

(3) The district of the Nelson Raspberry Marketing Committee shall be the Provincial Districts of Nelson, Marlborough, and Westland.

(4) The district of the Otago Raspberry Marketing Committee shall be the Provincial District of Otago and the Counties of Strathallan and Waimate.

(5) The district of the North Island Raspberry Marketing Committee shall be the whole of the North Island.

14. Membership of Committees—(1) Each Committee shall consist of 5 members to be appointed by the Minister, of whom—

(a) One member shall be appointed as a representative of the Government:

(b) Four members shall be elected as representatives of producers in the district, as hereinafter provided.

(2) Every person appointed as a Government representative shall hold office during the pleasure of the Minister.

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

(4) Every person appointed as a producer representative shall be appointed for a period of 12 months, but shall continue in office until his successor comes into office, and may from time to time be reappointed.

15. Election of producer representatives—(1) For the purposes of electing the producer representatives of the Nelson Raspberry Marketing Committee and the Otago Raspberry Marketing Committee, the districts of these 2 Committees are hereby divided into 2 wards to be known, in each case, as the Northern Ward and the Southern Ward respectively. The boundaries of the wards for the 2 districts shall be as set out in the First Schedule to these regulations.

(2) Two members shall be elected in respect of each ward described in subclause (1) of this regulation.

(3) In the case of the Canterbury and the North Island Raspberry Marketing Committees, 4 members shall be elected to represent producers in the whole district of each Committee.

(4) Every election of producers' representatives shall be held in accordance with the Second Schedule to these regulations, and, for the purposes of every election, an officer of the Ministry shall from time to time be assigned by the Director-General to undertake the duties of Returning Officer.

(5) Elections for the 4 producer representatives on each Committee shall be held annually in each district.

16. Nomination of members of Council—(1) Each Committee shall nominate up to 2 of its members to be representatives on the Council:

Provided that any Committee whose district produced more than 40 percent of the raspberries produced in New Zealand during the financial year ended just prior to the elections referred to in subclause (2) of this regulation shall be entitled to nominate up to 3 of its members to be representatives on the Council.

(2) The nominations shall be made annually, following the elections of producers' representatives for each Committee, and the nominations shall be submitted to the Director-General within 30 days after the election.

(3) The Director-General shall submit the nominations to the Minister for his consideration and appointment pursuant to regulation 4 (2) (b) of these regulations.

17. Meetings of Committees—(1) Meetings of the Committees shall be held at such times and places as the Committees may from time to time appoint.

(2) Subject to the provisions of this Part of these regulations, the provisions relating to removal from office, vacancies, appointment of a Chairman, deputies of members, and procedure at meetings, applicable to the Council and to its members, shall apply with the necessary modifications to the Committees and their members.

(3) At all meetings of Committees a quorum shall consist of 3 members:

Provided that in the case of the Nelson and Otago Committees, at least one representative of each ward must be present to constitute a quorum.

(4) Subject to the provisions of these regulations, the Committees may make such arrangements as they think fit for the holding of meetings, the procedure at meetings, and generally for the conduct of their business and the exercise of their functions.

18. Functions and powers of Committees—(1) Subject to regulation 12 of these regulations, the functions of the Committees shall be to regulate and control the sale of raspberries grown in their districts, and such other functions as may from time to time be delegated to them by the Council.

(2) The Committees shall have all the powers that are reasonably necessary for the performance of their functions.

(3) Without limiting the generality of subclause (2) of this regulation, Committees shall have the power to make and carry out such arrangements and give such directions as they think proper to accomplish all or any of the following:

- (a) To purchase, sell, or dispose of raspberries grown in their districts, on such terms as they think advisable:
- (b) To fix quotas for supplies of raspberries grown in their districts to manufacturers and resellers:
- (c) To act as agent for any producer of primary products for the purpose of handling, transporting, storing, or selling those primary products if the Minister, for the time being, approves.
- (d) To perform any functions that may be delegated to them by the Council, and generally for such other matters as are incidental to the due discharge of their functions.

