



THE MILK BOARD ELECTION REGULATIONS 1945

C. L. N. NEWALL Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 27th day of
June, 1945

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Milk Act, 1944, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Milk Board Election Regulations 1945.

2. These regulations shall apply in respect of all elections of members of a Metropolitan Milk Board except to the extent to which other provision is made by special regulations in respect of any specified milk district or constituent or combined district within a milk district, or by Order in Council in respect of the first election of members of any Milk Board.

3. For the purposes of every election of members of a Milk Board, the Secretary of the Board shall be the Returning Officer.

4. (1) The local authority of a constituent district which is not included in a combined district may nominate for election as members of the Board not more than the number of representatives which the constituent district is entitled to have on the Board.

(2) The local authority of each constituent district included in a combined district may nominate one person for election as a member of the Board.

5. (1) The local authority of each constituent district shall be entitled to one vote for each one thousand, or part thereof, of the population of the constituent district.

(2) A certificate by the Government Statistician as to the population of the district of the local authority or, as the case may be, of so much thereof as is a constituent district as at the 1st day of April in the year in which the election is held, or, if the election is held on or before the last day of June in any year, then as at the 1st day of April in the preceding calendar year, shall be conclusive as to the population of the district for the purposes of this regulation :

Provided that this subclause shall, while the Population Estimates Emergency Regulations 1942* remain in force, be read subject to the provisions of those regulations.

* Statutory Regulations 1942, Serial number 1942/115, page 264.

6. (1) An election of the members of each Board shall be held in every year in which municipal general elections are held under the Municipal Corporations Act, 1933.

(2) Each election shall be held on such day as may be fixed by the Board in the third month after that in which the municipal general election is held.

(3) In the case of an election to fill an extraordinary vacancy the election shall be held on such day as may be fixed by the Board, being not later than three months after the Board receives notice that the vacancy has occurred.

7. (1) Notice of the day on which an election is to be held shall be sent by post to the local authority of each constituent district not less than forty-two days prior to that date, and the notice shall specify a day (not being earlier than twenty-one days after the posting of the notice and not being later than seventeen days before the day of the election) by which nominations must be lodged with the Returning Officer.

(2) Nominations shall close at noon on the day so specified.

(3) No person shall be eligible as a candidate for election unless a nomination-paper in the form numbered 1 in the Schedule hereto under the seal of a competent local authority, and bearing the candidate's consent in writing, is received by the Returning Officer before the nominations are closed.

8. (1) If the number of the candidates duly nominated for any constituent or combined district does not exceed the number of vacancies to be filled, the Returning Officer shall, on the day on which nominations close, declare the candidate or candidates so nominated duly elected.

(2) If the number of duly nominated candidates exceeds the number of persons to be elected, the Returning Officer shall immediately after the closing date for nominations send by post to each of the local authorities concerned a notice stating—

(a) The number of members to be elected :

(b) The full name of every duly nominated candidate :

(c) The day on which the election will be held, and the hour at which the poll will be closed :

(d) The number of votes which the local authority is entitled to exercise.

9. If a candidate signs and delivers to the Returning Officer, not later than fourteen days before the day on which the election is to be held, a notice stating that the candidate retires from the election, the Returning Officer shall immediately notify the local authorities concerned ; and if by such retirement the number of candidates is reduced to the number of vacancies to be filled the Returning Officer shall declare the remaining candidates duly elected ; but if the number of candidates is not so reduced the poll shall proceed, but the person so retiring shall not be capable of being elected.

10. (1) The votes of each local authority shall be exercised, in accordance with a resolution of the local authority, by the completion under the seal of the local authority of a voting-paper in the form numbered 2 in the Schedule hereto.

(2) The voting-paper completed as aforesaid shall be posted or delivered to the Returning Officer in a closed envelope bearing on the outside thereof the word " Voting-paper ".

11. The poll shall close at five o'clock in the afternoon on the day of the election, and no voting-paper shall be included and counted which is received by the Returning Officer after that time.

12. A voting-paper shall be informal in any of the following cases :—

- (a) If it is not in conformity in all material respects with these regulations :
- (b) If the local authority votes for more candidates than there are vacancies to be filled :
- (c) If the local authority votes for fewer candidates than there are vacancies to be filled :
- (d) If the local authority has completed and sent to the Returning Officer more than one voting-paper at the same election :
- (e) If it is received after the time of the closing of the poll.

