

Serial Number 161/1937.



THE DAIRY BOARD ELECTION REGULATIONS, 1937

Enacting authority : His Excellency the Governor-General in Council.
 Act pursuant to which the regulations were made : The Agriculture
 (Emergency Powers) Act, 1934.

Date on which the regulations were made : 23rd day of April, 1937.

Date of notification in *Gazette* : 23rd day of April, 1937.

REGULATIONS.

1. PRELIMINARY.

(1) These regulations may be cited as the Dairy Board Election Regulations, 1937.

(2) These regulations shall come into force on the 1st day of May, 1937.

(3) In these regulations, where not inconsistent with the context,—
 “The said Act” means the Agriculture (Emergency Powers) Act, 1934 :

“Board” means the New Zealand Dairy Board referred to in section 10 of the said Act :

“Company” includes any person or association of persons whether corporate or unincorporate being the owner or occupier of a dairy factory, but does not include the New Zealand Co-operative Dairy Company, Limited :

“Individual elector” means a company (as herein defined) being an individual who is the sole owner or occupier of a dairy factory :

“Joint elector” means a company (as herein defined) other than an individual elector :

“Public notice” means publication in the *Gazette* and in such other newspaper as the Returning Officer thinks fit :

“Returning Officer” means the Returning Officer appointed pursuant to section 19 of the said Act :

“Voter” includes an individual elector and the voting representative of a joint elector, but does not include a joint elector :

“Voting representative” means a person appointed in manner hereinafter provided to exercise the vote of a joint elector.

(4) The Dairy Board Election Regulations, 1935,* are revoked.

* *Gazette*, 17th January, 1935, Vol. I, page 85.

2. COMPILATION OF ROLLS.

(1) For the purpose of the election of an elective member of the Board whose office becomes vacant in any year pursuant to section 15 of the said Act, the Returning Officer shall prepare a roll of electors for the ward for which an election to fill the vacancy so occurring is to be held.

(2) The roll shall be compiled from the Register of Owners of Manufacturing Dairies kept pursuant to the Dairy-produce General Regulations, 1933, in the office of the Director of the Dairy Division of the ~~Department of Agriculture~~ at Wellington.

(3) ~~The roll shall contain~~ the name of every company as herein defined appearing from the said register to be the owner or occupier of a dairy factory situated within the ward for which an election of an elective member of the Board is to be held.

(4) In the case of a company being an individual elector, the roll shall contain the surname of the individual entered thereon together with his first name and postal address.

(5) In the case of a company being a joint elector, the roll shall contain the name of the company entered thereon together with—

(a) The address of the registered office of any company being a corporate body required to have a registered office ; or

(b) The usual business address of any company being a corporate body not required to have a registered office ; or

(c) The usual business address of any company being a partnership firm or consisting of two or more persons otherwise in common or jointly entitled or other unincorporated association of persons ; and (in each of the foregoing cases) also

(d) The surname, first name, and postal address of the voting representative of the joint elector.

(6) The names of the companies entered on the roll shall be arranged substantially in alphabetical order, and the names so entered shall be numbered consecutively. The name of each voting representative shall be inserted following the name of the relative company without a separate number.

(7) The roll shall (subject to the provisions of clauses (8) and (9) of this regulation) be closed on the first Wednesday in the month of May in each year and shall thereupon be open for inspection for a period of seven days at the office of the Returning Officer during ordinary office hours.

(8) Any person may by notice in writing to the Returning Officer at any time during the said period of seven days object that the name of any company is incorrectly set out or is wrongly inserted in or omitted from the roll, and the Returning Officer, after making such inquiries as he thinks fit, may during the said period of seven days or within three days thereafter alter the roll accordingly, and the decision of the Returning Officer as to any such objection shall be final.

(9) Any company whose name is added to the roll pursuant to clause (8) hereof may at any time thereafter appoint a voting representative in manner hereinafter provided, and the name of such voting representative shall be inserted in the roll accordingly.

