



## THE PHARMACY BOARD ELECTION REGULATIONS 1940.

GALWAY, Governor-General.

### ORDER IN COUNCIL.

At the Government House at Wellington, this 28th day of August, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Pharmacy Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council and in accordance with recommendations made by the Pharmacy Board of New Zealand and transmitted by the Board to the Minister of Health, doth hereby make the following regulations.

### REGULATIONS.

#### REGULATION 1.—PRELIMINARY.

**1 : 1.** These regulations may be cited as the Pharmacy Board Election Regulations 1940.

**1 : 2.** In these regulations, unless inconsistent with the context,—

“ The Act ” means the Pharmacy Act, 1939 :

“ The association ” means the New Zealand Federated Shop-assistants' Industrial Association of Workers :

“ The Board ” means the Pharmacy Board of New Zealand constituted by section 5 of the Act :

“ Employees' representatives ” means the members of the Board elected or to be elected in accordance with paragraph (c) of subsection (2) of section 5 of the Act :

“ Employers' representatives ” means the members of the Board elected or to be elected in accordance with paragraph (b) of subsection (2) of section 5 of the Act :

“ Member ” means a member of the Board :

“ Pharmaceutical Society ” means the Pharmaceutical Society of New Zealand constituted under the Act :

“ Registrar ” means the Registrar of the Board :

“ Rolls of employees ” means the rolls compiled or to be compiled pursuant to Regulation 2 : 3 hereof :

“ Rolls of employers ” means the rolls compiled or to be compiled pursuant to Regulation 2 : 2 hereof.

**1 : 3.** Regulations 5 to 15 (both inclusive) of the Pharmacy Regulations 1937\* are revoked.

\* Statutory Regulations 1936-7, Serial number 1937/289, page 1017.

**1 : 4.** Where the time limited by these regulations for the doing of anything under their provisions falls or expires on a Saturday the time so limited shall be extended to and such thing may be done on the day next following which is not a holiday within the meaning of the Acts Interpretation Act, 1924.

**1 : 5.** Any notice to be given or document to be signed by the association shall be sufficient if it purports to be the notice or document of the association and to be signed by a person set out as holding the position of president or secretary of the association, and any notice or document to be given to the association may be given by delivering it to the president or the secretary of the association or by delivering it during ordinary office hours at the office of the association to some person appearing to have the control of the office for the time being.

#### REGULATION 2.—FIRST GENERAL ELECTION.

**2 : 1.** The last hour and day for receiving nominations of candidates for the first general election of members shall be four o'clock in the afternoon on the 10th day of October, 1940, and the rolls hereinafter prescribed shall be closed for the purposes of the said election at noon on the 30th day of September, 1940.

**2 : 2.** The Registrar shall forthwith compile four rolls of the names of the persons eligible to vote as members of the Pharmaceutical Society for the four respective districts named in paragraph (b) of subsection (2) of section 5 of the Act.

**2 : 3.** The Registrar shall forthwith compile two rolls of the names of the persons eligible to vote as being employed in pharmacies in the North Island and the South Island respectively pursuant to paragraph (c) of subsection (2) of section 5 of the Act.

**2 : 4.** For the purpose of compilation of the rolls of employees the Registrar shall send by post addressed to the proprietor or enrolled manager at the address of every pharmacy for which a license is in force under the Industrial Efficiency Act, 1936, a sufficient number of applications for enrolment under Regulation 2 : 3 hereof in such form as the Registrar may think sufficient, and the proprietor or enrolled manager shall deliver a form to each person employed in the pharmacy who, in his opinion, is entitled or who claims to be entitled to have his name placed on one of the rolls to be compiled under Regulation 2 : 3 hereof, and, on delivery to him of a form of enrolment signed by such person, shall return the form by post to the Registrar.

**2 : 5.** For the purpose of compilation of the rolls of employees the Registrar shall forthwith send to all enrolled managers a notice of the day and time of the closing of the rolls, with an intimation that all applications by enrolled managers for enrolment in the rolls of employees must be delivered to the Registrar not later than the day and time aforesaid.

#### REGULATION 3.—ELECTORAL ROLLS.

**3 : 1.** The Registrar shall from time to time correct the respective rolls constituted under these regulations by the removal therefrom of the names of persons believed by him to be dead or to be no longer eligible for inclusion therein, and by the addition of the names of persons believed by him to have become eligible for inclusion therein, and by the transfer of enrolled managers to a roll of employees upon election made pursuant to subsection (3) of section 5 of the Act.

