

1964/160



THE HONEY MARKETING AUTHORITY REGULATIONS 1964

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of September
1964

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.

REGULATIONS

1. (1) These regulations may be cited as the Honey Marketing Authority Regulations 1964.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.
2. In these regulations, unless the context otherwise requires,—
 - “Authority” means the New Zealand Honey Marketing Authority;
 - “Bulk container” means any container of any kind packed with honey weighing more than 10 lb:
 - “Canister” means any container constructed substantially of tinplate or other metal:
 - “Carton” means any container, constructed of cardboard, plastic, or other like material, containing honey for sale by retail; but does not include any canister or container in which is packed any other container containing cut or wrapped comb honey:
 - “Department” means the Department of Agriculture:
 - “Extracted honey” includes liquid or granulated honey:
 - “Honey” means honey as defined in 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 in the said regulation:
 - “Manufacturer” means any person who purchases honey for use in any manufacturing process:
 - “Minister” means the Minister of Agriculture:
 - “Packer” means any person who carries on the business of repacking honey from bulk containers into retail containers for sale by wholesale or retail:

“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 1927:

“Retail container” means any 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 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 purposes of resale.

PART I—HONEY MARKETING AUTHORITY

3. (1) There shall continue to be a Marketing Authority, to be known as 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 five members appointed or elected as follows:

(a) One member, who shall be appointed by the Governor-General on the recommendation of the Minister as the representative of the Government:

(b) Four members, elected as producers’ representatives as hereinafter provided.

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

(a) The member of the Authority in office immediately before the commencement of these regulations and appointed under paragraph (a) of subclause (2) of regulation 3 of the Honey Marketing Authority Regulations 1953* shall be deemed to have been duly appointed a member of the Authority under paragraph (a) of subclause (2) of this regulation:

(b) The members of the Authority in office immediately before the commencement of these regulations and appointed under paragraph (b) of subclause (2) of regulation 3 of the Honey Marketing Authority Regulations 1953* shall be deemed to have been duly elected members of the Authority under paragraph (b) of subclause (2) of this regulation.

(4) The term of office of every person deemed by paragraph (b) of subclause (3) of this regulation to have been elected a member of the Authority shall expire with the date on which, but for these regulations, his term would have expired under the provisions of the Honey Marketing Authority Regulations 1953.*

4. Every member appointed as the Government representative shall hold office during the pleasure of the Governor-General and shall, in addition to his other functions, represent the interests of consumers of honey.

5. Every election of producers' representatives held for the purposes of these regulations shall be held on a date to be fixed in that behalf by the Returning Officer, and every person elected as a producers' representative at any such election shall, unless he sooner vacates his office under regulation 9 of these regulations, hold office until his successor is elected in accordance with these regulations and comes into office:

Provided that—

- (a) Any date or time referred to in the First Schedule to these regulations may be altered or modified in such manner as may be approved by the Minister in that behalf;
- (b) The producers qualified to vote shall be the same as those qualified to vote at an election of members of the Honey Marketing Authority established under the Honey Marketing Authority Regulations 1953,* held after the month of June in the year 1964.

6. Every election shall be held in accordance with the First Schedule to these regulations, and for the purposes of every election an officer of the Department shall from time to time be assigned by the Department to undertake the duties of Returning Officer.

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

8. (1) The persons holding office as Chairman and Deputy Chairman of the Honey Marketing Authority on the commencement of these regulations shall continue to hold office as Chairman and Deputy Chairman respectively of the Authority until their successors are elected in accordance with this regulation.

(2) The Chairman and Deputy Chairman of the Authority shall be elected by the Authority from among the producers' representatives in the month of October in every year in which an election of producers' representatives is held.

9. (1) 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
- (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 an extraordinary vacancy.

(2) In the case of an extraordinary vacancy in the office of the Government representative, the Minister may appoint some fit person to fill the vacancy.

(3) In the case of an extraordinary vacancy in the office of a producers' representative, the Minister may appoint to fill the vacancy some fit person recommended by the remaining producers' representatives, and the person so appointed shall be appointed for the residue of the term for which the vacating member was elected:

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, the Returning Officer shall cause an election to be held in accordance with the provisions of the First Schedule hereto to fill the extraordinary vacancy.

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

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

Provided that a producers' representative shall not in any year commencing on the 1st day of January be entitled to authorise a person to attend a meeting in his stead if he has given such an authorisation in respect of half or more of the number of meetings theretofore held in that year.

12. (1) The Authority may permit any person to attend, in an advisory capacity, at any meeting of the Authority:

Provided that no such person shall have any right to vote on any question before the Authority.

(2) The expenses of any person whose attendance at a meeting of the Authority 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 the producers' representatives on the Authority.

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 or election of any member or that any person acting as a member of the Authority was not validly a member thereof.

14. (1) The Chairman shall notify all members of the Authority of the time and place of every 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 Deputy Chairman shall preside and shall have, in respect of that meeting, all the powers of the Chairman.

