

Serial Number **1953/157**

## THE HONEY MARKETING AUTHORITY REGULATIONS 1953

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington, this 23rd day of  
November 1953

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING 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.

### REGULATIONS

1. (1) These regulations may be cited as the Honey Marketing Authority Regulations 1953.

(2) These regulations shall come into force on the 1st day of December 1953.

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

“Authority” means the New Zealand Honey Marketing Authority established by these regulations:

“Bulk container” means a container packed with honey of any kind weighing over 10 lb.:

“Canister” means a container made substantially from tinsplate or other metal:

“Carton” means any cardboard or other similar type of container holding honey for sale by retail; but does not include a canister or a container in which is packed another container holding cut or wrapped comb honey:

“Department” means the Department of Agriculture:

“Extracted honey” includes liquid or granulated honey:

“Honey” means honey as defined by regulation 142 of the Food and Drug Regulations 1946\*; and includes any substance which in colour, appearance, and taste resembles, and contains in appreciable amount, honey as defined by the said regulation:

“Minister” means the Minister of Agriculture:

“Manufacturer” means a person who purchases honey for use in any manufacturing process:

\* Statutory Regulations 1946, Serial number 1946/136, page 370.

“Packer” means a person carrying on the business of repacking honey from bulk containers into retail containers for sale by wholesale or retail:

“Producer” means a person carrying on business as a producer of honey for sale and who is the occupier of any apiary registered under the Apiaries Act 1927:

“Retail container” means a container of any kind packed with honey weighing 10 lb. or less:

“Sale” includes barter and exchange, a contract for sale, agreement to sell, and offer for sale; and “purchase” has a corresponding meaning:

“Sale by retail” means a sale other than a sale made by wholesale; and includes a sale made to any person for any purpose other than resale:

“Sale by wholesale” means a sale made to any person for the purpose of resale.

## PART I

### *Honey Marketing Authority*

3. (1) There is hereby established a Marketing Authority to be called the New Zealand Honey Marketing Authority.

(2) The Authority shall consist of six members, to be appointed by the Governor-General on the recommendation of the Minister, of whom—

(a) One shall be appointed as Government representative;

(b) Four shall be appointed as producers' representatives after being elected as hereinafter provided.

(c) One shall be appointed on the nomination of the National Beekeepers' Association of New Zealand, Incorporated.

(3) Notwithstanding the provisions of subclause (2) hereof, the members of the Honey Marketing Committee established by the Honey Marketing Committee Regulations 1948\* in office on the commencement of these regulations shall be the first members of the Authority.

(4) Subject to subclause (3) hereof, every appointment of a member of the Authority shall be made by notification under the hand of the Minister published in the *Gazette* and shall take effect, except as hereinafter provided, on the date of the publication of the notification or such later date as may be stated therein.

4. (1) Every member appointed as a Government representative shall hold office during the pleasure of the Governor-General or, in the case of members who are the first members of the Authority, until a Government representative is appointed under subclause (2) of regulation 3 hereof.

(2) Every person holding office as a producers' representative on the commencement of these regulations shall hold office until the date of the appointment of the first producers' representatives appointed after the first election held after the date of the commencement of these regulations, and every person appointed as a producers' representative after that date shall hold office until the appointment of a successor elected in accordance with these regulations.

(3) The Government representative shall, in addition to his other functions, represent the interests of consumers of honey.

\* Statutory Regulations 1948, Serial number 1948/144, page 438.

5. (1) The first election of producers' representatives shall be held as soon as conveniently may be after the commencement of these regulations on a date to be fixed in that behalf by the Returning Officer. The election shall be held in accordance with the Schedule to these regulations except that all dates and times referred to in that Schedule may be altered or modified in such manner as may be approved by the Minister in that behalf, and that the producers qualified to vote shall be the same as those qualified to vote at an election of members of the Honey Marketing Committee, established under the Honey Marketing Committee Regulations 1948,\* held after the month of June in the year 1953.

