

Serial Number 1948/144



THE HONEY MARKETING COMMITTEE REGULATIONS 1948

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 8th day of
September, 1948

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 Honey Marketing Committee Regulations 1948.
2. These regulations shall come into force on the day following notification hereof in the *Gazette*.
3. For the purpose of general interpretation hereof these regulations shall be deemed to be made under the Marketing Act, 1936, and unless a contrary intention appears expressions used herein have the same meaning as in that Act.
4. In these regulations, unless inconsistent with the context,—
 - “Committee” means the Honey Marketing Committee established by these regulations :
 - “Department” means the Marketing Department :
 - “Industry” means the commercial production and marketing of honey and its by-products :
 - “Minister” means the Minister of Marketing :
 - “Producer” means a person carrying on business as a producer of honey for sale and being the occupier of an apiary registered under the Apiaries Act, 1927.
5. There is hereby established a committee to be known as the Honey Marketing Committee.

6. The functions of the Committee shall be—

- (a) To make such recommendations to the Minister as it thinks fit for the purpose of better co-ordination between the producers and the Department and for the betterment of the industry generally :
- (b) To consider and advise the Minister on present and future trends in the marketing of honey, beeswax, and other by-products, and the factors affecting them :
- (c) To assist and advise the Department in directing and controlling the marketing of honey and in determining any matters relating to the receipt, storage, blending, packing, and distribution of honey received by the Department.

7. The Committee shall consist of five persons appointed by the Minister, of whom—

- (a) Two shall be deemed to be nominees of the Government :
- (b) Three shall be deemed to be producers' representatives and shall be appointed after election as hereinafter provided.

8. Every appointment of a member of the Committee 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 publication of the notification or such later date as may be stated therein.

9. Every person appointed as a nominee of the Government under Regulation 7 hereof shall hold office during the pleasure of the Minister, subject, however, to Regulation 16 hereof.

10. The first three producers' representatives shall be appointed upon nomination one by the New Zealand Honey Control Board, another by the National Beekeepers' Association of New Zealand, Inc., and the third by the New Zealand Honey Suppliers' Association, and shall hold office until and including the 31st day of December, 1948, subject, however, to Regulation 16 hereof.

11. An election shall be held in the year 1948 of three producers' representatives, whose appointment shall take effect on the 1st day of January, 1949.

12. Of the producers' representatives whose appointment takes effect on the 1st day of January, 1949, one selected by the Committee shall hold office until the appointment of a successor elected in the year 1950 takes effect, another so selected until the appointment of a successor elected in the year 1951 takes effect, and the third until the appointment of a successor elected in the year 1952 takes effect, subject, however, in each case to Regulation 16 hereof.

13. Every person appointed as a producers' representative upon an election held after the year 1948 shall hold office until the appointment of a successor elected in the third year after his appointment takes effect, subject, however, to Regulations 16 and 17 hereof.

14. Every election of a producers' representative shall be conducted as provided in the Schedule to these regulations, and for the purposes of such elections an officer of the Marketing Department shall from time to time be assigned by the Department to undertake the duties of Returning Officer :

Provided that in respect of an election to be held in the year 1948, the Minister shall by public notice fix, in lieu of the dates specified in clauses (13), (19), and (24) of the Schedule, such later dates as he may think convenient, being so far as may be at similar intervals

of time from each other ; and the periods referred to in clauses (13), (14), (16), (27), and (36) of the Schedule, and the time referred to in clause (26) thereof, shall in respect of an election to be held in the year 1948 be computed by reference to the dates so fixed :

Provided also that the Minister shall cause the notice to be published in the *Gazette* not less than twenty-one days before the earliest of the dates so fixed.

15. A producers' representative who retires by effluxion of time shall, if re-elected, be eligible for reappointment.

16. If any member of the Committee—

(a) Dies ; or

(b) Resigns his office by writing under his hand delivered to the Chairman of the Committee or, if he be the Chairman, to the Minister ; or

(c) Is absent without leave from two consecutive meetings of the Committee, 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

(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.

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

(a) In the case of a nominee of the Government, 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 such election.

18. If any person appointed as a nominee of the Government is unable to attend a meeting of the Committee he may, by writing under his hand, authorize any person to attend that meeting in his stead, and such person shall, for all the purposes of that meeting, be deemed to be a nominee of the Government.

19. If any person appointed as a producers' representative is unable to attend a meeting of the Committee 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 such person 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 one-half of the number of meetings theretofore held in the same year (computed from the 1st day of January).

20. The Committee may permit the attendance at its meetings of any departmental officer or producer, who shall act in an advisory capacity only and have no voting rights. The expenses of a producer whose attendance is requested by a resolution of the Committee shall be paid on the same basis and at the same rates as the expenses of elected producers' representatives.

