



THE WOOL BOARD ELECTION REGULATIONS 1994

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of February 1994

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to section 71 (1) of the Wool Industry Act 1977, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Wool Board Election Regulations 1994.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

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

“The Act” means the Wool Industry Act 1977:

“The Board” means the New Zealand Wool Board established under section 4 of the Act:

“The committee” means the Electoral Committee elected under the Meat Board Regulations 1970:

“Growers’ representative” means a director of the Board holding office under section 4 (2) (a) of the Act:

“Maximum number of votes possible”, in relation to the time when a ballot is held, means the sum of—

(a) The number of delegates of the committee present at the meeting at that time; and

(b) The number of delegates of the committee who are not present at the meeting at that time, but whose written authority for some delegate who is then present to act for them at the meeting is then held by the presiding delegate:

“Nominee”, in relation to any meeting of the committee, means a person validly nominated to be elected at that meeting for appointment as a growers’ representative who, when the meeting begins, is not a delegate of the committee:

“The presiding delegate”, in relation to a meeting of the committee at any time, means the delegate of the committee then presiding at the meeting:

“The returning officer”,—

(a) Where there is for the time being a person appointed by the Board to act as returning officer for the purposes of these regulations, means that person; and

(b) Where there is no such person so appointed, and the Secretary of the Board has for the time being delegated to any employee of the Board the duty of being returning officer for the purposes of these regulations, means that employee; and

(c) In every other case, means the Secretary of the Board.

3. Growers’ representative to be elected by committee—Every grower’s representative shall, before appointment, be elected (or deemed to be elected) by the committee in accordance with these regulations.

4. Nominations—(1) No person is eligible to be elected (or deemed to be elected) for appointment as a growers’ representative unless nominated in accordance with this regulation.

(2) Every nomination shall be—

(a) In the form set out in the Schedule to these regulations; and

(b) Made by a person who—

(i) Carries on business as a sheepfarmer; and

(ii) Owns 100 sheep or more,—

and seconded by another such person; and

(c) Assented to by the nominee in writing; and

(d) Sent or given to the Secretary of the Board.

(3) Nominations for the election of a person for appointment as a growers’ representative at any meeting of the committee shall—

- (a) Close at a time determined by the Board for the purposes of that meeting; and
 - (b) Be accepted in any manner for the time being determined by the Board for the purpose.
- (4) The returning officer's decision as to the validity or acceptance of a nomination is final.

5. No elections to be held in certain circumstances—(1) Where at any meeting of the committee the number of nominees (or number of nominees not yet elected) is no more than the number of growers' representatives to be elected (or still to be elected) for appointment at that meeting (whether by virtue of the number of nominees originally nominated, or by virtue of the number of them who have withdrawn),—

- (a) The nominees (or remaining nominees) shall be deemed to have been duly elected; and
 - (b) No elections (or further ballots or elections) shall be held.
- (2) Where at any meeting of the committee the number of nominees is fewer than the number of directors—

- (a) Whose successors are intended to be elected at that meeting; and
 - (b) Who are not among those nominees,—
- (whether by virtue of the number of nominees originally nominated, or by virtue of the number of them who have withdrawn) the presiding delegate shall, by lot, determine which of those nominees are successors of which of those directors.

6. Nominees who receive no votes—Where in any election any nominee receives no votes in a ballot whose outcome, by virtue of regulation 9 (1) of these regulations, requires the holding of a further ballot, the further ballot, and any later ballots held as part of that election, shall be held as if the nominee was not a nominee in that election.

7. Nominees who withdraw—(1) Where,—

- (a) Before the presiding delegate begins holding a ballot held as part of an election, a nominee withdraws from the election; and
 - (b) The withdrawal leaves more nominees than there are growers' representatives to be elected (or still to be elected) for appointment, the ballot, and any later ballots held as part of the election, shall be held as if the nominee who withdraws is not a nominee.
- (2) Where, before the presiding delegate begins determining which of 2 or more nominees should be eliminated from an election, 1 of them withdraws from the election,—
- (a) The presiding delegate, shall not determine which of them is to be eliminated; and
 - (b) Subject to regulation 5 of these regulations, a further ballot shall be held between the remaining nominees.

8. Elections—Subject to regulation 5 of these regulations, where the number of people validly nominated to be elected for appointment as a growers' representative at any meeting of the committee and not yet elected is more than the number of people to be elected (or still to be elected) for appointment as growers' representatives,—

- (a) There shall be as many elections (or further elections) as there are people to be elected (or still to be elected); and

- (b) Each election shall be effected by holding, in accordance with regulation 9 (1) of these regulations, as many ballots between the nominees not yet elected as are necessary to ascertain the person elected.

