

# STATUTORY RULES.

1963. No. 124.

## REGULATIONS UNDER THE CANNED FRUITS EXPORT MARKETING ACT 1963.\*

**W**HEREAS section 2 of the *Canned Fruits Export Marketing Act* 1963 provides that that Act shall come into operation on a date to be fixed by Proclamation:

And whereas a date has not yet been fixed in pursuance of that section:

And whereas section 4 of the *Acts Interpretation Act* 1901-1963 reads as follows:—

“4. When an Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make grant or issue any instrument (including any rules regulations or by-laws), to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act for the purpose of bringing the Act into operation at the commencement thereof.

Provided that any instrument made under the power shall not, unless the contrary intention appears in the Act or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.”:

And whereas the *Canned Fruits Export Marketing Act* 1963 confers on the Governor-General power to make regulations for the purposes of that Act:

And whereas, for the purpose of bringing that Act into operation at the commencement thereof, it is necessary to make the following Regulations, and for those Regulations to come into operation, before that Act comes into operation:

Now therefore I, The Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Canned Fruits Export Marketing Act* 1963.

Dated this *twenty-second*  
day of *November*, 1963.

DE L'ISLE  
Governor-General.

By His Excellency's Command,

(sgd.) C. F. ADERMANN

Minister of State for Primary Industry.

## CANNED FRUITS EXPORT MARKETING (ELECTION OF BOARD) REGULATIONS.

### PART I.—PRELIMINARY.

1. These Regulations may be cited as the Canned Fruits Export Marketing (Election of Board) Regulations.

\* Notified in the *Commonwealth Gazette* on *28<sup>th</sup> November*, 1963.  
11649/63.—PRICE 8D.

9/14.11.1963.

2. These Regulations shall come into operation on the *29th* day of *November*, 1963. Commence-  
ment.

3. These Regulations are divided into Parts, as follows:— Parts.

- Part I.—Preliminary (Regulations 1-6).
- Part II.—Rolls (Regulations 7-9).
- Part III.—Nominations (Regulations 10-16).
- Part IV.—Voting (Regulations 17-23).
- Part V.—Scrutiny (Regulations 24-36).
- Part VI.—Disputed Elections (Regulations 37-42).
- Part VII.—Miscellaneous (Regulations 43-48).

4.—(1.) In these Regulations, unless the contrary intention appears— Interpretation.

“candidate” means a candidate validly nominated for election as a member of the Board;

“election” means an election held for the purposes of paragraph (b), paragraph (c) or paragraph (d) of sub-section (1.) of section 7 of the Act;

“member” or “member of the Board” means a member of the Board referred to in paragraph (b), paragraph (c) or paragraph (d) of sub-section (1.) of section 7 of the Act;

“poll” means a poll taken in pursuance of these Regulations;

“roll” means a roll prepared and maintained in pursuance of these Regulations;

“the Act” means the *Canned Fruits Export Marketing Act 1963*;

“voter” means a person authorized to vote on behalf of a cannery at an election.

(2.) Where a person, being an individual, is—

(a) the owner, or one of the owners, of a cannery; or

(b) a director or an officer of a body corporate that is the owner, or one of the owners, of a cannery,

the person shall, for the purposes of these Regulations, be deemed to be connected with the cannery.

(3.) For the purposes of these Regulations, where two or more canneries are owned by the same person or persons, those canneries shall be deemed to be one cannery.

(4.) In these Regulations, a reference to a Form by number shall be read as a reference to the Form so numbered in the Schedule to these Regulations.

5.—(1.) The Chief Electoral Officer for the Commonwealth is the Returning Officer for the purposes of an election. Returning Officer.

(2.) The Returning Officer may, for the purposes of an election, appoint such Deputy Returning Officers as he considers necessary.

(3.) A Deputy Returning Officer may, subject to any directions he may receive from the Returning Officer, exercise all the powers and perform all the functions of the Returning Officer, and the exercise of a power or the performance of a function by a Deputy Returning Officer shall be deemed to be the exercise of a power or the performance of a function by the Returning Officer.

6. An election shall be held as and when required for the purpose Elections. of constituting the Board in the manner provided for by the Act.

