



New South Wales

Stock Diseases (General) Amendment Regulation 2005

under the

Stock Diseases Act 1923

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Stock Diseases Act 1923*.

IAN MICHAEL MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Stock Diseases (General) Regulation 2004*:

- (a) to rename the Regulation as the *Stock Diseases Regulation 2004*, and
- (b) to adopt, with minor amendments, certain provisions of the *Stock Diseases (Nominations and Elections) Regulation 2000* and to repeal that Regulation, and
- (c) to make provision for the following:
 - (i) the testing of stock for bovine spongiform encephalopathy,
 - (ii) the requirements for the identification of stock,
 - (iii) the information that must be provided to the authorised administrator by abattoirs,
 - (iv) the sale or supply of identifiers that have previously been attached to stock,
 - (v) the feeding of restricted animal material to ruminants.

This Regulation is made under the *Stock Diseases Act 1923*, including section 5 and section 23 (the general regulation-making power).

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Clause 1 Stock Diseases (General) Amendment Regulation 2005

Stock Diseases (General) Amendment Regulation 2005

under the

Stock Diseases Act 1923

1 Name of Regulation

This Regulation is the *Stock Diseases (General) Amendment Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Stock Diseases (General) Regulation 2004

The *Stock Diseases (General) Regulation 2004* is amended as set out in Schedule 1.

4 Repeal of Stock Diseases (Nominations and Elections) Regulation 2000

The *Stock Diseases (Nominations and Elections) Regulation 2000* is repealed.

Schedule 1 Amendments

(Clause 3)

[1] Clause 1 Name of Regulation

Omit “(General)”.

[2] Clause 6 Disposal of stock that has died of anthrax

Omit the clause.

[3] Part 2, Division 2A

Insert after Division 2:

Division 2A Bovine Spongiform Encephalopathy**10A Testing of Stock for Bovine Spongiform Encephalopathy**

- (1) A person must not test, or attempt to test, stock for Bovine Spongiform Encephalopathy (*BSE*) unless:
 - (a) the test is carried out in a veterinary laboratory that has been accredited by the National Association of Testing Authorities, Australia for such testing, and:
 - (i) the test is performed in accordance with the Australian and New Zealand Standard Diagnostic Procedure for Transmissible Spongiform Encephalopathies (to the extent that the standard procedure relates to BSE), issued by the Sub-Committee on Animal Health Laboratory Standards of the Animal Health Committee in October 2003, and
 - (ii) the results of the test are released by a veterinary pathologist, or
 - (b) the test is carried out for diagnostic purposes and the Chief Veterinary Officer has approved:
 - (i) the diagnostic technique to be used, and
 - (ii) the laboratory at which the testing will be conducted, and
 - (iii) the person or persons who will be conducting the testing, or
 - (c) the test is carried out for research or training purposes and:
 - (i) the research or training has been approved by the Chief Veterinary Officer, and

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- (ii) the research or training is to be conducted by a person or class of persons approved by the Chief Veterinary Officer.

Maximum penalty: 100 penalty units.

- (2) A person must not release or otherwise publish the results of a test conducted under subclause (1) that appear to be positive or inconclusive without the approval of the Chief Veterinary Officer.

Maximum penalty: 100 penalty units.

- (3) For the purpose of this section, a person is taken to have tested, or attempted to test, stock for BSE if the person has conducted any test that may be used to determine if stock has, or may have, BSE.

[4] Clause 12 Definitions

Omit the definition of *district registrar* from clause 12. Insert instead:

district registrar means:

- (a) the manager, executive officer or administrative officer of the board for the district concerned (or the person who is for the time being acting in the capacity of the manager, executive officer or administrative officer of the board), or
- (b) any person appointed by the board to exercise any or all of the functions of the district registrar of the board.

[5] Clause 19 Definitions

Insert “, and includes carcasses of cattle” after “cattle” in the definition of *identifiable stock* in clause 19 (1).