(2) At any meeting of the Authority the Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall have 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 at meetings, 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 First Schedule to these regulations any thing is to be done at or within or after a certain day or time, the Minister may, if he is satisfied that no person will be prejudicially affected by the exercise of the power hereby conferred, 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.

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

(2) Without limiting any powers specifically conferred on the Authority by these regulations, the Authority shall have authority to make such arrangements and to 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

20. (1) Subject to the provisions of these regulations, a levy of $\frac{1}{3}$ d. per $\frac{1}{2}$ oz shall be payable on all honey sold in New Zealand.

(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, where packed in containers containing more than 10 lb of honey and sold by a producer by retail at his apiary and delivered to the purchaser at the 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 the honey is packed in a carton, by means of—

(i) A stamp of the appropriate value embossed on the carton; or

(ii) A number and mark imprinted or embossed on the carton; or

(iii) A label affixed to the carton 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 carton:

- (b) Where the honey is packed in a canister, by means of a number and mark stencilled or imprinted on the canister:
- (c) Where the honey is packed in any other kind of container, by means 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) Payment of the levy shall 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, number, or mark used for the purposes of these regulations shall be of a shape, size, and design approved by the Authority.

23. Except as authorised by the Authority, no person shall, for the purposes of these regulations, emboss any stamp on any carton, or imprint or emboss any number or mark on any carton, or stencil or imprint any number or mark on any canister, or print any label.

24. (1) 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, canisters, or labels, no person authorised by the Authority under regulation 23 of these regulations shall emboss any stamp on any carton, or imprint or emboss any number or mark on any carton, or stencil or imprint any number or mark on any canister, or print any label.

(2) Except as authorised by the Authority, no embossed or imprinted carton, stencilled or imprinted canister, or label for affixing to cartons or containers, shall be sold or delivered otherwise than to a manufacturer, packer, or producer.

25. The Authority may authorise the appropriate authorities to be issued to manufacturers of cartons and canisters for the embossing or imprinting of cartons, and the stencilling or imprinting on canisters, and to printers for the printing of labels required for affixing to cartons or containers.

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 is appropriately embossed, marked, or labelled in accordance with these regulations.

(2) No person, whether a manufacturer, packer, or otherwise, 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 is appropriately embossed, marked, or labelled 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 is appropriately embossed, marked, or labelled in accordance with these regulations.

27. The Authority may, in its absolute discretion, refuse to issue any authority under these regulations, or may at any time revoke, by notice in writing given to the holder of the authority, any authority previously issued by the Authority, whether before or after the commencement of these regulations.

28. In any case where any carton, canister, or label is damaged or destroyed, the Authority may at any time out of the Honey Industry Account grant to any producer or packer a sum equal to the whole or such part as it thinks fit of any levy paid by the producer or packer, as the case may be, in respect of the carton, canister, or label.

PART III—FINANCIAL

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

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

(a) All money derived from the issue of authorities for the embossing or imprinting of cartons, the stencilling or imprinting of canisters, and the printing of labels pursuant to these regulations;

(b) 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) A sum not exceeding £1,300 shall in each financial year of the Authority be paid out of the Honey Industry Account towards the costs of the National Beekeepers' Association of New Zealand Incorporated:

Provided that there shall not be paid in any financial year any sum 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 authorised by these regulations.

PART IV—GENERAL

30. Any person duly authorised in that behalf by the Authority may inspect the books and records of any person engaged in the business of marketing or storing honey in New Zealand, and relating to the storage, sale, or purchase of honey by that person, and the books and records of any person authorised under these regulations to emboss or imprint cartons or to stencil or imprint canisters or to print labels for the purposes of Part II of these regulations, and relating to that part of his business in respect of which he is authorised as aforesaid, and may make extracts from, or copies of, any such books or records.

31. 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.

32. Every person commits a breach of these regulations who—

- (a) Fails to comply with any requirement, obligation, or provision imposed or required to be observed by these regulations:
- (b) Counterfeits any embossed stamp, or any imprinted, embossed, or stencilled number or mark, or any label:
- (c) Sells, or offers or exposes for sale, any honey contrary to any provision of these regulations.

33. The regulations referred to in the Second Schedule hereto are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 6

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) The number of votes which may be exercised by any person under these regulations shall be determined as follows:

- (a) If any such person, within the period of two years ending on the 30th day of June immediately preceding the date of preparation of the roll, has supplied honey to the Authority, he may exercise the appropriate number of votes indicated in paragraph (i) of the following table according to the quantity of honey supplied within the said period of two years:
- (b) If any such person, within the said period of two years, has supplied honey to a packer (whether or not the packer is also a producer), he may, on producing evidence of that supply to the satisfaction of the Returning Officer, exercise the appropriate number of votes indicated in paragraph (i) of the following table according to the quantity of honey supplied within the said period of two years:

Provided that if any such honey has been supplied to a packer who is also a producer, the honey supplied to that producer as aforesaid shall not be taken into account when assessing the number of votes to which that producer is entitled:

FIRST SCHEDULE—*continued*

- (c) If any person, within the said period of two years, pays levy on honey sold, he may exercise the appropriate number of votes indicated in paragraph (ii) of the following table according to the amount of levy paid within the said period of two years:
- (d) If any such person has both supplied honey and paid levy within the said period of two years, he may exercise the aggregate number of votes authorised by the foregoing provisions of this clause:

Provided that, notwithstanding the foregoing provisions of this clause, no person shall be entitled to exercise an aggregate number of votes greater than 30.