PART II.—ROLLS.

7.—(1.) The Returning Officer shall prepare and maintain, or cause to be prepared and maintained—<sup>Preparation of rolls.</sup>

- (a) for the purposes of an election held for the purposes of paragraph (b) of sub-section (1.) of section 7 of the Act—a roll of co-operative canneries engaged in the production of canned fruits other than canned pineapples and canned pineapple juice;
- (b) for the purposes of an election held for the purposes of paragraph (c) of that sub-section—a roll of canneries, other than co-operative canneries, engaged in the production of canned fruits other than canned pineapples and canned pineapple juice; and
- (c) for the purposes of an election held for the purposes of paragraph (d) of that sub-section—a roll of canneries engaged in the production of canned pineapples or canned pineapple juice.

(2.) The name of a cannery shall not be placed on a roll prepared for the purposes of an election unless a claim for enrolment is received by the Returning Officer on or before the date fixed by the Minister under the next succeeding sub-regulation in relation to the election as the date on or before which claims for enrolment are to be lodged.

(3.) The Minister shall fix a date in respect of an election on or before which claims for enrolment are to be lodged and shall notify in the *Gazette* the date so fixed and the address of the Returning Officer at which claims are to be lodged.

(4.) A claim for enrolment shall be in accordance with Form 1, Form 2 or Form 3, whichever is appropriate.

(5.) A claim for enrolment shall be signed in the presence of a witness by—

- (a) in the case of a cannery owned by an individual—that individual;
- (b) in the case of a cannery owned by more than one individual—one of the individuals authorized by the other owners to sign the claim; or
- (c) in the case of a cannery owned by a body corporate—a director of the body corporate authorized to sign the claim by the board of directors of the body corporate.

8.—(1.) The person signing a claim for the enrolment of a cannery in relation to an election shall specify in the claim the name of the person authorized to vote on behalf of the cannery at the election, and the person so authorized shall furnish on the claim a specimen of his signature. Persons entitled to vote on behalf of canneries.

(2.) The authority of a person to vote on behalf of a cannery at an election may, at any time before a ballot-paper is sent to that person by the Returning Officer, be revoked by instrument in writing, and the name of another person may be specified in the instrument as the person authorized to vote on behalf of the cannery at the election, and the person so authorized shall furnish on the instrument a specimen of his signature.

(3.) An instrument under the last preceding sub-regulation shall be signed in the presence of a witness by—

- (a) in the case of a cannery owned by an individual—that individual;
- (b) in the case of a cannery owned by more than one individual—one of the individuals authorized by the other owners to sign the instrument; or
- (c) in the case of a cannery owned by a body corporate—a director of the body corporate authorized to sign the instrument by the board of directors of the body corporate.

(4.) A person who is authorized in accordance with this regulation to vote on behalf of a cannery at an election is alone entitled to vote on behalf of that cannery at the election.

9. The Returning Officer may remove from a roll the name of a cannery that has ceased to be a cannery or has ceased to be eligible for enrolment on that roll. Removal from rolls.

### PART III.—NOMINATIONS.

10. A person shall not be nominated for election as a member unless— Qualifications for nomination.

- (a) in the case of an election held for the purposes of paragraph (b) of sub-section (1.) of section 7 of the Act—he is connected with a co-operative cannery engaged in the production of canned fruits other than canned pineapples and canned pineapple juice;
- (b) in the case of an election held for the purposes of paragraph (c) of that sub-section—he is connected with a cannery, other than a co-operative cannery, engaged in the production of canned fruits other than canned pineapples and canned pineapple juice; or
- (c) in the case of an election held for the purposes of paragraph (d) of that sub-section—he is connected with a cannery engaged in the production of canned pineapples or canned pineapple juice.

11. A nomination for the election of a member shall be in accordance with Form 4 and shall be signed by at least three persons each of whom is also eligible for nomination. Method of nomination.

12.—(1.) A nomination is not valid unless—

- (a) the person nominated—
  - (i) consents in writing to act, if elected; and

Requisites for nomination.