[6] Clause 19 (1), definition of “relevant information”

Omit paragraph (e). Insert instead:

- (e) the identification code of the property where the stock was last held or of the stock and station agent who last held the stock,
- (e1) the identification code of the property where, or of the stock and station agent to whom, the stock is sent,

[7] Clause 22 Requirement to identify stock

Omit clause 22 (2) (b). Insert instead:

- (b) on arrival of the stock in New South Wales, or

[8] Clause 23

Omit the clause. Insert instead:

23 Sale, purchase or sending of stock that is required to be identified

A person must not sell, buy or send to any location any stock that is required to be identified under this Division, or cause or permit any such stock to be sold, bought or sent to any location, unless the stock is identified in accordance with clause 21.

Maximum penalty: 100 penalty units.

[9] Clause 24 Information in relation to identifiable stock—requirements applying as from 1 July 2005

Omit clause 24 (7). Insert instead:

(7) Stock slaughtered at abattoir

If any identifiable stock is sent to an abattoir, the owner or person in charge of the abattoir must, by the close of business on the next working day after the stock is slaughtered, provide the authorised administrator with:

- (a) the relevant information, and
- (b) in the case of stock more than 6 weeks old at the time it is slaughtered, other than stock slaughtered at a knackery, the weight of the carcass before chilling and after bleeding, skinning, evisceration and trimming.

[10] Clause 24 (11)

Omit the subclause.

[11] Clause 31 Purposes of registers

Insert “production and” after “in relation to the” in clause 31 (h).

[12] Clause 36 Special identifiers

Omit clause 36 (1).

[13] Clause 36 (6) and (7)

Omit clause 36 (6) and (7) (including the penalty provision). Insert instead:

- (6) A district registrar may from time to time authorise (subject to such conditions as the district registrar thinks fit), or revoke the authorisation of, persons for the purposes of subclause (2).

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- (7) A person who is for the time being so authorised:
- (a) must keep such records as the Director-General may determine, and
 - (b) must prepare such records within such time, and preserve them for such time, as the Director-General may determine, and
 - (c) if requested to do so by an inspector, produce the record for inspection, and
 - (d) must comply with the conditions, if any, of the authorisation.

Maximum penalty (subclause (7)): 100 penalty units.

[14] Clause 38 Sale and supply of approved identifiers

Omit clause 38 (1) (b). Insert instead:

- (b) the order has been endorsed by:
 - (i) the district registrar or a person authorised by the district registrar, or
 - (ii) a person authorised by the State Council, or
 - (iii) a person authorised by the Director-General, and
- (c) the person ordering the approved identifier has paid:
 - (i) in the case of an order endorsed under paragraph (b) (i) or (ii)—such fee as may be determined by the State Council, or
 - (ii) in the case of an order endorsed under paragraph (b) (iii)—such fee as may be determined by the Director-General.

[15] Clause 41 Attaching permanent identifiers to cattle already identified

Omit “stock that is” from clause 41.

Insert instead “cattle, or carcasses of cattle, that are”.

[16] Clause 42A

Insert after clause 42:

42A Selling or supplying approved identifiers that have been previously attached

A person must not, except in such circumstances as may be approved by the Director-General by order published in the Gazette, sell or supply an approved identifier, or cause or permit the sale or supply of an approved identifier, if the identifier has previously been attached to any other stock.

Maximum penalty: 100 penalty units.

[17] Clause 59 Feeding of certain material to ruminants

Omit “, or oil derived from fish or poultry” from paragraph (a) of the definition of *restricted animal material* in clause 59 (3).

[18] Clause 59 (3), definition of “restricted animal material”

Omit paragraph (b). Insert instead:

- (b) any tallow that has been used for the cooking of meat, poultry or fish (unless it has subsequently been filtered to remove all particulate matter).

[19] Clause 59 (3)

Insert in alphabetical order:

tallow means any product (including, but not limited to, a product known as tallow, yellow grease or acid oil) containing rendered fats and oils from any animal, or containing used cooking oil, being a product that complies with a specification of 2 per cent maximum moisture plus insoluble impurities.

[20] Clause 64

Insert after clause 63:

64 Nominations and elections for Board of Tick Control

Schedule 2 has effect.

