

MEAT BOARD REGULATIONS 1998

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 19th day of October 1998

Present:

The Right Hon. Jenny Shipley presiding in Council

PURSUANT to section 77 (1) of the Meat 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 Meat Board Regulations 1998.

(2) These regulations 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 Meat Board Act 1997:

``The Board" means the New Zealand Meat Board established by section 4 (1) of the Act:

``Candidate" means a person validly nominated under regulation 23 or regulation 41 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 either---

(a) A director elected under Part 1 by eligible livestock farmers; or

(b) A director elected under Part 2 by processors or by eligible exporters:

``Director position" means a position under Part 2 on the board of directors:

``Election day" means, in relation to any election, the day appointed by the Board under any of regulations 22 (1), 28 (4) (a), and 40 (1), as the last day for the receipt of ballot papers by the returning officer:

``Eligible exporter" means an exporter who exports at least 1000 tonnes of meat product during the year ending 30 September before the day on which the election takes place:

``Eligible livestock farmer" means a livestock farmer who, on 30 June before the day on which the election is held, owned in New Zealand---

(a) At least 250 animals that were sheep or goats; or

(b) At least 50 beef cattle; or

(c) At least 100 dairy cattle:

``Exporter" means the holder of a licence issued under section 22 of the Act to export meat product:

``Livestock" means sheep, goats, beef cattle, or dairy cattle:

``Livestock farmer" means a person engaged in New Zealand in the business of farming livestock (whether in conjunction with any other business or not):

``Minimum qualifying number of livestock" means---

(a) 250 animals that were sheep or goats; or

(b) 50 beef cattle; or

(c) 100 dairy cattle---

that were owned at 30 June before the day on which the election is held:

``Processor" means a person who is liable to pay Meat Board levy in respect of livestock slaughtered in licensed premises and who is either---

(a) A licensee of an abattoir (within the meaning of the Meat Act 1981) other than an abattoir in the Chatham Islands; or

(b) A licensee of an export slaughterhouse (within the meaning of the Meat Act 1981) other than an export slaughterhouse in the Chatham Islands:

``Returning officer",---

(a) Where there is for the time being a person appointed by the Board under regulation 6 (1) or regulation 33 (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) Part 1 applies to the election of directors by eligible livestock farmers.

(2) Part 2 applies to the election of directors by processors and eligible exporters.

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

SPART : Electorates

PART 1

Election of Directors by Eligible Livestock Farmers

Electorates

4. Electorates---(1) For the purposes of this Part, New Zealand is divided into 7 electorates as follows:

(a) North Island:

(i) Northern: 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, and Waipa District:

(ii) Central: comprising 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:

(iii) Eastern: comprising Hastings District, Napier City, Central Hawke's Bay District, Tararua District, Masterton District, Carterton District, and South Wairarapa District:

(iv) Western: 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, and Wellington City:

(b) South Island:

(i) Northern: comprising Nelson City, Tasman District, Buller District, Grey District, Westland District, Marlborough District, Kaikoura District, Hurunui District, Waimakariri District, Christchurch City, Banks Peninsula District, Selwyn District, Ashburton District, and the Chatham Islands Territory:

(ii) Central: comprising Mackenzie District, Timaru District, Waimate District, Waitaki District, Queenstown-Lakes District, Central Otago District, Dunedin City, and Clutha District (Lawrence/Tuapeka and Bruce wards only):

(iii) Southern: comprising Clutha District (with the exception

of the Lawrence/Tuapeka and Bruce wards), Gore District, Invercargill City, and Southland District.

(2) The boundaries of territorial authority districts within each electorate are in accordance with the Local Government Act 1974, with the exception of Clutha District, the boundaries of which are split between the Central and Southern electorates of the South Island.

SPART : Electorates

5. One director per electorate---One director must represent each electorate.

SPART : Returning Officer

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 this Part.

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

SPART : Rolls

Rolls

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

(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 livestock are farmed or held.

(3) Information contained on the roll about an eligible livestock farmer may, with the consent of that livestock farmer, be used for the Board's mailing list.

SPART : Rolls

8. Entitlement to be registered as voter---(1) Subject to subclause (2) and to regulations 9 to 13, an eligible livestock farmer is qualified to be registered as a voter.