- (ii) declares in writing that he is qualified under these Regulations for nomination;
- (b) in the case of an election held for the purposes of paragraph (b) or paragraph (c) of sub-section (1.) of section 7 of the Act—there is furnished to the Returning Officer a declaration in writing by the person nominated specifying—
  - (i) the person's place of residence; and
  - (ii) each cannery with which the person is connected; and
- (c) the nomination, the consent and declaration referred to in paragraph (a) of this sub-section and, where required, the declaration referred to in the last preceding paragraph, are received by the Returning Officer on or before the date, or the later date (if any), fixed by the Minister in pursuance of this regulation.

(2.) The Minister shall fix a date in respect of an election on or before which nominations shall be lodged, and if, at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date on or before which nominations shall be lodged, and that later date shall be substituted for the date originally fixed.

(3.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation, and the address of the Returning Officer at which nominations are to be lodged.

13. A person may give the consent and make the declaration required by paragraph (a) of sub-regulation (1.) of the last preceding regulation in the form specified at the foot of Form 4, but the Returning Officer may accept any other form of consent and declaration, whether accompanying the nomination paper or not, that he considers satisfactory.

Form of consent and declaration.

14. As soon as practicable after the date fixed by the Minister as the last date for receiving nominations, the Returning Officer shall publish in the *Gazette* the name, place of residence and occupation of each candidate.

Declaration of nominations.

15. A candidate may withdraw his consent to his nomination, at any time on or before the date fixed for receiving nominations, by lodging with the Returning Officer a notice of withdrawal signed by the candidate and witnessed by a Justice of the Peace.

Withdrawal of consent to nomination.

16.—(1.) If, in the case of an election held for the purposes of paragraph (b) or paragraph (c) of sub-section (1.) of section 7 of the Act, there are three candidates only, the Returning Officer shall, by notice in the *Gazette*, declare those candidates duly elected, but if there are more than three candidates, a poll shall be taken to decide the election.

Declaration of election where number of candidates and vacancies equal

(2.) If, in the case of an election held for the purposes of paragraph (d) of sub-section (1.) of section 7 of the Act, there is one candidate only, the Returning Officer shall, by notice in the *Gazette*, declare that candidate duly elected, but, if there are two or more candidates, a poll shall be taken to decide the election.

## PART IV.—VOTING.

17. Voting at a poll shall be carried out by post.

Voting by post.

18. The person authorized to vote on behalf of a cannery is entitled to one vote in respect of each one hundred and twenty thousand cans of canned fruits containing twenty-nine ounces, or the equivalent of that quantity of canned fruits, produced in the cannery during the year ended on the thirtieth day of June immediately preceding the date fixed for the close of the poll.

Number  
of votes.

19.—(1.) The Minister shall fix a date on which the poll shall close, and if, at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date on which the poll shall close, and that later date shall be substituted for the date originally fixed.

Date of close  
of poll.

(2.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation.

(3.) A poll closes at four o'clock in the afternoon of the day fixed by the Minister in accordance with this regulation.

20.—(1.) As soon as practicable after the date for the close of the polls is fixed, the Returning Officer shall send by post to each person entitled to vote at the election a ballot-paper, or if the voter is entitled under regulation 18 of these Regulations to more than one vote, so many ballot-papers as are equal to the number of votes to which the voter is entitled, together with an envelope bearing a form of declaration in accordance with Form 5.

Voting papers  
and form of  
declaration.

(2.) A ballot-paper may be in accordance with Form 6.

(3.) The names of the candidates shall be set out on each ballot-paper in such order and with such descriptions or additions, if any, as the Returning Officer thinks fit.

21. Before posting the ballot-paper or ballot-papers and the envelope bearing the voter's form of declaration, the Returning Officer shall, in the spaces provided for those purposes, initial the ballot-paper and insert the date fixed for the close of the poll, and in the form of declaration on the envelope he shall insert—

Particulars to  
be inserted  
in voting  
papers and  
declaration.

- (a) the Christian names in full (if known), or the initials, and the surname of the voter;
- (b) the place of residence or place of business of the voter; and
- (c) the date fixed for the close of the poll.