(2) The members appointed as producers' representatives after the first election shall hold office until their successors are appointed after the second election of producers' representatives which shall be held in the year 1955 and that election and every subsequent election of producers' representatives shall be conducted as provided in the Schedule to these regulations. For the purposes of any elections an officer of the Department of Agriculture shall from time to time be assigned by the Department to undertake the duties of Returning Officer.

6. (1) With respect to the members of the Authority appointed as producers' representatives after the second election of members held after the commencement of these regulations the following provisions shall apply:

- (a) Two of those members shall retire at the expiration of two years from the date of their appointment, and the other two members shall retire at the end of three years from that date:
- (b) The members so to retire at the end of two years shall be determined by agreement of the four members concerned, and, failing agreement, the members then to retire shall be determined by lot.

(2) Except as otherwise provided in these regulations, every producers' representative shall be appointed for a term of three years, but may from time to time, if re-elected, be reappointed.

(3) Every producers' representative, unless he sooner vacates his office otherwise than by effluxion of time, shall continue to hold his office until his successor comes into office.

7. (1) The Chairman and the Deputy Chairman of the Authority shall be elected by the Authority from among the producers' representatives at the first meeting of the Authority held after the commencement of these regulations, and thereafter in the first month after the election of producers' representatives in each succeeding year.

(2) The person holding office as Chairman of the Honey Marketing Committee on the commencement of these regulations shall hold office as Chairman of the Authority until his successor is elected in accordance with this regulation.

8. If any member of the Authority—

- (a) Dies; or
- (b) Resigns his office by writing under his hand delivered to the Chairman or, if he be the Chairman, to the Minister; or
- (c) Is absent without leave from two consecutive meetings of the Authority, whether or not he has appointed any person to attend a meeting in his stead; or
- (d) Becomes, in the opinion of the Minister, a person of unsound mind; or

\* Statutory Regulations 1948, Serial number 1948/144, page 438.

(e) Becomes bankrupt; or

(f) Is convicted of any offence punishable by imprisonment,—  
he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy.

9. Every casual vacancy on the Authority shall be filled for the unexpired term of the member whose office has become vacant,—

(a) In the case of a Government representative, by the appointment of a fresh nominee by the Minister; or

(b) In the case of a producers' representative, by the appointment by the Minister of some fit person recommended by the remaining producers' representatives:

Provided that where the unexpired term would, if the appointment of the member's successor took effect on the 1st day of August in the year in which it would fall due to be made, exceed a period of one year, then the Returning Officer shall cause an election to be held in accordance with the provisions of the Schedule hereto to fill the casual vacancy, except that the Minister may determine the dates for the holding of any such election.

10. If any person appointed as a Government representative is unable to attend a meeting of the Authority he may, by writing under his hand, authorize any person to attend that meeting in his stead, and the person so authorized shall, for all the purposes of that meeting, be deemed to be a representative of the Government.

11. If any person appointed as a producers' representative is unable to attend a meeting of the Authority he may, by writing under his hand, authorize any person, being a producer qualified for nomination at the last preceding election, to attend that meeting in his stead, and the person so authorized shall, for all the purposes of that meeting, be deemed to be a producers' representative:

Provided that a producers' representative shall not be entitled to authorize a person to attend a meeting in his stead if he has given such an authorization in respect of half of the number of meetings theretofore held in the same year (computed from the 1st day of January).

12. The Authority may permit any person to attend at its meetings in an advisory capacity, but any such person shall have no voting rights. The expenses of any such person whose attendance at a meeting is requested pursuant to a resolution of the Authority shall be paid on the same basis and at the same rates as the expenses of elected producers' representatives.

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

14. (1) The Chairman shall notify members of the time and place of any meeting of the Authority.

(2) Not less than three meetings of the Authority shall be held in each year.

(3) At all meetings of the Authority three members, of whom one shall be the Government representative, shall form a quorum.

15. (1) In the absence of the Chairman from any meeting, the Authority shall for that meeting elect one of its members to act as Chairman.

(2) At any meeting the Chairman may exercise a deliberative and a casting vote.

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

17. The members of the Authority shall not be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operations of the Authority.