(2) An eligible livestock farmer may be registered as a voter as follows:

(a) In the electorate where that livestock farmer's livestock are farmed or held; or

- (b) In the electorate of the livestock farmer's choice, if the farm on which the livestock are farmed or held spans 2 or more electorates; or
- (c) In each electorate in which the livestock farmer has at least the minimum qualifying number of livestock being farmed or held, if that farmer's livestock are being farmed or held on separate farms in separate electorates.

SPART : Rolls

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, where a person is not only engaged in the business of farming livestock 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 livestock 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 an eligible livestock farmer's livestock are farmed or held.

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

SPART : Rolls

10. Registration as voter---(1) An eligible livestock farmer, or a duly appointed attorney of an eligible livestock farmer, may at any time make application to the Board, on a form provided by the Board, for the registration of that livestock farmer as a voter of the electorate or electorates in which that livestock farmer's livestock are farmed or held.

(2) If an application is made to the Board under subclause (1) by the duly appointed attorney of an eligible livestock 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).

SPART : Rolls

11. Registration of executor or administrator---If the business of a deceased eligible livestock farmer is being carried on by the executor or administrator of the deceased livestock farmer's estate, that executor or administrator may apply for registration as a voter of the

electorate or electorates in which that livestock farmer's livestock are farmed or held and may be registered as ``[Name of executor or administrator], executor (or administrator) of the estate of [Name of eligible livestock farmer], deceased".

SPART : Rolls

12. Registration of manager under Protection of Personal and Property Rights Act 1988---(1) If the eligible livestock 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,---

the person appointed or the trustee corporation acting as that livestock farmer's manager may apply for registration as a voter of the electorate or electorates in which that livestock farmer's livestock 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 eligible livestock farmer]".

(2) If an application is made to the Board under subclause (1), 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.

SPART : Rolls

13. Nominations in respect of roll---(1) This regulation applies to a livestock farming business with the minimum qualifying number of livestock 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 an electorate or electorates may nominate 1 natural person to be registered as a voter of, and to vote on behalf of that business in, that electorate or electorates.

(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 an electorate or electorates, the entry must be followed by the words ``Nominee of [Name of partnership, body corporate, or trust, etc]".

SPART : Rolls

14. Restriction on registration before election---(1) This regulation applies to any application for registration as a voter, or any nomination under regulation 13 (2), in respect of an electorate that is received within the period of 56 days before any election day appointed by the Board in relation to an election in that electorate.

(2) The Board---

(a) Is not required to consider any such application or nomination:

(b) May, in its discretion, consider any such application or nomination, unless further evidence appears to be required by the Board under regulation 17 (2) in order to determine the issue:

(c) Must not, at any time in the period of 35 days before the election day, register any such application or nomination on the roll in respect of that electorate.

(3) The application or nomination is deemed to have been received before the beginning of the period of 56 days specified in subclause (1) if---

(a) The application or envelope in which it is contained bears a postmark or date stamp impressed by any designated postal operator before the start of that period; or

(b) The applicant for registration produces a receipt which relates to the application and which was issued by any designated postal operator before the start of that period.

SPART : Rolls

15. Electoral rolls---The Board must ensure---

(a) That copies of the roll in respect of each electorate are kept for inspection by livestock farmers during normal office hours; and

(b) That copies of the roll that are kept for inspection by livestock farmers do not include livestock numbers; and

(c) That any livestock farmer who is not on the roll may consult with the Board to determine whether that livestock farmer is qualified to be registered as a voter of any particular electorate.

SPART : Rolls

16. Objections---(1) An objection concerning an electoral roll may be made by---

(a) An eligible livestock 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 (being an eligible livestock farmer) who wishes to object to another voter's inclusion on that roll; or

(c) A candidate (who is not a registered voter) who wishes to object to a voter's inclusion 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 where 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 18 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) Where 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.

SPART : Rolls

17. 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 a declaration (in a form approved by the Board) that the applicant is an eligible livestock farmer and is entitled to be registered as a voter in that electorate.

(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.

SPART : Rolls

18. 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) If the Board has reason to believe---

- (a) That any person has died or has ceased to be in the business of farming livestock; or
- (b) That any person is no longer an eligible livestock farmer or is not entitled to be registered as a voter in that electorate; or
- (c) That any person is for any other reason no longer entitled to be registered as a voter of an electorate,---

the Board may remove that person's name from the roll in respect of that electorate.