22.—(1.) On receipt of a ballot-paper and the envelope bearing the voter's form of declaration, the voter shall—

Manner of  
voting.

- (a) sign the declaration on the envelope in the presence of a witness;
- (b) record his vote or votes in accordance with the directions set out on the ballot-paper; and
- (c) send the envelope containing the ballot-paper or ballot-papers to the Returning Officer.

(2.) A person who witnesses the signature of a voter on the voter's form of declaration shall sign his name in the place provided for the purpose and add his address and the date on which the declaration is signed.

**23.** If a voter makes and transmits to the Returning Officer a statement in writing setting out his full name and address and stating that he has not received a ballot-paper or envelope, or that any ballot-paper or envelope received by him has been lost or destroyed, and that he has not already voted at the poll, the Returning Officer may post to the voter a ballot-paper and envelope, or a further ballot-paper and envelope, as the case may be. a Ballot-papers not received or lost or destroyed.

**PART V.—SCRUTINY.**

**24.—(1.)** The Returning Officer shall, for each election—

Ballot-box.

- (a) keep a locked and sealed ballot-box marked with the words “Australian Canned Fruits Board Ballot-Box—Ballot-papers received from Voters” and such additional words as are, in his opinion, necessary to indicate the election for which the ballot-box is to be used; and
- (b) place and keep in the ballot-box, until the scrutiny, all envelopes containing ballot-papers relating to the election received by him not later than four o'clock in the afternoon of the day fixed for the close of the poll.

(2.) Where an envelope containing a ballot-paper is posted to the Returning Officer, but the postage on the envelope is wholly unpaid or insufficiently prepaid, the Returning Officer shall refuse to accept that envelope and ballot-paper, and that envelope and ballot-paper shall be deemed not to have been received by him for the purposes of this regulation.

**25.** A ballot-paper received by the Returning Officer after four o'clock in the afternoon of the day fixed for the close of the poll shall not be admitted to the scrutiny. Ballot-papers received after close of poll.

**26.** A candidate may, by notice in writing signed by him, or by telegram, addressed to the Returning Officer and setting out the name and address of the scrutineer, appoint one scrutineer to represent him at the scrutiny. Appointment of scrutineers.

**27.** The Returning Officer shall, as soon as practicable after four o'clock in the afternoon of the day fixed for the close of the poll— Scrutiny of votes and declarations.

- (a) open the ballot-box and produce unopened all envelopes containing ballot-papers contained in the box;
- (b) examine each envelope and—
  - (i) if the declaration is, in his opinion, signed by a person who is entitled to vote at the poll (being a person who has not previously voted at the poll) and is duly attested—accept the vote for further scrutiny; or
  - (ii) if the declaration is not so signed or attested—disallow the ballot-paper without opening the envelope;

- (c) place the envelopes containing the disallowed ballot-papers in a parcel, seal the parcel, endorse it "Australian Canned Fruits Board Elections—Votes disallowed at the Preliminary Scrutiny" and add such additional words as are, in his opinion, necessary to indicate the election to which the parcel relates, and his signature and the date;
- (d) number consecutively (from one onwards on the address side of the envelope) the envelopes accepted for further scrutiny, and place them on a table before him with the address side of each envelope uppermost;
- (e) withdraw from each envelope the ballot-paper or ballot-papers contained in the envelope and, without unfolding it or them or inspecting the vote or votes or permitting any other person to do so, write on the ballot-paper or ballot-papers a number corresponding with that written on the envelope from which it was withdrawn, and then place the ballot-paper in a locked and sealed ballot-box provided for the purpose of holding ballot-papers relating to that election; and
- (f) place the envelopes in a parcel, seal the parcel and endorse it "Australian Canned Fruits Board Elections—Envelopes from which ballot-papers have been withdrawn" and add such additional words as are, in his opinion, necessary to indicate the election to which the parcel relates, and his signature and the date.

**28.—**(1.) This regulation applies to an election held for the purposes of paragraph (b) or paragraph (c) of sub-section (1.) of section 7 of the Act. Counting of votes—election for purposes of paragraph (b) or (c) of section 7 (1.) of Act.

