

## New Zealand.



### ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Act divided into Parts.</p> <p style="text-align: center;"><b>PART I.</b></p> <p style="text-align: center;"><b>THE EXECUTIVE COMMISSION OF AGRICULTURE.</b></p> <p>3. Executive Commission of Agriculture to be appointed.<br/>4. Governor - General may appoint deputy to act during incapacity of member of Commission.<br/>5. Meetings of the Commission.<br/>6. Functions of the Commission.<br/>7. Provision for transfer to the Commission of certain powers now vested in other authorities.<br/>8. Expenses of the Commission.</p> <p style="text-align: center;"><b>PART II.</b></p> <p style="text-align: center;"><b>THE NEW ZEALAND DAIRY BOARD.</b></p> <p>9. This Part to be read with the Dairy-produce Control Act, 1923.<br/>10. Change of name of Board established under principal Act.<br/>11. Interpretation.<br/>12. Board may regulate production of dairy-produce, and may exercise control over dairy-produce intended for local consumption.<br/>13. Reconstitution of New Zealand Dairy Board.</p> | <p>14. Term of office of members appointed by Governor-General.<br/>15. Term of office of other members.<br/>16. Extraordinary vacancies.<br/>17. Appointment of deputies of members.<br/>18. Wards for election of elective members.<br/>19. Appointment of Returning Officer, and cost of elections.<br/>20. Conduct of elections.<br/>21. Meetings of reconstituted Board.<br/>22. Board may appoint committees.<br/>23. Levy on dairy-produce. Repeal.<br/>24. Officers of the Public Service may be appointed to service of Board.<br/><i>Repeals.</i><br/>25. Repeals.</p> <p style="text-align: center;"><b>PART III.</b></p> <p style="text-align: center;"><b>FINANCIAL PROVISIONS.</b></p> <p>26. Authorizing expenditure out of Public Works Fund of moneys required for rehabilitation of dairy industry.</p> <p style="text-align: center;"><b>PART IV.</b></p> <p style="text-align: center;"><b>ENABLING PROVISIONS.</b></p> <p>27. Power to make regulations for purpose of giving effect to recommendations of Commission of Inquiry.</p> |
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## 1934, No. 34.

AN ACT to establish an Executive Commission of Agriculture with Power to regulate the Marketing and Production of Agricultural Products and to co-ordinate the Work of the Several Boards and other Authorities exercising Powers in relation to the Primary Products of New Zealand; to change the name of and reconstitute the New Zealand Dairy-produce Control Board, and to extend its Powers; and generally to enable effect to be given to the Recommendations of a certain Commission appointed under the Commissions of Inquiry Act, 1908, to inquire into Matters affecting the Dairy Industry of New Zealand.

[13th November, 1934.]

WHEREAS, pursuant to the provisions in that behalf conferred on him by the Commissions of Inquiry Act, 1908, the Governor-General, by a Warrant of appointment dated the twenty-seventh day of April, nineteen hundred and thirty-four, appointed certain persons therein named to be a Commission to inquire into and report upon the conditions of the dairy industry in New Zealand and upon all such matters incidental or relevant thereto as the Commissioners might think proper, with a view to the enactment of such further legislation in relation to the dairy industry as would best promote the interests of the persons engaged therein and the general economic welfare of New Zealand: And whereas in the course of its report the Commission has expressed the view that a policy of co-operation and co-ordination for the several Boards now functioning in respect of the export of the primary products of New Zealand has become urgently necessary, and has expressly stated that "Independent Boards, each concerned with the marketing of one group of commodities, are no longer able, as isolated units, to cope effectively with the problems confronting them", and further that "The investigation and opening of new markets for the disposal of surplus production can best and most economically be undertaken by a single central body acting in the national interest and having due regard to the requirements of all branches of production": And whereas it is desired to give effect to the recommendations of the Commission that a central body be set

up with authority to co-ordinate the activities of the several Boards referred to in the Commission's report, and it is also desired that certain of the recommendations of the Commission relating particularly to the dairy industry be given effect to:

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 Agriculture (Emergency Powers) Act, 1934.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

PART I.—The Executive Commission of Agriculture.

PART II.—The New Zealand Dairy Board.

PART III.—Financial Provisions.

PART IV.—Enabling Provisions.

## PART I.

### THE EXECUTIVE COMMISSION OF AGRICULTURE.

Executive Commission of Agriculture to be appointed.

