



PORK INDUSTRY BOARD REGULATIONS 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 22nd day of March 1999

Present:

THE HON WYATT CREECH PRESIDING IN COUNCIL

PURSUANT to section 50 (1) of the Pork Industry Board Act 1997, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Pork Industry Board Regulations 1999.

(2) These regulations come into force on 1 April 1999.

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

“The Act” means the Pork Industry Board Act 1997:

“The Board” means the New Zealand Pork Industry Board established by section 4 (1) of the Act:

“Candidate” means a person validly nominated under regulation 24 to be elected as a director:

“Designated postal operator” has the meaning given to it by section 2 (1) of the Postal Services Act 1998:

“Director” means a director elected under section 13 (2)(a) of the Act:

“Election day” means, in relation to any election, the day appointed by the Board under regulation 23 (1) or regulation 28 (5) as the last day for the receipt of ballot papers by the returning officer:

“Pig farmer” means a person engaged in New Zealand in the business of farming pigs who, on 31 March before the day on which the election is held, owned in New Zealand 1 or more pigs:

“Returning officer”,—

(a) If there is for the time being a person appointed by the Board under regulation 6 (1) to act as returning officer for the purposes of these regulations, means that person; and

(b) In any other case, means the Secretary of the Board.

3. Application—(1) These regulations apply to the election of directors by pig farmers.

(2) Every election of directors is to be conducted in accordance with these regulations.

Regions

4. Regions—(1) For the purposes of these regulations, New Zealand is divided into 3 regions as follows:

- (a) Region 1: that part of the North Island comprising Far North District, Whangarei District, Kaipara District, Rodney District, North Shore City, Waitakere City, Auckland City, Manukau City, Papakura District, Franklin District, Thames-Coromandel District, Hauraki District, Waikato District, Matamata-Piako District, Hamilton City, Waipa District, Otorohanga District, Waitomo District, South Waikato District, Taupo District, Western Bay of Plenty District, Tauranga District, Rotorua District, Kawerau District, Whakatane District, Opotiki District, Gisborne District, and Wairoa District:

(b) Region 2: that part of the North Island comprising Ruapehu District, New Plymouth District, Stratford District, South Taranaki District, Wanganui District, Rangitikei District, Manawatu District, Palmerston North City, Horowhenua District, Kapiti Coast District, Porirua City, Upper Hutt City, Lower Hutt City, Wellington City, Hastings District, Napier City, Central Hawke's Bay District, Tararua District, Masterton District, Carterton District, and South Wairarapa District:

(c) Region 3: the South Island, Stewart Island, and the Chatham Islands.

(2) The boundaries of territorial authority districts within each region are in accordance with the Local Government Act 1974.

5. Number of directors per region—The number of directors representing each region is as follows:

(a) Region 1: 2 directors:

(b) Region 2: 1 director:

(c) Region 3: 2 directors.

Returning Officer

6. Returning officer—(1) The Board must appoint a person (other than a director or existing employee of the Board) to act as returning officer for the purposes of these regulations.

(2) Correspondence to the returning officer should be sent to The Returning Officer, c/o New Zealand Pork Industry Board, [Postal address], Wellington.

Rolls

7. Roll—(1) The Board must maintain a roll in respect of each region.

(2) Each roll comprises—

(a) The names, arranged in alphabetical order of their surnames, of every person who is—

(i) Registered in accordance with any of the provisions of regulations 8 to 12; or

(ii) Nominated in accordance with regulation 13; and

(b) The address or addresses of the place where the person's pigs are farmed or held.

(3) The roll is to contain the voting entitlement of each pig farmer (but not the number of pigs farmed).

(4) Information contained on the roll about a pig farmer may, with the consent of that pig farmer, be used for the Board's mailing list.

8. Entitlement to be registered as voter—(1) Subject to subclause (2) and to regulations 9 to 13, any pig farmer is qualified to be registered as a voter.

(2) A pig farmer may be registered as a voter as follows:

(a) In the region where that pig farmer's pigs are farmed or held; or

(b) In the region of the pig farmer's choice, if the farm on which the pigs are farmed or held spans 2 regions; or

(c) In each region in which the pig farmer has pigs being farmed or held, if that farmer's pigs are being farmed or held on separate farms in separate regions.

