



**THE KIWIFRUIT MARKETING REGULATIONS 1977,
AMENDMENT NO. 7**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 6th day of August 1991

Present:

THE HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 3 of the Primary Products Marketing Act 1953, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Kiwifruit Marketing Regulations 1977, Amendment No. 7, and shall be read together with and deemed part of the Kiwifruit Marketing Regulations 1977* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Membership of Board—(1) Regulation 3_A of the principal regulations (as substituted by regulation 5 of the Kiwifruit Marketing

*S.R. 1977/281

Amendment No. 1: S.R. 1980/261

Amendment No. 2: *(Revoked)*

Amendment No. 3: *(Revoked)*

Amendment No. 4: S.R. 1988/227

Amendment No. 5: S.R. 1989/50

Amendment No. 6: S.R. 1991/65

Regulations 1977, Amendment No. 4) is hereby amended by revoking paragraphs (a) and (b), and substituting the following paragraph:

“(ab) Four members elected, pursuant to regulation 4 of these regulations, to represent growers; and”.

(2) Notwithstanding regulation 5 (1) of the principal regulations, the 2 members of the Board first elected after the commencement of these regulations who received the lowest number of first-preference votes shall hold office for 2 years only.

(3) Notwithstanding subclause (2) of this regulation, where (because 2 or more members of the Board have received the same number of first-preference votes or because the number of people nominated did not exceed 4), it cannot be ascertained which members are the lowest polling, the member or members of those 2 or more to hold office for 2 years only shall be determined by lot, in a manner approved by the Board.

(4) Nothing in subclause (1) of this regulation affects the tenure of any person holding office as a member of the Board on the commencement of these regulations.

3. Election of producer members—(1) The Second Schedule to the principal regulations (as substituted by regulation 11 of the *Kiwifruit Marketing Regulations 1977, Amendment No. 4*) is hereby amended by revoking clause 4, and substituting the following clause:

“4. Against the name of each producer and nominee qualified to vote entered on the roll, there shall appear the number of votes (one, or in the case of a producer or nominee of a producer to whom or which clause 10A or clause 10B of this Schedule applies, 2 or 3) that each vote in fact cast by the producer or nominee will be counted as.”

(2) The said Second Schedule is hereby further amended by revoking clauses 10A to 10C and substituting the following clauses:

“10A. Every vote cast by, or by a nominee of, a producer who or that, in the previous season, produced more than 37 tonnes but not more than 111 tonnes of kiwifruit intended for export that were supplied to the Board shall be counted as if it is 2 votes.

“10B. Every vote cast by, or by a nominee of, a producer who or that, in the previous season, produced more than 111 tonnes of kiwifruit intended for export that were supplied to the Board shall be counted as if it is 3 votes.

“10C. Except as provided in clauses 10A and 10B of this Schedule, every vote cast shall be counted as one vote.”

(3) Clause 18 of the said Second Schedule is hereby amended by omitting the words “and the number of votes to which each person is entitled”.

(4) The said Second Schedule is hereby further amended by revoking clause 20, and substituting the following clause:

“20. A voter shall vote by—

“(a) Determining how many candidates the voter wishes to vote for; and

“(b) Assigning votes to that number of candidates by writing the digits ‘1’, ‘2’, ‘3’, etc., in the boxes (next to the candidates’ names on the voting paper) in the order the voter prefers.

(5) The said Second Schedule is hereby further amended by revoking clauses 28 to 32, and substituting the following clauses:

“28. The returning officer shall then open the remaining envelopes, reject every voting paper the returning officer thinks invalid, and take the following steps in relation to the remaining papers:

- “(a) Ascertain the number of first-preference votes each candidate has received and the total number of first-preference votes cast:
- “(b) Divide that total number by a number that is greater by 1 than the number of vacancies to be filled:
- “(c) Subtract any fractional remainder from, and add 1 to, the quotient, to obtain a vote quota:
- “(d) Declare to be elected every candidate who has received a number of first-preference votes that is not less than the vote quota.

“29. Where, after one or more candidates are declared elected under clause 28 (d) or clause 30 (h) of this Schedule or paragraph (e) of this clause, there are still vacancies to be filled, the returning officer shall take the following steps:

- “(a) In respect of each of those one or more candidates whose total votes received (that is to say first-preference votes under clause 28 (a) of this Schedule or resulting sum under clause 30 (g) of this Schedule or paragraph (d) of this clause) is more than the vote quota (in this clause referred to as an above-quota candidate), divide—
 - “(i) The difference between that total and the vote quota; by
 - “(ii) That total,—
 and treat the resulting quotient (correct to 2 decimal places) as the transfer value of that difference:
- “(b) Of the voting papers of all voters who cast a first-preference vote for any above quota candidate, put aside those papers that do not show any preference for an unelected candidate over any other unelected candidate:
- “(c) From the remaining papers, in respect of each above quota candidate, multiply—
 - “(i) The number of votes cast for each unelected candidate as the next-preferred candidate after the candidates already elected and any candidates eliminated from consideration under clause 30 (d) of this Schedule; and
 - “(ii) The transfer value of those votes:
- “(d) Add each resulting product to the number of first-preference votes the next-preferred candidate received (as from time to time added to in accordance with this Schedule):
- “(e) If the resulting sum for any unelected candidate is not less than the quota, declare the candidate to be elected.

