

1975/55



## THE HONEY MARKETING AUTHORITY REGULATIONS 1975

DENIS BLUNDELL, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 24th day of March 1975

Present:

THE HON. R. J. TIZARD 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.

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Honey Marketing Authority Regulations 1975.

(2) These regulations shall come into force on the 1st day of April 1975.

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

“Association” means the National Beekeepers’ Association of New Zealand Incorporated;

“Authority” means the New Zealand Honey Marketing Authority;

“Hive” means an artificial hive containing a colony of bees used or suitable for use in the production of honey;

“Honey” means honey as defined in regulation 163 of the Food and Drug Regulations 1973\*; and includes honey dew made from insect excretion, and any other substance which in colour, appearance, and taste resembles and contains an appreciable amount of honey as defined in the said regulation;

“Minister” means the Minister of Agriculture and Fisheries;

“Ministry” means the Ministry of Agriculture and Fisheries;

“Producer” means any person who carries on business as a producer of honey for sale and who is the occupier of any apiary registered under the Apiaries Act 1969;

“Sale” includes barter and exchange, a contract for sale, agreement to sell, and offer for sale.

## PART I—HONEY MARKETING AUTHORITY

**3. Constitution of Honey Marketing Authority**—(1) There shall continue to be a marketing authority, to be called the New Zealand Honey Marketing Authority, which shall be the same marketing authority as that established under the Honey Marketing Authority Regulations 1953† and existing under the same name immediately before the commencement of these regulations.

(2) The Authority shall consist of 5 members of whom—

(a) One member shall be appointed by the Governor-General on the recommendation of the Minister to be the Government’s representative; and

(b) Four members shall be elected to be the producers’ representatives.

(3) Notwithstanding subclause (2) of this regulation,—

(a) The member of the Authority in office immediately before the commencement of these regulations and appointed under regulation 3 (2) (a) of the Honey Marketing Authority Regulations 1964‡ shall be deemed to have been appointed under subclause (2) (a) of this regulation;

(b) The members of the Authority in office immediately before the commencement of these regulations and elected under regulation 3 (2) (b) of the Honey Marketing Authority Regulations 1964 shall be deemed to have been duly elected under subclause (2) (b) of this regulation.

\*S.R. 1973/79

†S.R. 1953/157

‡S.R. 1964/160

(4) The term of office of each member to whom subclause (3) (b) of this regulation applies shall expire with the date on which it would have expired under the Honey Marketing Authority Regulations 1964, had these regulations not been made.

**4. Government's representative**—(1) The Government's representative shall hold office during the pleasure of the Governor-General.

(2) While holding office he shall, in addition to performing his other functions, represent the interests of honey consumers.

**5. Elections of producers' representatives**—Every election of producers' representatives held for the purposes of these regulations shall be held in accordance with the provisions of the First Schedule to these regulations on a date to be fixed by the Returning Officer:

Provided that any date or time referred to in that Schedule may be varied in such manner as the Minister may approve.

**6. Returning Officer**—(1) For each election the Association shall appoint a Returning Officer.

(2) The Authority shall pay to the Returning Officer—

(a) Such fee as shall be approved by the Minister; and

(b) All expenses actually and reasonably incurred by him in the performance of his duties as Returning Officer.

**7. Terms of office of elected members**—(1) Subject to subclause (2) of this regulation and regulation 9 of these regulations, every elected member shall hold office for a term of 3 years, and may from time to time be re-elected.

(2) Every elected member shall, unless he sooner vacates his office under regulation 9 of these regulations, continue in office until his successor is elected and comes into office.

**8. Chairman and Deputy Chairman of Authority**—(1) The Chairman and Deputy Chairman of the Authority shall be elected by the Authority from among the producers' representatives at the first meeting of the Authority after an election of producers' representatives (other than an election to fill an extraordinary vacancy).

