

4. Each person who is the occupier of premises on which milk is produced and from which during the period of twelve months before the preparation of the roll milk has been regularly supplied to the Corporation shall be entitled to be enrolled as an elector and exercise one vote if the average daily quantity of milk so supplied was not less than 10 gallons.

5. The Corporation shall take such steps and give such notices as may be reasonably necessary to enable all persons entitled in that behalf to be enrolled in the electors roll aforesaid, and to enable objections to be lodged as hereinafter provided.

6. The roll shall be completed and open for inspection at the office of the Corporation not later than one month before the day fixed by the Corporation for the election.

7. Any person may, within such time as may be fixed by the Corporation in that behalf, lodge with the Corporation an objection in writing to the roll on the grounds that any person whose name is on the roll does not possess the necessary qualification, or that any person whose name does not appear on the roll possesses the necessary qualification and is entitled to be enrolled, and the Corporation shall forthwith inquire into and dispose of the objection.

8. Any person aggrieved by any decision of the Corporation touching the electors roll may appeal therefrom to a Magistrate in the same way as if the electors roll were an electors list or roll prepared under the provisions of the Municipal Corporations Act, 1933, and the provisions of the Act shall, with the necessary modifications, extend and apply accordingly.

9. The roll shall be deemed to be closed at five o'clock in the afternoon of the fourteenth day preceding the day fixed for the election, and thereafter until the completion of the election no alteration of or addition to or removal from the roll shall be made save to give effect to any decision in respect of any objection duly lodged within the time limited as aforesaid for the lodging of objections.

10. The election shall be conducted by means of a postal ballot in such manner as the Corporation determines.

11. The Secretary of the Corporation, or such other officer as the Corporation approves in that behalf, shall be the returning officer for the election.

12. Subject to the foregoing provisions of this Schedule, the Local Elections and Polls Act, 1925, shall apply to every election under these regulations.

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

The Nelson Milk Treatment Corporation Regulations 1946

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 2nd day of October, 1946

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

1. These regulations may be cited as the Nelson Milk Treatment Corporation Regulations 1946.

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

“Central Milk Council” means the Central Milk Council constituted under the Milk Act, 1944 :

“Corporation” means the Nelson Milk Treatment Corporation established under these regulations :

“Director” means a director of the Corporation and includes a person acting as a deputy of a director :

“Milk” includes cream :

“Minister” means the Minister of Marketing :

“Treatment,” in relation to milk, includes the examination, cleansing, pasteurization, modification, testing, grading, cooling, refrigerating, bottling, or packing thereof, and otherwise preparing the same for sale or consumption ; and “treat” has a corresponding meaning.

3. (1) There is hereby established a corporation to be called the Nelson Milk Treatment Corporation.

(2) Subject as hereinafter appears, the Corporation shall consist of four directors to be appointed from time to time by the Governor-General on the recommendation of the Minister either by name or as the holder or as the respective holders for the time being of any office or offices, of whom—

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

(b) One shall be appointed as representative of the consumers on the nomination of the Nelson City Council :

(c) One shall be appointed as representative of the producers on the nomination of the Nelson Co-operative Milk Producers' Association, Limited :

(d) One shall be appointed as representative of the vendors of milk on the nomination of Nelson Dairies, Limited.

(3) The Corporation shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of suing and being sued, and of doing all such acts and things as bodies corporate may lawfully do and suffer.

4. (1) The directors shall at their first meeting, and thereafter at a meeting held in the month of September in every subsequent year, elect one of their number to be Chairman. For the purposes of the election of Chairman the Secretary of the Corporation shall preside, and in the case of equality of votes shall determine the election by lot in such manner as he thinks fit.

(2) The Chairman shall come into office on his election, and shall hold office until the election of his successor.

(3) The Chairman may resign his office by writing addressed to the Secretary of the Corporation ; and in such case, or in the case of his ceasing from any cause to be a director, his office shall become vacant, and the Secretary shall forthwith convene a meeting of the directors for the appointment of another Chairman.

5. (1) Except as otherwise provided in these regulations every director shall be appointed for a term of three years, but may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in these regulations, every director, unless his office is sooner vacated as hereinafter provided, shall continue to hold office until his successor comes into office.

6. (1) Any director may at any time be 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 Secretary of the Corporation, who shall forthwith give notice of the resignation to the Minister.

(2) If any director dies, or resigns, or is removed from office, or if he is concerned or interested (otherwise than as a member of a corporate body in which there are more than twenty members and of which he is not the general manager) in any contract with the corporation other than a contract relating to the sale, purchase, collection, delivery, or treatment of milk, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

(3) In case of any extraordinary vacancy the Governor-General may appoint some fit person to be a director for the residue of the term for which the vacating director was appointed. Any such appointment shall be made in the same manner as the appointment of the vacating director.

(4) The powers of the Corporation shall not be affected by the fact that at any time there may be less than the full number of directors in office.

7. (1) In any case in which the Corporation is satisfied that any director is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Corporation, with the consent of the body which nominated the director so incapacitated, may appoint a deputy to act for that director during his incapacity, and any such deputy shall, while he acts as such, be deemed to be a director :

Provided that in the case of the incapacity of the director appointed as representative of the Government, the deputy shall be appointed by the Minister.

(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.

8. (1) If, pursuant to any guarantee given by the Minister of Finance in respect of the liabilities of the Corporation, any moneys are paid on behalf of the Crown to any creditor of the Corporation, or if the Corporation makes default in the repayment of any moneys lent to the Corporation by the Minister of Finance, the Minister of Marketing may on behalf of the Government refer to the Central Milk Council for inquiry and for its recommendation the question of the manner in which the business of the Corporation has been or should be conducted or managed.

(2) In any case where a matter has been referred to the Central Milk Council for inquiry pursuant to subclause (1) of this regulation, the Central Milk Council shall conduct a local inquiry under section 103 of the Milk Act, 1944.

(3) If after an inquiry as aforesaid the Central Milk Council reports that the business of the Corporation has been inefficiently conducted and recommends that any of the directors should be removed from office, the Governor-General may in his discretion remove those directors from office accordingly and thereafter, if the persons so removed from office were appointed pursuant to paragraph (b) or paragraph (c) or paragraph (d) of subclause (2) of Regulation 3 hereof, the persons to be appointed from time to time as directors in their place shall not be nominated as provided in those paragraphs, but shall be selected from a panel containing not less than five names submitted for the purpose by the body that would otherwise make the nomination, and the provisions of the said Regulation 3 shall be deemed to be modified accordingly.

9. (1) The first meeting of the directors shall be held on a day to be appointed in that behalf by the Minister.

(2) Subsequent meetings of the directors shall be held at such times and places as the directors from time to time appoint.

(3) The Chairman or any two directors may at any time call a special meeting of the directors.

(4) At all meetings of the directors two directors shall form a quorum.

(5) The Chairman shall preside at all meetings at which he is present. In the absence of the Chairman, the directors present shall appoint one of their number to act as Chairman of that meeting.

(6) All questions before the directors shall be decided by a majority of the directors present and voting at a meeting held in pursuance of these regulations :

Provided that the Chairman of the meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(7) Subject to the provisions of these regulations, the directors may regulate their procedure in such manner as they think fit.

10. No director shall be personally liable for any liability of the Corporation, or for any act done or omitted by the Corporation or by any director or officer thereof in good faith in pursuance or intended pursuance of the powers and authority of the Corporation.

11. (1) The Corporation may out of its funds pay to the Chairman of directors an allowance at the rate of £100 a year, or at such higher rate as may be approved by the Minister of Finance, and to each of the other directors an allowance at the rate of £50 a year.