Table

(i) Votes exercisable according to quantity of honey supplied—

Amount Supplied				Number of Votes	
1 ton and under	2 tons	.....	.....	.....	2
2 tons and under	4 tons	.....	.....	.....	4
4 tons and under	6 tons	.....	.....	.....	6
6 tons and under	8 tons	.....	.....	.....	8
8 tons and under	10 tons	.....	.....	.....	10
10 tons and under	12 tons	.....	.....	.....	12
12 tons and under	14 tons	.....	.....	.....	14
14 tons and under	16 tons	.....	.....	.....	16
16 tons and under	18 tons	.....	.....	.....	18
18 tons and under	20 tons	.....	.....	.....	20
20 tons and under	22 tons	.....	.....	.....	22
22 tons and under	24 tons	.....	.....	.....	24
24 tons and under	26 tons	.....	.....	.....	26
26 tons and under	28 tons	.....	.....	.....	28
28 tons and over	.....	.....	.....	.....	30

(ii) Votes exercisable according to amount of levy paid—

Amount of Levy				Number of Votes	
£9 6s. 8d. and under	£18 13s. 4d.	.....	.....	.....	2
£18 13s. 4d. and under	£37 6s. 8d.	.....	.....	.....	4
£37 6s. 8d. and under	£56 0s. 0d.	.....	.....	.....	6
£56 0s. 0d. and under	£74 13s. 4d.	.....	.....	.....	8
£74 13s. 4d. and under	£93 6s. 8d.	.....	.....	.....	10
£93 6s. 8d. and under	£112 0s. 0d.	.....	.....	.....	12
£112 0s. 0d. and under	£130 13s. 4d.	.....	.....	.....	14
£130 13s. 4d. and under	£149 6s. 8d.	.....	.....	.....	16
£149 6s. 8d. and under	£168 0s. 0d.	.....	.....	.....	18
£168 0s. 0d. and under	£186 13s. 4d.	.....	.....	.....	20
£186 13s. 4d. and under	£205 6s. 8d.	.....	.....	.....	22
£205 6s. 8d. and under	£224 0s. 0d.	.....	.....	.....	24
£224 0s. 0d. and under	£242 13s. 4d.	.....	.....	.....	26
£242 13s. 4d. and under	£261 6s. 8d.	.....	.....	.....	28
£261 6s. 8d. and over	.....	.....	.....	.....	30

FIRST SCHEDULE—*continued*

(5) No producer shall at any election be entitled to any vote by virtue of the supply of honey who has not, within the period of two years ending on the 30th day of June immediately preceding the date of preparation of the roll, supplied at least 1 ton of honey, or to any vote by virtue of the levy paid who has not, within the said period of two years, paid levy amounting to at least £9 6s. 8d.

(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 exercise a vote or votes in each 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.

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

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 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:

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 occupy the said apiary, 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*]”.

FIRST SCHEDULE—*continued*

(13) The roll shall be deposited in the Head Office of the 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 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:
- (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 30 colonies of bees:
- (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 seven days of accepting nomination, paid to the Returning Officer a deposit of £3.

(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.

FIRST SCHEDULE—*continued**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 seven 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 distinguishing 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) The poll shall close at noon on the second Wednesday in the month of September.

(26) 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.

(27) No voting paper shall be valid—

- (a) If it is not received by the Returning Officer by the time fixed by clause (25) 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

(28) 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 two clear days before the closing of the poll, appoint a scrutineer for the purposes of the poll.

FIRST SCHEDULE—*continued*

(29) 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.

(30) 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

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

(32) 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.

(33) 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.

(34) 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.

(35) 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.

(36) Subject to the provisions of 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 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.

(37) 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.

FIRST SCHEDULE—*continued*

APPENDIX

Form 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 to the Honey Marketing Authority established by the Honey Marketing Authority Regulations 1964.

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 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 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 1964 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.

FIRST SCHEDULE—continued

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 1964, 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.

SECOND SCHEDULE

Reg. 33

REGULATIONS REVOKED

Title	Serial Number
The Honey Marketing Authority Regulations 1953	1953/157
The Honey Marketing Authority Regulations 1953, Amendment No. 1	1955/83
The Honey Marketing Authority Regulations 1953, Amendment No. 2	1957/69
The Honey Marketing Authority Regulations 1953, Amendment No. 3	1959/103
The Honey Marketing Authority Regulations 1953, Amendment No. 4	1961/19
The Honey Marketing Authority Regulations 1953, Amendment No. 5	1961/107
The Honey Marketing Authority Regulations 1953, Amendment No. 6	1962/195

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 are a consolidation of the Honey Marketing Authority Regulations 1953 and the amendments thereto. No substantial change is made in the effect of the regulations replaced.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 October 1964.

These regulations are administered in the Department of Agriculture.