19. Sale of raspberries—(1) No producer shall sell, and no person shall purchase from a producer, any raspberries to which these regulations apply, except to, from, or through the agency of the Committee in the district where the raspberries were grown.

(2) A Committee may act as agent of any producer in its district for the marketing of raspberries to which these regulations apply, in which case the mutual rights, obligations, and liabilities of the Committee and the producers shall be determined in accordance with the law governing the relations between principal and agent.

PART III

FINANCIAL

20. Raspberry Marketing Account—(1) For the purpose of these regulations the Council shall establish with the Reserve Bank of New Zealand or with any of the trading banks carrying on business in New Zealand an account to be known as the Raspberry Marketing Account.

(2) There shall be paid into the Account—

- (a) All money received from contributions by Committees:
- (b) All money derived from the payment of levies payable to the Council:
- (c) All money derived from the operations of the Council:
- (d) Any other money that may otherwise be lawfully payable to the Council.

(3) There shall be paid out of the Account—

- (a) All costs, charges, and expenditure incurred by the Council in the exercise of its powers and functions under these regulations and in the administration thereof:
- (b) Such grants as the Council may from time to time decide to make to any institution or body conducting research into or in connection with the raspberry growing industry:
- (c) Any money which the Council and the Minister agree shall be payable for any purpose which they consider to be of benefit to the raspberry growing industry.

(4) The Council may, from time to time, establish within the Account such special accounts and reserves as it considers necessary or expedient for any purpose authorised by these regulations.

21. District Raspberry Marketing Accounts—(1) For the purpose of these regulations each Committee shall establish with the Reserve Bank of New Zealand or with any of the trading banks carrying on business in New Zealand an account to be known as the (name of district) Raspberry Marketing Account.

(2) There shall be paid into each such Account—

(a) All money derived from the payment of levies payable to each Committee:

(b) All money derived from the operations of each Committee:

(c) Any other money that may otherwise be lawfully payable to the Committees.

(3) There shall be paid out of each Account—

(a) The costs, charges, and expenditure incurred by each Committee in the exercise of its powers and functions under these regulations and in the administration thereof:

(b) The amount which the Council determines shall be contributed to it by each Committee pursuant to regulation 24 (5) of these regulations.

(4) Each Committee may from time to time establish within its Marketing Account such special accounts and reserves as it considers necessary or expedient for any purpose authorised by these regulations.

22. Financial year—For the purposes of section 11 of the Act, the end of the financial year of the Council and of each of the Committees shall be the 30th day of June.

23. Unauthorised expenditure—The Council and the Committees may in any financial year out of their income available for general purposes expend for purposes not authorised by these regulations any sum or sums not amounting in the aggregate to more than \$500 each.

24. Collection and payment of levies—(1) In respect of raspberries grown in the Nelson district and sold by or through the agency of the Nelson Raspberry Marketing Committee, the Committee may deduct from the proceeds of any such sale, such portion of the proceeds as the Committee may from time to time determine, but being not in any case more than 3 percent by value of those proceeds.

(2) In respect of raspberries grown in the Canterbury and North Island districts, the Committees of those districts may impose levies in accordance with the provisions of regulation 25 of these regulations.

(3) In respect of raspberries grown in the Otago district, the Otago Raspberry Marketing Committee may, if it so determines and in the manner it may specify, collect an annual levy from each producer who, on the 1st day of December in any financial year the levy is to be imposed, has one or more decares planted in raspberries, of such an amount not exceeding \$100 a producer as may be fixed by the Minister by notice in the *Gazette* at least 28 days before the date specified for the payment of the levy.

(4) The Council may deduct from the proceeds of any raspberries exported such portion of the proceeds as it may from time to time determine, being not in any case more than 3 percent by value of those proceeds.