(2) The persons holding office as Chairman and Deputy Chairman of the Authority immediately before the commencement of these regulations shall continue to hold those respective offices until their successors are elected in accordance with subclause (1) of this regulation.

**9. Extraordinary vacancies**—(1) If any member of the Authority—

(a) Dies; or

(b) Resigns his office by written notice to the Chairman or (if the Chairman is resigning) to the Minister; or

(c) Is absent without leave from 2 consecutive meetings of the Authority, whether or not he has appointed any person to attend on his behalf; or

(d) Is proved to the satisfaction of the Minister to be incapable of carrying out his duties by reason of illness; or

(e) Is adjudicated 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 an extraordinary vacancy.

(2) If the Government's representative vacates his office under subclause (1) of this regulation, the Minister may appoint a suitable person to fill the extraordinary vacancy.

(3) If a producers' representative vacates his office under subclause (1) of this regulation, the Minister may, on the recommendation of the remaining producers' representatives, appoint a suitable person to fill the extraordinary vacancy, and the person so appointed shall hold office for the residue of the term for which the member vacating office was elected:

Provided that if the period from the 1st day of August in the year in which the extraordinary vacancy arises until the date on which the term of office of the member vacating his office would otherwise have expired exceeds 12 months, the extraordinary vacancy shall be filled by election in accordance with the First Schedule to these regulations.

**10. Members may appoint proxies—**(1) If the Government's representative is unable to attend any meeting of the Authority he may, by writing under his hand, authorise any person to attend on his behalf, and that person shall be deemed, for all the purposes of that meeting, to be the Government's representative.

(2) If any of the producers' representatives is unable to attend any meeting of the Authority he may, by writing under his hand, authorise any producer who was qualified for nomination at the last preceding election to attend on his behalf, and that producer shall be deemed, for all the purposes of that meeting, to be a producers' representative:

Provided that no producers' representative shall be entitled to exercise the power conferred on him by this subclause in respect of any meeting if he has previously exercised it in respect of at least half the number of meetings held since the preceding 1st day of January.

**11. Persons may attend meetings as advisers—**(1) The Authority may permit any person to attend one of its meetings in an advisory capacity, but no such person shall be entitled to vote on any question before the meeting.

(2) If any such person is requested by the Authority to attend, his expenses shall be paid in the same manner and at the same rate as those of the producers' representatives.

**12. Powers of Authority unaffected by vacancy or irregularity, etc.—**

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

(2) No proceedings of the Authority shall be invalidated by reason only of the subsequent discovery that some defect existed in the appointment or election of any member, or that any person acting as a member was not a member.

**13. Meetings of the Authority—**(1) The Authority shall hold at least 3 meetings in each year.

(2) The Chairman shall notify all members of the time and place of each meeting.

(3) At each meeting 3 members (of whom 1 shall be the Government's representative) shall constitute a quorum.

(4) In the absence of the Chairman from any meeting the Deputy Chairman shall preside and shall have, in respect of that meeting, all the powers of the Chairman. In the absence of the Chairman and Deputy Chairman from any meeting, the members present shall elect one of their number to be Chairman for that meeting.

(5) At every meeting the person presiding shall have a deliberative vote and, in the case of an equality of votes, a casting vote.

**14. Authority may regulate its own procedure**—Subject to the foregoing provisions of this Part of these regulations, the Authority may make such arrangements as it thinks fit for the holding of meetings, the procedure at meetings, and generally for the conduct of its business and the exercise of its functions.

**15. Members not personally liable**—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.

**16. Minister may extend time limits, etc.**—Where, by virtue of any of the provisions of the First Schedule to these regulations, anything is required to be done at or within or after a certain date or time, the Minister may, if he is satisfied that no one will be prejudicially affected thereby, by public notice extend any such time, or validate anything done after the time required, or make such other provision for the case as he thinks fit.

**17. Functions and powers of Authority**—(1) The principal functions of the Authority shall be to promote and organise the marketing of honey, and to assist in the orderly development of the honey producing industry.

