

**Reprint
as at 22 December 2006**



**Veterinarians (Elections)
Regulations 2006**
(SR 2006/390)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of December 2006

Present:
His Excellency the Governor-General in Council

Pursuant to section 101 of the Veterinarians Act 2005, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Agriculture (after consulting the Veterinary Council of New Zealand), makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

The Veterinarians (Elections) Regulations 2006 are administered by the Ministry of Agriculture and Forestry.

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Regulations

- 1 Title**

These regulations are the Veterinarians (Elections) Regulations 2006.
- 2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Interpretation**

In these regulations, unless the context otherwise requires,—
Act means the Veterinarians Act 2005
Council means the Veterinary Council of New Zealand
elected member means a member of the Council holding office under section 77(a) of the Act
election means an election held under regulation 5 or 6

election day means the day fixed by the Council under regulation 5 or 6, as the case may be, as the last day for the returning officer to receive voting documents

eligible voter means a person described in regulation 9

Registrar means the Registrar for the Council

returning officer—

- (a) means the returning officer appointed to run an election under regulation 7; and
- (b) includes any person for the time being exercising 1 or more of the duties and powers of the returning officer with his or her permission

veterinarian has the same meaning as in the Act

voting document includes, if electronic voting is to be used at an election,—

- (a) an electronic document or electronic message that is designed to enable a voter to record his or her vote at an election and transmit it electronically for counting; and
- (b) a copy of the document or message (with or without the voter's vote recorded); and
- (c) any record of the document or message with the voter's vote recorded

voting method, in relation to an election, means the method of voting to be used at an election, as determined by the returning officer under regulation 8

written notice includes notice by fax, email, or other electronic means.

*Elected members to be elected in accordance
with regulations*

4 Elected members to be elected in accordance with regulations

Every elected member of the Council must be elected in accordance with these regulations.

When election required

5 Election to be held every 3 years

The Council must hold—

- (a) an election to elect 3 veterinarians to the Council as soon as practicable after the commencement of these regulations; and
- (b) subsequent elections every third year after the first election on a date to be fixed by the Council.

6 Election to be held if vacancy occurs

- (1) If an elected member ceases to hold office before the expiry of his or her term of office, the Council must fix a date for an election to replace him or her (being a date as soon as practicable after the date on which the elected member ceased to hold office).
- (2) This regulation does not limit or affect regulation 5.

Returning officer

7 Council must appoint returning officer

- (1) The Council must appoint a returning officer to run each election.
- (2) However, the Council cannot appoint as a returning officer—
 - (a) a member of the Council; or
 - (b) an employee of the Council; or
 - (c) a candidate in the election for which the returning officer is being appointed.
- (3) A returning officer must conduct an election—
 - (a) in accordance with these regulations; and
 - (b) otherwise as he or she thinks fit.
- (4) Correspondence to the returning officer is to be sent to The Returning Officer, c/- Veterinary Council of New Zealand, [*postal address*].

8 Returning officer must determine voting method

The returning officer must determine the voting method to be used at an election, which must be one of the following methods:

- (a) postal voting;
- (b) any form of electronic voting, including Internet voting;
- (c) a combination of postal voting and electronic voting.

Eligibility to vote

9 Eligibility to vote

Every person who is a veterinarian as at 5 pm on the day that is 56 days before an election day is eligible to vote in that election.

10 Vote must be exercised personally

Every vote must be exercised personally and not by proxy.

*Returning officer to notify veterinarians of
impending election*

11 Returning officer must notify veterinarians of impending election

- (1) Not less than 91 days before an election day, the returning officer must give written notice to each veterinarian of the impending election.
- (2) The notice must—
 - (a) state that an election is to be held; and
 - (b) describe the voting method to be used; and
 - (c) state the election day; and
 - (d) state that the returning officer invites nominations for candidates in the election; and
 - (e) set out the process for making a nomination; and
 - (f) state the closing date and time for nominations; and
 - (g) state the criteria to be an eligible voter.

Candidates

12 Process for nominating candidate

- (1) No veterinarian is eligible to be elected as a member of the Council unless he or she is nominated as a candidate in accordance with this regulation.
- (2) A nomination—
 - (a) must be in a form approved by the returning officer; and

- (b) must be made by 2 or more veterinarians; and
 - (c) must be assented to by the candidate in writing; and
 - (d) must be given or sent to the returning officer.
- (3) Nominations close at 5 pm on the day that is 56 days before the election day and nominations received after that time must not be accepted.

13 Candidate profile statements

- (1) A candidate may, before the close of nominations, give the returning officer a candidate profile statement for supply to eligible voters.
- (2) A candidate profile statement—
- (a) must be not more than 150 words long; and
 - (b) must be in English or Māori; and
 - (c) may include an accurate translation into another language of the candidate's choice; and
 - (d) must be confined to information concerning the candidate and his or her policies and intentions if elected to office; and
 - (e) may include a recent passport size photograph of the candidate.
- (3) A returning officer—
- (a) is not required to verify or investigate any information included in a candidate profile statement; and
 - (b) may include in or with a candidate profile statement a disclaimer that he or she considers appropriate concerning the accuracy of the statement.