3. VOTING REPRESENTATIVES.

(1) Every joint elector may appoint a voting representative to vote on its behalf with power also to nominate a candidate on its behalf, and the powers of a joint elector to vote or to nominate a candidate shall be exercised through a voting representative and not otherwise.

(2) The voting representative of every joint elector being a corporate body shall be appointed by instrument under its common seal.

(3) The voting representative of every joint elector, being a partnership firm or consisting of two or more persons otherwise in common or jointly entitled or other unincorporated association of persons, shall be appointed by writing under the firm's name or under the hands of the partners or persons otherwise in common or jointly entitled or otherwise executed in accordance with the constating document of the association as the case may require.

(4) Every such instrument of appointment shall be delivered or forwarded by post addressed to the Returning Officer who shall cause particulars of the person set out therein to be entered on the roll of electors as hereinbefore provided with an indication of the company on behalf of which or of whom he is authorized to vote :

Provided that the entry in the roll of the name of a voting representative immediately following the name of a company as provided by clause (6) of Regulation 2 hereof shall be deemed a sufficient indication for the purposes of this clause.

(5) The decision of the Returning Officer as to the validity of any instrument of appointment shall be final, and no election shall be affected by reason that any person appearing on the roll as authorized to vote on behalf of any company is not in fact so authorized.

(6) If any person so authorized shall die or become in the opinion of the company appointing him incapable of acting, such company may by instrument executed as aforesaid notify the Returning Officer to that effect and appoint in manner aforesaid some other person in his place.

(7) An entry of a voting representative may be made in the roll at any time whether before or after the closing of the roll, and whether the instrument of appointment was executed before or after the entry on the roll of the name of any company, and so far as it authorizes a nomination or the casting of a vote shall (if subsequently duly made) take effect from the time when the instrument of appointment was executed, and so far as it entails the despatch by the Returning Officer of a voting-paper, take effect from the time when the entry was made by the Returning Officer.

4. NOMINATIONS.

(1) No person shall be eligible for election as an elective member of the Board unless he has been nominated by one or more companies the names of which appear on the roll compiled pursuant to Regulation 2 hereof and unless by writing in the prescribed form or by letter or telegram to the Returning Officer he has accepted nomination.

(2) The form of nomination shall be in the Form No. 1 in the Schedule hereto or to the like effect.

(3) No company shall be entitled to nominate more than one person as a candidate at any one election.

(4) Nothing in this regulation shall prevent the Returning Officer from accepting a nomination-paper made out in such form as in his opinion is sufficient to identify the candidate and at least one nominator.

(5) The last hour and day for receiving nominations shall be noon on the first Wednesday in the month of June in the year in which the election is held.

(6) If only one person shall have been nominated for election such person shall be deemed to have been duly elected and shall be declared elected by the Returning Officer by notice under his hand published in the *Gazette*.

5. POLLS.

(1) If more than one person shall have been duly nominated for election a poll shall be taken, and the Returning Officer shall cause voting-papers to be printed in the Form No. 2 in the Schedule hereto.

(2) The Returning Officer shall forward by post addressed to each voter at the address appearing on the roll a voting-paper in the said Form No. 2 bearing on its face the consecutive number appearing on the roll against the name of the company to whom or to the voter for whom or for which the voting-paper is forwarded, together with an envelope addressed to the Returning Officer and bearing on its face the same consecutive number.

(3) On proof to his satisfaction by statutory declaration or otherwise that a voter has not received his voting-paper in due course of post or that any voting-paper received by a voter was accidentally destroyed before being used, the Returning Officer may issue a further voting-paper to such voter bearing on its face the number aforesaid with an additional distinguishing mark to indicate its issue under this clause, together with an envelope addressed as aforesaid and bearing the same number and distinguishing mark.

(4) Any poll to be taken in any year shall close on the fourth Wednesday in the month of June in that year, at seven o'clock in the afternoon of that day.