**3 : 2.** From the time when a last day is fixed for receiving nominations of candidates until the time when the rolls are closed for the purposes of the election the rolls shall be open for public inspection during ordinary office hours at the office of the Registrar.

**3 : 3.** During the period referred to in the last preceding regulation any person may lodge with the Registrar an objection in writing under his hand to any roll on either of the following grounds, namely :—

- (a) That any name on such roll is the name of a person who at the time of lodging the objection is not eligible for inclusion therein :
- (b) That a person whose name is not on such roll is eligible for inclusion therein.

**3 : 4.** The Registrar shall, without the necessity of calling upon or hearing any objector or person affected by the objection, decide the matter of such objection and make such amendment to the rolls as may be necessary in consequence of his decision, and such amendment may, notwithstanding the closing of the rolls, be made at any time within two days after the date on which the rolls are closed, and shall be deemed to have been made immediately prior to such closing.

**3 : 5.** All rolls compiled under these regulations may be kept book-wise or upon cards or otherwise as the Registrar may from time to time elect, and shall be arranged in alphabetical order of surnames and shall contain, following each name, the full postal address of the person named so far as known to the Registrar.

**3 : 6.** The prescribed time before the date fixed for an election within which an enrolled manager may elect to vote as a person employed in a pharmacy pursuant to subsection (3) of section 5 of the Act shall be a period of six weeks expiring when the rolls of electors are closed for that election.

**3 : 7.** All rolls shall be closed for the purposes of any election at noon on such day as the Board may from time to time fix for the purpose, and if in respect of any election no time be so fixed, then on the tenth day prior to the last day fixed for receiving nominations of candidates for that election.

**3 : 8.** Upon the closing of the rolls for the purposes of an election the Registrar shall forward to the association a certified copy of each of the rolls of employees.

**3 : 9.** No person shall be entitled to vote at any election whose name does not appear on the roll in force for the election of the member at the election for whom he seeks to exercise a vote.

#### REGULATION 4.—NOMINATIONS FOR ELECTIONS.

**4 : 1.** The last hour and day for receiving nominations of candidates for every general election of members after the first shall be four o'clock in the afternoon on a day in every second year after the year 1940 to be fixed from time to time by the Board at least seven days before the day so fixed, such day to be fixed so that the declarations required by Regulations 4 : 9, 5 : 5, and 5 : 10 hereof may be published not later than the day preceding the last day on which the term of two years expires for which any member of the Board theretofore in office holds his seat.

**4 : 2.** The last hour and day for receiving nominations of candidates for every election of a member to fill a vacancy created by death, removal, resignation, or other vacation of office shall be four o'clock in the afternoon on a day to be fixed by the Board at least seven days before the day so fixed, such day to be fixed so that the declaration required by Regulations 4 : 9, 5 : 5, and 5 : 10 hereof may be published not later than two months after the occurrence of the vacancy.

**4 : 3.** Not more than six weeks and not less than four weeks before the last day fixed for receiving nominations of candidates for any election the Registrar and the Association shall by separate notices published in the *Gazette*, and also in the case of a notice by the Registrar published in such other newspaper or newspapers as the Board may direct, and also in the case of a notice by the association published in such other newspaper or newspapers as the association may elect give notice—

- (a) Of the election ;
- (b) Of the date and time when the rolls will be closed for the purposes of the election ; and
- (c) Of the last hour and day fixed for receiving nominations of candidates for the election and of the last hour and day for receiving voting-papers for the election should a poll be required.

**4 : 4.** The notice so published by the Registrar shall state the place where nominations of candidates as employers' representatives and voting-papers relating to such candidates shall be received, and the notice so published by the association shall state the place where nominations of candidates as employees' representatives and voting-papers relating to such candidates shall be received.

**4 : 5.** Nomination of a candidate as employers' representative shall be effected by delivery to the Registrar not later than the last hour and day for receiving nominations of a nomination-paper in the form numbered 1 in the Schedule hereto signed by the candidate and by two persons whose names are on the respective roll of electors of members for the seat on the Board for which the person nominated is a candidate.

**4 : 6.** On receipt from the Registrar of the rolls of employees for the election the association shall forthwith forward to the branches of the association and to the secretary of every chemists' union (including such unions as may be industrial unions of workers registered under the Industrial Conciliation and Arbitration Act, 1925) a list of the names and addresses of the persons on those rolls whose places of employment are in the respective districts from which such branch or union draws its members. Such secretary shall thereupon for the purpose of nominating an employee's representative for election to the Board convene a meeting or take a ballot of the persons whose names appear on the said list, of which at least seven days' notice in writing stating the purpose thereof shall be given to all the said persons :

Provided that the accidental omission to give notice of a meeting or ballot to or the non-receipt of a notice by any of the said persons shall not invalidate the proceedings at any meeting or ballot.