9. Circumstances in which name may appear on electoral roll more than once—(1) The name of a person may appear on an electoral roll more than once if the capacity in which that person's name appears is different in each case. This will occur, for example, if a person is not only engaged in the business of farming pigs on his or her own account but is also 1 or more of the following:

- (a) The executor or administrator of the estate of a deceased pig farmer; or
- (b) A nominee under regulation 13; or
- (c) The manager under any of sections 31 to 33 of the Protection of Personal and Property Rights Act 1988 of the place where a pig farmer's pigs are farmed or held.

(2) The name of a pig farmer may appear on an electoral roll more than once if the pig farmer has pigs being farmed or held on 2 or more separate farms with separate addresses in that region, in which case that pig farmer's name may appear the same number of times as the number of separate addresses in the region at which the pig farmer has pigs being separately farmed or held.

10. Registration as voter—(1) A pig farmer, or a duly appointed attorney of a pig farmer, may at any time make application to the Board, on a form provided by the Board, for the registration of that pig farmer as a voter of the region or regions in which that pig farmer's pigs are farmed or held.

(2) If an application is made to the Board under subclause (1) by the duly appointed attorney of a pig farmer, that application must be accompanied by—

- (a) A copy of the power of attorney; and
- (b) A certificate of non-revocation of the power of attorney (which certificate must be signed by the person appointed as attorney).

11. Registration of executor or administrator—If the business of a deceased pig farmer is being carried on by the executor or administrator of the deceased pig farmer's estate, that executor or administrator may apply for registration as a voter of the region or regions in which that pig farmer's pigs are farmed or held and may be registered as “[*Name of executor or administrator*], executor (or administrator) of the estate of [*Name of pig farmer*], deceased”.

12. Registration of manager under Protection of Personal and Property Rights Act 1988—(1) This regulation applies if a pig farmer is—

- (a) A person who is subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988; or
- (b) A person for whom a trustee corporation is acting as manager under section 32 or section 33 of the Protection of Personal and Property Rights Act 1988.

(2) A person appointed or the trustee corporation acting as that pig farmer's manager may apply for registration as a voter of the region or regions in which that pig farmer's pigs are farmed or held and may be registered as “[*Name of person appointed or name of trustee corporation*], manager under the Protection of Personal and Property Rights Act 1988 of the property of [*Name of pig farmer*]”.

(3) If an application is made to the Board under subclause (2), the application must be accompanied by a copy of the order made under section 31 of the Protection of Personal and Property Rights Act 1988 or by a copy of the application filed under section 32 or section 33 of that Act.

13. Nominations in respect of roll—(1) This regulation applies to a pig farming business that is carried on—

- (a) By a partnership or a body corporate or a trust; or
- (b) By 2 or more persons jointly; or
- (c) By 2 or more persons as tenants in common; or
- (d) By any society or association of persons, whether corporate or unincorporate.

(2) The persons carrying on business in a region or regions may nominate 1 natural person to be registered as a voter of, and to vote on behalf of that business in, that region or regions.

(3) A nomination under subclause (2) is effected by delivering to the Board, on a form provided by the Board, a written nomination signed by or on behalf of the person or persons effecting the nomination.

(4) Any nomination under this regulation may at any time, by notice in writing delivered to the Board, be revoked in a like manner.

(5) If any person nominated under this regulation is registered as a voter of a region or regions, the entry must be followed by the words “Nominee of [*Name of partnership, body corporate, or trust, etc*]”.

14. Closing date for registration—(1) The Board must nominate a closing date for registration before each election day in respect of a region.

(2) The closing date for registration for the 1999 election is 30 April.

15. Restriction on registration before election—(1) This regulation applies to any application for registration as a voter, or any nomination under regulation 13 (2).

(2) The Board may not register any application or nomination received after the closing date for registration.

(3) Despite subclause (2), an application or nomination is deemed to have been received by the closing date for registration if—

- (a) The application or nomination or envelope in which it is contained bears a postmark or date stamp impressed by any designated postal operator by the closing date for registration; or
- (b) The applicant for registration or nominator produces a receipt that relates to the application and that was issued by any designated postal operator by the closing date for registration; and
- (c) The application or nomination is received within 7 days after the closing date for registration.

