



## THE TOBACCO BOARD ELECTION REGULATIONS 1975

DENIS BLUNDELL, Governor-General

By his Deputy RICHARD WILD

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of September  
1975

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL BY HIS DEPUTY IN COUNCIL

PURSUANT to the Tobacco Growing Industry Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Tobacco Board Election Regulations 1975.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

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

“The Act” means the Tobacco Growing Industry Act 1974:

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

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

“Licensee” means a person to whom a licence to grow tobacco has been granted under the Act.

**3. Elections to be held**—On the fourth Wednesday in July each year an election shall be held for the purpose of electing one member of the Board.

**4. Returning Officer**—For the purpose of elections the Secretary to the Board or such other officer of the Board for the time being substantially performing the duties of the Secretary shall be the Returning Officer, and the Returning Officer shall make all necessary arrangements for the conduct of every election.

**5. Voting qualifications**—(1) Every person who on the 1st day of March in any year is a licensee shall be entitled to vote at the election to be held in that year.

(2) If 2 or more licensees 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 licensee 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.

(3) If a licensee 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 licensee may exercise one vote in each capacity.

(4) Subject to the provisions of this regulation, at every election each licensee shall be entitled to exercise one vote if the area used by him is not more than 8,000 m<sup>2</sup>, and 2 votes if that area is more than 8,000 m<sup>2</sup>.

(5) The area used by a grower for the purposes of growing tobacco shall, for the purposes of subclause (4) of this regulation, be deemed to be the maximum area authorised by his licence for the growing of tobacco, or, in the case of land occupied jointly or in common by licensees, the total maximum areas authorised by all the licences concerned, for that purpose.

**6. Electors' roll**—(1) As soon as practicable after the 1st day of May in each year the Returning Officer shall prepare a roll of licensees entitled to vote.

(2) The roll shall be compiled from a list of licensees 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. The roll shall also contain the area of land in respect of which the elector is entitled to vote.

(4) Where the name of any person entitled to vote by virtue of regulation 5 (4) hereof is entered on the roll, the entry shall be followed by the words "Appointed by [*Name of corporate body*]".

**7. Objections and amendments to entry in roll**—(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*, in respect of each election to be held under these regulations not later than the third Wednesday in the month of June in each year, and shall thereupon be open for public inspection during ordinary office hours for a period of 7 days from the said third Wednesday.

(2) Any person may, during the said 7 days, lodge with the Returning Officer an objection in writing signed by him to any entry on the 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 which the name of any person is on the roll, is not a licensee qualified to vote:
- (b) That any person whose name is not on the roll is a licensee qualified to vote or, as the case may be, is appointed by a corporate body which is a licensee qualified to vote:
- (c) That the area referred to in the roll as the area of land in respect of which the elector is entitled to vote is not correct.

(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 7 days the roll shall be closed and no further amendment thereof shall be made.

**8. Nominations**—(1) No person shall be eligible for election unless he is a licensee and has been nominated in writing by 2 licensees and unless he has accepted nomination in writing to the Returning Officer.

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

(3) 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 July of that year.

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

(5) If only one person has been duly nominated for election, that person 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 person so declared elected shall be deemed to be nominated by the New Zealand Tobacco Growers Federation, as a member of the Board, to the Minister of Trade and Industry for the purpose of section 4 of the Act.

**9. Polls**—(1) If more than one person has been duly nominated for election, a poll shall be taken, and the Returning Officer shall cause voting papers to be printed as in 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 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.

(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 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.

(4) Any poll to be taken in respect of any election shall close at noon on the fourth Wednesday in the month of July in that year.

(5) Voting papers may be delivered to the Returning Officer by hand or sent by post addressed as indicated in Form No. 2 in the Schedule hereto.

**10. Validity of voting papers**—(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 9 (4) hereof for the closing of the poll; or
- (b) If anything not authorised 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 one; or
- (d) If the voting paper does not, in the opinion of the Returning Officer, indicate the candidate for whom the elector desired to vote.

**11. Scrutineers**—(1) Any candidate for election may, by writing under his hand addressed to the Returning Officer and delivered to him not less than 2 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 as in Form No. 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 \$100.

**12. Result of election**—(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.

(4) 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.

(5) The candidate who has 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 that candidate shall be deemed to be nominated by the New Zealand Tobacco Growers Federation, as a member of the Board to the Minister of Trade and Industry for the purpose of section 4 of the Act.

(6) 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.

**13. Elections to fill extraordinary vacancies**—(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 licensees:

(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.

**14. Power of Minister to extend times**—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 Trade and Industry, 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.

**15. Elections to be held during 1975**—Notwithstanding anything in these regulations, for the purposes of any election to be held during 1975 these regulations shall apply with the following modification:

(a) The term “licensee” means any grower to whom a quota was granted by the Tobacco Quota Committee for the season commencing on the 1st day of September 1974:

(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*.

**16. Revocation**—The Tobacco Board Election Regulations 1952 and the Tobacco Board Election Regulations 1952, Amendment No. 1, are hereby revoked.

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## SCHEDULE

Reg. 8 (2)

Form No. 1

## NOMINATION OF GROWERS' REPRESENTATIVES ON THE BOARD

To the Returning Officer,

Tobacco Board Election, Wellington.

WE, the undersigned Licensees within the meaning of the Tobacco Board Election Regulations 1975, 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 1974.

Signature: .....

Residence: .....

(Full name and residences  
of 2 or more licensees)I, [*Full name*], do hereby consent to the above nomination.

## VOTING PAPER

Reg. 9 (1)

Form No. 2

## TOBACCO BOARD

ELECTION of growers' representative for the Tobacco Board:

JOHN SMITH  
GEORGE BROWN  
EDWARD JONES

Directions: The voter shall leave uncanceled the name of the candidate for whom he desires to vote and must strike out the name of all candidates not voted for. If anything not authorised by the Tobacco Board Election Regulations 1975 is written or marked hereon by which the voter can be identified, this voting paper is invalid. If the 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 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 this voting paper. A voting paper not transmitted in the official envelope is invalid.

Reg. 11

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

SCHEDULE—*continued*

established by the Tobacco Growing Industry Act 1974, 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

P. G. MILLEN,  
Clerk of the Executive Council.

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 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 1974, of Growers' representatives on the Tobacco Board.

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

At each election one member will be elected. Each elected member will hold office for 3 years and an election for one member will be held each year.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 October 1975.

These regulations are administered in the Department of Trade and Industry.