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

19. (1) The principal functions of the Authority shall be to promote and organize the marketing of honey and to assist in the orderly development of the honey producing industry.

(2) Without limiting any powers specifically conferred on the Authority, the Authority shall have authority to make such arrangements and give such directions as it thinks proper for the following matters:

(a) The acquisition, reception, storage, package, processing, and sale of honey and the by-products of honey:

(b) The blending and grading of honey:

(c) The shipment of honey acquired by the Authority:

(d) The insurance against loss of honey acquired by the Authority.

(3) The authority shall have all the powers and authorities necessary, conducive, or incidental to the performance of its functions.

## PART II

### *Levy*

20. (1) Subject to the provisions of these regulations, there shall be payable in respect of all honey sold in New Zealand a levy computed according to the weight of the honey sold at the following rates:

(a) Where the weight of the honey sold is 8 oz. or less,  $\frac{1}{2}$ d.:

(b) Where the weight of the honey sold is over 8 oz. but does not exceed 1 lb., 1d.:

(c) Where the weight of the honey sold exceeds 1 lb. but does not exceed  $1\frac{1}{2}$  lb.,  $1\frac{1}{2}$ d.:

(d) Where the weight of the honey exceeds  $1\frac{1}{2}$  lb. but does not exceed 2 lb., 2d.:

(e) Where the weight of the honey sold exceeds 2 lb., at the rate of 1d. a pound for every exact number of pounds, increased by 1d. for any part of a pound in excess of the exact number.

(2) No levy shall be payable with respect to—

(a) Any honey sold for consumption in the bee comb in which it was produced:

Provided that there shall not be exempted from payment of levy under this paragraph any honey in the bee comb where the comb or any portion thereof is packed, together with extracted honey, in the same retail container:

- (b) Any honey exceeding 10 lb. net weight sold by a producer by retail at his apiary and delivered to the purchaser at the apiary in any case where the producer does not, by advertisement, solicit orders for the sale of honey by retail at his apiary:
- (c) Any honey accepted by the Authority for disposal by the Authority on behalf of suppliers.

21. The levy shall be payable by—

- (a) The producer, except where the honey is sold to a packer; and
- (b) The packer where the honey is bought by him from the Authority or from a producer and is resold by the packer.

22. (1) Payment of the levy shall be indicated as follows:

- (a) Where honey is packed in a carton: by means of a stamp of the appropriate value embossed on the lid of the carton:

Provided that, for a period of six months from the commencement of these regulations, or such further period as the Minister may determine, payment of the levy may be indicated by means of an adhesive seal as well as in the manner authorized by this paragraph:

- (b) Where honey is packed in a canister: by means of a number and mark stencilled or imprinted on the canister or by means of an adhesive seal affixed as provided by paragraph (c) hereof:
- (c) Where honey is packed in any other kind of container: by means either of an adhesive seal of the appropriate value which shall be affixed to the container in such a manner as to be easily seen or of a label affixed to the container and franked by the Authority in a manner indicating the payment of the correct amount of the levy payable in respect of the amount of honey in the container.

(2) Where payment of the levy is to be indicated otherwise than by the affixing of seals, the payment may be made at such time as may be agreed upon between the Authority and the person by whom the payment is to be made.

(3) If in any case the Authority agrees to defer payment of the levy, it may require such security as it thinks fit to be given in respect of the deferred payment.

(4) Every stamp, seal, or mark used for the purposes of these regulations shall be of a shape, size, and design approved by the Authority and, in the case of seals, approved as to design by the Postmaster-General.

23. No person shall emboss any stamp, manufacture or use any seal, or issue any distinguishing number or mark for the purpose of these regulations except pursuant to a licence or authority given to that person by the Authority.

24. (1) No person so licensed or authorized by the Authority shall emboss any stamp or imprint any number or mark on any lid or canister except for the purpose of complying with the written order of a manufacturer, packer, or producer for the delivery to the manufacturer, packer, or producer of a specified number of cartons or canisters.

(2) Except with the authority of the Authority, no embossed lid or printed canister shall be sold or delivered otherwise than to a wholesaler, manufacturer, packer, or producer.

