

Serial Number 1942/25



THE POLICE APPEAL BOARD ELECTION REGULATIONS 1942

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 11th day of
February, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section 14 of the Police Force Act, 1913, and section 66 of the Statutes Amendment Act, 1941, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

PRELIMINARY.

1. These regulations may be cited as the Police Appeal Board Election Regulations 1942.
2. The Commissioner shall from time to time appoint an officer of the Public Service employed in the Police Department to act as Returning Officer for the purposes of these regulations.
3. The fact that any person acts as Returning Officer shall be conclusive evidence that he has been duly appointed for that purpose and that he is a person qualified to be so appointed.

DATES FOR CLOSING OF NOMINATIONS.

4. As soon as may be the Returning Officer shall fix a day for the closing of nominations for the first election of nominated members of the Board of Appeal to be elected pursuant to section 66 of the Statutes Amendment Act, 1941.
5. From time to time the Returning Officer shall fix a day for the closing of nominations for every subsequent triennial election of nominated members, such day to be not more than one hundred days or less than sixty days prior to the expiration of the term of office of the members then in office.

6. Upon the occurrence of any casual vacancy in the office of nominated member the Commissioner shall notify the Returning Officer thereof, and the Returning Officer shall fix a day for the closing of nominations for an election to fill such casual vacancy, which day shall be not less than thirty-three days or more than sixty days after the receipt by the Returning Officer of notice that the vacancy has occurred.

7. Upon fixing a day for the closing of nominations for any election the Returning Officer shall cause to be published in the *Police Gazette* at least twenty-two days before the date so fixed a notice in the form numbered 1 in the Schedule hereto or to the like effect.

NOMINATIONS.

8. Every candidate for election must be nominated in writing by at least two members of the Force, and the nomination-paper must bear the written consent of the candidate.

9. Every nomination-paper shall be in the form numbered 2 in the Schedule hereto, or to the like effect.

10. Every nomination-paper shall be delivered or forwarded to the Returning Officer so as to be received by him not later than the day and time fixed for the closing of nominations.

11. Any nomination not complying with the requirements of Regulations 8 to 10 hereof shall be void.

UNCONTESTED ELECTIONS.

12. If the number of candidates duly nominated is not more than the number of vacancies to be filled the person or persons so nominated shall forthwith be declared to be duly elected as provided by Regulation 29 hereof.

CONTESTED ELECTIONS.

13. If the number of persons nominated exceeds the number of vacancies to be filled a ballot of the members of the Force shall be taken as hereinafter provided.

14. Forthwith after the close of nominations the Returning Officer shall forward by post to each person who is a member of the Force on the day fixed for the closing of nominations at the address of the police-station where he is for the time being regularly stationed a printed voting-paper in the form numbered 3 in the Schedule hereto, or to the like effect.

15. The date to be stated in the voting-paper as the last day for delivering or posting voting-papers to the Returning Officer shall be a day not less than seven nor more than ten days after the day on which the voting-papers are forwarded by post to the voters.

16. On the left-hand bottom corner of every voting-paper the Returning Officer shall prior to its despatch write the registered number of the member of the Force to whom the voting-paper is to be sent and shall seal the corner so as to conceal the number so written and shall impress his official stamp thereon.

17. With every voting-paper shall be enclosed an empty envelope marked "Voting-paper" and addressed to "The Returning Officer, Police Headquarters, Wellington".

18. Every voting-paper if delivered by hand to the Returning Officer shall be so delivered not later than 5 o'clock in the afternoon of the last day specified for delivering and posting voting-papers to the Returning Officer, and if sent by post shall be posted not later than that day.

19. No voting-paper shall be included in the ballot which if delivered by hand is delivered later than 5 o'clock in the afternoon on the day aforesaid, or if sent by post is received by the Returning Officer later than 5 o'clock in the afternoon of the seventh day thereafter, or if from the postmark on the envelope or otherwise the Returning Officer is of opinion that it was not posted on or before the last day specified for delivering and posting voting-papers.

20. On the eighth day after the last day specified for delivering and posting voting-papers to the Returning Officer the Returning Officer shall, in the presence of not more than three scrutineers appointed by the Commissioner of Police to be present, open all voting-papers duly delivered to him or duly received by post, and after rejecting all informal voting-papers shall proceed to ascertain the number of votes recorded for each candidate.

21. A voting-paper shall be rejected as informal in any of the following cases, that is to say :—

- (a) If the name of the voter appear thereon ; or
- (b) If the number of candidates whose names are left uncanceled exceed the number of candidates to be elected ; or
- (c) If the voting-paper be received mutilated in any essential detail or if the official stamp of the Returning Officer thereon be defaced or mutilated ; or
- (d) If the voting-paper be received in an unsealed envelope.

22. Where there is an equality of votes between any candidates and the addition of one vote in favour of each of one or more candidates would entitle such candidate or candidates to be elected the Returning Officer shall give a casting vote or votes.

23. The Returning Officer shall forthwith provisionally notify in the *Police Gazette* the result of the election in the form numbered 4 in the Schedule hereto, or to the like effect.

RECOUNTS AND IRREGULARITIES.

24. At any time within fourteen days after publication of the notice referred to in the last preceding regulation any seven voters may by notice in writing signed by them and given to the Returning Officer demand a scrutiny and recount of the voting-papers.