9. Ballots—(1) Subject to regulations 5 to 7 of these regulations, the following provisions apply to ballots forming part of an election required by regulation 8 of these regulations:

- (a) Every delegate of the committee present when a ballot is held has 1 vote, but is not obliged to exercise it:
- (b) If on any ballot a nominee receives a number of votes more than half the maximum number of votes possible when the ballot is held, that nominee is elected:
- (c) If on any ballot,—
- (i) There are only 2 nominees; and
 - (ii) 1 receives fewer votes than the other,—
- the other is elected:
- (d) Except as provided in paragraph (e) of this regulation, if on any ballot,—
- (i) There are only 2 nominees; and
 - (ii) They each receive the same number of votes,—
- a further ballot between them shall be held:
- (e) If on any further ballot held pursuant to paragraph (d) of this regulation each nominee receives the same number of votes, the presiding delegate shall, by lot, determine which of them is deemed to be elected:
- (f) If on any ballot,—
- (i) None of 3 or more nominees receives a number of votes greater than half the maximum number of votes possible when the ballot is held; and
 - (ii) 1 nominee receives fewer votes than any of the others,—
- a further ballot shall be held; but the nominee who received the fewest votes shall not be a nominee in that further ballot, or any later ballot held as part of the election:
- (g) If on any ballot, none of 3 or more nominees receives a number of votes greater than half the maximum number of votes possible when the ballot is held, and 2 or more of those nominees receive the same number of votes (being fewer votes than the other nominee or nominees),—
- (i) The presiding delegate shall, by lot, determine which of the nominees receiving the lowest number of votes is eliminated; and
 - (ii) A further ballot shall be held; and
 - (iii) The nominee eliminated shall not be a nominee in that further ballot, or any later ballot held as part of the election:
- (h) If—
- (i) In any ballot of 3 or more nominees, all of them receive the same number of votes; and
 - (ii) One or more withdraw before the person presiding at the meeting when the result of the ballot is announced determines under paragraph (i) of this regulation which of them is to be eliminated; but
 - (iii) 2 or more of them do not withdraw,—
- a further ballot shall be held between the nominees who do not withdraw:

- (i) If on any ballot of 3 or more nominees, all of them receive the same number of votes and none of them withdraws before the presiding delegate determines which of them is to be eliminated,—
- (i) The presiding delegate shall, by lot, determine which of them is eliminated; and
 - (ii) A further ballot shall be held; and
 - (iii) The nominee eliminated shall not be a nominee in that further ballot, or any later ballot held as part of the election.
- (2) Notwithstanding subclause (1) (a) of this regulation, while any delegate is absent from a meeting of the committee, any other delegate who has given to the presiding delegate the absent delegate's written authority to act at that meeting on the absent delegate's behalf may, on any ballot, exercise 1 vote on behalf of the absent delegate as well as the other delegate's own vote; but—
- (a) Is not obliged to exercise either; and
 - (b) Is not obliged to exercise each for the same nominee.

10. Returning officer to inform Minister of results of election—As soon as may be after the conclusion of a meeting of the committee at which any person is elected (or deemed to be elected) under these regulations, the returning officer shall give the Minister of Agriculture written notice of the names of the people elected (or deemed to be elected).

11. Consequential revocations—The following regulations are hereby consequentially revoked:

- (a) The Wool Board Election Regulations 1946:
 - (b) The Wool Board Election Regulations 1946, Amendment No. 1:
 - (c) The Wool Board Election Regulations 1946, Amendment No. 2.
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SCHEDULE

Reg. 4 (2) (a)

NOMINATION OF PERSON TO BE ELECTED FOR APPOINTMENT AS A
GROWERS' REPRESENTATIVE ON THE NEW ZEALAND WOOL BOARD

I (*full name of nominator*), of (*postal address of nominator*), (*occupation of nominator*) nominate—

(*name of nominee*), of

(*postal address of nominee*),

(*occupation of nominee*),—

to be elected at the forthcoming meeting of the Electoral Committee of the New Zealand Meat and Wool Boards for appointment as a growers' representative on the New Zealand Wool Board.

(*signature of nominator*)

I (*full name of seconder*), of (*postal address of seconder*), (*occupation of seconder*) second the above nomination.

(*signature of seconder*)

I accept nomination.

(*signature of nominee*)

NOTE: When completed, this nomination should be given or sent to the Secretary, New Zealand Wool Board, P.O. Box 3225, Wellington.

MARIE SHROFF,
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 replace the present system by which woolgrowers are supposed to elect representatives for appointment as directors of the New Zealand Wool Board with a more complex system, resembling closely the system that the Electoral Committee of the Meat and Wool Boards has for many years used without authority.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 February 1994.

These regulations are administered in the Ministry of Agriculture and Fisheries.