21. The powers of the Committee shall not be affected by any vacancy in the membership thereof, nor shall the proceedings of the Committee 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.

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

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

(3) The Minister may at any time appoint and notify a time and place for holding a meeting of the Committee.

(4) At all meetings of the Committee three members, of whom one is a nominee of the Government, shall form a quorum.

23. (1) The Minister shall from time to time appoint as Chairman one of the nominees of the Government to preside at every meeting of the Committee at which he is present.

(2) In the absence of the Chairman from any meeting, the other nominee of the Government shall act as Chairman.

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

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

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

26. An employee of the Marketing Department shall from time to time be assigned by the Department to undertake the duties of Secretary of the Committee, and it shall be the duty of the Secretary to keep all the necessary records and to perform all incidental clerical duties connected with the operations of the Committee.

27. (1) For every day upon which a member attends a meeting or meetings of the Committee, or is engaged in transacting any business of the Committee pursuant to a resolution of the Committee, he shall be paid an honorarium of £3 3s.

(2) For time spent by a member in travelling to and from any meeting of the Committee, or in travelling upon any business of the Committee pursuant to a resolution of the Committee, he shall be paid an honorarium of £3 3s. per day or part of a day :

Provided that no honorarium shall be paid under this clause in respect of time for which a member is entitled to an honorarium under clause (1) of this regulation.

(3) The honoraria payable under this regulation shall be paid in addition to the travelling-allowance and travelling-expenses provided for in Regulation 28.

28. (1) The Travelling-allowance Regulations 1941, as amended by the Travelling-allowance Regulations 1941, Amendment No. 1, shall apply to and be deemed to be incorporated in these regulations so as to apply to the Committee and to such of its members as are not officers of the Public Service.

(2) The subsistence allowance referred to in Regulation 4 of the Travelling-allowance Regulations 1941 shall be at the rate of 27s. 6d. per diem.

(3) The mileage allowances and other allowances referred to in Regulation 11 of the Travelling-allowance Regulations 1941 shall be—

For journeys performed in a motor-vehicle the mileage expenses set out in the subjoined table and actual garage expenses not exceeding 2s. 6d. for each night—

Horse-power of Car.	Mileage Allowance.
Not exceeding 9½	5½d. a mile.
Not exceeding 14½	6¼d. a mile.
Over 14½	7d. a mile.

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) Nevertheless, if any apiary producing honey for sale is occupied by two or more persons jointly or in common, one only of such 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 such corporate body.

(4) The number of votes exercisable by a voter shall be according to the amount of honey supplied to the Department and according to the value of seals purchased from the Department by the producer in the year ended on the 30th day of June immediately preceding the date of preparation of the roll, according to the following tables:—

(a) Votes exercisable according to honey supplied—

Amount Supplied.	Number of Votes.
½ 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

(b) Votes exercisable according to seals purchased—

Value of Seals.	Number of Votes.
£5 and under £25	1
£25 pounds and over	2

(5) No producer shall at any election be entitled to a vote by virtue of 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 £5.

(6) At every election each producer whose name is entered on the rolls as a producer and also 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 Marketing Department 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 Marketing Department shall exclude from the roll the name of any person appearing in the said list who there is reason to believe nevertheless 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 such producers and nominees so far as 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 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 in lieu 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 such 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 Marketing Department 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 such 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 such 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 such objection and make such 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 :
He has, within seven days of accepting nomination, paid to the Returning Officer a deposit of £3 :

Either he, whether alone or together with the 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 Department 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, but in the case of the election to be held in 1948 a quantity of honey being not less than 3 tons during the year ended on the 30th day of June, 1948.

(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, they shall be declared duly elected.

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, the number of voting-papers to which he is entitled in accordance with the roll. 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) 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 such 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.

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

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

(26) 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 (24) 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

(27) 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.

(28) 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.

(29) 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

(30) 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.

(31) 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.

(32) 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.

(33) 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.

(34) 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.

(35) Subject to the next succeeding clause, 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 such irregularity materially affected the result of the election and occurred otherwise than in good faith.

(36) 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

(37) 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 COMMITTEE

To the Returning Officer,
Honey Marketing Committee Election,
Marketing Department,
Box 1500,
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 Committee established by the Honey Marketing Committee Regulations 1948.

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 Committee

Election of three producers' representatives for the Committee :—

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

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 anything not authorized by the Honey Marketing Committee Regulations 1948 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 Committee Election, Marketing Department, 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 Committee established by the Honey Marketing Committee Regulations 1948, 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.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 9th day of September, 1948.

These regulations are administered in the Marketing Department.