**4 : 7.** Any two persons whose names are on the respective roll may propose a candidate as employees' representative to be elected by persons on that roll by signing a nomination-paper in the form numbered 2 in the Schedule hereto, which shall also be signed by the candidate. Nomination-papers must be lodged with or delivered by post to the secretary of the respective branch or union prior to the commencement of the meeting or the taking of the ballot, notice of which has been given as aforesaid.

**4 : 8.** All nominations received by the said secretary in accordance with the last preceding clause hereof shall be put to the ballot amongst all persons entitled to vote or shall be brought before the aforesaid meeting, which shall decide by ballot which one of the candidates nominated shall be accorded nomination. The nomination-paper of the selected candidate, with an endorsement thereon under the hand of the said secretary certifying that the candidate has been accorded nomination by the persons on the roll whose places of employment are in the district from which the branch or union draws its members, shall be lodged with or delivered by post to the president or the secretary of the association not later than the last hour and day for receiving nominations.

**4 : 9.** If the number of persons nominated for election by the persons on any of the aforesaid rolls does not exceed the number of persons to be so elected, the person or persons so nominated shall by notice in writing given to the Board by the Registrar in the case of employers' representatives, and by the association in the case of employees' representatives, be declared to be elected.

#### REGULATION 5.—POLLS.

**5 : 1.** If the number of persons nominated for election by the persons on any of the aforesaid rolls exceeds the number of persons to be so elected, then the Registrar or the association as the case requires shall cause voting-papers to be printed in the form numbered 3 in the Schedule hereto.

**5 : 2.** The date to be inserted in the voting-paper as that on which the voting-paper is to reach the Registrar or the association shall, unless in any case the Board otherwise directs, be the twenty-first day after the last day fixed for receiving nominations of candidates for the election, and the hour of four o'clock in the afternoon of the day so inserted shall be the time of closing the poll.

**5 : 3.** The Registrar or the association, as the case requires, shall forward by post addressed to each voter at the address appearing on the roll a voting-paper in the said form numbered 3, together with an unsealed envelope addressed to the Registrar or the association, as the case may be.

**5 : 4.** If a candidate delivers to the Registrar or to the association, as the case may be, not later than the last hour and day fixed for receiving nominations of candidates a notice of his retirement in the form numbered 4 in the Schedule hereto, the name of such candidate shall be omitted from the voting-papers.

**5 : 5.** If by the retirement of a candidate from any election as provided in the last preceding regulation the number of persons nominated is reduced to the number of persons to be elected, then

the person or persons so nominated shall by notice in writing given to the Board by the Registrar in the case of employers' representatives, and by the association in the case of employees' representatives, be declared to be elected.

**5 : 6.** Each candidate may by notice in writing given to the Registrar or to the association, as the case may be, appoint one scrutineer to be present when the envelopes containing the voting-papers of the election in which he is a candidate are opened and the votes counted. In addition to any scrutineer the president and the secretary of the association shall be entitled to be present when the envelopes containing the voting-papers of any election for employees' representatives are opened and the votes counted.

**5 : 7.** The association shall appoint some independent person, not being a member of the association, to act as returning officer for the purpose of any poll upon an election for employees' representatives, and upon the close of the poll all envelopes received by the association appearing to contain voting-papers shall be handed unopened to the returning officer.

**5 : 8.** Forthwith upon the close of the poll the Registrar or the returning officer respectively shall open the envelopes appearing to contain voting-papers and count such voting-papers as in his opinion contain valid votes, with the aid of such assistants as he may employ.

**5 : 9.** Where any candidates receive the same number of votes, and the addition of one vote or one vote each would entitle any candidate or candidates to be elected, the Registrar or returning officer respectively shall, in accordance with lots drawn by him in the presence of the scrutineers, give such casting vote or votes as may be necessary to enable the necessary numbers of candidates to be elected.

**5 : 10.** The Registrar or the returning officer, as the case may be, shall forthwith give notice in writing to the Board declaring the persons who have received the greatest number of votes to be elected according to the number of vacancies to be filled.

**5 : 11.** All voting-papers returned in connection with a poll shall be sealed by the Registrar or the returning officer, as the case may be, and shall be lodged with the Registrar, who shall retain them under seal for a period of six months after the date of the declaration of the poll, and shall thereafter destroy them.