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Schedule 1 Amendments

[21] Schedule 1 Penalty notice offences

Insert in appropriate order in the matter under the heading “**Offences under this Regulation**”:

Clause 10A	\$550
Clause 42A	\$550

[22] Schedules 2 and 3

Insert after Schedule 1:

Schedule 2 Nominations and elections for Board of Tick Control

(Clause 64)

Part 1 Preliminary

1 Definitions

(1) In this Schedule:

calling of nominations, in relation to the appointment of the PSA member, means the date on which notice is first published in respect of that appointment under clause 4 of this Schedule.

calling of the ballot for an election means the date on which a notice is first published for the election under clause 22 of this Schedule.

calling of the election for an election means the date on which notice is published for the election under clause 13 of this Schedule.

close of enrolments for an election means the final time and date fixed by the returning officer for the close of enrolments in the election.

close of nominations means:

- (a) in relation to the appointment of the PSA member, the final time and date fixed by the returning officer for the close of nominations for that appointment, or
- (b) in relation to the election of a stock owner member, the final time and date fixed by the returning officer for the close of nominations for the election.

close of the ballot for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

close of the exhibition of the roll for an election means the final time and date fixed by the returning officer for the close of exhibition of the roll.

election means an election conducted for the purpose of appointing one or more stock owner members.

final roll for an election means the roll prepared by the returning officer under Division 5 of Part 3 of this Schedule.

preliminary roll for an election means the roll provided to the returning officer under clause 21 of this Schedule.

PSA means the Public Service Association of New South Wales.

PSA member means the member of the Board appointed under section 5 (5) (b) of the Act.

Public Sector Notices means any document titled “Public Sector Notices” published under the authority of the Government.

returning officer means:

- (a) the Electoral Commissioner for New South Wales, or
- (b) a person nominated by the Electoral Commissioner for the purpose of exercising the functions of a returning officer.

Secretary means the Secretary of the Board of Tick Control.

stock owner member means a member of the Board appointed under section 5 (5) (c) of the Act.

temporary employee means a person employed under section 24 or 27 of the *Public Sector Employment and Management Act 2002*.

- (2) In this Schedule, a reference to a Form is a reference to a form set out in Schedule 3.

Part 2 Nominations

Division 1 Preliminary

2 Nomination of member to represent PSA

The PSA member is to be nominated in accordance with this Part.

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3 Prescribed qualifications

A person has the prescribed qualifications for the purposes of the nomination of the PSA member if the person:

- (a) is employed in the Department of Primary Industries (other than a temporary employee), and
- (b) exercises functions, in relation to the control and eradication of cattle tick, conferred or imposed on the person by or under the Act, and
- (c) is a member of the PSA.

Division 2 Calling of nominations

4 Notice of proposed appointment

- (1) Whenever a PSA member is required to be appointed, the Secretary must cause notice of that fact to be published in the Public Sector Notices.
- (2) The notice:
 - (a) must specify that a PSA member is required to be appointed, and
 - (b) must call for nominations of candidates, and
 - (c) must fix the time and date for the close of nominations, and
 - (d) must advise where nomination forms may be obtained and where nominations may be lodged, and
 - (e) must specify the qualifications that qualify a person to nominate a candidate.
- (3) The date fixed for the close of nominations must not be earlier than 21 days, or later than 28 days, after the date on which the notice is first published.

5 Postponement of close of nominations

- (1) The Secretary may postpone the close of nominations for a period not exceeding 14 days by a notice similar to, and published in the same manner as, the notice calling for the nomination of candidates.
- (2) The power conferred on the Secretary by this clause may be exercised more than once in respect of a proposed appointment.

Division 3 Nominations**6 Qualifications for nominating candidates**

A person is qualified to nominate a candidate for appointment as the PSA member if the person has the prescribed qualifications.

7 Eligibility for nomination

A person is eligible for nomination as a candidate for appointment as the PSA member if the person has the prescribed qualifications.

8 Nomination of candidates

- (1) The nomination of a candidate:
 - (a) must be in Form 1, and
 - (b) must be made by at least 2 persons (other than the candidate) who each have the prescribed qualifications, and
 - (c) must be lodged with the Secretary before the close of nominations.
- (2) If the Secretary is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the Secretary must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) A candidate who has been nominated for appointment may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the Secretary.