25. Thereupon the Returning Officer shall scrutinize and recount the voting-papers in the presence of not more than three scrutineers appointed by the Commissioner of Police to be present.

26. If as a result of the scrutiny and recount it appears that any casting vote given was unnecessary, such casting vote shall be withdrawn, and, subject to the foregoing provision of this regulation, Regulation 22 shall apply.

27. The accidental omission to send a voting-paper to any member of the Force or to enclose therewith an envelope addressed to the Returning Officer or the non-receipt of a voting-paper by any member of the Force or the non-receipt by the Returning Officer of a voting-paper duly posted to him shall not invalidate any election.

28. No election shall be void by reason of any irregularity not materially affecting the result thereof.

DECLARATION OF ELECTION.

29. If the number of candidates duly nominated is not more than the number of vacancies to be filled, or if a scrutiny and recount has not been validly demanded within the time hereinbefore specified, or (as the case may be) upon completion of scrutiny and recount the Returning Officer shall name to the Minister for appointment as members of the Board of Appeal the persons elected and shall give final notice of the result of the election in the *Police Gazette* in one of the forms numbered 5 and 6 in the Schedule hereto as the case requires, or to the like effect.

30. Upon appointment by the Minister of the persons so elected notice thereof and of the term of each appointment shall be published in the *New Zealand Gazette* and in the *Police Gazette*.

31. The voting-papers after being counted shall be enclosed in a packet and sealed by and retained by the Returning Officer for two months from the date of publication of the final notice of the election and shall then be destroyed.

SCHEDULE.

[Form No. 1.

NOTICE OF ELECTION OF NOMINATED MEMBER(S) OF THE BOARD OF APPEAL.
PURSUANT to the Police Appeal Board Election Regulations 1942, I hereby give notice that an election will be held for the election of (two members) (one member) of the Board of Appeal established under section 17 of the Police Force Act, 1913. Nominations of candidates must be made in the prescribed form and delivered to me at Police Headquarters, Wellington, not later than 5 o'clock in the afternoon on the day of, 19..

Dated this day of, 19..

.....
Returning Officer.

[Form No. 2.

ELECTION OF NOMINATED MEMBER OF THE BOARD OF APPEAL.

To the Returning Officer,
Police Headquarters, Wellington.

WE, [Full names and addresses], being members of the Police Force, do hereby nominate [Full name and official rank], of [Place of station], as a candidate at the election about to be conducted for (a) nominated member(s) of the Board of Appeal.

Dated this day of, 19..

Signature of nominator :
Signature of nominator :

I consent to nomination.

Signature of candidate :

[Form No. 3.

VOTING-PAPER.

Election of Nominated Member(s) of the Board of Appeal established under Section 17 of the Police Force Act, 1913.

Candidates.

ARMSTRONG, THOMAS, Sergeant, Auckland Central.
BURTON, GERALD, Constable, Wellington South.
HORNSBY, WILLIAM, Detective-Sergeant, Timaru.

Directions.

The number of candidates to be elected is

The voter is to leave untouched the name(s) of the candidate(s) for whom he desires to vote and to draw a line through the name(s) of the candidate(s) for whom he does not desire to vote.

This voting-paper is to be enclosed in a sealed envelope and delivered to the Returning Officer not later than 5 p.m. on the day of, 19.. or posted not later than that day addressed to "The Returning Officer, Police Headquarters, Wellington." An envelope so addressed and marked "Voting-paper" is enclosed for the voter's use.

Regulation 21 of the Police Appeal Board Election Regulations 1942 provides as follows: [*Here set out Regulation 21 hereof*].

[Form No. 4.]

PROVISIONAL NOTICE OF RESULT OF ELECTION OF NOMINATED MEMBER(S) OF THE BOARD OF APPEAL.

PURSUANT to the Police Appeal Board Election Regulations 1942, I hereby give notice that, subject to any recount that may be demanded, the result of the election concluded on the [*Insert date of seventh day after last day specified for delivering and posting voting-papers*] is as follows:—

[*Name of candidate*] [Votes received].

[*Arrange names in descending order of number of votes received.*]

Informal:

Dated this day of, 19..

.....
Returning Officer.

[Form No. 5.]

RESULT OF ELECTION OF NOMINATED MEMBERS OF THE BOARD OF APPEAL.

PURSUANT to the Police Appeal Board Election Regulations 1942, I hereby give notice that at the election nominations for which were called for by notice bearing date the day of, 19.., the following (candidates were) (candidate was) duly nominated:

The number of candidates duly nominated being not more than the number of vacancies to be filled, I declare the said to be duly elected (a) member(s) of the Board of Appeal.

Dated this day of, 19..

.....
Returning Officer.

[Form No. 6.]

RESULT OF ELECTION OF NOMINATED MEMBER(S) OF THE BOARD OF APPEAL.

PURSUANT to the Police Appeal Board Election Regulations 1942, I hereby give notice that upon the election the result of which was provisionally notified by notice bearing date the day of, 19.. (no scrutiny and recount have been validly demanded) (a scrutiny and recount having been demanded) the result of the election is found to be as follows [*Name of candidate ; votes received ; informal*], and accordingly I declare to be duly elected (a) member(s) of the Board of Appeal.

Dated this day of, 19..

.....
Returning Officer.

W. O. HARVEY,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 12th day of February, 1942.
These regulations are administered in the Police Department.