13. Each candidate may, by writing under his hand, appoint one scrutineer, who may be present at the examination of the voting-papers as hereinafter mentioned.

14. (1) Immediately after the closing of the poll the Returning Officer shall open and examine all the voting-papers duly received by him and, after rejecting all informal voting-papers, shall ascertain the candidates (not exceeding the total number to be elected) who have received the greatest number of votes in respect of each combined district, and shall, by notice exhibited in the office of the Board, declare such candidates to be elected as members of the Board for the several combined districts.

(2) Where two or more candidates receive equal votes the Returning Officer, if it is necessary for the purpose of determining the election, shall determine the order of preference of the candidates by lot.

(3) Forthwith after the election the Returning Officer shall send by post to the local authorities of all the constituent districts within the milk district a notice setting out the names of the persons elected to the Milk Board, the number of valid votes recorded for each candidate, the total number of valid votes recorded, and the total number of votes rejected as informal.

15. (1) The Returning Officer shall, immediately after counting the votes, seal up all voting-papers and transmit the whole to the Clerk of the nearest Magistrates' Court, who shall keep the same for six months thereafter, and shall not open or permit to be opened the packet containing the voting-papers except on the order of some Court of competent jurisdiction, and shall at the end of six months effectually destroy the same.

(2) Every person who, save on the order of any such Court, opens any such packet or destroys any of the contents thereof commits an offence and shall be liable to a fine not exceeding £50.

16. (1) At every election the Returning Officer and every scrutineer shall, before entering on their respective duties, make and sign a declaration in the form numbered 3 in the Schedule hereto.

(2) The declaration may be made and signed before a Justice of the Peace or the Chairman of the Board, or, in the case of a scrutineer, before the Returning Officer.

17. Every Returning Officer or scrutineer who makes known the state of the poll, or gives or pretends to give any information by which the state of the poll may be known, before the final declaration thereof by the Returning Officer commits an offence and shall be liable to a fine not exceeding £50.

18. If any dispute or question arises with respect to the regularity of the election of any member of a Milk Board it shall on the petition of the local authority of any constituent district be determined by a Magistrate in the manner provided by sections 58 to 67 of the Local Elections and Polls Act, 1925, and the provisions of those sections, and also the provisions of section 70 of that Act shall, with the necessary modifications, apply in respect of every such election.

SCHEDULE

[Form No. 1.]

NOMINATION-PAPER

To the Returning Officer of
the Milk District.

THE, pursuant to its resolution of the day of, 19.., hereby nominates as candidate(s) for the office of member(s) of the Milk Board as representative(s) of its district [or, as the case may be, of the combined district of which its district forms part].

Dated this day of, 19..

The common seal of was hereto }
affixed in the presence of— }

I (We) hereby consent to this nomination.

.....
Candidate(s).

Received at the hour of on the day of, 19..

.....
Returning Officer.

[Form No. 2.]

VOTING-PAPER

To the Returning Officer,
the Milk District.

RESOLVED, That the do exercise its votes in favour of [*Here insert names of candidate(s) being voted for*] for the office of member(s) of the Milk Board as representative(s) of the combined district of which its district forms part.

Dated the day of, 19..

The common seal of was hereto }
affixed in the presence of— }

NOTE.—The number of candidates voted for must be the same as the number of vacancies to be filled.

[Form No. 3.]

DECLARATION BY RETURNING OFFICER OR SCRUTINEER

I, [*Insert name*], Returning Officer for the election of members of the Milk Board [*or scrutineer for*], a candidate at the present election of members of the Milk Board, do solemnly and sincerely declare that I will, to the best of my skill and judgment, faithfully and impartially perform the duties of my said office, and will not, directly or indirectly, disclose any fact coming to my knowledge at such election the disclosure of which is declared to be an offence by the Milk Board Election Regulations 1945.

Signature :

Returning Officer (*or* Scrutineer).

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

Signature :

Justice of the Peace [*or* Chairman *or* Returning Officer,
as the case may be].

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 June, 1945.

These regulations are administered in the Milk Marketing Division of the Marketing Department.

By Authority: E. V. PAUL, Government Printer, Wellington.—1945.

Price 3d.]