(5) In each year the Committees shall contribute towards the expenses of the Council such sum, not exceeding \$500 each, as the Council may determine.

25. Area levy in Canterbury and North Island—(1) Notwithstanding regulation 3 of these regulations, for the purposes of this regulation the term “producer” means the occupier of any land within the Canterbury Raspberry Marketing District or the North Island Raspberry Marketing District used for the growing of raspberry plants for the production on that land of raspberries for sale or for the manufacture of a fruit product for sale; and the term “Committee” means the Canterbury Raspberry Marketing Committee or the North Island Raspberry Marketing Committee, as the case may require.

(2) Each Committee may, if it so determines, collect a levy based on the area of land on which a producer has planted raspberry plants, in which case the provisions of subclauses (3) to (10) of this regulation shall apply.

(3) If the Committee determines to collect a levy, then, not earlier than the 20th day of September and not later than the 20th day of October in each year, the Committee shall assess, in respect of each producer, the total area of land within the district being used by the producer for the growing of raspberry plants, and shall, as soon as practicable thereafter, forward to the producer by registered post a notice of the assessment.

(4) If the total area assessed by the Committee in respect of any producer pursuant to subclause (3) of this regulation is not an exact number of decares, the total area shall be assessed by the Committee to the next downward decare.

(5) Within 28 days after delivery of the notice of assessment the producer shall pay to the Committee, in respect of each decare of the total area assessed by the Committee, a levy at such rate not exceeding \$5 as shall from time to time be fixed by the Committee and notified in the *Gazette*:

Provided that no levy shall be payable by the producer in respect of any area in excess of 8 hectares.

(6) A producer may appeal against an assessment on the ground that the total area shown in the assessment has not been fairly assessed.

(7) Every appeal shall be in writing setting out the grounds thereof and shall, within 28 days next after the date on which the notice of assessment was delivered to the producer, be delivered to the Committee. On receipt of the appeal, the Secretary of the Committee shall forthwith deliver it by registered post to the Director-General who shall forthwith refer the appeal to an umpire appointed by him for the purpose.

(8) As from the delivery of the notice of appeal to the Committee pursuant to subclause (7) of this regulation, and pending notification to the producer of the determination of the umpire, the liability of the producer to pay the levy on the total area specified in the notice of assessment delivered to the producer pursuant to subclause (3) of this regulation shall be suspended. Any levy payable by the producer pursuant to the determination of the umpire shall be paid to the Committee within 28 days after the determination is notified to the producer.

(9) On receiving the notice of appeal the umpire shall, after making such inquiries and investigation as he thinks fit, confirm the assessment or cause it to be amended in such manner as he thinks reasonable; and the determination of the umpire, which shall be notified to the Committee and the producer, shall be final and conclusive.

(10) All levies payable under this regulation shall be recoverable from the producer as a debt due to the Committee.

PART IV

MISCELLANEOUS

26. Council may request information—(1) The Council may from time to time request any producer or manufacturer to supply information of a specified kind which the Council considers will assist in carrying out its functions.

(2) Every such request made by the Council shall be in writing.

(3) All information received by the Council under this regulation shall be confidential to the Council and may be published only where this can be done in such a manner as will prevent the identification of any person who has supplied information, unless he gives permission.

27. Offences—Every person commits an offence against these regulations who—

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

(b) With intent to deceive, makes any false or misleading statement or any material omission in any declaration or other communication made to the Council or to any other person for the purpose of these regulations:

(c) Without lawful excuse, fails to comply with any request, requirement, obligation, or provision imposed or required to be observed by these regulations:

(d) Without lawful excuse, fails to comply with any lawful direction given by the Council or any Committee pursuant to these regulations.

28. Penalties—Every person who commits an offence against these regulations shall be liable on summary conviction—

(a) In the case of an individual, to a fine not exceeding \$400:

(b) In the case of a body corporate, to a fine not exceeding \$2,000.