(2) Without limiting any of the powers expressly conferred on the Authority by these regulations, the Authority may make such arrangements and give such directions as it thinks proper for any of the following purposes:

(a) The acquisition, reception, storage, packaging, 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

**18. Producers to pay annual levy**—(1) Subject to the succeeding provisions of this Part of these regulations, every producer who owns at least 50 hives shall pay to the Authority an annual levy at such rate as may be fixed from time to time under this regulation.

(2) On or before the 1st day of December in each year the Minister shall, after receiving the recommendations of the Authority and the Association, fix the rate at which the levy is to be paid in the next succeeding year:

Provided that if in any year the Authority or the Association does not make a recommendation under this subclause, the rate for the next succeeding year shall be the same as that last fixed under this subclause, and the Minister shall not fix a new rate for that year.

(3) The levy shall be payable in each year at the rate fixed for that year in respect of each hive owned by the producer on the 1st day of January in that year.

(4) The Minister may in any year, on the joint recommendation of the Authority and the Association, increase the rate of levy that he would otherwise have fixed for the next succeeding year by such amount (not exceeding 5 cents) per hive as he thinks fit, which amount shall be set aside by the Authority and paid into a stabilisation reserve account opened in the name of the Authority for the purpose.

(5) If, in any year, the rate at which the levy is payable has been increased by an amount fixed under subclause (4) of this regulation, any producer who is liable to pay the levy may, on application to the Authority, be exempted from liability to pay the amount so fixed. The application shall be supported by a declaration to the effect that the applicant did not extract any honey from his hives during the period of 12 months immediately preceding the 1st day of January in that year.

**19. Annual returns and payment of levies**—Every producer who, on the 1st day of January in any year, owns 50 or more hives shall, on or before the 20th day of February in that year—

- (a) Declare, on a form to be provided for the purpose by the Authority, the number of hives owned by him on the said 1st day of January, and deliver the declaration to the Authority; and
- (b) Pay to the Authority the amount payable by him by way of levy in accordance with this Part of these regulations.

**20. Authority may defer payment date**—Notwithstanding any of the foregoing provisions of this Part of these regulations, the Authority may, on application made to it in that behalf, defer the date by which any producer is required to pay the levy, and in any such case may require the producer to give such security in respect of the deferred payment as it thinks fit.

**21. Authority may impose surcharge**—If, in any case where the Authority has not agreed to defer payment of the levy, the producer fails to pay the levy by the 31st day of March following the date on which the payment became due, the Authority may impose a surcharge of 10 percent of the amount unpaid.

**22. Amount of levy to be recoverable**—Any sum payable to the Authority under this Part of these regulations shall be recoverable in any Court of competent jurisdiction as a debt due to the Authority.

**23. Transitional provisions**—(1) Notwithstanding the foregoing provisions of this Part of these regulations, those provisions shall apply in respect of the year ending with the 31st day of December 1975 as if—

- (a) The rate at which the levy is payable for that year had been fixed by the Minister in accordance with regulation 18 of these regulations at 15 cents per hive:
- (b) For the words "the 20th day of February" in regulation 19 there were substituted the words "the 20th day of April":
- (c) For the words "the 31st day of March" in regulation 21 there were substituted the words "the 31st day of May".

(2) Where any person declares to the Authority that he has, in accordance with Part II of the Honey Marketing Authority Regulations 1964\*, paid a levy on any container, canister, or carton that has not been used for the sale of honey, or on any label that has not been affixed to any container, canister, or carton containing honey or (if it has been so affixed) the container, canister, or carton has not been sold, the amount of levy so paid shall be refunded to the declarant by the Authority.

(3) Nothing in these regulations shall affect the obligation of any person to pay any levy imposed under Part II of the Honey Marketing Authority Regulations 1964 in respect of honey sold on or before the 31st day of March 1975.