9 Selection of members

In the appointment of the PSA member, the member to be appointed must be selected by the PSA from the persons duly nominated as at the close of nominations.

Part 3 Elections**Division 1 Preliminary****10 Election of members to represent stock owners**

The stock owner members are to be elected, one for each electoral district, in accordance with this Part.

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11 Prescribed qualifications

A person has the prescribed qualifications for the purposes of the election of a stock owner member if:

- (a) on the date fixed for the close of nominations for the election, or at any time during the 12 months before that date, the person owned cattle kept within the electoral district to which the election relates, and
- (b) at any time during the 18 months before the date fixed for the close of nominations for the election, the person paid an animal health rate (or such instalments of the rate as were due and payable) levied on the person under the *Rural Lands Protection Act 1998* in respect of cattle kept within the electoral district to which the election relates.

12 Constitution of electoral districts

- (1) There are to be 6 electoral districts.
- (2) The Minister may, by order published in the Gazette, constitute an electoral district and may, by the same order or by a further order so published, give a name to the electoral district.
- (3) An order by which an electoral district is constituted must describe the land comprised in the electoral district.
- (4) An order that was in force under clause 14 of the *Stock Diseases (Nominations and Elections) Regulation 2000* immediately before the repeal of that Regulation is taken to be an order in force under this Schedule.

Division 2 Calling of the election

13 Notice of election

- (1) As soon as practicable after having been notified in writing by or on behalf of the Minister that one or more stock owner members are required to be elected, the returning officer must cause notice of that fact:
 - (a) to be sent to the Secretary, and
 - (b) to be published in a newspaper circulating generally throughout the electoral district.
- (2) The notice to be sent to the Secretary:
 - (a) must state that an election is to be held for the purpose of appointing one or more stock owner members, and
 - (b) must fix a time and date for the close of nominations.

- (3) The notice to be published in the newspaper:
 - (a) must state that an election is to be held for the purpose of appointing one or more stock owner members, and
 - (b) must specify the number of members required to be appointed to represent stock owners, and
 - (c) must call for nominations of candidates, and
 - (d) must specify the time and date for the close of nominations, and
 - (e) must advise where nomination forms may be obtained and where nominations may be lodged, and
 - (f) must specify the qualifications that qualify a person to nominate a candidate.
- (4) The date fixed for the close of nominations must not be earlier than 21 days, or later than 28 days, after the date on which the notice is published in the newspaper.

14 Postponement of close of nominations

- (1) The returning officer may postpone the close of nominations for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner as, a notice calling for the nomination of candidates.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Division 3 Nominations

15 Qualifications for nominating candidates

A person is qualified to nominate a candidate for election as a stock owner member if the person has the prescribed qualifications.

16 Eligibility for nomination

A person is eligible for nomination as a candidate for election as a stock owner member if the person has the prescribed qualifications.

17 Nomination of candidates

- (1) The nomination of a candidate:
 - (a) must be in Form 2, and

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- (b) must be made by at least 5 persons (other than the candidate) who each have the prescribed qualifications, and
 - (c) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
 - (3) For the purpose of enabling the returning officer to form an opinion as to whether a person by whom a candidate in an election has been nominated is qualified to nominate a candidate, the returning officer may require the Secretary to furnish the returning officer with such information regarding the person as the returning officer may specify.
 - (4) The Secretary must comply with such a requirement as soon as practicable.
 - (5) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

18 Uncontested elections

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to have been elected.

19 Contested elections

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

20 Candidate information sheets

- (1) At any time before the close of nominations, a candidate may submit to the returning officer a statutory declaration, in Form 3, containing information intended for inclusion in a candidate information sheet.

