



ANALYSIS

<p>Title.</p> <p>1. Short Title</p> <p>2. Abolition of separate Divisions of Department.</p> <p>3. Officers of Department.</p> <p>4. Delegation of powers by Director.</p> <p>5. Extension of Department's powers to by-products and food-processing, &c.</p>	<p>6. Marketing Account.</p> <p>7. Certifying officers for Meat Industry Account.</p> <p>8. Remuneration and travelling-allowances of members of Advisory Committees.</p> <p>9. Directors of milk treatment companies not disqualified for membership of Milk Board.</p> <p>10. Consequential amendments. Schedule.</p>
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1948, No. 54

Title.	AN ACT to Amend the Marketing Act, 1936. [26th November, 1948]
	BE IT 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 Marketing Amendment Act, 1948, and shall be read together with and deemed part of the Marketing Act, 1936 (hereinafter referred to as the principal Act).
1936, No. 5	
Abolition of separate Divisions of Department.	2. (1) The Export Division, the Internal Marketing Division, and the Milk Marketing Division of the Department are hereby abolished.
1944, No. 30	(2) The Department shall be charged with the administration of the Milk Act, 1944.

(3) All references to the Export Division or to the Internal Marketing Division or to the Milk Marketing Division in any enactment or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever shall, unless the context otherwise requires, be hereafter read as references to the Department.

3. (1) There shall from time to time be appointed as officers of the Public Service a Director of Marketing (hereinafter referred to as the Director), and such other officers of the Department as may from time to time be considered necessary.

Officers of Department.

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(2) The Director shall be the administrative head of the Department.

(3) All persons holding office as officers of the Department on the passing of this Act shall be deemed to have been appointed under this section.

4. (1) With the written consent of the Minister, the Director may from time to time, by writing under his hand, delegate to such officer or officers of the Public Service or other persons as he thinks fit all or any of the powers exercisable by him under any Act, including any powers delegated to him by the Minister, but not including this present power of delegation.

Delegation of powers by Director.

(2) Subject to any general or special directions given or conditions attached by the Director, the officer to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified officer or to officers of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Director.

(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Director by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Director.

Extension of Department's powers to by-products and food-processing, &c.

5. Where the Department has any functions or powers in relation to any primary products, foodstuffs, or goods,—

(a) Those functions or powers shall be deemed to apply to any by-product of those primary products, foodstuffs, or goods or of the manufacture thereof or of any process carried out in respect thereof:

(b) The Department may manufacture, pack, preserve, dehydrate, freeze, or carry out any other process in respect of those primary products, foodstuffs, goods, or by-products.

Marketing Account.
1937, No. 21

6. (1) The Internal Marketing Account established under section nine of the Marketing Amendment Act, 1937, shall hereafter be known as the Marketing Account.

(2) All references to the Internal Marketing Account in any enactment shall, unless the context otherwise requires, be hereafter read as references to the Marketing Account.

Certifying officers for Meat Industry Account.
See Reprint of Statutes, Vol. VII, p. 30

7. In respect of the Meat Industry Account, officers of the New Zealand Meat-producers Board may be recognized as certifying officers under section fifty-four of the Public Revenues Act, 1926.

Remuneration and travelling-allowances of members of Advisory Committees.

8. Members of any Advisory Committee, not being officers of the Public Service or persons in receipt of salaries payable out of public moneys, may be paid out of the Marketing Account, in accordance with the appropriation of Parliament, such remuneration and such travelling allowances and expenses as may be prescribed by regulations made under the principal Act or, in the absence of any such regulations or so far as they do not extend, as may be fixed by the Minister of Finance either generally or in any particular case.

1937, No. 21
1937, No. 21
1937, No. 21

9. Section twenty-one of the Milk Act, 1944, is hereby amended by adding to subsection two the words "or as a director of a milk treatment corporation established by regulations under the Agriculture (Emergency Powers) Act, 1934, and the principal Act, or as a director of an incorporated company the principal object of which is the treatment of milk and in which shares are held by the Minister or by the Board".

10. The enactments specified in the Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

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No. 8.

Directors of milk treatment companies not disqualified for membership of Milk Board.

1944, No. 30

1934, No. 34

AND

No.

Consequential amendments.

Schedule.

SCHEDULE

CONSEQUENTIAL AMENDMENTS

Title of Act.	Number of Section Affected.	Nature of Amendment.
1936, No. 5— The Marketing Act, 1936	Section 5 Section 9 (as amended by section 21 of the Market- ing Amendment Act, 1937)	By repealing this section. By omitting the words "the Director of any Division of the Department, acting"; and sub- stituting the words "the Director, acting".
1937, No. 17 The Finance Act, 1937	Section 11 Section 37 (2)	By repealing this section. By omitting the words "continued as a Division of the Primary Products Marketing Depart- ment", and substituting the words "carried on by the Marketing Department".
1937, No. 21— The Marketing Amendment Act, 1937	Sections 2, 3, and 4 Section 5 (1) Section 5 (4) Section 9 (1) Section 9 (2) Section 9 (3) Section 9 (4) Section 10 Section 11 (1) Section 11 (2)	By repealing these sections. By omitting the words "of any Division". By omitting the words "of any Division", and also the words "of that Division". By omitting the words "the Internal Marketing Division of", and also the word "Internal" before the words "Marketing Account". By omitting the word "Internal". By omitting the word "Internal" where it first occurs; by omitting the words "of the Internal Marketing Division" where they first occur; by omitting the words "Internal Marketing Division" where they secondly occur, and substituting the word "Department"; by omitting the words "of that Division". By omitting the word "Internal". By omitting the word "Internal". By omitting the word "Internal" where it first occurs; by omitting the words "the Internal Marketing Division of". By omitting from paragraph (a) the words "Internal Marketing Division of the".
The Marketing Amendment Act, 1937	Section 11 (3)	By omitting the words "Internal Marketing Division", and sub- stituting the word "Depart- ment"; by omitting the words "that Division", and sub- stituting the words "the Depart- ment".

SCHEDULE—*continued*CONSEQUENTIAL AMENDMENTS—*continued*

Title of Act.	Number of Section Affected.	Nature of Amendment.
1937, No. 21— <i>continued</i> The Marketing Amendment Act, 1937	Section 12 (1) (as amended by section 107 (6) of the Milk Act, 1944, and by section 39 of the Dairy Products Marketing Commission Act, 1947) Schedule	By omitting the word "Internal"; by omitting the words "or the Milk Marketing Account", and substituting the words "or any other account established under the principal Act or controlled by the Department". By repealing so much of the Schedule as relates to section 5 and section 9 of the principal Act.
1939, No. 40— The Marketing Amendment Act, 1939	Section 3 (2) Section 5 (3)	By repealing subsection (2). By omitting the words "a Director of a Division of the Department" and substituting the words "the Director"; by inserting, after the words "officer of the Department", the words "or other person"; by omitting the words "a Director", and sub- stituting the words "the Director".
1940, No. 3— The Land and Income Tax Amendment Act, 1940	Section 4 (1)	By omitting the words "the Internal Marketing Division of".
1944, No. 30— The Milk Act, 1944	Section 2 (1) Section 96 (2) Section 98 (4) Section 107 Section 108 APP. 13 No. 2	By omitting from the definition of the term "Director" the words "the Milk Marketing Division", and substituting the word "Marketing"; by repeal- ing the definition of the term "Milk Marketing Division". By omitting from paragraph (b) the word "Milk". By omitting the words "Milk Marketing Division", and sub- stituting the words "Marketing Department". By repealing this section. By omitting the words "Milk Marketing Division", and sub- stituting the words "Marketing Department".