



# Private Irrigation Districts (First Elections) Regulation 2000

under the

Private Irrigation Districts Act 1973

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Private Irrigation Districts Act 1973*.

RICHARD AMERY, M.P.,

Minister for Land and Water Conservation

## Explanatory note

This Regulation replaces the *Private Irrigation Districts (First Elections) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation, which is in substantially the same terms as the repealed Regulation, deals with the following matters:

- (a) the division of provisional private water supply or irrigation districts into zones for the purposes of the first elections of boards of management,
- (b) the conduct of those elections, including the appointment of a returning officer, the keeping of rolls, the nomination of candidates, voting, counting of votes and declaration of results.

This Regulation is made under the *Private Irrigation Districts Act 1973*, including sections 20 and 93 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

## 2000 No 536

Private Irrigation Districts (First Elections) Regulation 2000

Contents

---

## Contents

---

	Page
<b>Part 1 Preliminary</b>	
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Division of provisional private districts into zones	3
5 Savings provisions	4
<b>Part 2 Elections</b>	
6 Appointment of Returning Officer	5
7 Roll	5
8 Nomination day	5
9 Persons entitled to vote	5
10 Nominations	5
11 Uncontested elections	5
12 Contested elections	6
13 Voting	6
14 Duplicate ballot-papers	7
15 Counting of votes	7
16 Informal votes	7
17 Declaration of result of ballot	8
18 Declaration of persons elected where district divided into zones	8
19 Notification of election result	8
20 Disposal of election papers	8

## Private Irrigation Districts (First Elections) Regulation 2000

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Private Irrigation Districts (First Elections) Regulation 2000*.

#### 2 Commencement

This Regulation commences on 1 September 2000.

**Note.** This Regulation replaces the *Private Irrigation Districts (First Elections) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

**election** means the first election of the members of a Board referred to in section 7 (2) (d) of the Act.

**the Act** means the *Private Irrigation Districts Act 1973*.

**zone** means:

- (a) a zone of a provisional private district divided into zones under clause 4 (1), or
- (b) if a provisional private district is not divided into zones, the provisional private district.

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

#### 4 Division of provisional private districts into zones

(1) For the purposes of an election, the Ministerial Corporation may divide a provisional private district into zones.

## **2000 No 536**

Clause 4 Private Irrigation Districts (First Elections) Regulation 2000

Part 1 Preliminary

---

- (2) If a provisional private district is divided into zones, the Ministerial Corporation must:
- (a) subject to section 15 (3) (a) of the Act, determine the number of members to be elected by the voters of each zone, and
  - (b) show the zones on the plan of the provisional private district exhibited as referred to in section 7 (2) (c) of the Act.

### **5 Savings provisions**

Any act, matter or thing that, immediately before the repeal of the *Private Irrigation Districts (First Elections) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.

## Part 2 Elections

### 6 Appointment of Returning Officer

The Ministerial Corporation must appoint a Returning Officer for an election.

### 7 Roll

- (1) The Returning Officer must keep a roll for each zone in respect of which the Returning Officer is to hold an election.
- (2) A roll must contain the names and last known addresses of:
  - (a) each sole owner of land which is being worked as a separate property within the zone, and
  - (b) if there is more than one owner of any such land, such one of them as may, by notice in writing given to the Returning Officer, have been last nominated for the purposes of this paragraph by all the owners of the land.

### 8 Nomination day

- (1) Nominations of candidates for an election close at a day (*the nomination day*) and hour fixed by the Returning Officer.
- (2) Not less than 7 days before the nomination day, the Returning Officer must issue nomination papers to the persons entitled to vote at the election.

### 9 Persons entitled to vote

The persons entitled to vote in a ballot to determine the members to be elected are the persons whose names appear on the relevant roll at the time fixed for the election.

### 10 Nominations

Nominations must be signed by 2 persons entitled to vote at the election and must include the consent of the nominee.

### 11 Uncontested elections

If, after the time for close of nominations, the number of accepted nominations does not exceed the number of persons to be elected, the Returning Officer must declare the persons nominated to be elected.