- (2) If more than the required number of persons have been nominated as candidates by the close of nominations, the returning officer must draw up a candidate information sheet consisting of the information contained in the statutory declarations submitted by the candidates.
- (3) In drawing up a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information contained in the candidate's statutory declaration as the returning officer considers:
 - (a) to be false or misleading, or
 - (b) to be inappropriate for inclusion in the candidate information sheet, or
 - (c) to exceed the maximum amount of information that is suitable for inclusion in the candidate information sheet.
- (4) If a candidate does not submit a statutory declaration to the returning officer, the returning officer may, in drawing up a candidate information sheet, include in the sheet in respect of the candidate the words "NO INFORMATION RECEIVED".
- (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.

Division 4 Calling of the ballot

21 Preparation of preliminary roll

- (1) As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be held in respect of an election, the returning officer must cause notice of that fact to be sent to the Secretary.
- (2) The Secretary must provide the returning officer with:
 - (a) in the case of an election of one or more members to represent stock owners, a preliminary roll of the persons who, in the opinion of the Secretary, are qualified to vote in the election, and
 - (b) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.

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- (3) The preliminary roll:
 - (a) must contain the names (consecutively numbered and listed in alphabetical order) and addresses of the persons whose names are included in the roll, and
 - (b) must be certified by the Secretary in accordance with Form 4.
- (4) This clause does not apply to an election held as a consequence of an earlier election that has failed if a preliminary roll for the earlier election has already been provided to the returning officer.

22 Notice of ballot

- (1) As soon as practicable after receiving the preliminary roll for the election, the returning officer:
 - (a) must cause notice that a ballot is to be held to be published in a newspaper circulating generally throughout the electoral district, and
 - (b) must cause copies of the preliminary roll to be exhibited for public inspection for at least 14 days (ending at the close of the exhibition of the roll) at a place specified in the notice as a place where the roll will be exhibited.
- (2) The notice:
 - (a) must state that a ballot is to be held, and
 - (b) must fix a time and date for the close of exhibition of the roll, and
 - (c) must fix a time and date for the close of enrolments, and
 - (d) must fix a time and date for the close of the ballot, and
 - (e) must advise where copies of the preliminary roll will be exhibited, and
 - (f) must specify the qualifications that qualify a person to vote, and
 - (g) must state that only a natural person who is not already enrolled (and who will not be enrolled in some other capacity) on the roll may be nominated as the representative on the roll of a corporation, partnership, trustee or legal personal representative of a person or the estate of a person, and
 - (h) must advise where applications for enrolment and objections against enrolment may be lodged.
- (3) The close of the exhibition of the roll must be no earlier than 14 days after the calling of the ballot.

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- (4) The close of the ballot must be no earlier than 28 days after the calling of the ballot.
 - (5) The close of enrolments must be no earlier than the close of exhibition of the roll and no later than 14 days before the close of the ballot.

23 Postponement of ballot

- (1) The returning officer may postpone (for a period not exceeding 14 days) the close of the exhibition of the roll, the close of enrolments or the close of the ballot by a notice published in the same way as the notice stating that a ballot is to be held.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Division 5 Preparation of the final roll**24 Qualifications for voting**

- (1) A person is qualified to vote in an election if the person has the prescribed qualifications.
- (2) This clause does not entitle a person (whether in his or her own capacity or in his or her capacity as the representative of some other person):
 - (a) to vote more than once in any election, or
 - (b) to vote in 2 or more elections if elections are being held simultaneously in different electoral districts.

25 Enrolment of representatives of stock owners

- (1) If, in the opinion of the returning officer, cattle are owned and an animal health rate has been paid:
 - (a) on behalf of a corporation—the corporation may be taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election only if a nominee of the corporation is enrolled, or has applied for enrolment, in that roll as a representative of the corporation, or
 - (b) on behalf of a partnership—the partnership may be taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election only if at least one nominee (but not more than 2 nominees) of the partnership is or are enrolled, or applies or apply for enrolment, in that roll as a representative or representatives of the partnership, or