3. (1) There is hereby established a body to be called "The Executive Commission of Agriculture" (hereinafter in this Part of this Act referred to as the Commission).

(2) The Commission shall consist of the Minister of Agriculture (who shall be the Chairman) and three other members (of whom one shall be appointed as the Deputy Chairman) to be appointed by the Governor-General in Council for a period of five years, save that any such member may be reappointed or may be at any time removed from office by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Governor-General.

(3) At least two members of the Commission shall be persons who at the date of their appointment are or theretofore have been actively engaged as producers in some branch of primary production or actively engaged otherwise than as producers in the manufacture or marketing of primary products or in some commercial

or other undertaking closely associated with the production, manufacture, export, or marketing of primary products.

(4) The members of the Commission (other than the Minister of Agriculture) shall receive, from moneys to be appropriated by Parliament for the purpose, such salaries and allowances as may be approved by the Governor-General.

(5) The members of the Commission shall not as such be deemed to be permanent officers of the Public Service or subject to the Public Service Act, 1912.

(6) No member of the Commission other than the Minister of Agriculture shall be engaged in any paid employment, otherwise than as a member of the Commission.

(7) The powers of the Commission shall not be affected by any vacancy in the membership thereof.

4. (1) In any case in which the Governor-General is satisfied that any member of the Commission is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General may appoint a deputy to act for that member during such incapacity, and any such deputy shall, while he acts as such, be deemed to be a member of the Commission.

Governor-General may appoint deputy to act during incapacity of member of Commission.

(2) No such appointment of a deputy and no acts done by him as such shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

5. (1) Meetings of the Commission shall be held at such times and places as the Commission or the Chairman thereof shall from time to time appoint.

Meetings of the Commission.

(2) At all such meetings two members of the Commission shall constitute a quorum.

(3) At any meeting of the Commission the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote. The decision of the Commission on any matter shall be determined by a majority of the valid votes recorded thereon.

6. (1) The functions of the Commission shall be—

(a) To co-ordinate the work of the several Boards and other authorities exercising powers with respect to any of the primary products of New Zealand :

Functions of the Commission.

- (b) To exercise any powers that may be transferred to it pursuant to the next succeeding section hereof:
- (c) To make such recommendations to the Government as it thinks proper with a view to the making of regulations under Part IV hereof:
- (d) Such other functions as may from time to time be lawfully conferred upon it by regulations under Part IV of this Act or otherwise howsoever.

(2) In the exercise of its functions under this Act the Commission shall have all the powers of a Commission appointed under the Commissions of Inquiry Act, 1908.

7. (1) Subject to the provisions of subsection three hereof, the Governor-General may from time to time, by Order in Council, transfer to the Commission any powers conferred by statute or otherwise on any of the following bodies, namely:—

- (a) The New Zealand Meat-producers Board, established under the Meat-export Control Act, 1921-22:
- (b) The New Zealand Dairy Board, being the Board established under the Dairy-produce Export Control Act, 1923:
- (c) The New Zealand Fruit-export Control Board, established under the Fruit Control Act, 1924:
- (d) Any Local Control Board, the establishment of which is provided for by the Fruit Control Act, 1924 (whether any such Board has been established or not):
- (e) The New Zealand Honey Control Board, established under the Honey-export Control Act, 1924:
- (f) The New Zealand Poultry Board, established under the Poultry-runs Registration Act, 1933.

(2) On the transfer of any powers to the Commission pursuant to the last preceding subsection, the Board in which such powers were theretofore vested may exercise any of such powers with the authority of the Commission, and subject to such conditions (if any) as the Commission may approve, but not otherwise.

(3) No powers that are vested in any of the Boards referred to in subsection one hereof shall be transferred to the Commission pursuant to this section except after consultation between the Commission and the Board in which such powers are so vested.

Provision for transfer to the Commission of certain powers now vested in other authorities.

8. (1) The expenses incurred by the Commission in the exercise of its powers and functions shall be defrayed as follows:—

Expenses of  
the Commission

- (a) All such expenses that are attributable exclusively to the exercise by the Commission of any powers or functions in relation to any one of the Acts specified in subsection one of the last preceding section shall be paid out of the funds of the Board established under that Act:
- (b) All such expenses that are attributable to the exercise by the Commission of any powers or functions in relation to two or more of the said Acts shall be paid out of the funds of the several Boards concerned, in proportions to be decided, in cases of dispute, by the Governor-General in Council:
- (c) Any other expenses of the Commission may be paid out of moneys to be appropriated by Parliament for the purpose.