14 Returning officer may omit or abridge candidate profile statement

A returning officer may omit or abridge all or any part of a candidate profile statement provided under regulation 13 if he or she considers, on reasonable grounds, that the statement, or a part of the statement,—

- (a) is likely to be defamatory; or
- (b) is likely to be offensive; or
- (c) is too long.

15 Withdrawal of nomination

- (1) A candidate may, at any time before the election day, withdraw his or her nomination by written notice to the Registrar.
- (2) The returning officer must take reasonable steps to ensure that eligible voters are notified of the withdrawal of any candidate that occurs after the voting documents are issued.

16 Returning officer's decision on nominations final

- (1) The returning officer's decision is final in respect of—
 - (a) the validity of a candidate's nomination; or
 - (b) whether to accept a candidate's nomination.
- (2) The returning officer must give written notice to the Council of the candidates for an election as soon as practicable after he or she has finalised the list of candidates for election.

*Election of members without vote***17 Election of members without vote**

- (1) If the number of candidates nominated for an election equals or is less than the number of vacancies, the returning officer must declare the candidates elected to the Council.
- (2) As soon as practicable after making a declaration, the returning officer must—
 - (a) give written notice to the Council and the candidates—
 - (i) of the matters in subclause (1); and
 - (ii) the name or names of the candidates who are duly elected; and
 - (b) notify in the *Gazette*—
 - (i) the matters in subclause (1); and
 - (ii) the name or names of the candidates who are duly elected.

*Election of members with vote***18 Registrar to prepare electoral roll and arrange voting documents**

- (1) If voting is required in an election, the Registrar must, as soon as practicable after the closing day for nominations,—
 - (a) prepare the roll (being the names of each eligible voter); and

- (b) arrange for a sufficient number of voting documents for the purposes of the election to be prepared.
- (2) Each voting document must be uniquely numbered.
- (3) However, if the voting document is of a kind described in paragraph (b) or (c) of the definition of **voting document** in regulation 3, it must bear the unique number of the original electronic voting document supplied to the eligible voter.

19 Returning officer must issue voting documents

- (1) The returning officer must issue the voting documents to each eligible voter—
 - (a) as soon as practicable after the voting documents are prepared; and
 - (b) no later than 35 days before the election day.
- (2) Voting documents must be issued by—
 - (a) posting them to each eligible voter; or
 - (b) personally delivering them to each eligible voter; or
 - (c) electronically delivering them to each eligible voter.
- (3) Each voting document that is issued by posting or personally delivering it to an eligible voter must be accompanied by a postage-paid envelope that is addressed to the returning officer.

20 Content of voting documents

- (1) Each voting document must—
 - (a) state the number of vacancies to be filled at the election; and
 - (b) state the name under which each candidate is seeking election (listed in alphabetical order of the candidates' surnames); and
 - (c) state the date and time by which a vote must be received by the returning officer to be a valid vote (being no later than 5 pm on the election day); and
 - (d) state the voting method to be used; and
 - (e) include any information that is necessary to distinguish any candidates that have the same or very similar names; and

- (f) include information sufficient to identify the eligible voter on the roll; and
 - (g) illustrate how and where on the voting paper the voter must indicate his or her vote.
- (2) Voting documents may contain any other information that the returning officer considers appropriate to ensure that—
- (a) all eligible voters have a reasonable and equal opportunity to vote; and
 - (b) the secrecy of the vote is maintained.

Counting of votes

21 Counting of votes

- (1) As soon as practicable after voting closes, the returning officer must count the number of votes that are, in his or her opinion, valid.
- (2) The returning officer may appoint 1 or more persons to help him or her to count the votes, but must personally determine all questions relating to the validity of the votes.

22 Candidate may appoint scrutineer

- (1) Each candidate may, by written notice to the returning officer, appoint 1 scrutineer to be present when the voting documents are opened and counted.
- (2) However, a candidate cannot appoint himself or herself, or any other candidate, as a scrutineer.

Election result

23 Election result

- (1) The candidate who receives the greatest number of valid votes in an election is elected.
- (2) If the election is in respect of 2 or 3 vacancies, the 2 or 3 candidates, as the case may be, receiving the greatest number of votes are elected.
- (3) If 2 or more candidates receive the same number of valid votes, the returning officer must decide which of them is elected—
 - (a) by lot; and
 - (b) in the presence of any scrutineers.

24 Returning officer to notify election result

As soon as practicable after an election is concluded, the returning officer must—

- (a) declare the candidates elected to the Council; and
- (b) give written notice to the Council and the candidates—
 - (i) of the number of votes recorded for each candidate; and
 - (ii) the name or names of the elected candidates; and
- (c) notify in the *Gazette* the matters in paragraph (b).