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- (c) by trustees or by legal personal representatives (whether as agents, administrators or executors or otherwise) on behalf of a person or the estate of a person—the person or estate may be taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election if a nominee of those trustees or representatives is enrolled, or applies for enrolment, in that roll as the representative of the person or estate.
- (2) A nominee of a corporation, partnership, person or estate does not need to have the prescribed qualifications but must be a natural person who is not already enrolled in the relevant final roll for the election in some other capacity.
- Note.** For example, a person is not eligible to be nominated as the representative of a corporation if the person is already enrolled as the representative of another corporation, or if the person is already enrolled as a stock owner in his or her own right. A nominee must be an individual, not a body corporate or other legal entity.
- (3) A representative of a corporation, partnership, person or estate is taken to be a stock owner for the purposes of enrolment and of any election in which the corporation, partnership, person or estate is qualified to vote.
- (4) In this clause, a reference to a *partnership* includes a reference to any group of persons who, in the opinion of the returning officer, are engaged in a single enterprise in raising cattle.
- (5) In forming such an opinion in respect of a group of persons, the returning officer may ignore the existence of any legal entity that consists of or includes persons who form part of the group.

26 Applications for enrolment

- (1) A person whose name does not appear on the preliminary roll for an election may apply for enrolment in the final roll for the election.
- (2) The application must be in Form 5 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
- if satisfied that the applicant is qualified to vote, must accept the application and enter the name and address of the applicant in the relevant final roll, or
 - if not so satisfied, must reject the application and inform the applicant in writing that the application has been rejected, or

- (c) if the application is not in the proper form or is incomplete, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

27 Objections to enrolment

- (1) Before the close of enrolments, the returning officer and any person who is qualified to vote in an election may object to the inclusion of the name of any person in the relevant final roll.
- (2) An objection:
 - (a) must be in Form 6, and
 - (b) must state the grounds on which the objection is made, and
 - (c) must be signed by the objector, and
 - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent to that person.
- (5) The returning officer must consider each objection, and any reply received within that 14-day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or reject an objection.
- (7) If the returning officer accepts an objection, the returning officer must exclude from the relevant final roll for the election the name of the person to whom the objection relates and must inform that person and the objector, in writing, that the name is so excluded.
- (8) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
- (9) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

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28 Postponement of ballot not to affect final roll

The validity of the final roll for an election is not affected by the postponement of the close of the ballot by a notice published after the close of the roll, and the roll remains the final roll for the election.

Division 6 The ballot

29 Printing of ballot-papers

- (1) As soon as practicable after the close of enrolments in an election, the returning officer:
 - (a) must determine the order in which the candidates' names are to be listed on a ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and
 - (b) must cause sufficient ballot-papers to be printed to enable a ballot-paper to be sent to each person included in the final roll for the election, and
 - (c) if a candidate information sheet has been drawn up, must cause sufficient copies to be printed so that a copy may be sent to each person included in that roll.
- (2) A ballot-paper for an election must contain:
 - (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and
 - (b) if the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
 - (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that:
 - (a) the voter must record a vote for at least the number of candidates to be elected by placing consecutive numbers (beginning with the number "1" and ending with the number equal to the number of candidates to be elected) in the squares set opposite their names in the order of the voter's preferences for them, and

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- (b) the voter may, but is not required to, vote for additional candidates by placing consecutive numbers (beginning with the number next higher than the number of candidates to be elected) in the square set opposite their names in the order of the voter's preferences for them.

30 Distribution of ballot-papers

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send to each person included in the final roll for the election:

- (a) a ballot-paper initialled by the returning officer (or by a person authorised by the returning officer) or that bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, and
- (b) an unsealed reply-paid envelope addressed to the returning officer and bearing on the back the words "NAME AND ADDRESS OF VOTER" and "SIGNATURE OF VOTER", together with appropriate spaces for the insertion of a name, address and signature, and
- (c) if applicable, a candidate information sheet.

31 Duplicate ballot-papers

- (1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot-paper and envelope if the voter satisfies the returning officer by statutory declaration:
 - (a) that the original ballot-paper has been spoiled, lost or destroyed, and
 - (b) that the voter has not already voted in the election to which the ballot-paper relates.
- (2) The returning officer must maintain a record of all duplicate ballot-papers issued under this clause.

32 Recording of votes

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must place the completed ballot-paper (folded so that the vote cannot be seen) in the envelope addressed to the returning officer, and
- (c) must seal the envelope, and

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- (d) must complete the person's full name and address on, and must sign, the back of the envelope, and
- (e) must return the envelope to the returning officer so as to be received before the close of the ballot.