### PART III—FINANCIAL

**24. Honey Industry Account**—(1) For the purposes of these regulations, there shall continue to be a Honey Industry Account, which shall be the same account as that established in that name under the Honey Marketing Authority Regulations 1953†.

(2) All money derived from the operations of the Authority shall be paid into the Honey Industry Account.

(3) 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 authorised by these regulations.

(4) For the purposes of these regulations, the Authority may open at any branch or agency of the Bank of New Zealand (whether in New Zealand or elsewhere) such imprest or other subsidiary accounts as it may from time to time think necessary or desirable.

**25. Hive Levy Account**—(1) The Authority shall establish within the Honey Industry Account a Hive Levy Account.

(2) There shall be paid into the Hive Levy Account all money paid to the Authority by way of levy under Part II of these regulations.

(3) The Authority shall pay out of the Hive Levy Account all costs, charges, and expenses incurred by the Authority in collecting the levy and administering the Hive Levy Account.

(4) Subject to subclause (3) of this regulation, an amount equal to the extra revenue received by the Authority as a result of the Minister increasing the rate of the levy pursuant to regulation 18 (4) of these regulations shall be paid by the Authority into a stabilisation reserve account, to be used as the Authority considers necessary or desirable to assist in stabilising the honey producing industry or to supplement the payments for honey supplied to the Authority.

\*S.R. 1964/160

†S.R. 1953/157

(5) Subject to subclauses (3) and (4) of this regulation, the Hive Levy Account shall be applied by the Authority in—

- (a) The payment of such amounts as may be approved from time to time by the Minister towards the administrative expenses of the Association in carrying out its proper functions; and
- (b) The payment of such amounts as may be approved from time to time by the Minister towards the expenses of the Authority in carrying out its proper functions, except those directly relating to the acquisition, blending, processing, packing, and sale of honey.

(6) If in any year the funds available are insufficient to meet the payment in full of the amounts referred to in paragraphs (a) and (b) of subclause (5) of this regulation, the payment of those amounts shall abate rateably and proportionately, and the Authority may, out of its reserves, advance to the Association a sum equal to the amount approved by the Minister under the said paragraph (a) less the amount available for payment to the Association in accordance with the foregoing provisions of this subclause.

**26. Unauthorised expenditure**—The Authority may in any financial year, out of its income available for general purposes, expend for purposes not expressly authorised by these regulations any sum or sums not amounting in the aggregate to more than \$2,000.

**27. Financial year**—The financial year of the Authority shall commence on the 1st day of September in every year and end with the 31st day of August in the next succeeding year.

#### PART IV—MISCELLANEOUS

**28. Keeping and inspection of records**—(1) Every producer shall keep for a period of 5 years a copy of every declaration completed by him for the purposes of regulation 19 of these regulations; and shall when required to do so at any reasonable time by a person duly authorised by the Authority allow such person to examine all hives for the time being owned by the producer.

(2) Any person duly authorised in that behalf by the Authority may inspect the books and records of any person engaged in the business of producing honey in New Zealand, and relating to the production of honey by that person, and may make extracts from or copies of any such book or record.

**29. Offences**—(1) Every person commits an offence against these regulations who, without lawful excuse,—

- (a) Acts in contravention of or fails to comply in any respect with any provision of these regulations, or any requirement, obligation, or provision imposed or required to be observed by these regulations;
- (b) Gives any false declaration under these regulations.

(2) 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 company or other corporation, to a fine not exceeding \$2,000.

**30. Revocation**—The regulations specified in the Second Schedule to these regulations are hereby consequentially revoked.



## SCHEDULES

## FIRST SCHEDULE

Reg. 5

## 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 of this Schedule. Every such producer is included in the term "producer qualified to vote" wherever that term is 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, and delivered to the Returning Officer, appoint some person whose name shall be entered on the roll as voter on behalf of that corporate body.

