

Serial Number 1938/68.



**THE FRUIT-EXPORT CONTROL BOARD ELECTION
REGULATIONS 1938.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 20th day of
May, 1938.

Present :

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

PURSUANT to the powers conferred upon him by the Fruit Control Act, 1924, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

- (1) These regulations may be cited as the Fruit-export Control Board Election Regulations 1938.
- (2) These regulations shall come into force on the 1st day of June, 1938.
- (3) In these regulations, unless inconsistent with the context,—
 - “The said Act” means the Fruit Control Act, 1924 ;
 - “The Board” means the New Zealand Fruit-export Control Board established by the said Act ;
 - “Department” means the Department of Agriculture ;
 - “Producer” means any person carrying on business as a producer of fruit for sale, and being the occupier of an orchard registered under the Orchard and Garden Diseases Act, 1908, from which at least one hundred cases of fruit produced in that orchard were exported from New Zealand in the year immediately preceding the year in which an election is held ;
 - “Roll” includes any roll of producers in a provincial district as described in Regulation 3 hereof.
- (4) Unless the contrary intention appears, expressions used herein have the same meanings as in the said Act.
- (5) The Fruit-export Control Board Election Regulations 1925,* and the Fruit-export Control Board Election Regulations 1925, Amendment No. 1,† are revoked.
- (6) Where the time limited by these regulations for the doing of anything under their provisions falls or expires upon a Saturday, the time so limited shall be extended to and such thing may be done on the day next following which is not a holiday within the meaning of the Acts Interpretation Act, 1924.

* Gazette, 6th August, 1925, Vol. II, page 2262.

† Statutory Regulations 1936-7, Serial number 134/1937, page 485.

REGULATION 2.—RETURNING OFFICER.

For the purpose of taking votes of producers and of conducting elections and polls under the said Act the Minister of Agriculture shall appoint a Returning Officer who shall have the powers conferred on him by subsection (1) of section 35 of the said Act and such further powers and duties as are expressly conferred on him by these regulations.

REGULATION 3.—ROLLS.

(1) For the purpose of the election of producers' representatives to the Board the Returning Officer shall prepare separate rolls of the producers in the provincial districts (as varied by subsection (1) of section 2 of the said Act) in respect of which an election is necessary.

(2) Such rolls shall be compiled from the nominal list of exporters of fruit in the possession of the Department, but the Returning Officer shall exclude from the rolls the name of any person appearing in the said list whom he has reason to believe nevertheless not qualified to vote as a producer at the next succeeding election, and shall add to the rolls the name of any person not appearing in the said list whom he has reason to believe qualified so to vote.

(3) Such rolls shall contain, in alphabetical order, the surnames of the producers entered therein, together with the forenames and addresses of such producers so far as known to the Returning Officer, and the names so entered shall be numbered consecutively.

(4) Where one of two or more persons is entitled to vote in respect of the joint occupation of any orchard 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 in writing addressed to the Returning Officer and signed either by the person whose name is so entered or by a majority of the persons appearing jointly to occupy the said orchard, the name of some other one of the said persons may be entered on the roll in lieu of the name first entered.

(5) Where the name of any person entitled to vote by virtue of the provisions of subsection (4) or subsection (5) of section 35 of the said Act is entered on any roll, such entry shall be followed by the words "appointed by (name of corporate body or firm)."

(6) The said rolls shall be deposited in the Head Office of the Department and in such local office of the Department as the Returning Officer may appoint by notice published in the *Gazette* not later than the seventh day of August in every year, and shall be open to public inspection during ordinary office hours for a period of three weeks thereafter.

(7) Any person may during the said period of three weeks lodge with the Returning Officer an objection in writing under his hand to any entry on any roll on either of the following grounds:—

(a) That any person whose name is on such roll is at the time of lodging the objection not qualified to vote as a producer at the next succeeding election:

(b) That any person whose name is not on such roll is qualified to vote and is entitled to have his name placed on the roll.

(8) 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 to the roll as may be necessary in consequence of his decision.

(9) At the expiration of the said period of three weeks the rolls shall be closed, and no further alteration shall be made thereto until the completion of the election for which such rolls were prepared.

REGULATION 4.—NOMINATIONS.

(1) No person shall be eligible for election as a producers' representative unless he has been nominated in writing by one or more producers whose name or names appear on the appropriate roll compiled pursuant to Regulation 3 hereof for the purposes of the election 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 or to the effect of the form numbered 1 in the Schedule hereto.

