

## Serial Number 1952/108

**THE TOBACCO BOARD ELECTION REGULATIONS 1952**

FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington, this 3rd day of June 1952

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Tobacco Growing Industry Act 1935, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

1. These regulations may be cited as the Tobacco Board Election Regulations 1952.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Tobacco Growing Industry Act 1935:

“Board” means the Tobacco Board established under the Act:

“Election” means an election held under these regulations to elect members of the Board to represent growers:

“Licensed grower” means a grower who is for the time being licensed under the Act to grow tobacco:

“Season” means the period of twelve months commencing on the 1st day of August in any year.

3. (1) On the fourth Wednesday in September in the year 1952 an election for the purpose of electing two members of the Board shall be held, and on the corresponding day in every year thereafter an election to elect two members shall be held.

(2) The first election shall be for the purpose of filling the vacancies created by the retirement of two growers' representatives in accordance with section 3 of the Tobacco Growing Industry Amendment Act 1951.

4. For the purpose of elections the Secretary to the Board shall be Returning Officer, and the Returning Officer shall make all necessary arrangements for the conduct of every election.

*Voting Qualifications*

5. Every person who, on the 1st day of March in any year, is a licensed grower in respect of the season commencing in the last preceding year shall be entitled to vote at the election to be held in that year.

6. (1) If two or more licensed growers occupy land jointly or in common for the purpose of growing tobacco, only one of those growers shall be entitled to a vote:

Provided that where a person is a member of a partnership in respect of which one of the partners is entitled to vote and is also a licensed grower on his own account, he shall be entitled to vote on his own account whether or not he exercises a vote on behalf of the partnership.

(2) If a licensed grower is a corporate body, that corporate body may, by writing under its seal delivered to the Returning Officer, appoint some person whose name shall be entered on the roll as voter on behalf of that corporate body:

Provided that a person who is appointed as a voter for a corporate body and who is also a licensed grower may exercise one vote in each capacity.

(3) Subject to the provisions of this regulation, at every election each licensed grower shall be entitled to exercise one vote.

#### *Electors' Roll*

**7.** (1) As soon as practicable after the 1st day of July in any year the Returning Officer shall prepare a roll of growers entitled to vote.

(2) The roll shall be compiled from a list of licensed growers supplied by the Board.

(3) The roll shall contain in alphabetical order the surnames of the qualified electors entered therein, including the names of persons entitled to vote on behalf of corporate bodies, together with the Christian names and addresses of those persons so far as known to the Returning Officer, and the names so entered shall be numbered consecutively.

**8.** Where the name of any person entitled to vote by virtue of the provisions of subclause (2) of regulation 6 hereof is entered on the roll, the entry shall be followed by the words "Appointed by [*Name of corporate body*]".

**9.** (1) The roll shall be deposited in the Head Office of the Board, and in such other place or places as the Returning Officer may appoint and notify in the *Gazette*, not later than the third Wednesday in the month of August in each year, and shall thereupon be open for public inspection during ordinary office hours for a period of seven days from the said third Wednesday.

(2) Any person may, during the said seven days, lodge with the Returning Officer an objection in writing signed by him to any entry on the roll on either 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 which the name of any person is on the roll, is not a licensed grower qualified to vote:

(b) That any person whose name is not on the roll is a licensed grower qualified to vote or, as the case may be, is appointed by a corporate body which is a licensed grower qualified to vote.

(3) The Returning Officer shall, with or without calling upon or hearing any objector or person affected by the objection, decide the matter of any such objection and make such amendment to the roll as may be necessary in consequence of his decision.

(4) At the expiration of the said period of seven days the roll shall be closed and no further amendment thereof shall be made.

#### *Nominations*

**10.** No person shall be eligible for election unless he is a licensed grower and has been nominated in writing by two licensed growers and unless he has accepted nomination by letter or telegram to the Returning Officer.

**11.** The form of nomination shall be in or to the effect of the form numbered 1 in the Schedule hereto.

**12.** The last hour and day for receiving nominations in respect of the election held in any year shall be noon on the first Wednesday in the month of September in that year.

**13.** No licensed grower shall be entitled to nominate more than one person as a candidate for election.

**14.** If only two persons have been duly nominated for election, those persons shall be deemed to have been duly elected, and shall be declared elected by the Returning Officer by notice published in the *Gazette*, and the persons so declared elected shall be deemed to be members of the Board from the date of the fourth Wednesday in September in the year in which the notice is published.

#### *Polls*

**15.** If more than two persons 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 numbered 2 in the Schedule hereto.

**16.** The Returning Officer shall forward by post, addressed to each voter at the address appearing on the roll, a voting paper in the prescribed form 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 the same consecutive number.

**17.** 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 or its addressed envelope was accidentally destroyed before being used, the Returning Officer may issue a further voting paper to the voter bearing the appropriate number with an additional distinguishing mark to indicate its issue under this regulation, together with an envelope addressed as aforesaid and bearing the same number and distinguishing mark.

**18.** Any poll to be taken in any year shall close at noon on the fourth Wednesday in the month of September in that year.

