



THE KIWIFRUIT MARKETING LICENSING REGULATIONS  
1977, AMENDMENT NO. 1

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of December  
1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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.

ANALYSIS

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| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Change of name of Authority</li> <li>3. Members of Authority</li> <li>4. Meetings of Authority</li> <li>5. Secretary of Authority</li> <li>6. Kiwifruit Authority Account</li> </ol> | <ol style="list-style-type: none"> <li>7. Increase in maximum rate of kiwi-fruit levy</li> <li>8. Exporters to hold exporter's licence</li> <li>9. Applications for exporter's licence</li> <li>10. Renewal of exporter's licence</li> <li>11. Amendments to Schedules</li> </ol> |
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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Kiwifruit Marketing Licensing Regulations 1977, Amendment No. 1, and shall be read together with and deemed part of the Kiwifruit Marketing Licensing Regulations 1977\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of January 1981.

**2. Change of name of Authority**—(1) The principal regulations are hereby amended by omitting the words “Kiwifruit Marketing Licensing”, and substituting the words “New Zealand Kiwifruit”, in—

(a) The definition of the term “Authority” in regulation 2 (1):

(b) The heading to Part I:

(c) Regulation 3 (1):

(d) Form 1, form 2, and form 3 of the Appendix to the Second Schedule (except where in a reference to the Kiwifruit Marketing Licensing Regulations 1977).

(2) Notwithstanding the change of name effected by subclause (1) of this regulation, it is hereby declared that the New Zealand Kiwifruit Authority is the same marketing authority and body corporate as that constituted as the Kiwifruit Marketing Licensing Authority under regulation 3 of the principal regulations (before the commencement of this regulation).

**3. Members of Authority**—(1) Regulation 3 (2) of the principal regulations is hereby amended—

(a) By omitting the words “appointed by the Minister”;

(b) By omitting from paragraph (a) the words “appointed after being”;

(c) By inserting, in paragraph (b) after the word “appointed”, the words “by the Minister”.

(2) Regulation 4 (1) of the principal regulations is hereby amended by omitting the words “for the purposes of appointment”.

(3) Regulation 5 (2) of the principal regulations is hereby amended by adding the words “or elected”.

(4) Regulation 6 (4) of the principal regulations is hereby amended—

(a) By inserting, after the word “appointment” in both places where it appears, the words “or election”;

(b) By omitting the expression “6”, and substituting the expression “12”;

(c) By omitting from paragraph (b) the word “ward”.

(5) Regulations 6 (5) and 6 (6) of the principal regulations are hereby amended by inserting, after the word “appointed”, the words “or elected”.

**4. Meetings of Authority**—Regulation 8 of the principal regulations is hereby amended by inserting, after subclause (5), the following subclause:

“(5A) 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 validly a member.”

**5. Secretary of Authority**—Regulation 10 (1) of the principal regulations is hereby amended—

(a) By omitting the word “shall” where it first appears, and substituting the word “may”;

(b) By omitting the word “shall” where it secondly appears.

**6. Kiwifruit Authority Account**—Regulation 14 (4) of the principal regulations is hereby amended by inserting, after the words “or by an officer”, the words “or members of any committee of the Authority established under regulation 9 of these regulations”.

**7. Increase in maximum rate of kiwifruit levy**—(1) Regulation 18 (2) of the principal regulations is hereby amended by omitting the words “1st day of December”, and substituting the words “31st day of March”.

(2) Regulation 18 (3) of the principal regulations is hereby amended by omitting the expression “40”, and substituting the expression “75”.

**8. Exporters to hold exporter's licence**—Regulation 20 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause:

“(1A) Notwithstanding subclause (1) of this regulation, it shall be lawful for persons not holding a current exporter's licence to export kiwifruit from the cultivar ‘Hayward’ in consignments of up to 6 trays (having a total net weight of not more than 25 kg) at any one time.”