25. (1) The Authority shall cause seals of the respective values set forth in regulation 20 hereof to be printed for issue.

(2) The Authority may authorize the appropriate authorities to be issued to manufacturers of cartons and canisters for the embossing of carton lids and the stencilling or imprinting on canisters of numbers or marks.

(3) Seals shall be available for cash sale from any office of the Authority.

26. (1) No person liable under these regulations for the payment of any levy shall sell any honey in respect of which the levy is payable unless the container in which the honey is sold has affixed thereto the appropriate seals or is appropriately embossed or marked in accordance with these regulations.

(2) No manufacturer, packer, or other person shall purchase for sale by retail any honey in respect of which a levy is payable unless the container in which the honey is purchased by him has affixed thereto the appropriate seal or is appropriately embossed or marked in accordance with these regulations.

(3) No person shall sell or have in his possession for sale any honey in respect of which a levy is payable unless the container in which the honey is packed has affixed thereto the appropriate seal or is appropriately embossed or marked in accordance with these regulations.

27. (1) The Authority may at any time, upon giving public notice if his intention so to do,—

(a) Withdraw from sale all adhesive seals for the time being issued and available for the purposes of these regulations:

(b) Make available in substitution therefor a fresh issue of adhesive seals.

(2) The Authority may—

(a) Repurchase any seals; and

(b) Withdraw authority for the embossing of cartons or the imprinting, marking, or numbering of canisters.

(3) For the purposes of this regulation the term "public notice" means publication in the *Gazette* or in such newspaper or newspapers as the Authority thinks fit.

### PART III

#### *Financial*

28. (1) For the purposes of these regulations there shall be established with the Reserve Bank or the Bank of New Zealand an account to be known as the Honey Industry Account.

(2) There shall be paid into the Honey Industry Account—

(a) All money which at the commencement of these regulations is held in or payable to the Honey Accounts, kept by the Department:

(b) All money derived from the sale of adhesive seals and from the issue of licences or authorities for the embossing of stamps and the imprinting of numbers and marks on containers pursuant to these regulations:

(c) All money derived from the operations of the Authority.

(3) There shall be paid out of the Honey Industry Account all costs, charges, and expenditure incurred by the Authority in the performance of its duties and the exercise of its powers and functions under these regulations and in the administration thereof.

(4) There may be paid out of the Honey Industry Account in any year towards the costs of the National Beekeepers' Association of New Zealand, Incorporated, a sum not exceeding £1,000:

Provided that, in any year, no sum shall be paid under this subclause greater than a sum equivalent to one-twelfth of a penny for every pound of honey in respect of the sale of which a levy is payable under these regulations.

(5) The Authority may from time to time establish within the Honey Industry Account such special accounts, pool accounts, or reserves as it deems necessary or expedient for any purpose authorized by these regulations.

#### PART IV

##### *General*

29. Any person duly authorized by the Authority in that behalf may inspect the books and records of any person engaged in the business of marketing or storing honey in New Zealand relating to the storage, sale, and purchase of honey, and make extracts from or copies of any such books or records.

30. Every person commits a breach of these regulations and shall be liable accordingly who—

- (a) Fails to comply with any requirement, obligation, or provision imposed or required to be observed by these regulations:
- (b) Counterfeits any official adhesive seal, embossed stamp, or mark issued in pursuance of these regulations:
- (c) Affixes to any container of honey a counterfeit adhesive seal:
- (d) Removes, or causes or allows to be removed, without lawful justification or excuse, any adhesive seal lawfully affixed to any container of honey:
- (e) Uses on any container of honey for sale any official adhesive seal that has been previously used as a seal in respect of a sale of any other honey:
- (f) Sells or offers for sale or exposes for sale any honey contrary to any provision of these regulations.

#### SCHEDULE

##### CONDUCT OF ELECTION FOR PRODUCERS' REPRESENTATIVES

##### *Voting Qualifications*

(1) Every person who on the 30th day of June in any year is a producer within the meaning of these regulations shall be entitled to vote at the election to be held in that year, provided he is qualified to vote in accordance with the succeeding clauses hereof. Every such producer is included in the term "producer qualified to vote" as used in this Schedule.