“30. Where—

- “(a) This clause, or clause 28 or clause 29 of this Schedule, has been complied with without the election of a candidate or further candidate; and
- “(b) The number of vacancies still to be filled is less by 2 or more than the number of unelected candidates (other than candidates eliminated from consideration under paragraph (d) of this clause) remaining—

the returning officer shall—

- “(c) Take the voting papers of the voters who cast their first-preference votes for—
 - “(i) The unelected candidate who has the lowest resulting sum under clause 29 (d) of this Schedule; or

“(ii) Where the lowest such sum is shared by 2 or more unelected candidates, that one of them who received the lowest number of first-preference votes; or

“(iii) Where the lowest such sum is shared by 2 or more candidates who also share the lowest number of first-preference votes, one of them chosen by the returning officer by lot:

“(d) Eliminate that unelected candidate from further consideration:

“(e) Put aside any of those papers that do not show a preference for any unelected candidate still in consideration over any other such unelected candidate:

“(f) From the remaining papers, count, in respect of each such unelected candidate, the number of votes cast for that candidate as the next preferred candidate (disregarding first-preference votes and votes cast for elected candidates):

“(g) In respect of each such candidate, add that number to the number of first-preference votes the candidate received (as from time to time added to in accordance with this Schedule):

“(h) If the resulting sum is not less than the quota, declare the candidate to be elected.

“31. Where—

“(a) Clause 28 or clause 29 or clause 30 of this Schedule has been complied with without the election of a candidate or further candidate; and

“(b) The total number of vacancies still to be filled is less by only one than the number of unelected candidates (other than candidates eliminated from consideration under clause 30 (d) of this Schedule) remaining—

the returning officer shall eliminate from consideration—

“(c) The unelected candidate who has the lowest resulting sum under clause 29 (e) of this Schedule; or

“(d) Where the lowest such sum is shared by 2 or more unelected candidates, that one of them who received the lowest number of first-preference votes; or

“(e) Where the lowest such sum is shared by 2 or more candidates who also share the lowest number of first-preference votes, one of them chosen by the returning officer by lot,—

and declare the other unelected candidate or candidates to be elected.

4. Voting papers—The annex to the said Second Schedule is hereby amended by revoking form 2, and substituting the form set out in the schedule to these regulations.

Reg. 4

SCHEDULE
NEW VOTING FORM

"Form 2

Clause 19

VOTING PAPER
NEW ZEALAND KIWIFRUIT MARKETING BOARD

Election of members of the Board:

- | | |
|--|--|
| <input type="checkbox"/> Craig, John | <input type="checkbox"/> Stanton, Albert |
| <input type="checkbox"/> Hay, Frank | <input type="checkbox"/> Wood, John |
| <input type="checkbox"/> Maxwell, John | |

DIRECTIONS TO VOTERS:

You may vote for any number of candidates not exceeding

Vote by placing the numbers "1", "2", etc. in the boxes next to the names of the candidates you wish to vote for, in the order in which you prefer them.

If anything not authorised by the Kiwifruit Marketing Regulations 1977 is written or marked on this paper by which you can be identified, it is invalid.

After completing this paper, send it to the Returning Officer, in the enclosed addressed official envelope, so as to be received by noon on the day of 19.

A voting paper not sent in the official envelope is invalid."

MARIE SHROFF,
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, which come into force on the day after notification in the *Gazette*,—

- (a) Abolish the present 2 wards for the election of members of the New Zealand Kiwifruit Marketing Board (each of which elects 2 producer members);
- (b) Provide that all 4 producer members are to be elected from the whole of New Zealand;
- (c) Stagger the terms of the producer members;
- (d) Change the weighting given to votes of growers so that growers who produce more than 111 tonnes of export kiwifruit each year have their votes counted as 3 votes (the present quantity is 74 tonnes) and growers who produce less than 111 but more than 37 tonnes of export kiwifruit have their votes counted as 2 votes (the present lower quantity is 18.5 tonnes);
- (e) Institute a system of preferential voting for the election of producer members.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 7 August 1991.

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