#### REGULATION 6.—MISCELLANEOUS PROVISIONS.

**6 : 1.** As soon as conveniently may be after the declaration of an election by one of the notices prescribed in Regulations 4 : 9, 5 : 5, and 5 : 10 hereof, the Registrar shall give public notice in the *Gazette* and in any other newspaper if so directed by the Board, of the result of the election, and, in the case of a poll, of the number of votes recorded for each candidate.

**6 : 2.** Every person elected to be a member of the Board in any capacity shall come into office when he is declared to be elected, save that if the two years' term of the person previously a member in that capacity has not then expired, such first-mentioned person shall come into office upon the expiry of that term.

**6 : 3.** The Registrar or returning officer, as the case may be, 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 or an addressed envelope was not forwarded to any voter, or that a voting-paper from any voter was not received by the Registrar or returning officer, or that a voting-paper prepared by the Registrar or returning officer was irregular in form, or that any vote was irregularly cast, or that any 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 Registrar or returning officer respectively such irregularity materially affected the result of the election and occurred otherwise than in good faith.

### SCHEDULE.

[Form No. 1.]

#### *The Pharmacy Board Election Regulations 1940.*

##### NOMINATION-PAPER (EMPLOYERS' REPRESENTATIVES).

WE, the undersigned proprietors or enrolled managers, do hereby nominate [*Full name*], of [*Place of abode or business*], as a candidate for the forthcoming election to the Pharmacy Board by members of the Pharmaceutical Society whose registered addresses are in the (Auckland) (Wellington) (Canterbury) (Otago) District.

Dated this ..... day of ..... , 19 ..

*Signature* : .....

*Place of abode or business* : .....

*Signature* : .....

*Place of abode or business* : .....

I, the above-named [*Name of candidate*], hereby consent to the foregoing nomination.

*Signature* : .....

[Form No. 2.]

#### *The Pharmacy Board Election Regulations 1940.*

##### NOMINATION-PAPER (EMPLOYEES' REPRESENTATIVES).

WE, the undersigned persons employed in pharmacies, do hereby nominate [*Full name*], of [*Place of abode or business*], as a candidate for the forthcoming election to the Pharmacy Board by persons employed in pharmacies in the (North) (South) Island.

Dated this ..... day of ..... , 19 ..

*Signature* : .....

*Place of abode or business* : .....

*Signature* : .....

*Place of abode or business* : .....

I, the above-named [*Name of candidate*] hereby consent to the foregoing nomination.

*Signature* : .....

##### [ENDORSEMENT.]

I, [*Full name of secretary*], hereby certify that the within-named candidate has been accorded nomination by the persons on the roll whose places of employment are in the district from which (the ..... Branch of the New Zealand Federated Shop-assistants' Industrial Association of Workers) (the ..... Union) draws its members.

Dated this ..... day of ..... , 19 ..

*Signature* : .....

[Form No. 3.]

*The Pharmacy Board Election Regulations 1940.*

## VOTING-PAPER.

ELECTION of member(s) of the Pharmacy Board by (members of the Pharmaceutical Society whose registered addresses are in the ..... District) (persons who are employed in pharmacies in the ..... Island).

ARMSTRONG, THOMAS.

BURTON, GERALD.

*Full name of voter : .....**Signature of voter : .....*

## DIRECTIONS.

The voter is to strike out the name of the candidate or candidates for whom he does not intend to vote by drawing a line through the name with pen or pencil.

If a voter leaves more than ..... name(s) uncanceled his voting-paper is invalid.

A voter is entitled to one vote only.

This voting-paper is to be inserted in the addressed envelope that accompanies it, and the sealed envelope is to be posted sufficiently prepaid or delivered at the address stated thereon so as to be delivered at that address not later than four o'clock in the afternoon of the ..... day of ....., 19..

A voting-paper not delivered in the accompanying envelope is invalid.

Name and address of the Registrar (*or* the association) .....

[Form No. 4.]

To the Registrar under the Pharmacy Act, 1939.  
*or* To the New Zealand Federated Shop-assistants' Industrial Association of Workers.

I HEREBY give notice that I withdraw my name as a candidate at the forthcoming election for an (employers') (employees') representative to the Pharmacy Board of New Zealand, to which I was nominated on the ..... day of ....., 19..

Received at the hour of ..... on the ..... day of ....., 19..

.....  
Registrar.

*or* President *or* Secretary of the Association.

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 29th day of August, 1940.

These regulations are administered in the Department of Health.