(3) Nothing in this regulation 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.

(4) The last hour and day for receiving nominations shall be noon on the 17th day of August in each year.

(5) No producer shall be entitled to nominate more than one person as a candidate for election.

(6) No producer shall nominate a person for election as a producers' representative for a provincial district in which such producer is not entitled to vote.

(7) If the number of persons duly nominated as producers' representatives does not exceed the number of vacant positions on the Board to be filled, the person or persons so nominated 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*.

REGULATION 5.—POLLS.

(1) If the number of persons duly nominated as producers' representatives exceeds the number of vacant positions on the Board to be filled, the Returning Officer shall cause voting-papers to be printed in the form numbered 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 numbered 2 bearing 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 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 at noon on the 5th day of September in that year.

(5) Voting-papers may be delivered to the Returning Officer by hand or sent by post addressed as provided in the said form numbered 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 pursuant to clause (4) of this regulation.

REGULATION 6.—SCRUTINEERS.

(1) Any candidate for election as a producers' representative on 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 purpose of the poll.

(2) Every scrutineer for the purposes of the poll shall, before being allowed to act, make and subscribe before the Returning Officer a declaration in the form numbered 3 in the Schedule hereto.

(3) Every scrutineer who directly or indirectly discloses any fact coming to his knowledge at any election in breach of his declaration shall be liable to a fine not exceeding £5.

REGULATION 7.—RESULT OF THE 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 person enrolled as a voter.

(2) The Returning Officer shall then open the remaining envelopes and ascertain the number of votes received by each candidate.

(3) 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.

(4) Subject to the foregoing provisions of this regulation, the candidates required to be elected who have received the greatest number of votes 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 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

REGULATION 8.—APPOINTMENT.

The names of the elected candidates shall be submitted to the Governor-General for appointment as producers' representatives on the Board, pursuant to section 5 of the said Act.

REGULATION 9.—SPECIAL PROVISION FOR CANTERBURY AND OTAGO
PROVINCIAL DISTRICTS.

The election to be held next after the coming into force of the Fruit Control Act Variation Order 1938, of a producers' representative on the Board, pursuant to paragraph (d) of subsection (3) of section 5 of the said Act as revived by the said Order, shall be held at the same time as an election is by these regulations required to be held in the year 1938 for the purpose of filling any vacancy occurring in the office of a producers' representative on the Board in that year, and the provisions of these regulations shall apply to such first-mentioned election accordingly.

SCHEDULE.

Form No. 1.

NOMINATION OF PRODUCERS' REPRESENTATIVE ON THE NEW ZEALAND FRUIT-
EXPORT CONTROL BOARD.

To the Returning Officer,
New Zealand Fruit-export Control Board Election,
Wellington.

I [We], the undersigned producer (producers), within the meaning of the Fruit-export Control Board Election Regulations 1938, do hereby nominate [*Full name*] of [*Residence and occupation*], with his consent, as a candidate at the election of members of the New Zealand Fruit-export Control Board.

Dated at, this day of, 19..

Signed :

Full names, residences, and occupations
of one or more producers.

I, [*Full name*], do hereby consent to the above nomination.

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Signature, residence, and occupation
of candidate.

VOTING-PAPER.

Form No. 2.

New Zealand Fruit-export Control Board.

Election of Producers' Representative to the Board.

ARMSTRONG, THOMAS.

BURTON, GERALD.

Directions.

The voter shall leave uncanceled the name of the candidate for whom he desires to vote and must strike out the names of all candidates not voted for.

If a voter leaves more than one name uncanceled his voting-paper is invalid.

A voter is entitled to one vote only.

After indicating the vote in manner aforesaid, this voting-paper is to be transmitted to the Returning Officer, New Zealand Fruit-export Control Board Election, Wellington, so as to be delivered at his office at or before noon on the day of September, 19..

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

Form No. 3.

DECLARATION OF SCRUTINEER.

I, [*Full name*], scrutineer for [*Full name*], a candidate at the present election for the office of producers' representative on the New Zealand Fruit-export Control Board, do hereby solemnly promise and declare that I will not, directly or indirectly, disclose any fact coming to my knowledge at such election.

Signature :

Scrutineer.

Declared and signed before me, this day of, 19..

....., Returning Officer.

C. A. JEFFERY,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 28th day of May, 1938.

These regulations are administered by the Department of Agriculture.

(Notice No. Ag. 3555.)