## PART II.

### THE NEW ZEALAND DAIRY BOARD.

9. (1) This Part of this Act shall be read together with and deemed part of the Dairy-produce Export Control Act, 1923 (hereinafter in this Part referred to as the principal Act).

This Part to be  
read with the  
Dairy-produce  
Control Act,  
1923.

(2) The principal Act may hereafter be cited as the Dairy-produce Act, 1923.

(3) The principal Act is hereby consequentially amended as follows:—

(a) By omitting from the title the words “Export of Dairy-produce”, and substituting the words “Dairy Industry”:

(b) By omitting from section one the words “Export Control”.

10. The Board established by section four of the principal Act, under the name of the New Zealand Dairy-produce Control Board, shall hereafter be known as the New Zealand Dairy Board, and the corporate name of that Board is hereby altered accordingly.

Change of name  
of Board  
established  
under principal  
Act.

Interpretation.

11. (1) Section three of the principal Act is hereby amended:—

(a) By omitting the definition of the term “dairy-produce”, and substituting the following:—

“‘Dairy-produce’ includes butter and cheese, and all other products of milk or cream, whether produced therefrom by manufacturing processes or otherwise”; and

(b) By repealing the definition of the term “Producers”.

(2) For the purposes of this Act all products of milk or cream shall be deemed to be manufactured therefrom, whether produced by manufacturing processes or not.

Board may regulate production of dairy-produce, and may exercise control over dairy-produce intended for local consumption.

12. In addition to the powers conferred on it by the principal Act, the Board shall, in accordance with regulations made under Part IV of this Act, have authority to regulate and control the production of dairy-produce in New Zealand, and the handling, marketing, transport, and distribution of dairy-produce intended for consumption in New Zealand.

Reconstitution of New Zealand Dairy Board.

13. (1) On a date to be fixed in that behalf by the Governor-General in Council the members of the Board then in office shall go out of office, and shall be succeeded by seven members appointed or elected as follows:—

(a) Three members to be appointed by the Governor-General in Council:

(b) Three members, of whom one shall be elected for each of the wards described in section eighteen hereof by the companies being owners or occupiers of dairy factories situated within the said wards respectively, exclusive of the New Zealand Co-operative Dairy Company, Limited:

(c) One member to be appointed by the New Zealand Co-operative Dairy Company, Limited.

(2) For the purposes of this section and of section twenty hereof the term “company” includes any person or association of persons, whether corporate or unincorporate.

Term of office of members appointed by Governor-General.

14. (1) With respect to the first members of the Board appointed by the Governor-General, the following provisions shall apply:—

(a) They shall come into office on a date to be specified in the instrument of appointment, being not earlier than the date fixed by the

Governor-General in Council pursuant to the last preceding section :

(b) One of such members shall retire on the thirtieth day of June in each of the years nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, and nineteen hundred and thirty-nine :

(c) The Board shall determine by lot the member so to retire in any year.

(2) Except as provided in the last preceding subsection, every member of the Board appointed by the Governor-General shall be appointed for a term of three years.

15. (1) With respect to the first members of the Board elected pursuant to paragraph (b) or appointed pursuant to paragraph (c) of section thirteen hereof, the following provisions shall apply :—

Term of office  
of other  
members.

(a) They shall come into office on the date of their election or appointment, as the case may be, or on the date fixed by the Governor-General in Council pursuant to section thirteen hereof (whichever date is the later) :

(b) One of such members shall retire on the thirtieth day of June in each of the years nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, and nineteen hundred and forty :

(c) The Board shall determine by lot the member so to retire in any year.

(2) Except as provided in the last preceding subsection, every member of the Board who is elected pursuant to paragraph (b) or is appointed pursuant to paragraph (c) of section thirteen hereof shall hold office as a member of the Board for a term of four years.

16. (1) Notwithstanding anything to the contrary in the foregoing provisions of this Part of this Act, any member of the Board may be at any time removed from office by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Governor-General.

Extraordinary  
vacancies.

(2) On the death, resignation, or removal from office of any member of the Board, the vacancy created thereby shall be filled by appointment or election in the manner in



which the vacating member was appointed or elected, and the member appointed or elected in his stead shall hold office for the residue of the term of office of the vacating member.

(3) Any member vacating office by effluxion of time or otherwise shall be eligible for reappointment or re-election.

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof.

Appointment  
of deputies of  
members.