(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 an electorate, the Board may enter that person's name on the roll for that electorate 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.

SPART : Rolls

19. 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 an electorate.

(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.

SPART : Elections

Elections

20. Entitlement to vote---(1) Every person who is registered as a voter of an electorate is entitled to---

- (a) One vote for every 250 animals owned on 30 June before the day on which the election is held that were sheep or goats; and
 - (b) One vote for every 50 beef cattle owned on that 30 June; and
 - (c) One vote for every 100 dairy cattle owned on that 30 June;---
- and no account is to be taken of animals owned in excess of an exact

multiple of 250, 50, or 100 (as the case may be).

(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.

SPART : Elections

21. 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 electorate whenever there is a vacancy in the office of the director representing that electorate.

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

- (a) North Island (Central):
- (b) North Island (Western):
- (c) South Island (Central):
- (d) North Island (Eastern):
- (e) South Island (Southern):
- (f) North Island (Northern):
- (g) South Island (Northern).

(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.

SPART : Elections

22. Livestock farmers to be notified of election---(1) At least 98 days before the election day (as determined by the Board) in respect of an electorate, the Board must give public notice stating---

- (a) That an election is to be held by postal ballot in respect of that electorate; and
- (b) The election day; and
- (c) That the Board invites nominations for candidates in the election, and the form and closing date for nominations; and
- (d) That livestock farmers owning the minimum qualifying number of livestock on 30 June before the day on which the election is held may apply to the Board for registration as voters; and
- (e) The form and closing date for applications for registration; and
- (f) The place or places where a copy of the roll is kept for inspection by livestock farmers.

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

SPART : Elections

23. 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 electorate 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 5 pm on the day 77 days before the election day 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.

SPART : Elections

24. Position where only 1 candidate---(1) If at any election only 1 candidate is nominated for election for each or any electorate, 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 electorate, the name of that candidate, and that the person is duly elected.

SPART : Elections

25. Position where no candidate---If at any election no candidate is nominated for election in respect of each or any electorate, the Board must set a new election day in respect of that electorate and call again for the nomination of candidates in accordance with regulation 28 (4).

SPART : Elections

26. Position where more than 1 candidate---(1) If at any election more than 1 candidate is nominated for election for each or any electorate, an election must be conducted by postal ballot of voters of that electorate 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 for the number of livestock of each type that were owned on 30 June before the day on which the election is to be held at the address on the roll to be entered by each registered voter, a declaration that this number was correct, and a statement that to be a valid vote it must reach the returning officer by 5 pm

on the election day:

- (c) The roll as it stands on the day 35 days before the election day must be used as the electoral roll in respect of the electorate:
- (d) The returning officer must, as soon as possible after the ballot papers have been prepared, and not later than 28 days before the election day, arrange for 1 ballot paper, together with an envelope addressed to The Returning Officer, c/o New Zealand Meat 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 5 pm 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 electorate.

SPART : Elections

27. Board to prepare special roll---(1) As soon as practicable after the conclusion of an election, the Board must prepare a special roll showing the number of livestock of each type declared by each voter in the election.

(2) The special roll is to be available for inspection only by candidates who participated in that election, the returning officer, the returning officer's assistants, and any scrutineers.

(3) Any candidate may appeal to the returning officer against the result of that election on the basis that a voter has declared his or her livestock numbers incorrectly.

(4) An appeal under subclause (3) must be lodged within 21 days after the date on which the special roll is prepared.

SPART : Elections

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,---

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 may be called into question on the grounds that any time limit prescribed by these regulations (other than a time limit prescribed by regulation 14 or regulation 23 (3) or regulation 26 (1) (e)) was not strictly adhered to, unless, in the opinion of the returning officer, the irregularity materially affected the result of the election.

(3) 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 livestock numbers, 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.

(4) If another election is held,---

- (a) The Board must give public notice of the kind specified in regulation 22 (1) at least 60 days before the election day (as determined by the Board) in respect of an electorate; and
- (b) Nominations close at 5 pm on the day 50 days before the election day and no nomination received after that time will be accepted.