(2) If any apiary producing honey for sale is occupied by two or more persons jointly or in common, one only of those persons shall be entitled to vote.

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

(4) The number of votes which may be exercised by a person entitled under these regulations to vote shall be determined as follows:

- (a) If any such person during the year ending on the 30th day of June immediately preceding the date of preparation of the roll supplies honey to the Authority but does not purchase seals he may exercise the appropriate number of votes indicated in paragraph (i) of the following table according to the amount of honey supplied:



SCHEDULE—*continued*

- (b) If any such person during the said period purchases seals but does not supply honey to the Authority he may exercise the appropriate number of votes indicated in paragraph (ii) of the following table according to the value of seals purchased:
- (c) If any such person both supplies honey and purchases seals during the said period he may exercise the aggregate number of the votes authorized by the foregoing provisions of this clause according to the amount of honey supplied and the value of the seals purchased:
- Provided that, notwithstanding the foregoing provisions of this clause, no such person shall be entitled to exercise an aggregate number of votes greater than twenty.

*Table*

## (i) Votes exercisable according to honey supplied—

Amount Supplied	Number of Votes
$\frac{1}{2}$ ton and under 1 ton	2
1 ton and under 2 tons	4
2 tons and under 3 tons	6
3 tons and under 4 tons	8
4 tons and under 5 tons	10
5 tons and under 6 tons	12
6 tons and under 7 tons	14
7 tons and under 8 tons	16
8 tons and under 9 tons	18
9 tons and over	20

## (ii) Votes exercisable according to value of seals purchased—

Value of Seals	Number of Votes
£4 13s. 4d. and under £9 6s. 8d.	2
£9 6s. 8d. and under £18 13s. 4d.	4
£18 13s. 4d. and under £28	6
£28 and under £37 6s. 8d.	8
£37 6s. 8d. and under £46 13s. 4d.	10
£46 13s. 4d. and under £56	12
£56 and under £65 6s. 8d.	14
£65 6s. 8d. and under £74 13s. 4d.	16
£74 13s. 4d. and under £84	18
£84 and over	20

(5) No producer shall at any election be entitled to a vote by virtue of the supply of honey who has not in the year by reference to which the number of votes is to be ascertained supplied at least half a ton or to a vote by virtue of purchase of seals who has not in that year purchased seals to the value of at least £4 13s. 4d.

(6) At every election each producer whose name is entered on the rolls as a producer and also a voter on behalf of a corporate body may exercise a vote or votes in each capacity.

*Rolls*

(7) As soon as may be after the 30th day of June in each year in which an election requires to be held the Returning Officer shall prepare a roll of producers qualified to vote.

(8) Each such roll shall be compiled from the nominal list of producers in possession of the Department of Agriculture, but the Authority shall exclude from the roll the name of any person appearing in the said list who there is reason to believe is not a producer qualified to vote at the next succeeding election, and shall add to the roll the name of any person not appearing in the said list who there is reason to believe is a producer qualified to vote.

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

SCHEDULE—*continued*

(10) Against the name of each producer and nominee qualified to vote as entered in the roll shall appear the number of votes to which the said producer is entitled computed in accordance with the foregoing provisions.

(11) Where one of two or more persons is entitled to vote in respect of the occupation, whether joint or in common, of any apiary producing honey for sale, the Returning Officer shall enter on the roll the name of such one of the said persons as he shall think fit, but at any time before the closing of the roll, on application 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 apiary, the name of some other one of the said persons may be entered on the roll, instead of the name first entered.

(12) Where the name of any person entitled to vote by virtue of the provisions of clause (3) hereof is entered on the roll the entry shall be followed by the words "appointed by [*Name of corporate body*]".

(13) The roll shall be deposited in the Head Office of the Department of Agriculture and in such other place or places as the Returning Officer may appoint and, not later than the fourth Wednesday in July in each year, notify in the *Gazette*, and shall thereupon be open to public inspection during ordinary office hours for a period of fourteen days from the said fourth Wednesday in July.