17. (1) In any case in which the Governor-General is satisfied that any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Governor-General may appoint a deputy to act for that member during such incapacity, and any such deputy shall, while he acts as such, be deemed to be a member of the Board.

(2) No such appointment of a deputy and no acts done by him as such shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

Wards for  
election of  
elective  
members.

18. (1) For the purposes of the election of the elective members of the Board, New Zealand is hereby divided into three wards, to be known respectively as the Northern Ward, the Middle Ward, and the Southern Ward.

(2) The Northern Ward shall comprise all that area of New Zealand lying northwards of the southern boundaries of the counties of Waitomo, Ohura, Kaitieke, Taupo, and Wairoa.

(3) The Middle Ward shall comprise all that area of the North Island of New Zealand not comprised in the Northern Ward.

(4) The Southern Ward shall comprise the South Island of New Zealand, together with Stewart Island and the Chatham Islands.

Appointment of  
Returning  
Officer, and cost  
of elections.

19. (1) For the purposes of the election of elective members of the Board, an officer of the Public Service shall be appointed by the Public Service Commissioner to act as Returning Officer; and the Returning Officer shall, at the expense of the Board, make all necessary arrangements for the conduct of the election.

(2) The cost of every such election shall be paid by the Board out of its account.

Conduct of  
elections.

20. (1) Every election under this Part of this Act shall be conducted by post, and the voting-papers, when completed, shall be posted to the Returning Officer.

(2) The Returning Officer shall compute the value of all votes received by him within the appointed time as follows:—

(a) In respect of each company entitled to vote he shall ascertain the quantity of butter, cheese, and other products of milk or cream manufactured by the company at any factory or factories within the ward during the last preceding financial year of the company. For the purposes of this paragraph a certificate under the hand of the Government Statistician as to the quantity of butter, cheese, or other such products manufactured at any factory during the said period shall be accepted by the Returning Officer as conclusive evidence of the facts certified to:

(b) The Returning Officer shall then proceed to ascertain, in accordance with the following provisions of this section, the value, expressed in terms of tonnage votes, of the votes recorded by the several companies.

(3) For the purposes of paragraph (b) of the last preceding subsection the vote recorded by any company shall be expressed in terms of tonnage votes as follows:—

(a) For every ton of butter manufactured by the company at any factory or factories within the ward in the period referred to in subsection two hereof, and for the equivalent of every ton of butter so manufactured, the company shall be entitled to one tonnage vote:

(b) Two tons of cheese shall be the equivalent of one ton of butter:

(c) Two thousand pounds of the butterfat comprised in any other manufactured product of milk or cream shall be the equivalent of one ton of butter.

(4) The candidate for election for any ward who receives the greatest number of tonnage votes, ascertained in accordance with the foregoing provisions of this section, shall be deemed to be elected for that ward.

(5) Except as expressly provided herein, elections under this section shall be conducted in accordance with regulations made under Part IV of this Act.

Meetings of  
reconstituted  
Board.

21. (1) The first meeting of the Board as reconstituted in accordance with the foregoing provisions of this Part of this Act shall be held on a day to be appointed in that behalf by the Minister of Agriculture.

(2) Except as provided in the last preceding subsection, meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

(3) The Chairman of the Board, or any three members thereof, may at any time call a special meeting of the Board.

(4) At all meetings of the Board four members shall form a quorum.

(5) The Board shall at its first meeting elect a Chairman and a Deputy Chairman, who shall respectively hold office until the appointment of their successors in accordance with the next succeeding subsection.

(6) On the second Wednesday in July, nineteen hundred and thirty-six, and on the same day in each succeeding year, the Board shall hold a meeting for the purpose of appointing a Chairman and a Deputy Chairman for the ensuing twelve months.

(7) In the absence of the Chairman from any meeting of the Board the Deputy Chairman, if present, shall preside. In the absence from any meeting of both the Chairman and the Deputy Chairman, the members present shall appoint one of their number to be the Chairman of that meeting.

(8) At any meeting of the Board the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

Board may  
appoint  
committees.

22. (1) The Board may from time to time appoint a committee or committees, consisting of two or more persons, and may delegate to any such committee any of its powers or duties, other than the power to fix the amount of any levy which the Board is authorized by the next succeeding section to impose on dairy-produce.

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

Levy on dairy-  
produce.

23. (1) There shall be paid to the Board by way of levy on dairy-produce manufactured for sale, whether such dairy-produce is subject to the control of the Board or not, such charges as may from time to time be fixed by the Board, not exceeding in any case the maximum

charges that may be prescribed by regulations under Part IV of this Act.