(5) 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 electorate.

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

SPART : Elections

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.

SPART : Elections

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 electorate.

SPART : Elections

31. Board to publicly notify results of election---(1) This regulation applies when the returning officer has given the Board notice under regulation 24 (2) or regulation 26 (2) or regulation 28 (5).

(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 electorate.

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

PART 2

Election of Directors by Processors and Eligible Exporters

32. Election of directors by processors and eligible exporters---(1) The election of directors under this Part is to be conducted as follows:

- (a) Three directors must be elected by persons who are processors:
- (b) One director must be elected by persons who are eligible exporters.

(2) When voting, every eligible exporter must declare on the ballot paper that he or she is eligible to vote for the purposes of subclause (1) (b).

(3) If a voter is a processor and an eligible exporter, he or she may vote in both the elections described in subclause (1).

SPART : Returning Officer

Returning Officer

33. 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 this Part.

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

SPART : Rolls

Rolls

34. Roll---(1) The Board must maintain 2 rolls of those eligible to vote in an election under regulation 32 (1) and their postal addresses.

(2) The Board must ensure that copies of the rolls are kept for inspection by processors and exporters during normal office hours.

SPART : Rolls

35. Objections---(1) An objection concerning an electoral roll may be made by---

- (a) A processor or eligible exporter whose name has been omitted from the roll and who wishes to be placed on the roll; or
- (b) A processor or eligible exporter who wishes to object to another voter's inclusion on the roll; or
- (c) A candidate who is not on the roll, and who wishes to object to a voter's inclusion 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 where 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 18 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) Where 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.

SPART : Rolls

36. Power of Board to amend roll---(1) The Board may correct the roll if it has reason to believe that any processor or eligible exporter has changed his or her name.

(2) If the Board has reason to believe---

(a) That any processor or exporter has ceased to operate as such; or

(b) That any exporter currently on the roll has not exported at least 1000 tonnes of meat product during the year ending 30 September before the day on which the election takes place; or

(c) That any processor or eligible exporter is for any other reason no longer entitled to be registered as a voter,---

the Board may remove that person's name from the roll.

(3) The Board must, where appropriate, notify a processor or exporter 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 processor or exporter has become entitled to be a voter, the Board may enter that person's name on the roll.

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

SPART : Rolls

37. Revision of roll---(1) The Board may from time to time inquire about the particulars of all or any processors or exporters whose names are on the roll.

(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 processor or exporter 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.

SPART : Rolls

38. Basis of voting---(1) For the purposes of voting in an election

for a director under regulation 32 (1) (a), every person who is a processor has his or her vote weighted according to the amount of Meat Board levy paid by that processor on livestock slaughtered by that processor during the year ending 30 September before the day on which the election takes place.

(2) The returning officer must ensure that the weighting described in subclause (1) has the effect that each processor who casts a vote has the same proportion of the total vote as the proportion which the Meat Board levy so paid by that person bears to the total Meat Board levy paid by all persons who cast a vote in the election.

(3) References in this regulation to the amount of levy paid means the amount of Meat Board levy paid and received by the Board under section 63 of the Act, after any refund made under section 66 of the Act has been taken into account.

(4) Every person who is an eligible exporter is entitled to 1 vote in an election of a director under regulation 32 (1) (b).

(5) One person may vote on behalf of any processor or any eligible exporter.

SPART : Elections

Elections

39. Election to be held wherever vacancy occurs---(1) Subject to clause 2 (3) (a) of Schedule 2 of the Act, the Board must hold an election for a director position whenever that position becomes vacant.

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

SPART : Elections

40. Processors and eligible exporters to be notified of election---(1) At least 60 days before the election day (as determined by the Board), the Board must notify each processor and each eligible exporter on the roll, and any meat industry organisation (as the Board considers appropriate) of the election.

(2) The notice must state---

- (a) That an election is to be held by postal ballot; and
- (b) Whether the election of directors is by processors or eligible exporters; and
- (c) The election day; and
- (d) That the Board invites nominations for candidates in the elections and the form and closing date for nominations; and
- (e) In the case of votes cast by exporters, that the eligibility requirement for voting is that the exporter must have exported at least 1000 tonnes of meat product during the year ending 30 September before the day on which the election takes place; and

- (f) The place or places where a copy of the roll is kept for inspection by processors and exporters.