29. Transitional provision—For the purpose of appointing the first members of the North Island Raspberry Marketing Committee after the commencement of these regulations, the Minister may vary such of the times and dates otherwise specified in the Second Schedule to these regulations and authorise and do such other things as may be necessary for the prompt election of nominees as producers' representatives of that Committee.

30. Revocations—The Raspberry Marketing Regulations 1976* and the Raspberry Marketing Regulations 1976, Amendment No. 1† are hereby revoked.

*S.R. 1976/82
†S.R. 1976/294

SCHEDULES

Reg. 15 (1)

FIRST SCHEDULE

BOUNDARIES OF WARDS OF NELSON AND OTAGO DISTRICTS

1. *Nelson Raspberry Marketing District*

Name of Ward	Definition of Boundaries
Northern Ward	The Provincial District of Marlborough together with that area in the Provincial District of Nelson comprising the City of Nelson, the Boroughs of Motueka and Richmond, the County of Golden Bay, and that part of the County of Waimea lying northwards of a line commencing at the summit of Mount Arthur and running thence by a right line in an easterly direction generally to the Woodstock School; thence along the main road through the Townships of Thorpe and Dovedale to the Township of Wakefield; thence along the Church Valley Road to the boundary of the Wai-iti Survey District; thence by a right line to Slaty Peak.
Southern Ward	That part of the Provincial District of Nelson not comprised in the Northern Ward, together with the Provincial District of Westland.

2. *Otago Raspberry Marketing District*

Name of Ward	Definition of Boundaries
Northern Ward	That area of land comprising the Counties of Strathallan and Waimate.
Southern Ward	That area of land comprising the Provincial District of Otago

SECOND SCHEDULE

Reg. 15 (4)

CONDUCT OF ELECTIONS FOR PRODUCERS' REPRESENTATIVES

Preliminary

1. For the purposes of elections or polls under the Raspberry Marketing Regulations 1979, the Returning Officers appointed in accordance with regulation 15 (4) of the regulations 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, every person who on the 30th day of April in any year is a producer shall be entitled to vote at the election for members. Every such producer is included in the term "producer qualified to vote" as used in this Schedule.

3. If any holding of land used for the production on that land of raspberries for sale to a manufacturer or reseller is occupied by 2 or more persons jointly or in common, one only of those persons shall be entitled to vote, 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 the person entitled to exercise the vote on behalf of such corporate body.

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

Rolls

6. As soon as practicable after the 30th day of April in any year, the Returning Officers for the Canterbury and North Island Raspberry Marketing Committee Elections shall prepare rolls of producers qualified to vote, and the Returning Officers for the Nelson and Otago Raspberry Marketing Committee Elections shall prepare separate rolls of producers qualified to vote for the Northern Ward and the Southern Ward of their districts respectively.

7. Each such roll shall be compiled from the nominal list of producers in the possession of the Ministry, but the Returning Officer shall exclude from the roll the name of any person appearing in the 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 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 is known to the Returning Officer, and the names so entered shall be numbered consecutively.

SECOND SCHEDULE—*continued*

9. Where one of 2 or more persons is entitled to vote in respect of the occupation, whether jointly 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 those 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 rolls shall be deposited in Nelson in the case of the Nelson Committee, in Christchurch in the case of the Canterbury Committee, in Dunedin in the case of the Otago Committee, in Palmerston North in the case of the North Island Committee, and in such other places as the Returning Officers may appoint and notify in the *Gazette* not later than the 4th Thursday of May in any year, and shall thereupon be open to public inspection during ordinary office hours for a period of 7 days from that date.

12. Any person may, during the said period of 7 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 the 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 the roll is 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 such 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 7 days the rolls shall be closed and no further amendment shall be made to them.

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, for the district or ward in respect of which he is so nominated, and unless, by writing in the prescribed form or by letter, telex, or telegram to the Returning Officer, he has accepted nomination.