(2.) For the purpose of counting the votes, the Returning Officer shall open the ballot-box referred to in paragraph (e) of the last preceding regulation and conduct a further scrutiny of the ballot-papers contained in the box in accordance with this regulation.

(3.) The Returning Officer shall, in the presence of persons approved by him and of such scrutineers (if any) appointed in pursuance of regulation 26 of these Regulations as attend the scrutiny, count the first preference votes given for each candidate on such of the ballot-papers as are not rejected as informal.

(4.) The first vacancy shall be filled in the following manner:—

- (a) The candidate who has received the greatest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.
- (b) If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny and the counting of the votes as follows:—
  - (i) The candidate who has received the least number of first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the continuing candidate next in order of the voter's preference.
  - (ii) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the least number of votes, and counting each of his



ballot-papers to the continuing candidate next in order of the voter's preference, shall be repeated until one candidate has received an absolute majority of votes.

(iii) The candidate who has received an absolute majority of votes shall be elected.

(5.) The second vacancy shall be filled in the following manner:—

- (a) Any candidate who is connected with a cannery with which the candidate elected under the last preceding sub-regulation is connected shall be excluded.
- (b) The Returning Officer shall then re-arrange all the ballot-papers under the names of the respective candidates (other than the elected candidate and any candidate excluded under the last preceding paragraph) in accordance with the first preferences indicated thereon, except that each ballot-paper on which a first preference for the elected candidate or for such an excluded candidate is indicated shall be placed in the parcel of the candidate next in order of the voter's preference who is not such an excluded candidate, and the Returning Officer shall then count the ballot-papers in each parcel.
- (c) If a candidate then has an absolute majority of votes, he shall be elected, but if no candidate then has an absolute majority of votes, the scrutiny shall proceed as provided in sub-paragraphs (i) and (ii) of paragraph (b) of the last preceding sub-regulation until one candidate has received an absolute majority of votes, except that, in the application of those sub-paragraphs, any reference to first preference votes shall be read as a reference to the votes counted to a candidate in pursuance of this sub-regulation.
- (d) The candidate who has received an absolute majority of votes shall be elected.

(6.) The third vacancy shall be filled in the following manner:—

- (a) Any candidate who is connected with a cannery with which the candidate elected under the last preceding sub-regulation is connected, and, if the candidates elected under sub-regulations (4.) and (5.) of this regulation are residents of the same State, any candidate who is a resident of that State, shall be excluded.
- (b) The Returning Officer shall then re-arrange all the ballot-papers under the names of the respective candidates (other than the elected candidates and any candidate excluded under paragraph (a) of the last preceding sub-regulation or under the last preceding paragraph) in accordance with the first preferences indicated thereon, except that each ballot-paper on which a first preference for an elected candidate or for such an excluded candidate is indicated shall be placed in the parcel of the candidate next in the order of the voter's preference who is not such an excluded candidate, and the Returning Officer shall then count the ballot-papers in each parcel.
- (c) The third vacancy shall then be filled in the manner provided by paragraphs (c) and (d) of the last preceding sub-regulation.

(7.) If, on any count, two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded, and if, on the final count for filling a vacancy, two candidates have an equal number of votes, the Returning Officer shall have a casting vote.

(8.) For the purposes of this regulation, a candidate may be regarded as connected with a cannery, or as a resident of a State, if it appears from the declaration furnished by him in pursuance of paragraph (b) of sub-regulation (1.) of regulation 12 of these Regulations that he is so connected or he is so resident.

(9.) In this regulation—

“absolute majority of votes” means a number of votes greater than one-half of the total number of ballot-papers other than informal ballot-papers;

“continuing candidate” means a candidate not already elected or excluded from the count.

**29.—**(1.) This regulation applies to an election held for the purposes of paragraph (d) of sub-section (1.) of section 7 of the Act.

Counting of votes—  
election for purposes of paragraph (d) of section 7 (1.) of Act.

(2.) For the purpose of counting the votes, the Returning Officer shall open the ballot-box referred to in paragraph (e) of regulation 27 of these Regulations and conduct a further scrutiny of the ballot-papers contained in the box in accordance with this regulation.