Division 7 The scrutiny

33 Receipt of ballot-papers

- (1) The returning officer must reject (without opening it) any envelope purporting to contain a ballot-paper if the envelope is not received before the close of the ballot or is received unsealed.
- (2) The returning officer must examine the name on the back of the envelope and, without opening the envelope:
 - (a) must accept the ballot-paper in the envelope and draw a line through the name on the roll that corresponds to the name on the back of the envelope, if satisfied that a person of that name is included in the relevant final roll for the election, or
 - (b) must reject the ballot-paper in the envelope, if not so satisfied or if a name, address or signature does not appear on the back of the envelope.
- (3) The returning officer may reject a ballot-paper in an envelope without opening the envelope if, after making such inquiries as the returning officer thinks fit:
 - (a) the returning officer is unable to identify the signature on the back of the envelope, or
 - (b) it appears to the returning officer that the signature on the back of the envelope is not the signature of the person whose name and address appear on the back of the envelope.

34 Ascertaining result of ballot

The result of a ballot must be ascertained by the returning officer as soon as practicable after the close of the ballot.

35 Scrutineers

Each candidate in a ballot is entitled to appoint, by notice in writing, a scrutineer to represent the candidate at all stages of the scrutiny.

36 Scrutiny of votes

- (1) The scrutiny of votes in a ballot is to be conducted as follows:
 - (a) the returning officer must produce unopened the envelopes containing the ballot-papers accepted for scrutiny,
 - (b) the returning officer must then open each such envelope, extract the ballot-paper and (without unfolding it) place it in a locked ballot-box,
 - (c) when the ballot-papers from all the envelopes so opened have been placed in the ballot-box, the returning officer must then unlock the ballot-box and remove the ballot-papers,
 - (d) the returning officer must then examine each ballot-paper and reject those that are informal,
 - (e) the returning officer must then proceed to count the votes and ascertain the result of the election.
- (2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal:
 - (a) if it is neither initialled by the returning officer (or by a person authorised by the returning officer in that behalf) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or
 - (b) if it has on it any mark or writing which the returning officer considers could enable any person to identify the voter who completed it, or
 - (c) if it has not been completed in accordance with the directions shown on it.
- (3) A ballot-paper must not be rejected as informal:
 - (a) merely because there is any mark or writing on it that is not authorised or required by this Regulation (not being a mark or writing referred to in subclause (2) (b)) if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper, or
 - (b) if the voter has recorded a vote by placing in one square the number "1":
 - (i) merely because the same preference (other than a first preference) has been recorded on the ballot-paper for more than one candidate, or
 - (ii) merely because there is a break in the order of preferences recorded on the ballot-paper.

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37 Counting of votes

In any election:

- (a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Seventh Schedule to the *Constitution Act 1902*, and
- (b) for the purpose of applying the provisions of that Part to any such election, a reference in those provisions to the returning officer is to be read as a reference to the returning officer under this Schedule.

38 Notice of result of election

As soon as practicable after a candidate in an election has been elected, the returning officer must notify the Minister and the Secretary, in writing, of the name of the candidate elected.

Division 8 General

39 Decisions of returning officer final

If the returning officer is permitted or required by the Act or this Schedule to make a decision on any matter relating to the taking of a ballot in an election, the decision of the returning officer on that matter is final.

40 Death of a candidate

If a candidate dies after the close of nominations and before the close of the ballot:

- (a) the returning officer is to cause notice of the death to be published in the Gazette, and
- (b) all proceedings taken after the Minister notified the returning officer that the election was required to be held are of no effect and must be taken again.

41 Offences

A person must not:

- (a) vote, or attempt to vote, more than once in any election, or
- (b) vote, or attempt to vote, in an election in which the person is not entitled to vote, or
- (c) make a false or wilfully misleading statement (not being a statement verified by statutory declaration):
 - (i) to the returning officer in connection with an election, or

(ii) in any document that the person furnishes for the purposes of an election, or

(d) apply for enrolment in respect of an election in respect of which the person is already enrolled.