## **2000 No 536**

Clause 12 Private Irrigation Districts (First Elections) Regulation 2000

Part 2 Elections

---

### **12 Contested elections**

- (1) If, after the time for close of nominations, the number of accepted nominations exceeds the number of persons to be elected, the Returning Officer must issue voting papers to the persons entitled to vote at the election.
- (2) The voting papers must be issued not later than 7 days before the election.
- (3) The Returning Officer may prescribe a shorter interval if considered necessary in order for the election to be conducted at the time fixed for it.
- (4) Each voter must be issued with one ballot-paper for each vote to which the voter is entitled.
- (5) Each ballot-paper must contain the names of the candidates in alphabetical order and be signed or initialled by the Returning Officer.
- (6) Each ballot-paper (or, if the voter is entitled to more than one vote, each set of ballot-papers) must be accompanied by:
  - (a) a form of declaration of identity and of entitlement to vote at the election, and
  - (b) 2 envelopes, one marked "ballot-paper" and the other addressed to the Returning Officer, and
  - (c) a notice which:
    - (i) specifies the time by which the completed ballot-papers must reach the Returning Officer (being the time fixed for the election), and
    - (ii) contains instructions for the completion of the ballot-papers and for their transmission to the Returning Officer.

### **13 Voting**

- (1) A voter must record his or her vote on a ballot-paper by placing a cross opposite the name of each candidate for whom he or she votes.
- (2) A voter must post or deliver to the Returning Officer the completed ballot-paper or papers enclosed and sealed in the envelope marked "ballot-paper" which, together with the completed declaration, must be enclosed and sealed in the envelope addressed to the Returning Officer.

**14 Duplicate ballot-papers**

- (1) The Returning Officer may, on receipt of a declaration by a person that a ballot-paper has been lost or destroyed, issue a duplicate ballot-paper to the person.
- (2) A voter who satisfies the Returning Officer that a ballot-paper has been spoiled by mistake or accident may, on returning it, be issued with a new ballot-paper.
- (3) The Returning Officer must cancel and preserve the spoiled ballot-paper.

**15 Counting of votes**

At the place and time fixed for an election, the Returning Officer must:

- (a) open the outer envelopes received before that time, and
- (b) if the declaration is signed by a qualified voter, ascertain the zone to which the vote relates (where applicable) and place the envelope marked "ballot-paper" with other such envelopes for that zone, and
- (c) following the opening of all the outer envelopes, open the envelopes marked "ballot-paper" and take out the ballot-papers, and
- (d) reject such ballot-papers as are found to be informal, and
- (e) count the number of votes given to each candidate.

**16 Informal votes**

- (1) The Returning Officer must reject as informal a ballot-paper:
  - (a) which is not signed or initialled by the Returning Officer, or
  - (b) on which votes are marked for more candidates than the number of persons to be elected for the zone, or
  - (c) from which the intention of the voter cannot be clearly ascertained, or
  - (d) in the marking of which the voter has not complied with this Regulation or the instructions of the Returning Officer.
- (2) A ballot-paper is not informal by reason only that the voter has not recorded his or her vote exactly as prescribed if, in the opinion of the Returning Officer, the intention of the voter can be clearly ascertained.

## **2000 No 536**

Clause 17 Private Irrigation Districts (First Elections) Regulation 2000

Part 2 Elections

---

### **17 Declaration of result of ballot**

The result of a ballot for an election must be ascertained (zone by zone, where applicable) by the Returning Officer as follows:

- (a) if there is only one person to be elected, the candidate who received the highest number of votes is to be declared to be elected,
- (b) if there is more than one person to be elected, the candidates, not exceeding in number the number of persons to be elected, who received the highest number of votes are to be declared to be elected,
- (c) if there is an equality of votes, the Returning Officer is to determine by lot the candidate to be elected.

### **18 Declaration of persons elected where district divided into zones**

If there are a number of zones in a provisional private district, the Returning Officer must declare the persons elected for each of the zones on the same day.

### **19 Notification of election result**

As soon as practicable after declaration of the result of a ballot, the Returning Officer must issue to each person elected a notice in writing of the result.

### **20 Disposal of election papers**

- (1) After the declaration of a ballot, the Returning Officer must send all papers connected with the election to the Ministerial Corporation.
- (2) The Corporation must keep the papers for at least 12 months after the election.

BY AUTHORITY