(14) Any person may during the said period of fourteen days lodge with the Returning Officer an objection in writing under his hand to any entry on any roll on any 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:

(c) That the number of votes entered on the roll against the name of any producer is greater or less than that to which he is entitled.

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

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

*Nominations*

(17) No person shall be eligible for election as a producers' representative unless—

(a) He is a qualified voter whose name appears on the roll either as a producer or as the nominee of a corporate body:

(b) He has been nominated in writing by one or more producers or nominees of a corporate body whose name or names appear on the roll:

(c) He has, by writing in the prescribed form or by letter or telegram to the Returning Officer, accepted nomination:

(d) He has, within seven days of accepting nomination, paid to the Returning Officer a deposit of £3:

(e) Either he, whether alone or together with other occupiers of the apiary in respect of the occupation of which he is entitled to vote, or the corporate body of which he is the nominee has supplied to the Authority a quantity of honey being not less than an average of 3 tons a year over a period of three years up to the 30th day of June of the year of the said election or has purchased seals to the value of not less than an average of £28 over a period of three years up to the 30th day of June of the year of the said election,

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

Provided that nothing in this clause 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.

(19) The last hour and day for receiving nominations shall be noon on the Wednesday that falls twenty-one days after the fourth Wednesday in July.

(20) Where the number of persons nominated does not exceed the number of persons to be elected, the persons nominated shall be declared duly elected.

SCHEDULE—*continued**Polls*

(21) Where the number of persons nominated exceeds the number of persons to be elected, then 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 person whose name is on the roll at the address appearing on the roll a voting paper or, where he is entitled to more votes than one, a number of voting papers corresponding with the number of candidates or with the number of votes to which he is entitled, whichever number is the less. The voting papers shall bear on the face the consecutive number appearing on the roll against the name of the voter to whom the voting paper is forwarded and be accompanied with an envelope addressed to the Returning Officer and bearing on its face the same consecutive number.

(23) Where a person is entitled to exercise more votes than one, the following provisions shall apply:

(a) He may indicate on one voting paper the number of votes he wishes to exercise in favour of any candidate; or

(b) He may divide his votes between candidates, in such proportion as he wishes, on more voting papers than one.

Whether or not he uses more voting papers than one—

(c) He may exercise a total number of votes less but not greater than the total number to which he is entitled;

(d) He shall not be entitled to vote on one voting paper for more candidates than the number of candidates to be elected.

(24) On proof to his satisfaction by statutory declaration or otherwise that a voter has not received his voting papers 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 further voting papers to the voter bearing on the face the number aforesaid with an additional distinguishing mark to indicate issue under this clause, and, if the case so requires, an envelope addressed as aforesaid and bearing the same number and distinguishing mark.

(25) The poll shall close at noon on the fourth Wednesday in the month of September.

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

(27) No voting paper shall be valid—

(a) If it is not received by the Returning Officer by the time fixed for the closing of the poll pursuant to clause (25) hereof; or

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

(c) If the number of candidates for whom the elector has voted exceeds the number of persons to be elected; or

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

*Scrutineers*

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

(29) Every scrutineer 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 commits an offence against these regulations.

*Result of the Election*

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

SCHEDULE—*continued*

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

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

(34) Subject to the provisions of the last three preceding clauses hereof, the candidate or candidates required to be elected who have received the greatest number of votes shall be declared elected by the Returning Officer.

(35) After the result of the poll has been announced the Returning Officer shall repay deposits to the candidates, except that an unsuccessful candidate who fails to get one-tenth of the votes cast for the successful candidate receiving the least number of votes shall forfeit his deposit.

(36) Subject to clause (37) hereof, 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.

(37) Within fourteen days of the closing of the poll any candidate for election may appeal to the Minister that on the grounds of irregularities in the conduct of the poll the results should be set aside. The Minister's decision shall be final, and he may order as he thinks fit either that the results as stated by the Returning Officer shall stand or that there be a recount of the votes or that there be a fresh election.