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.

SECOND SCHEDULE—*continued*

18. The last hour and day for receiving nominations in respect of the election held in any year shall be noon on the 2nd Wednesday of July in any such year.

19. No producer shall be entitled to nominate more than 2 persons as candidates for election.

20. If in respect of the Canterbury or North Island Raspberry Marketing Districts only 4 persons shall have been duly nominated for election, or in respect of any wards of the Nelson or Otago Raspberry Marketing Districts only 2 persons shall have been duly nominated for election, such persons shall be deemed to have been duly elected, and shall be declared elected by the Returning Officer of the District, by notice under his hand published in the *Gazette*.

Polls

21. If in respect of the Canterbury or North Island Raspberry Marketing Districts more than 4 persons have been duly nominated for election, or in respect of any ward of the Nelson or Otago Raspberry Marketing Districts more than 2 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 shall close at noon on the 4th Wednesday of July in each such year.

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

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

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 authorised by the Schedule is written or marked thereon by which the voter can be identified; or

SECOND SCHEDULE—*continued*

- (c) If, in the case of Nelson or Otago, the number of candidates for whom the elector has voted exceeds 2 or, in the case of Canterbury or North Island, the number of candidates for whom the elector has voted exceeds 4; 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 2 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 \$100.

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.

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 last 3 preceding clauses, 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*, such notice to contain a list of all the candidates together with the number of votes they received.

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 any such irregularity materially affected the result of the election and occurred otherwise than in good faith.

SECOND SCHEDULE—*continued**Appointment*

36. The names of the elected candidates shall be submitted to the Minister for appointment as producers' representatives of the Canterbury, Nelson, Otago, or North Island Raspberry Marketing Committees, as the case may be, pursuant to regulation 14 of the Raspberry Marketing Regulations 1979.

 APPENDIX

Form No. 1

Clause 16

 NOMINATION OF PRODUCERS' REPRESENTATIVES ON THE [*Name of District*]
 RASPBERRY MARKETING COMMITTEE

To the Returning Officer,

 [*Name of District*] Raspberry Marketing Committee Election,
 [*Address of Returning Officer*].

I (WE), the undersigned producer (producers), within the meaning of the Raspberry Marketing Regulations 1979, do hereby nominate [*Full name*], of [*Residence and occupation*], with his consent as a candidate at the election of members (for the (Northern) (Southern) Ward) on the [*Name of District*] Raspberry Marketing Committee established by the said regulations.

Dated at this 19.....

Signature:*Residence*:[*Full names and residences of one or more producers.*]I [*Full name*], do hereby consent to the above nomination.*Signature of Candidate*:

Clauses 21, 25

Form No. 2

VOTING PAPER

[Name of District] Raspberry Marketing Committee

ELECTION of (two/four) producers' representatives (for the (Northern) (Southern) Ward) (on the Committee)—

Armstrong, Thomas
Burton, GeraldShaw, Peter
Walker, George

Smith, John

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 authorised by the Raspberry Marketing Regulations 1979 is written or marked hereon by which the voter can be identified, the voting paper is invalid.

If a voter leaves more than (two/four) 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, [Name of District] 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.

Clause 29

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 [Name of District] Raspberry Marketing Committee established by the Raspberry Marketing Regulations 1979, 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.

P. G. MILLEN,
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 consolidate and amend the regulations revoked by regulation 30.

The principal amendments relate to—

- (a) The establishment of a North Island Raspberry Marketing Committee as a marketing authority under the Primary Products Marketing Act 1953:
- (b) The establishment, as a committee of the Raspberry Marketing Council, of a Raspberry Marketing Export Authority:
- (c) Provisions for an objection procedure to the Minister of Agriculture by a District Committee against any direction of the Council:
- (d) Changes to the methods of calculating levies.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 July 1979.

These regulations are administered in the Ministry of Agriculture and Fisheries.