Maximum penalty: 5 penalty units.

42 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Stock Diseases (Nominations and Elections) Regulation 2000* by the *Stock Diseases (General) Amendment Regulation 2005*, had effect under that Regulation is taken to have effect under the corresponding provision of this Schedule.

Schedule 3 Forms

(Schedule 2, clause 1 (2))

Form 1 Nomination of candidate for appointment as the PSA member

(Schedule 2, clause 8 (1) (a))

(Stock Diseases Act 1923)

We hereby nominate [*name in full*] of [*postal address*] as a candidate for appointment to the Board of Tick Control as the PSA member.

We declare that we are each qualified to make this nomination.

[*Name in full*], [*address*], [*signature*]

Note. This nomination must be completed by 2 or more persons (other than the candidate), each of whom is qualified to nominate a candidate in accordance with clause 8 of Schedule 2 to the *Stock Diseases Regulation 2004*.

I, [*name*] hereby consent to being a candidate for appointment to the Board of Tick Control.

Postal address:

Postcode:

Telephone No:

Date of birth:

Dated:

Signed:

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Form 2 Nomination of candidate for election as a stock owner member

(Schedule 2, clause 17 (1) (a))

(Stock Diseases Act 1923)

We hereby nominate [*name in full*] of [*postal address*] as a candidate for election to the Board of Tick Control as a stock owner member.

We declare that we are each qualified to make this nomination.

[*Name in full*], [*address*], [*signature*]

Note. This nomination must be completed by 5 or more persons (other than the candidate), each of whom is qualified to nominate a candidate in accordance with clause 17 of Schedule 2 to the *Stock Diseases Regulation 2004*.

I, [*name*] hereby consent to being a candidate for election to the Board of Tick Control.

Postcode:

Telephone No:

Postal address:

Date of birth:

Dated:

Signed:

Form 3 Statutory declaration

(Schedule 2, clause 20 (1))

(Stock Diseases Act 1923)

I, [*name*] of [*address*] do solemnly and sincerely declare that:

- 1 My full name is:
- 2 My residential address is:
- 3 My date of birth is:
- 4 I am self-employed*/employed by*:
as [*specify nature of employment*]:
- 5 I hold the following qualifications (academic/trade/professional):
- 6 I am a member of the following organisations:
- 7 (See Note)

**Strike out whichever does not apply*

Note. A candidate may include further information relating to the candidacy. The information should not exceed 100 words.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at [*place*], [*date*]

[*Signature*]

Before me:

[*Justice of the Peace*]

Form 4 Certificate

(Schedule 2, clause 21 (3) (b))

(Stock Diseases Act 1923)

I certify that this roll contains the names (consecutively numbered and listed in alphabetical order) and addresses of those persons who in my opinion are entitled to vote in the election for which this roll has been prepared.

The first and last entries in the roll are as follows:

First entry:

No:

Name:

Address:

Last entry:

No:

Name:

Address:

Dated:

Signed:

Form 5 Application for enrolment

(Schedule 2, clause 26 (2))

(Stock Diseases Act 1923)

Surname:

Given names:

Postal address:

Postcode:

Telephone No:

I hereby apply to be enrolled as a stock owner:

(a) *in my own right, or

(b) *as a nominee of another person

**Strike out whichever does not apply*

Particulars of the person or persons for whom I am a nominee are as follows:

Name:

Postal address:

I declare that I am*/the person I represent is* entitled to enrol in accordance with clause 25 of Schedule 2 to the *Stock Diseases Regulation 2004*.

I further declare that, to the best of my knowledge, the information contained in this application is true.

Dated:

Signed:

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Form 6 Objection to enrolment

(Schedule 2, clause 27 (2))

(Stock Diseases Act 1923)

I hereby object to the inclusion in the final roll for the following election:

[*specify the election to which the objection relates*]

of the name of [*name in full*] of [*address*]

This objection is based on the following grounds:

[*specify the grounds of the objection*]

Name of objector:

Postal address:

Postcode:

Telephone No:

Dated:

Signed:

BY AUTHORITY
