

(13.) As soon as possible after the date for receiving nominations is past the Returning Officer shall cause ballot-papers, in the form or to the effect following, to be printed and supplied to every member entitled to vote :—

Election of a Member of the Division to act as the Representative of on the Board of Appeal for the Island, constituted under the Government Railways Act, 1908.

CANDIDATES FOR ELECTION.

(Set out in alphabetical order of their surnames the full names and official designations and locations of all the candidates for election by and from the members of the division or branch concerned.)

Directions.—The voter may vote for only one candidate. The voter is to strike out with pen and ink or pencil the name of every candidate for whom he does not intend to vote. The voter must take care not to leave uncanceled the names of more than one candidate, or this paper will be invalid. The ballot-paper shall be transmitted to the Returning Officer on or before [*Here insert the date fixed for the election*].

(14.) The voter's name must not be written on the ballot-paper.

(15.) The ballot-paper shall contain a list of all the persons duly nominated by and from members of the division or branch and for the Island to which the voter to whom it is sent belongs (and of no other persons), arranged alphabetically in the order of their surnames, the official designation and location of each candidate being shown opposite his name.

(16.) A proper ballot-paper shall be sent to each member entitled to vote, and each member shall, immediately on receiving the ballot-paper, sign the receipt form provided for the purpose.

(17.) All ballot-papers shall be transmitted by post or otherwise to the Returning Officer at Wellington, in envelopes which will be provided for the purpose, and must be despatched to reach him not later than the ordinary course of post computed from the day fixed for the election.

(18.) No member shall in any case be compelled to record his vote, and no member shall be canvassed for votes, nor shall any candidate or other person acting on behalf or in the interest of any candidate attempt by circular or otherwise howsoever to influence voters in their voting. If any breach of this regulation shall be committed the Minister may declare the candidate by whom or on whose behalf or in whose interest such canvass or attempt to influence voters as aforesaid has been made to be disqualified for election, unless, in the case of the offender being any person other than such candidate, it is proved to the satisfaction of the Minister that such candidate was not in any way privy to and did not instigate or in any way approve of or countenance such breach.

(19.) In the event of any candidate who shall be declared to be disqualified under the provisions of the last preceding paragraph being elected, whether such disqualification takes place before or after the election, the election of such candidate shall be and become void, and an extraordinary election shall ensue in accordance with paragraph (7) of this regulation, and the list prepared for the original election shall be deemed to be the list of voters for the extraordinary election.

(20.) Any candidate who is disqualified under the provisions of paragraph (18) of this regulation shall be ineligible for election at the ensuing extraordinary election.

(21.) On the day after the last day fixed for the receipt by him of the ballot-papers the Returning Officer shall, in the presence of the scrutineers, proceed to ascertain the total number of votes recorded for each candidate; and the Returning Officer shall cause the result to be published in an official circular, and shall declare the candidates obtaining the majority of votes in the respective divisions or branches in the respective Islands duly elected. The voting-papers shall, after being counted, be enclosed in a sealed packet and be retained by the Returning Officer. They shall not be opened unless a scrutiny be duly demanded, when such scrutiny shall be conducted by the Returning Officer and the two scrutineers. The papers shall remain in the Returning Officer's custody for two months from the date of the election and shall then be destroyed. No scrutiny shall be allowed unless application is made therefor to the Returning Officer in writing by not less than seven voters in the ballot in respect of which such scrutiny is demanded within fourteen days after the date of the publication of the results as aforesaid.

(22.) If and whenever there shall be an equality of votes as between any two or more candidates at any election, and the addition of one vote will entitle any of the candidates to be elected, the Returning Officer shall himself record such additional vote.

(23.) In the event of any dispute or question arising as to the meaning of the regulations, or any portion thereof, for the

conduct of elections of Appeal Boards, the same shall be referred to the Minister for determination, and his decision thereon shall be final and conclusive.

174. Appeals shall be heard at such convenient times and places as the Chairman of the Board may determine.

175. Every appeal shall be instituted by notice of appeal addressed to the Minister forwarded under cover to the Permanent Head, and shall be in the following form :—

I HEREBY give notice of appeal against
[Appellant to insert particulars of the decision appealed against] on the following grounds [Appellant to set out fully the grounds of appeal], and ask that the undermentioned members of the Department be allowed to appear to give evidence on my behalf, and that Mr. [Appellant to insert name of advocate] appear as advocate on my behalf before the Board. Names of witnesses: [Appellant to insert names of witnesses].

Signature of Appellant.

..... Official designation.

..... Official location.

176. Should any person directly or indirectly approach, interview, or communicate with any member of the Appeal Board relative to any appeal of which notice is contemplated or has been given and before the hearing of such appeal, such appeal or the notice thereof shall be rendered invalid and the appeal shall not be heard.

177. Members of the Board shall be paid such reasonable travelling-expenses when on the service of the Board, and be accorded such facilities for attending the sittings of the Board, as the Minister may, subject to the provisions of paragraph (e) of section 59 of the Act, determine.

178. (1.) Where notice of appeal has been lodged and the Minister is satisfied, on the application in writing of any party to such appeal, that any person named in such application, whether a party to the appeal or not, can give material evidence on such appeal, and that such person resides more than twenty miles from the place appointed for the hearing of the appeal; or that such person is about to go and remain beyond such distance from such place until after the time appointed for the hearing; or that it is desirable, for any other reason which the Minister may approve, that the evidence of such person should be taken otherwise than at the hearing of the appeal, the Minister may appoint a Stipendiary Magistrate to take such evidence, and may fix a time and place for the examination of such person, and shall transmit a copy of such notice of appointment, with a memorandum of the time and place appointed for the taking of such examination, to such Stipendiary Magistrate.

(2.) Notice of the intention to hold such examination, and the time and place appointed for the holding of same, shall forthwith be given to the parties to the appeal.

(3.) The procedure on such examination shall, except as may be otherwise prescribed, be the same in all respects as if such examination were the hearing of an appeal.

(4.) All evidence given at such examination shall be taken on oath and be reduced to writing. Such writing shall be signed by the Magistrate before whom it is taken, and by the persons giving such evidence respectively, and shall be forwarded by the Magistrate to the Chairman of the Appeal Board, together with all books, documents, papers, writings, and things admitted in evidence, or copies thereof respectively.

(5.) The costs of such examination may be fixed by the Magistrate on the same scale as is allowed by the Appeal Board.

(6.) Such costs, as fixed by the Magistrate, will be dealt with by the Board as if the same had been incurred at the hearing.

(7.) Every person giving evidence at such examination shall be deemed to have given his evidence in such appeal; and in any appeal it shall be sufficient to allege that such examination was held under the provisions of the Government Railways Act, 1908, and the written record of the evidence of any person given at such examination purporting to have been signed as aforesaid shall be judicially noticed by the Appeal Board without any further proof.

179. The Board—

(a.) May adjourn its sittings from time to time;

(b.) Shall inform itself by the evidence adduced before it, and shall, subject to the provisions of the Act and regulations, hear and determine all appeals according to equity and good conscience.

General.

180. Unless inconsistent with the context or otherwise provided, these regulations are applicable only to employees on the classified staff of the Department.

181. The rates of pay and conditions of work of temporary employees in the Department shall, except as otherwise provided in these regulations, be as determined from time to time by the Permanent Head.

F. D. THOMSON,
Clerk of the Executive Council.