*Appointment*

(38) The name of each elected candidate shall be submitted to the Minister for appointment as a producers' representative to the Committee.

APPENDIX

[Form No. 1

NOMINATION OF PRODUCERS' REPRESENTATIVE ON THE HONEY MARKETING AUTHORITY

To the Returning Officer,  
Honey Marketing Authority Election,  
Department of Agriculture,  
Wellington.

I [We], the undersigned voter(s), do hereby nominate [Full name], of [Residence and occupation], with his consent, as a candidate at the election of persons for appointment to the Honey Marketing Authority established by the Honey Marketing Authority Regulations 1953.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of voter: .....  
Full name of voter: .....  
Residence of voter: .....

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

Signature of candidate: .....

[Form No. 2

VOTING PAPER

*Honey Marketing Authority*

Election of three producers' representatives for the Authority:

- CRAIG, John.
- HAY, Frank.
- MAXWELL, John.
- STANTON, Albert.
- WOOD, John.

SCHEDULE—*continued*

*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 the voter is entitled to more votes than one, the following provisions shall apply:

- (a) He may indicate on one voting paper the votes he wishes to exercise in favour of any candidate; or
- (b) He may divide his votes between candidates, in such proportion as he wishes, on more voting papers than one.

Whether or not he uses more voting papers than one—

- (c) He may exercise a total number of votes less but not greater than the total to which he is entitled:
- (d) He shall not be entitled to vote on one voting paper for more candidates than the number of candidates to be elected:
- (e) He shall indicate the number of votes he wishes to exercise in favour of a candidate by writing that number opposite the name of that candidate.

If anything not authorized by the Honey Marketing Authority Regulations 1953 is written or marked hereon by which the voter can be identified, the voting paper is invalid.

After indicating in the manner aforesaid, this voting paper is to be transmitted to the Returning Officer, Honey Marketing Authority Election, Department of Agriculture, Wellington, so as to be received by him by noon on the ..... day of ..... 19 .....

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

[Form No. 3

## DECLARATION OF SCRUTINEER

I, [Full name], scrutineer for [Full name of candidate], a candidate for the present election of persons (a person) for appointment as (a) producers' representative(s) to the Honey Marketing Authority established by the Honey Marketing Authority Regulations 1953, do hereby solemnly declare that I will not, directly or indirectly, disclose any fact coming to my knowledge at such election where such disclosure would in any way defeat the secrecy of the ballot.

Signature: .....

Scrutineer.

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

.....  
Returning Officer.

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

## EXPLANATORY NOTE

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

These regulations establish the Honey Marketing Authority which will undertake the task of packing and marketing honey within New Zealand and overseas, hitherto undertaken by the Marketing Division of the Department of Agriculture under the supervision of the Honey Marketing Committee.

There was previously in existence a Honey Export Control Board, the powers of which were assumed by the Minister of Marketing in 1938. The same year regulations were brought down to provide for a levy at the rate of  $\frac{1}{4}$ d. per pound on honey sold by beekeepers within New Zealand, subject to certain small exceptions. At a later date regulations under the Marketing Acts set up the Honey Marketing Committee which at first, was advisory, but some years ago was given virtually executive powers. These regulations, made under the Primary Products Marketing Act 1953, now amalgamate all the foregoing provisions and provide for a Honey Marketing Authority, which will assume control of honey for export and will either directly or through agents operate the departmental blending plant at Auckland. The levy referred to above will be continued at the rate of 1d. per pound, and the fund so obtained will be administered by the proposed Honey Marketing Authority for the benefit of the industry in general. The greater part of the funds hitherto obtained from this levy have been applied to subsidizing the return received by those whose honey has been exported through the Honey Marketing Committee. All sums now held in the books of the Marketing Division as the result of past operations will be transferred to the new Authority.

An Interim Board is to be appointed in the meantime until an election under the new regulations can be held. The Board will ultimately be made up of four members elected by beekeepers, one appointed by the National Beekeepers' Association, Incorporated, and one member appointed by the Government to watch the interests of the consumer.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 November 1953.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 5533.)