16. Electoral rolls—The Board must ensure—

- (a) That copies of the roll in respect of each region are kept for inspection by pig farmers during normal office hours; and
- (b) That copies of the roll that are kept for inspection by pig farmers do not include pig numbers; and
- (c) That any pig farmer who is not on the roll may consult with the Board to ensure his or her name is included on the roll.

17. Objections—(1) An objection concerning an electoral roll may be made by—

- (a) A pig farmer who wishes to be placed on the roll and whose application has been declined by the Board; or
- (b) A registered or non-registered voter who wishes to object to another voter's inclusion on the roll; or
- (c) A candidate (who is not a registered voter) who wishes to object to a voter's inclusion on the roll; or
- (d) A pig farmer whose name is on the roll in respect of his or her voting entitlement; or
- (e) A registered or non-registered voter in respect of a person's voting entitlement as shown on the roll; or
- (f) A candidate (who is not a registered voter) in respect of a person's voting entitlement as shown on the roll.

(2) Every such objection must be made in writing to the returning officer, and must specify particulars of the objection.

(3) The returning officer may require the person making the objection to supply any evidence in support of the objection as the returning officer may reasonably require in order to determine the objection.

(4) The returning officer—

- (a) Must consider every objection; and
- (b) Must determine whether or not it should be accepted; and
- (c) May seek further information from the Board before making his or her decision.

(5) The Board must—

- (a) Implement each decision of the returning officer; and
- (b) Amend the roll as necessary; and
- (c) Notify the objector, and if relevant, the person objected to, accordingly.

(6) No person's name may be removed from a roll as a result of an objection made under subclause (1) unless the returning officer has—

- (a) Given to that person notice in writing of the objection and of the particulars of the objection; and
- (b) Given that person an opportunity to make to the returning officer representations in relation to the objection; and
- (c) Considered any representations made to the returning officer by that person within 15 days after the day on which the notice specified in paragraph (a) was given.

(7) The notice required by subclause (6) (a) must be delivered to that person personally or sent to that person by post.

(8) If the notice required by subclause (6) (a) is sent by post to that person, in proving the delivery it is sufficient to prove that the letter was properly addressed and posted.

18. Provisions relating to applications for registration and nominations—(1) Every application for registration as a voter and every nomination under regulation 13—

- (a) Must be made in writing to the Board;
- (b) Must, in the case of an application for registration, be accompanied by—

(i) A declaration (in a form approved by the Board) that the applicant is a pig farmer and is entitled to be registered as a voter in that region; and

(ii) A declaration as to the number of pigs the pig farmer owned on 31 March before the day on which the election is held at each address at which the pigs are farmed or held.

(2) The Board may require the person to supply such other evidence in support of the application or nomination as the Board may reasonably require in order to determine the issue.

(3) The Board must—

(a) Consider every such application or nomination; and

(b) Determine whether or not it should be accepted; and

(c) Amend the relevant roll as necessary; and

(d) If the application or nomination is not accepted, notify the applicant or the person or persons effecting the nomination accordingly, stating the reasons why it was not accepted.

19. Power of Board to amend roll—(1) If the Board has reason to believe that any person has changed his or her name, the Board may correct the roll.

(2) The Board may remove any person's name from the roll in respect of a region if the Board has reason to believe—

(a) That the person has died or has ceased to be in the business of farming pigs; or

(b) That the person is no longer a pig farmer or is not entitled to be registered as a voter in that region; or

(c) That the person is for any other reason no longer entitled to be registered as a voter of a region.

(3) The Board must, where appropriate, notify a person whose name has been removed from the roll by a notice posted to the last known address of that person.

(4) If the Board has reason to believe that any person has become entitled to be registered as a voter of a region, the Board may enter that person's name on the roll for that region accordingly.

(5) If the Board has removed any person's name from any roll in error, the Board may re-enter that person's name on that roll.

20. Revision of roll—(1) The Board may from time to time inquire about the particulars of all or any persons whose names are on the roll for a region.

(2) Every inquiry—

(a) Must be in writing; and

(b) Must require the person to whom it is addressed to sign and return any form supplied by the Board, together with any corrections to the information contained in it.

(3) If any person fails to respond to an inquiry under subclause (2), the Board must, after making such further inquiry as the Board thinks fit, remove the name of that person from the roll.

(4) Every pig farmer must notify the Board in writing of any change in pig numbers that the pig farmer believes would affect his or her voting entitlement, and any change of address.