(4) Subject to clause (5) of this Schedule, every producer shall be entitled to 1 vote for every 25 hives and 1 further vote for any number of hives in excess of any multiple of 25 owned by him on the 30th day of June preceding the date of the election. In the absence of proof to the contrary to the satisfaction of the Returning Officer, the number of hives owned by a producer on the 30th day of June in the year of the election shall be the number declared by the producer as at the 1st day of January in that year for the purposes of the hive levy:

Provided that no producer shall be entitled in the aggregate to more than 100 votes:

Provided further that where any producer owning hives on the 1st day of January in the year of the election owns a substantially different number of hives on the 30th day of June in that year, his voting entitlement shall be calculated on the number of hives owned by him at the later date, and the Returning Officer shall ensure that no hives counted for the purposes of calculating the voting entitlement of any producer are attributed to more than one producer as at the 30th day of June in the year of the election.

(5) No producer shall be entitled to vote at any election unless he owns at least 50 hives, and has paid the levy due in respect of his hives by the 30th day of June in the year of the election.

(6) At every election, any producer whose name is entered on the roll as a producer and also as a voter on behalf of a corporate body may vote in each capacity:

Provided that when assessing his voting entitlement in each capacity the number of hives owned in one capacity shall not be taken into account in the other capacity.

*Roll*

(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.

FIRST SCHEDULE—*continued*

(8) Every roll of producers shall be compiled from the nominal list of producers in the possession of the Ministry:

Provided that the Returning Officer shall—

- (a) Exclude from the roll the names of any person appearing in the said list if the Returning Officer has reason to believe that the person is not a producer qualified to vote at the next succeeding election:
- (b) Add to the roll the name of any person not appearing in the said list if the Returning Officer has reason to believe that the person is a producer qualified to vote.

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

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

(11) Where one of two or more persons is entitled to vote in respect of the ownership, whether joint or in common, of any hives producing honey for sale, the Returning Officer shall enter on the roll the name of such one of the said persons as may be named in a notice in writing delivered to the Returning Officer, and signed by a majority of the persons appearing to own the hives:

Provided that, at any time before the closing of the roll, on an application made in that behalf and 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 own the said hives, the name of some other one of such persons may be entered on the roll in substitution for the name first entered thereon.

(12) Where the name of any person entitled to vote by virtue of the provisions of clause (3) of this Schedule 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 Ministry 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 14 days from the said fourth Wednesday in July.

(14) Any person may, during the said period of 14 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:

FIRST SCHEDULE—*continued*

- (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 any such amendment of the roll as he may, in his absolute discretion, think fit.

(16) At the expiration of the said period of 14 days the roll shall be closed and no further amendment thereto shall be made.

*Nominations*

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

(a) He is the registered owner of at least 50 hives:

(b) He has been nominated in writing by one or more producers, or nominees of a corporate body, whose 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 7 days of accepting nomination, paid to the Returning Officer a deposit of \$6.

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

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 21 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 to be duly elected.

*Polls*

(21) Where the number of persons nominated exceeds the number of persons to be elected, a poll shall be taken and the Returning Officer shall cause voting papers to be printed in form 2 in the Appendix to this Schedule.

(22) Not later than 7 days after the date prescribed for receiving nominations, 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 which shall bear 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 the number of votes which that voter is entitled to exercise. With the voting paper sent to the voter shall be sent 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 any voter has not received his voting paper in due course of post or that any voting paper received by any voter or its addressed envelope was accidentally destroyed before being used, the Returning Officer may issue to the voter a further voting paper, bearing on its face the same consecutive number, together with an additional dis-

FIRST SCHEDULE—*continued*

tinguishing mark to indicate that the voting paper is issued under this clause and, if the case so requires, an envelope addressed to the Returning Officer and bearing the same number and distinguishing mark.

(24) On proof to his satisfaction, by statutory declaration or otherwise, that any person is a producer and that the name of that person is not included in the roll of producers entitled to vote, the Returning Officer may issue to that person a voting paper, bearing a distinguishing mark to indicate that it is issued under this clause, together with an envelope addressed as aforesaid and bearing on its face the same distinguishing mark.

