



THE VETERINARIANS (ELECTIONS) REGULATIONS 1995

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of June 1995

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 72 (1)(g) of the Veterinarians Act 1994, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the recommendation of the Minister of Agriculture given after consultation by that Minister with the Veterinary Council of New Zealand, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Veterinarians (Elections) Regulations 1995.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

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

“The Act” means the Veterinarians Act 1994:

“Candidate” means a person validly nominated pursuant to regulation 8 of these regulations to be elected as a member:

“The Council” means the Veterinary Council of New Zealand established under section 43 of the Act:

“Election day” means, in relation to any election, the day fixed by the Council under regulation 6 of these regulations as the last day for the receipt of ballot papers by the returning officer:

“Member” means a member of the Council holding office under section 45 (a) of the Act:

“Register” means the register maintained by the Council under section 16 of the Act:

“Returning officer” means the person appointed by the Council under regulation 4 (1) of these regulations to act as returning officer for the purposes of these regulations:

“Secretary” means the Secretary to the Council appointed under the Act:

“Veterinarian” means a veterinarian registered under the Act.

3. Election of members—Every member shall be elected by veterinarians in accordance with these regulations.

Returning Officer

4. Returning officer—(1) Subject to subclause (2) of this regulation, the Council shall appoint a person to act as returning officer for the purposes of these regulations.

(2) In no case shall the returning officer be—

(a) A person holding office under section 45 of the Act; or

(b) A candidate in the election for which the returning officer is being appointed; or

(c) An existing employee of the Council.

(3) Correspondence to the returning officer should be sent to The Returning Officer, c/o Veterinary Council of New Zealand, [*Postal address*].

Elections

5. Veterinarians eligible to be voters—(1) Every veterinarian whose name appears on the register at 5 p.m. on the day 56 days before the election day shall be eligible to be a voter in an election under these regulations.

(2) Every vote shall be exercised personally, and not by proxy.

6. Election to be held every 3 years or whenever vacancy occurs—(1) The Council shall fix the date of the first election and hold that election to elect 3 members to the Council.

(2) Following the first election, the Council shall hold subsequent elections—

(a) At 3 yearly intervals on dates to be fixed by the Council; and

(b) Whenever there is a vacancy in the office of member.

(3) An election under subclause (2)(b) of this regulation shall be held as soon as practicable after the member's removal from office, resignation, death, or the date on which the member ceases to be a veterinarian, as the case may be.

7. Veterinarians to be notified of election—At least 91 days before the election day (as fixed by the Council under regulation 6 of these regulations), the Secretary shall send written notice to all veterinarians, at the address appearing on the register, stating—

- (a) That an election is to be held by postal ballot in respect of the Council; and
- (b) The election day; and
- (c) That the Secretary invites nominations for candidates in the election; and
- (d) The form, the closing date, and the closing time, for nominations; and
- (e) That all veterinarians whose names appear on the register at 5 p.m. on the day that nominations close may vote.

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

(2) Every nomination—

- (a) Shall be in a form approved by the Secretary; and
- (b) Shall be made by at least 2 veterinarians; and
- (c) Shall be assented to by the nominee in writing; and
- (d) Shall be sent or given to the Secretary.

(3) Nominations shall close at 5 p.m. on the day 56 days before the election day. No nomination received after that time shall be accepted.

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

(5) As soon as practicable after so deciding, the Secretary shall give the Council written notice of any nomination.

9. Position where number of candidates equals or is fewer than number of vacancies—(1) If at any election, the number of candidates nominated for election as a member equals or is fewer than the number of vacancies in the office of member, the returning officer shall declare the candidate or candidates so nominated to be duly elected.

(2) As soon as practicable after so declaring, the returning officer shall give—

- (a) The Council written notice; and
- (b) The candidates written notice; and
- (c) Public notice in the *Gazette*—

that the number of candidates nominated for election as a member equals or is fewer than the number of such vacancies, and the name or names of the candidate or candidates, as the case may be, who have been duly elected.