Elections

21. Entitlement to vote—(1) Every person who is registered as a voter of a region is entitled to the following number of votes:

- (a) A pig farmer who, on 31 March before the day on which the election is held, owned 1 to 100 pigs is entitled to 1 vote:
- (b) A pig farmer who, on 31 March before the day on which the election is held, owned 101 to 500 pigs is entitled to 2 votes:
- (c) A pig farmer who, on 31 March before the day on which the election is held, owned more than 500 pigs is entitled to 3 votes.

(2) All votes cast by a registered voter on 1 ballot paper must be cast for the same candidate.

(3) Every vote must be exercised personally, and not by proxy.

22. Election to be held whenever vacancy occurs—(1) Subject to clause 2 (3) (a) of Schedule 2 of the Act, the Board must hold an election in each or any region whenever there is a vacancy in the office of the director representing that region.

(2) The order of regions in which the Board must hold elections whenever the term of office of a director expires is as follows:

- (a) Region 1 and region 2;
- (b) Region 3;
- (c) Region 1 and region 3.

(3) Elections must be held so as to coincide as closely as practicable with the expiry of the term of office of the vacating director, or as soon as practicable after his or her resignation, death, or removal from office, as the case may be.

23. Pig farmers to be notified of election—(1) The Board must determine the date of an election day in respect of a region and must give public notice of it.

(2) The notice must state—

- (a) That an election is to be held by postal ballot in respect of that region; and
- (b) The election day; and
- (c) That the Board invites nominations for candidates in the election; and
- (d) The closing date for nominations; and
- (e) That pig farmers may apply to the Board for registration as voters; and
- (f) The form and closing date for applications for registration; and
- (g) The place or places where a copy of the roll is kept for inspection by pig farmers.

(3) The public notice must be given in any daily newspapers or such national farming newspapers, or both, as the Board considers appropriate.

(4) The election day for 1999 is 31 May.

(5) The closing date for nominations for 1999 is 30 April.

24. Nominations of candidates—(1) No person is eligible to be elected as a director unless he or she is nominated in accordance with this regulation.

(2) Every nomination—

- (a) Must be in a form approved by the returning officer; and

(b) Must be made by a person who is registered as a voter for the region in respect of which the election is to take place and must be seconded by another such person; and

(c) Must be assented to by the nominee in writing; and

(d) Must be sent or given to the returning officer.

(3) Nominations close at noon on the day specified under either regulation 23 (2) (d) or regulation 23 (5), and no nomination received after that time will be accepted.

(4) The returning officer's decision as to the validity or acceptance of a nomination is final.

(5) As soon as practicable after so deciding, the returning officer must give the Board written notice of any nomination.

(6) As soon as practicable after the close of nominations, the Board must give public notice, in such manner as the Board thinks fit, of the nominations.

25. Position if only 1 candidate—(1) If at any election only 1 candidate is nominated for election for each or any region, the returning officer must declare that candidate to be duly elected.

(2) As soon as practicable after so declaring, the returning officer must give the Board written notice stating that only 1 candidate was nominated for election for the region, the name of that candidate, and that the person is duly elected.

26. Position if no candidate—If at any election no candidate is nominated for election for each or any region, the Board must set a new election day for that region and call again for the nomination of candidates in accordance with regulation 28 (5).

27. Position if more than 1 candidate—(1) If at any election more than 1 candidate is nominated for election for each or any region, an election must be conducted by postal ballot of voters of that region in accordance with the following provisions:

(a) The returning officer must, immediately after the closing day for nominations, arrange for the preparation of ballot papers:

(b) The ballot papers must set out the names of the candidates in the alphabetical order of their surnames, include a provision showing the voting entitlement of the voter at the address on the roll, and a statement that to be a valid vote it must reach the returning officer by noon on the election day:

(c) The roll as it stands at the closing date for registration must be used as the electoral roll in respect of the region:

(d) The returning officer must, as soon as possible after the ballot papers have been prepared, and not later than 10 days after the closing date for registration, arrange for 1 ballot paper, together with an envelope addressed to The Returning Officer, c/o New Zealand Pork Industry Board, [Postal address], Wellington marked "ballot paper", to be sent by post to every person whose name is on the roll, at the address appearing on the roll or to any other address nominated by the person:

(e) A ballot paper is not valid unless it is received by the returning officer before noon on the election day:

- (f) The person voting must vote for 1 candidate only by marking the ballot paper in such a manner that the name of the person for whom he or she wishes to vote is clear to the returning officer:
 - (g) Each candidate may, by notice in writing to the returning officer, appoint 1 scrutineer to be present when the envelopes containing the voting papers of the election in which he or she is a candidate are opened and the votes are counted:
 - (h) The returning officer, with any assistance that the returning officer considers necessary, must cause to be counted the votes recorded in the ballot papers received by him or her after rejecting invalid ballot papers:
 - (i) The candidate receiving the greatest number of votes is elected:
 - (j) In the event of the number of votes being equal for any 2 or more candidates, the returning officer must, if it is necessary to do so, determine by lot which of those candidates is elected.
- (2) As soon as practicable after the conclusion of an election, the returning officer must give the Board written notice stating the number of votes recorded for each candidate, and the name of the candidate who has been elected for each or any region.

28. Returning officer to be sole judge of regularity of election—

(1) The returning officer is the sole and absolute judge of the regularity and propriety of all matters connected with any election, and no election may be called into question on the grounds that—

- (a) A ballot paper or an addressed envelope was not forwarded to any voter; or
- (b) A ballot paper from any voter was not received by the returning officer; or
- (c) A ballot paper prepared by the returning officer was invalid in form; or
- (d) Any vote was invalidly recorded; or
- (e) Any other irregularity occurred in connection with any election.

(2) Subclause (1) does not apply if, in the opinion of the returning officer, any such irregularity materially affected the result of the election and occurred otherwise than in good faith.

(3) No election may be called into question on the grounds that any time limit prescribed by these regulations (other than a time limit prescribed by regulation 15 or regulation 24 (3) or regulation 27 (1)(e)) was not strictly adhered to, unless, in the opinion of the returning officer, the irregularity materially affected the result of the election.

(4) If any election is called into question under this regulation, the returning officer may ask the Board to obtain further information from a voter with respect to that voter's voting entitlement, and the returning officer must either—

- (a) Recount the votes after—
 - (i) Including any vote that was not previously counted due to the irregularity; and
 - (ii) Rejecting any vote that was invalidly cast; and
 - (iii) Rejecting invalid ballot papers; or
- (b) If the returning officer considers it necessary, notify the Board that another election should be held.

(5) If another election is held,—

- (a) The Board must give public notice of the kind specified in regulation 23 (1) to (3) at least 50 days before the election day (as determined by the Board) in respect of a region; and
 - (b) Nominations close at noon on the day 35 days before the election day and no nomination received after that time will be accepted.
- (6) The returning officer must, as soon as practicable after recounting the votes or after another election is held, give the Board written notice stating the number of votes recorded for each candidate, and the name of the candidate who has been elected for each or any region.
- (7) Any person who is elected as a result of an irregular election and has taken office, but who is not the candidate who is finally elected for the region, is deemed to have resigned office.

29. Board to retain ballot papers—(1) All ballot papers must be held by the Board, and must be available to the returning officer for inspection.

(2) All ballot papers must be kept for at least 3 months after the date of the election.

30. Board to inform Minister of elected candidates—As soon as practicable after the conclusion of an election, the Board must give the Minister written notice of the name of the person elected for each or any region.

31. Board to publicly notify results of election—(1) This regulation applies when the returning officer has given the Board notice under regulation 25 (2) or regulation 27 (2) or regulation 28 (6).

(2) As soon as practicable after receiving notice under subclause (1), the Board must give public notice stating the number of votes recorded for each candidate (if a ballot was held), and the candidate who has been elected for each or any region.

(3) The public notice must be given in any daily newspapers, or any national farming newspapers, or both, as the Board considers appropriate.

32. Director to take office on expiry of term of previous director—A director may not take office before the expiry of the term of the director he or she replaces.

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, which come into force on 1 April 1999, prescribe the method of election by pig farmers of the 5 elected directors of the New Zealand Pork Industry Board.

A pig farmer who, on 31 March before the day on which the election is held, owned in New Zealand 1 or more pigs, is eligible to vote in any election of directors.

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

Date of notification in *Gazette*: 25 March 1999.

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