(2) Differential charges may be prescribed pursuant to this section in respect of different kinds of dairy-produce, and in respect of dairy-produce exported from New Zealand and dairy-produce intended for consumption in New Zealand.

(3) This section is in substitution for section fifteen of the principal Act and that section is hereby accordingly repealed. Repeal.

(4) This section shall come into force on the date fixed pursuant to section thirteen of this Act for the reconstitution of the Board.

**24.** Any person in the service of the Crown may be appointed as an officer of the Board : Officers of the Public Service may be appointed to service of Board.  
 Provided that no such person shall accept such appointment and be entitled to retain his position as a servant of the Crown except—

- (a) In the case of a person subject to the Public Service Act, 1912, with the consent of the Public Service Commissioner ; and  
 (b) In any other case, with the consent of the Minister to whose control he is subject.

### *Repeals.*

**25.** (1) The following provisions of the principal Act are hereby repealed, namely : Section two, section four, section seven, section eight, section nine, and subsections seven and eight of section thirteen. Repeals.

(2) Sections two to nine of the Dairy-produce Export Control Amendment Act, 1926, are hereby repealed.

## PART III.

### FINANCIAL PROVISIONS.

**26.** (1) There may from time to time be paid out of the Public Works Fund, on such terms and conditions as the Minister of Finance may prescribe, such sums as may be appropriated by Parliament for all or any of the following purposes, namely :— Authorizing expenditure out of Public Works Fund of moneys required for rehabilitation of dairy industry.

- (a) The construction, reconstruction, equipment, and improvement of dairy-factories :

- (b) Securing improved conditions in and about dairies (within the meaning of the Dairy Industry Act, 1908):
  - (c) The eradication of disease in dairy herds:
  - (d) Any other purposes for which grants or loans may be found necessary for the purpose of giving effect to the recommendations of the Commission of Inquiry referred to in the Preamble to this Act.
- (2) In addition to any moneys that may be provided pursuant to the last preceding subsection, there may for the year ending on the thirty-first day of March, nineteen hundred and thirty-five, be paid out of the Public Works Fund for the purposes specified in that subsection such sum or sums as the Minister of Finance may approve, not exceeding in the aggregate the sum of five hundred thousand pounds. All moneys payable under this subsection may be paid without further appropriation than this Act.

## PART IV.

### ENABLING PROVISIONS.

Power to make regulations for purpose of giving effect to recommendations of Commission of Inquiry.

27. (1) For the purpose of giving effect to the recommendations of the Commission of Inquiry referred to in the Preamble to this Act, and generally for the purpose of securing the effective conduct of any of the industries in respect of which the Executive Commission of Agriculture has for the time being any statutory or other functions and otherwise for the purpose of giving effect to this Act, the Governor-General may from time to time, by Order in Council, make all such regulations as he may consider necessary.

(2) In particular, but without in any way limiting the generality of the authority conferred by the last preceding subsection, regulations may be made hereunder for all or any of the following purposes, namely:—

- (a) Prescribing the conditions to be observed by persons engaged in the production of milk or cream for sale:
- (b) For the licensing of dairy-factories, and prescribing the conditions subject to which licenses may be granted, refused, or revoked:

- (c) For the handling and marketing of dairy-produce in New Zealand or elsewhere :
- (d) Prescribing the maximum amount of the levies that may be imposed on dairy-produce intended for consumption in New Zealand, and on dairy-produce intended to be exported from New Zealand, and the methods to be adopted in the collection of such levies :
- (e) Prescribing the purposes for which the proceeds of such levies shall be applied in furtherance of the interests of the dairy industry :
- (f) Any other purposes for which regulations are contemplated by or may be required to give effect to this Act.

(3) No regulation made under the authority of this section shall be invalid because it deals with any matter provided for by any Act in that behalf, or because of repugnancy to any such Act.

(4) No person shall be liable in damages for any breach of contract in so far as such breach is occasioned by compliance with any regulations made under this section.

(5) All regulations made under the authority of this section shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, then within twenty-eight days after the commencement of the next ensuing session thereof.

(6) All regulations laid before Parliament in any session pursuant to the last preceding subsection shall expire on the close of the last day of that session except so far as they are expressly validated or confirmed by an Act of Parliament passed during that session.

(7) All regulations made under the authority of this section shall, while they continue in force, have the force of law as if they were enacted in this Act.