(25) A voter may exercise his vote in favour of the appropriate number of candidates required to fill the vacancies in respect of which the election is being held, or of a lesser number of candidates.

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

(27) No voting paper shall be valid unless it is received by the Returning Officer in the envelope sent to the voter with the voting paper.

(28) No voting paper shall be valid—

- (a) If it is not received by the Returning Officer by the time fixed by clause (26) of this Schedule for the closing of the poll; or
- (b) If anything not authorised by this Schedule is so written or marked on the voting paper that the voter may thereby 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*

(29) 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 purposes of the poll.

(30) Every scrutineer shall, before being allowed to act, make and subscribe before the Returning Officer a declaration in form 3 in the Appendix to this Schedule.

(31) Every scrutineer who, in breach of his declaration, directly or indirectly discloses any fact coming to his knowledge at any election, commits an offence against these regulations.

*Result of the Election*

(32) 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 and not appearing to contain the genuine voting paper of a person enrolled as a voter.

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

FIRST SCHEDULE—*continued*

(34) In respect of every valid voting paper, votes shall be given to the candidate or to each of the candidates for whom the voter has indicated he desires to vote, according to the number of votes appearing beside the voter's name on the roll.

(35) Where there is an equality of votes between two or more 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.

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

(37) After the result of the poll has been announced the Returning Officer shall repay deposits to the candidates:

Provided that any unsuccessful candidate shall forfeit his deposit who fails to get one-tenth of the votes cast for the successful candidate receiving the least number of votes.

(38) Subject to the provisions of clause (39) 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 any voting paper or any addressed envelope was not forwarded to any voter, or that any voting paper from any voter 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.

(39) Within 14 days of the closing of the poll any candidate for election may, on the ground that any irregularity occurred in the conduct of the poll, appeal to the Minister to have the result of the election set aside. The decision of the Minister on the appeal shall be final and he may, as he thinks fit, order that the result of the election declared by the Returning Officer shall stand, or that there shall be a recount of the votes, or that there shall be a fresh election.

## APPENDIX

Form 1

NOMINATION OF PRODUCERS' REPRESENTATIVE ON THE HONEY MARKETING  
AUTHORITY

To the Returning Officer,  
Honey Marketing Authority Election,  
Ministry of Agriculture and Fisheries,  
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 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: .....

FIRST SCHEDULE—*continued*

Form 2

VOTING PAPER

*Honey Marketing Authority*

ELECTION of three producers' representatives on the Authority:

Craig, John.

Stanton, Albert.

Hay, Frank.

Wood, John.

Maxwell, John.

*Directions:* The voter shall leave uncanceled the names of the candidate or 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 Honey Marketing Authority Regulations 1975 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, Ministry of Agriculture and Fisheries, 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 3

## DECLARATION OF SCRUTINEER

I, [*Full name*], scrutineer for [*Full name of candidate*], a candidate for the present election of persons (a person) as (a) producers' representative(s) on 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 .....

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

.....  
Returning Officer.

Reg. 30

## SECOND SCHEDULE

## REGULATIONS REVOKED

Title	Serial Number
The Honey Marketing Authority Regulations 1964 .....	S.R. 1964/160
The Honey Marketing Authority Regulations 1964, Amendment No. 1 .....	S.R. 1967/170
The Honey Marketing Authority Regulations 1964, Amendment No. 2 .....	S.R. 1969/120
The Honey Marketing Authority Regulations 1964, Amendment No. 3 .....	S.R. 1971/232

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 Honey Marketing Authority Regulations 1964 and their amendments, which are revoked. The principal change relates to the basis on which honey producers are required to pay a levy to the Authority. In the past, the levy has been payable in respect of the quantity of honey sold. Under Part II of these regulations the levy is payable on the basis of the number of hives owned on the 1st day of January in each year.

These regulations come into force on the 1st day of April 1975.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 March 1975.

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