(3.) The Returning Officer shall, in the presence of persons approved by him and of such scrutineers (if any) appointed in pursuance of regulation 26 of these Regulations as attend the scrutiny, count the first preference votes given for each candidate on such of the ballot-papers as are not rejected as informal.

(4.) The candidate who has received the greatest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

(5.) If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny and the counting of the votes as follows:—

(a) The candidate who has received the least number of first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in order of the voter's preference.

(b) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the least number of votes, and counting each of his ballot-papers to the continuing candidate next in order of the voter's preference, shall be repeated until one candidate has received an absolute majority of votes.

(c) The candidate who has received an absolute majority of votes shall be elected.

(6.) If, on any count, two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded, and if, on the final count, two candidates have an equal number of votes, the Returning Officer shall have a casting vote.

(7.) In this regulation—

- “absolute majority of votes” means a number of votes greater than one-half of the total number of ballot-papers other than informal ballot-papers;
- “continuing candidate” means a candidate not excluded from the count.

**30.—**(1.) The Returning Officer shall publish in the *Gazette* notice of the result of an election and the name of the candidate or candidates elected. Declaration of result of election.

(2.) A notice of the result of an election published in the *Gazette* in pursuance of this regulation is, subject to these Regulations, conclusive evidence of the result of the election.

**31.—**(1.) At any time before notice of the result of an election is published in the *Gazette*— Recount of votes.

- (a) a candidate may (by notice in writing specifying reasons for the request) request the Returning Officer to conduct a recount of the ballot-papers; and
- (b) the Returning Officer, whether or not he receives a request in pursuance of the last preceding paragraph, may recount the ballot-papers.

(2.) If the Returning Officer refuses, at the request of a candidate made in pursuance of the last preceding sub-regulation, to conduct a recount of the ballot-papers, the candidate may appeal in writing to the Minister to direct a recount of the ballot-papers, and the Minister may, as he thinks fit, either direct a recount or refuse to direct a recount.

**32.** The Returning Officer, in conducting a recount, has the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance and admission or disallowance and rejection of a ballot-paper. Powers of Returning Officer conducting recount.

**33.** A ballot-paper is informal if—

- (a) it is not initialled by the Returning Officer;
- (b) it has no vote marked on it;
- (c) it is so imperfectly marked that the intention of the voter is uncertain; or
- (d) it is not marked in accordance with the directions on the ballot-paper.

Informal ballot-papers.

**34.** The Returning Officer shall, in respect of an election, place in separate parcels— Voting papers to be placed in parcels.

- (a) ballot-papers rejected as informal;
- (b) ballot-papers allowed or admitted; and
- (c) the copy of the roll used for the election,

and shall endorse on each parcel a description of the contents thereof, add his signature and the date, and shall retain the parcels until he authorizes the destruction of their contents.

**35.** At the expiration of six months from the date of publication of the result of an election, the Returning Officer may authorize the ballot-papers and the voters' declarations relating to the election to be destroyed. Destruction of papers.

36. A person shall not, except in accordance with these Regulations— Intruders.

- (a) wilfully intrude into a room in which an examination of voting papers is being conducted; or
- (b) refuse or fail to leave the room when requested to do so by the Returning Officer.

Penalty: Fifty pounds.

PART VI.—DISPUTED ELECTIONS.

37. A candidate at an election, or a person entitled to vote at an election, may, by petition addressed to the Minister, dispute the validity of— Right to dispute election.

- (a) the roll used for the election;
- (b) the election; or
- (c) the result, or the notice of the result, of the election

38. A petition made in pursuance of the last preceding regulation shall— Requisites of petition.

- (a) set out the facts relied on to dispute the roll, election, result or notice;
- (b) contain a prayer asking for the relief to which the petitioner claims to be entitled;
- (c) be signed by the petitioner;
- (d) be attested by two witnesses, whose occupations and addresses shall be stated; and
- (e) be presented to the Minister within thirty days after the publication in the *Gazette* of the notice of the result of the election.

39. The dispute shall be determined by the Minister in such manner as he considers fit, and the Minister may declare that— Determination of dispute.