**19.** Voting papers may be delivered to the Returning Officer by hand or sent by post addressed as indicated in the form numbered 2 in the Schedule hereto.

**20.** (1) No voting paper shall be valid unless it is received by the Returning Officer in the envelope issued by him with the voting paper.

(2) No voting paper shall be valid—

(a) If it is not received by the Returning Officer at or before the time fixed pursuant to regulation 18 hereof for the closing of the poll; or

(b) If anything not authorized by these regulations is written or marked thereon by which the voter can be identified; or

(c) If the number of candidates for whom the elector has voted exceeds two; or

(d) If the voting paper does not, in the opinion of the Returning Officer, indicate the candidates for whom the elector desired to vote.

*Scrutineers*

**21.** (1) Any candidate for election 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.

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

(3) Every scrutineer who discloses any fact coming to his knowledge at any election in breach of his declaration commits an offence and shall be liable on summary conviction to a fine not exceeding £20.

*Result of Election*

**22.** (1) Forthwith upon the closing of the poll the Returning Officer shall compare the numbers on the envelopes received by him 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 reject any voting papers which in his opinion are invalid, and shall then ascertain the number of votes received by each candidate.

(3) Any duly appointed scrutineer may be present when the Returning Officer opens the envelopes and counts the votes in accordance with this regulation.

**23.** When there is an equality of votes between candidates any one of whom would have been elected had he received one more vote, the Returning Officer shall give a casting vote or two separate casting votes, as the case may require.

**24.** The candidates who have received the greatest number of valid votes shall be declared elected by the Returning Officer, and a notice to that effect shall be published by him in the *Gazette*, and those candidates shall be deemed to be members of the Board from the date of the closing of the poll.

**25.** 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 from any voter was not received by the Returning Officer, or that a 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 irregularity materially affected the result of the election and occurred otherwise than in good faith.

*Elections to Fill Extraordinary Vacancies*

**26.** (1) Where in accordance with the Act an election to fill an extraordinary vacancy in the membership of the Board is to be held, the following provisions shall apply:—

(a) The persons qualified to vote at any such election shall be the persons who on a date to be fixed in that behalf by the Returning Officer are licensed growers:

(b) The times for the closing of the roll, the date for the deposit of the roll for inspection, the date of the closing of the poll, and such other times and dates as may be required to be fixed for the purposes of any such election shall be determined by the Returning Officer and published by him by notice in the *Gazette*.

(2) Except as otherwise provided by this regulation, the provisions of these regulations shall, as far as they are applicable, and with the necessary modifications, apply to elections to fill extraordinary vacancies in the membership of the Board.

*Powers of Minister to Extend Times*

**27.** Where by the provisions of these regulations anything is to be done at or within or after a certain day or time, the Minister of Industries and Commerce, if he is satisfied that no person will be prejudicially affected by the exercise of the power conferred by this regulation, may, by public notice, extend any such time or validate anything done after the time required, or make other such provision for the case as he thinks fit.

SCHEDULE

Reg. 11] [Form No. 1

NOMINATION OF GROWERS' REPRESENTATIVES ON THE BOARD

To the Returning Officer,  
Tobacco Board Election, Wellington.

I (We), the undersigned licensed grower (growers) within the meaning of the Tobacco Board Election Regulations 1952, do hereby nominate [Full name], of [Residence and occupation], with his consent, as a candidate at the election of the members of the Tobacco Board established by the Tobacco Growing Industry Act 1935.

Signature:.....

Residence:.....

(Full name and residences of one or more licensed growers.)

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

Signature of Candidate:.....

Reg. 15] [Form No. 2

VOTING PAPER

*Tobacco Board*

ELECTION of growers' representatives for the Tobacco Board:—

JOHN TATE  
JAMES ALLEN  
SAMUEL COOPER

*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 authorized by the Tobacco Board Election Regulations 1952 is written or marked thereon by which the voter can be identified, the voting paper is invalid. If the voter leaves more than two names uncanceled, his voting paper is invalid. A voter is entitled to one vote only. After indicating the vote in the manner aforesaid, this voting paper is to be transmitted to the Returning Officer, Tobacco Board Election, Wellington, so as to be delivered at his office at or before 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.

Reg. 21]

[Form No. 3

## DECLARATION OF SCRUTINEER

I, [Full name], scrutineer for [Full name], a candidate at the present election for the office of growers' representative on the Tobacco Board established by the Tobacco Growing Industry Act 1935, do hereby solemnly promise and declare that I will not, directly or indirectly, disclose any fact coming to my knowledge at the election.

Signature:.....

Scrutineer.

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

....., Returning Officer.

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 provide for the election, in accordance with the Tobacco Growing Industry Act 1935, as amended by the Tobacco Growing Industry Amendment Act 1951, of Growers' representatives on the Tobacco Board.

Persons entitled to vote are those persons who are for the time being licensed growers.

At each election two members will be elected. Each elected member will hold office for two years and an election for two members will be held each year.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 June 1952.

These regulations are administered in the Department of Industries and Commerce.