10. Position where number of candidates exceeds number of vacancies—(1) If at any election, the number of candidates nominated for election as a member exceeds the number of vacancies in the office of

member, an election shall be conducted by postal ballot of voters in accordance with the following provisions:

- (a) The Secretary shall, immediately after the closing day for nominations, arrange for the preparation of ballot papers, setting out the names of the candidates in alphabetical order of their surnames, and stating that to be a valid vote it must reach the returning officer before 5 p.m. on the election day:
 - (b) The register as it is comprised at 5 p.m. on the day 56 days before the election day shall be used as the electoral roll for the election:
 - (c) The Secretary shall, as soon as possible after the ballot papers have been prepared, and not later than 35 days before the election day, arrange for one ballot paper, together with an envelope addressed to "The Returning Officer, c/o Veterinary Council of New Zealand, [Postal address]" marked "ballot paper", to be sent by post to every veterinarian whose name appears on the register at 5 p.m. on the day 56 days before the election day, at the address appearing on the register:
 - (d) No ballot paper shall be valid unless it is received by the returning officer before 5 p.m. on the election day:
 - (e) The maximum number of candidates that a person may vote for is the number of candidates that equals the number of vacancies in the office of member. A person shall vote by marking the ballot paper in such manner that the name or names of the candidate or candidates, as the case may be, for whom he or she wishes to vote is clear to the returning officer:
 - (f) Each candidate may, by notice in writing to the returning officer, appoint one 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. In no case shall a candidate appoint themselves (or any other candidate) as a scrutineer:
 - (g) The returning officer, with such assistance as the returning officer considers necessary, shall count the votes recorded in the ballot papers received by him or her after rejecting invalid ballot papers:
 - (h) The candidate receiving the greatest number of votes shall be elected. Where the election is in respect of 2 or 3 vacancies in the office of member, the 2 or 3 candidates, as the case may be, receiving the greatest number of votes shall be elected:
 - (i) In the event of the number of votes being equal for any 2 or more candidates, the returning officer shall, if it is necessary to do so, determine by lot, in the presence of the scrutineers appointed (if any) by each candidate, which of those candidates shall be elected.
- (2) As soon as practicable after the conclusion of an election, the returning officer shall give—
- (a) The Council written notice; and
 - (b) The candidates written notice; and
 - (c) Public notice in the *Gazette*—
- of the number of votes recorded for each candidate, and the name or names of the candidate or candidates, as the case may be, who have been elected to the Council.

11. Commencement of office—Every person elected to be a member shall come into office on the later of the following dates:

- (a) The day after the date on which he or she is so elected; or
- (b) The day after the date on which the term of the vacating member expires.

12. Returning officer to be sole judge of regularity of elections—

(1) The returning officer 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 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 Secretary was invalid in form; or
- (d) Any vote was invalidly cast; or
- (e) Any other irregularity occurred in connection with any election,— unless in the opinion of the returning officer any such irregularity materially affected the result of the election and occurred otherwise than in good faith.

(2) No election shall be called into question on the grounds that any time limit prescribed by these regulations (otherwise than a time limit prescribed by regulation 8 (3) or regulation 10 (1) (d) of these regulations) was not strictly adhered to, unless in the opinion of the returning officer any such irregularity materially affected the result of the election.

(3) If an election is called into question under this regulation, the returning officer shall 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 Council that another election should be held.

(4) The returning officer shall, as soon as practicable after recounting the votes or after another election is held, give—

- (a) The Council written notice; and
 - (b) The candidates written notice; and
 - (c) Public notice in the *Gazette*—
- of the number of votes recorded for each candidate, and the name or names of the candidate or candidates, as the case may be, who have been elected to the Council.

(5) If in the opinion of the returning officer—

- (a) An irregularity occurred which materially affected the result of an election; and
- (b) That irregularity was due to a veterinarian acting otherwise than in good faith—

then the returning officer shall advise the chairperson of the Council of the name of that veterinarian.

(6) Any person who is elected and appointed as a result of an irregular election, but is not the candidate who is finally elected, shall be deemed to have resigned office.

13. Council to inform Minister of elected candidates—As soon as practicable after the conclusion of an election or after the conclusion of a recount of votes, the Council shall give the Minister of Agriculture written notice of the name or names of the candidate or candidates, as the case may be, who have been elected to the Council.

14. Council to notify results of election—As soon as practicable after the conclusion of an election or after the conclusion of a recount of votes, the Council shall give written notice to veterinarians of the number of votes recorded for each candidate (if a ballot was held), and the name or names of the candidate or candidates, as the case may be, who have been elected to the Council.

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 prescribe the manner of election of the 3 elected members of the Veterinary Council of New Zealand. The Veterinary Council of New Zealand was recently established under section 43 of the Veterinarians Act 1994. It replaced the Veterinary Surgeons Board. Under the Veterinarians Act 1994, the Veterinary Council of New Zealand has 7 members, of which 3 are veterinarians who are elected by their fellow veterinarians. These regulations set out how those elections are to be conducted.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 29 June 1995.
These regulations are administered in the Ministry of Agriculture and Fisheries.