**9. Applications for exporter's licence**—Regulation 21 of the principal regulations is hereby amended by revoking paragraph (c), and substituting the following paragraph:

“(c) Be accompanied by a fee of such amount not exceeding \$100 as may from time to time be fixed by the Authority by notice in the *Gazette*.”

**10. Renewal of exporter's licence**—Regulation 24 of the principal regulations is hereby amended—

- (a) By omitting the words “12 months after”, and substituting the words “on the 31st day of March in the year next following”.
- (b) By omitting the words “of \$10”, and substituting the words “equivalent to the application fee for the time being fixed by the Authority under regulation 21 (c) of these regulations”.

**11. Amendments to Schedules**—(1) The Second Schedule to the principal regulations is hereby amended—

- (a) By omitting from clause 6 the words “Before the first”, and substituting the words “At least 14 days before the second”:
- (b) By omitting from clause 6 (a) the words “for at least 14 days”, and by inserting, after the words “during normal office hours”, the words “until the Tuesday immediately preceding the second Wednesday in September”:
- (c) By omitting from clauses 7 and 9 the words “14 days”, and substituting in each case the word “period”:

(2) The said Second Schedule is hereby further amended by inserting, after clause 16, the following clause:

“16A. The Returning Officer shall give public notice, by no later than the second Wednesday in September in the year in which the election is to be held, that nominations shall open on the said second Wednesday in September.”

(3) Clause 20 of the said Second Schedule is hereby amended—

- (a) By inserting after the words “address appearing on the roll”, the words “or to such other address as the producer concerned may nominate to the Returning Officer”:
- (b) By omitting the words “the consecutive number appearing on the roll against the name of the voter to whom the voting paper is forwarded”, and substituting the words “a consecutive number”.

(4) The said Second Schedule is hereby further amended by revoking clauses 21 and 22, and substituting the following clause:

“21. Where the Returning Officer is reasonably satisfied as to the loss or non-delivery to a producer of a voting paper, the Returning Officer

may issue another voting paper in its place and shall, in these circumstances, institute whatever checks he considers appropriate to ensure that whichever paper is returned, only one is included in the count of votes."

(5) Form 1 and form 3 of the Appendix to the Second Schedule to the principal regulations (as amended by regulation 2 (1) (d) of these regulations) are hereby amended by omitting the words "Kiwifruit Marketing Licensing Authority Regulations 1977", and substituting the words "Kiwifruit Marketing Licensing Regulations 1977".

(6) Form 2 of the said Appendix is hereby amended by omitting the paragraph beginning with the word "Directions:", and substituting the following paragraph:

"Directions: The voter must strike out the name(s) of all candidate(s) not voted for, leaving unmarked only the name(s) of the candidate(s) for whom he wishes to vote."

(7) The Third Schedule to the principal regulations is hereby amended by omitting the words "representatives of producers appointed by the Minister", and substituting the words "the New Zealand Kiwifruit Authority".

(8) The said Third Schedule is hereby further amended by inserting, after clause 1, the following clauses:

"1A. The procedures agreed on or, as the case may be, specified under clause 1 of this Schedule shall be printed and lodged, pursuant to clause 1B of this Schedule, at offices of the Ministry of Agriculture and Fisheries, and shall be available for public inspection during normal office hours.

"1B. On each occasion when any procedures have been agreed upon or specified, as the case may be, or any amendments to such procedures have been agreed upon or specified pursuant to clause 1 of this Schedule, the Director-General shall publish in the *Gazette* a notice advising that the procedures have been so agreed upon or specified or amended, as the case may be, and that copies have been printed and lodged in such offices of the Ministry of Agriculture and Fisheries as may be specified in the notice."

P. G. MILLEN,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

These regulations amend the Kiwifruit Marketing Licensing Regulations 1977. The main amendments provide—

- (a) For a change in the name of the marketing authority:
- (b) For an increase in the amount of the kiwifruit levy, and the fee for an exporter's licence:
- (c) For miscellaneous minor amendments relating to the proceedings of the Authority, and to the election of members of the Authority.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 December 1980.

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