(5) Voting-papers shall be sent by post addressed to the Returning Officer as provided by the said Form No. 2.

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

(7) No voting-paper shall be valid which is not received by the Returning Officer at or before the time fixed for the closing of the poll by clause (4) of this regulation.

6. SCRUTINEERS.

Any candidate for election as an elective member of the Board 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.

7. RESULT OF ELECTION.

(1) 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 company enrolled as an elector.

(2) The Returning Officer shall then open the remaining envelopes and ascertain the number of effective votes received by each candidate in accordance with the provisions of section 20 of the said Act.

(3) Where there is an equality of effective 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.

(4) Subject to the provisions of section 20 of the said Act and to the foregoing provisions of this regulation, the name of the candidate deemed to be elected shall be declared elected by the Returning Officer by notice under his hand published in the *Gazette*.

(5) 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 effective vote was wrongly computed, 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.

8. EXTRAORDINARY VACANCIES.

(1) In the event of an extraordinary vacancy within the meaning of section 16 of the said Act occurring in any year in the office of an elective member of the Board the Returning Officer shall, upon receipt of advice of such vacancy from the Minister of Marketing, forthwith give public notice of an election to fill the same and shall in such notice appoint—

(a) A day as being the date on which the roll of electors for the ward for which the election to fill such vacancy is to be held shall be closed ;

(b) Some time as being the last day and hour for receiving nominations of candidates for election to the Board to fill such vacancy ; and

(c) The day and hour for the closing of the poll, being not less than twenty-one clear days after the day appointed for the nomination of candidates pursuant to paragraph (b) hereof.

(2) Except as varied by clause (1) of this regulation, all the other provisions of these regulations shall apply to every election to fill an extraordinary vacancy in the office of an elective member of the Board.

SCHEDULE.

[Form No. 1.

Under the Dairy Board Election Regulations, 1937.

NOMINATION OF ELECTIVE MEMBER OF THE NEW ZEALAND DAIRY BOARD.

To the Returning Officer, N.Z. Dairy Board Election, Chief Electoral Office, Wellington.

[*Name of corporate body, or unincorporated association, firm, or co-partnership, or full name, residence, and occupation of individual*], being the owner or occupier of a dairy factory situated within the [*Name of ward*], doth hereby nominate A. B. [*Full name*] of [*Residence and occupation*] with his consent as a candidate at the election of the elective member of the New Zealand Dairy Board for the said ward.

Dated at, this day of, 19..

.....
*Signature of individual voter
or voting representative.

I, A. B. [*Full name of candidate*], do hereby consent to the above nomination.

.....
A. B.

[*Residence and occupation*]

* To be signed either (1) by the individual sole owner or occupier of the dairy factory or (2) by the voting representative for and on behalf of the owner or occupier being a partnership firm or consisting of two or more persons otherwise in common or jointly entitled or other unincorporated association of persons or registered company or other corporate body.

[Form No. 2.

Under the Dairy Board Election Regulations, 1937.

VOTING-PAPER.

NEW ZEALAND DAIRY BOARD.

Election of Elective Member (to fill an Extraordinary Vacancy) for [*Name of ward*].

Armstrong, Thomas.
Baker, Gerald.
Shaw, Thomas.

Directions.

The voter is to leave untouched the name of the candidate for whom he desires to vote and to draw a line with a pen or pencil through the names of the candidate or candidates for whom he does not desire to vote.

Should a voter leave uncanceled the name of more than one candidate then his voting-paper is invalid.

After indicating the vote in the manner aforesaid this voting-paper is to be transmitted by post to the Returning Officer, New Zealand Dairy Board Election, Chief Electoral Office, Wellington, so as to be delivered at his office on or before [*Hour*] of the [*Date*].

An addressed envelope is enclosed for use in transmitting the voting-paper. A voting-paper not transmitted in the official envelope is invalid.

Issued under the authority of the Regulations Act, 1936.

These regulations are administered by the ~~Primary Products Marketing~~
~~Department.~~