SPART : Elections

41. Nomination 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 a processor or by an eligible exporter (as appropriate), and must be seconded by another processor or eligible exporter (as appropriate); 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 5 pm on the day 35 days before the election day 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 notice of the nominations to processors, eligible exporters, and meat industry organisations (as the Board considers appropriate), in a manner that it considers fit.

SPART : Elections

42. Position where only 1 candidate---(1) If at any election only 1 candidate is nominated for election for any director position, the returning officer must declare that the candidate is 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 the director position, the name and address of that candidate, and that the person is duly elected.

SPART : Elections

43. Position where no candidate---If at any election no candidate is nominated for a director position, the Board must set a new election day and call again for the nomination of candidates.

SPART : Elections

44. Position where more than 1 candidate---(1) If at any election more than 1 candidate is nominated for election for a director position, an election must be held by postal ballot of voters 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, and a statement that to be a valid vote it must reach the returning officer by 5 pm on the election day:
- (c) In the case of the election of a director under regulation 32 (1) (b), the ballot paper must include a provision for the exporter to declare that he or she is eligible to vote:
- (d) The roll as it stands on the day 35 days before the election day must be used as the electoral roll:
- (e) The returning officer must, as soon as possible after the ballot papers have been prepared, and not later than 20 days before the election day, arrange for 1 ballot paper, together with an envelope addressed to The Returning Officer, c/o New Zealand Meat 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:
- (f) A ballot paper is not valid unless it is received by the returning officer before 5 pm on the election day:
- (g) 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:
- (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 proportion or number of votes (as appropriate) is elected:
- (j) In the event of the proportion or 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 proportion or number of votes recorded (as appropriate) for each candidate, and the name of the candidate who has been elected for the director position.

SPART : Elections

45. 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 the 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,---
unless, in the opinion of the returning officer, the irregularity materially affected the result of the election and occurred otherwise than in good faith.

(2) In the case of an election of a director by processors, if an error in relation to the weighting of votes is detected by the Board or the returning officer, this must be corrected and the votes must be recounted under subclause (4).

(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 regulations 41 (3) or 44 (1) (f)) 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 or other source or run a check on voter weightings (if appropriate) or voter eligibility, 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; and

(iv) Reweighting votes if an error is detected; or

(b) If the returning officer considers it necessary, notify the Board that another election should be held.

(5) 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 proportion or number of votes recorded (as appropriate) for each candidate, and the name of the candidate who has been elected for the director position or positions.

(6) Any person who is elected as a result of an irregular election, but who is not the candidate who is finally elected for the director position, is deemed to have resigned office.

SPART : Elections

46. 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.

SPART : Elections

47. 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 or persons elected for any director position or positions.

SPART : Elections

48. Board to publicly notify results of election---(1) This regulation applies when the returning officer has given the Board notice under regulation 42 (2) or regulation 44 (2) or regulation 45 (5).

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

SPART : Transitional

Transitional

49. Transitional terms of office---(1) The terms of office of the first 4 directors elected under this Part are as follows:

- (a) The director elected by eligible exporters must hold office for a term expiring with the close of 31 March 2000:
- (b) Of the 3 directors elected by processors,---
 - (i) One must hold office for a term expiring with the close of 31 March 2000; and
 - (ii) One must hold office for a term expiring with the close of 31 March 2001; and
 - (iii) One must hold office for a term expiring with the close of 31 March 2002.

(2) The term of office to apply to each individual director under subclause 1 (b) is to be determined by agreement between them, or if no agreement is reached, by lot.

PART 3

Export Licence Application

50. Fee to accompany export licence application---(1) The fee payable for an export licence, or for the renewal of an export licence that has not expired, is \$30.

(2) The fee must accompany an application made in writing to the Board under section 22 of the Act for an export licence or for the renewal of an export licence that has not expired.

(3) The fee prescribed by subclause (1) is inclusive of goods and services tax.

SPART : Revocation

Revocation

51. Revocation---The Meat Board Regulations 1995

S.R. 1995/37

are consequentially revoked.

MARIE SHROFF,
Clerk of the Executive Council.

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

Date of notification in Gazette: 22 October 1998.

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