25 Returning officer's decision final

The decision of a returning officer in respect of any matter that relates to the regularity and the propriety of an election is final.

Irregularities in election process

26 Election cannot be called into question for irregularity unless irregularity materially affected result

- (1) No election can be called into question on the grounds that—
 - (a) a voting document was not issued to an eligible voter; or
 - (b) a voting document from an eligible voter was not received by the returning officer; or
 - (c) a voting document prepared was invalid in form; or
 - (d) any vote was invalidly cast; or
 - (e) any time limit prescribed by these regulations was not adhered to (except a time limit stated in regulation 12(3) or 20(1)(c)); or
 - (f) any other irregularity occurred in connection with the election.
- (2) Subclause (1) applies unless, in the opinion of the returning officer, the irregularity concerned materially affected the result of the election.

27 Procedure in case of material irregularity

- (1) If an election is called into question under regulation 26(2), the returning officer must either—
 - (a) recount the votes (after correcting the irregularity, for example, by including or rejecting votes); or

- (b) declare the election void and notify the Council that a new election is to be held under regulation 28.
- (2) As soon as practicable after recounting the votes or holding another election, the returning officer must—
 - (a) declare the candidates elected to the Council; and
 - (b) give written notice to the Council and the candidates—
 - (i) of the number of votes recorded for each candidate; and
 - (ii) the name or names of the elected candidates; and
 - (c) notify in the *Gazette* the matters in paragraph (b).
- (3) Any person elected as a result of an irregular election, but not elected on a recount or new election, must be treated as if he or she has resigned office.
- (4) The returning officer must advise the chairperson of the Council of a veterinarian's name if, in the returning officer's opinion,—
 - (a) there was an irregularity that materially affected the result of the election; and
 - (b) the irregularity was due to the veterinarian acting otherwise than in good faith.
- (5) For the avoidance of doubt, regulations 21 and 22, with all necessary modifications, apply to a recount conducted under subclause (1)(a).

28 New election because of material irregularity

- (1) If a new election is required under regulation 27(1)(b), it must be held, as far as practicable, under the same provisions of these regulations as were applicable to the void election.
- (2) However,—
 - (a) the election day for the new election must be fixed at a day that is not more than 122 days after the date on which the returning officer notified the Council that a new election was to be held; and
 - (b) the only persons eligible to vote in the new election are the persons who were eligible to vote at the void election; and

- (c) the electoral roll to be used for the new election must be the electoral roll used at the void election, without any amendments or additions; and
 - (d) the only persons eligible to be nominated as candidates at the new election are those who were qualified to be nominated as candidates at the void election.
- (3) Despite subclause (2)(b) and (c), if an election is declared void because of an irregularity in the electoral roll, the returning officer may require the Registrar, for the purposes of the new election,—
- (a) to make specified amendments, additions, or deletions to the electoral roll; or
 - (b) to make specified kinds of amendments, additions, or deletions to the electoral roll; or
 - (c) to prepare an updated version of the electoral roll incorporating any change authorised under paragraph (a) or (b).

Commencement of office

29 When elected member commences office

- (1) A person who is elected to be a member of the Council in an election held under regulation 5 comes into office on the later of—
- (a) the day after the date on which he or she is elected; or
 - (b) the day after the date on which the term of the current members expires.
- (2) A person who is elected to be a member of the Council in an election held under regulation 6 comes into office on the day after the date on which he or she is elected.

Certain persons to be advised of election results

30 Council to advise Minister of election results

As soon as practicable after an election (or, as the case may be, a recount or new election), the Council must give written notice of the name or names of elected candidates to the Minister of the Crown responsible for the administration of the Act.

31 Council to advise veterinarians of election results

As soon as practicable after an election (or, as the case may be, a recount or new election), the Council must give written notice to all veterinarians of—

- (a) the name or names of elected candidates; and
- (b) if a ballot was held, the number of votes recorded for each candidate.

Rebecca Kitteridge,
for 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 come into force on the 28th day after the date of their notification in the *Gazette* and replace the Veterinarians (Elections) Regulations 1995, which were revoked on 1 January 2006 by sections 2(1) and 104(1)(a) of the Veterinarians Act 2005 (the **Act**).

The regulations prescribe how the elected members of the Veterinary Council of New Zealand are to be elected. The Council has 7 members, of which 3 are elected, 3 are appointed by the Minister responsible for the administration of the Act (2 laypersons and 1 veterinarian), and 1 is the person responsible for the veterinary science academic programme at Massey University.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 December 2006.

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Notes

1 *General*

This is a reprint of the Veterinarians (Elections) Regulations 2006. The reprint incorporates all the amendments to the Veterinarians (Elections) Regulations 2006 as at 22 December 2006, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