- (a) a candidate who was returned as elected was not duly elected;
- (b) a candidate who was not returned as elected was duly elected;
- or
- (c) the election was void.

40.—(1.) Where a candidate has been returned as elected, and he is declared by the Minister under this Part not to have been duly elected, he shall cease to be a member. Effect of decision.

(2.) Where a candidate has not been returned as elected, and he is declared by the Minister under this Part to have been duly elected, he shall become a member.

(3.) If an election is declared by the Minister under this Part to be void, a new election shall be held.

41. Decisions of the Minister under this Part are final and conclusive and cannot be questioned or appealed against. Decisions to be final.

42.—(1.) The Minister shall not declare an election, the result of an election, or the notice of the result of an election, void because of— Immaterial errors not to vitiate poll or election.

- (a) any delay in taking votes or giving or publishing a notice; or
- (b) the absence, error or omission of an officer,

if the Minister is satisfied that the delay, absence, error or omission did not affect the result of the election.

- (2.) A person shall not dispute an election—
- (a) because of a defect in the title, or lack of title, of the person who acted as the Returning Officer or a Deputy Returning Officer;
  - (b) because of an error or defect in form in a statement, notice, instrument or publication made under or in pursuance of these Regulations, or purporting to be so made; or
  - (c) because an act or thing was not performed or done at or within a prescribed time.

## PART VII.—MISCELLANEOUS.

43. Where a person acting as Returning Officer or Deputy Returning Officer at an election is guilty of wilful misfeasance or of a wilful or negligent act of commission or omission contrary to these Regulations, he is guilty of an offence punishable on conviction by a fine not exceeding Fifty pounds. Misfeasance.

44. A person shall not make a false statement in a claim for enrolment, a declaration made, or in answer to a question asked, under these Regulations, or in information supplied to the Returning Officer or a Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper. Untrue statements in declarations, &c.

Penalty: Fifty pounds.

45. A person shall not witness the signature of a person to a declaration made under these Regulations unless the person acting as witness— Duty of witness.

- (a) is at least twenty-one years of age;
- (b) satisfies himself as to the identity of the person making the declaration;
- (c) has seen that person sign the declaration in his own handwriting; and
- (d) knows, or has reasonable grounds for believing, that the statements contained in the declaration are true.

Penalty: Fifty pounds.

46. A person (other than the voter to whom a ballot-paper has been issued) shall not mark or write on a ballot-paper otherwise than in accordance with these Regulations. Marks on voting papers.

Penalty: Fifty pounds.

47. A person shall not—

- (a) impersonate another person for the purpose of securing a ballot-paper or of voting at an election; Offences in connexion with polling.
- (b) fraudulently destroy or deface a ballot-paper; or
- (c) vote more than the number of times that he is entitled to vote under regulation 18 of these Regulations.

Penalty: Fifty pounds.

48. Strict compliance with the Forms in the Schedule to these Regulations is not necessary, and substantial compliance is sufficient. Forms.

## THE SCHEDULE.

FORM 1.

Regulation 7.

COMMONWEALTH OF AUSTRALIA.

*Canned Fruits Export Marketing (Election of Board) Regulations.*

## CLAIM FOR ENROLMENT OF A CO-OPERATIVE CANNERY.

Application is hereby made for the name of the \_\_\_\_\_ cannery, which is a co-operative cannery, is situated at \_\_\_\_\_ and is engaged in the production of canned fruits other than canned pineapples and canned pineapple juice, to be placed on the roll required to be prepared under paragraph (a) of sub-regulation (1.) of regulation 7 of the Canned Fruits Export Marketing (Election of Board) Regulations for the purposes of the election to be held on \_\_\_\_\_, 19 \_\_\_\_\_.

2. The production of canned fruits at the cannery during the year ended on the thirtieth day of June immediately preceding that date was not less than—

(a) one hundred and twenty thousand cans each containing twenty-nine ounces;

or

(b) the equivalent of that quantity.

Details of the production in that year are as follows:—

[Here insert details.]

3. \_\_\_\_\_ of \_\_\_\_\_, a specimen of whose signature is endorsed hereon, is authorized to vote on behalf of the cannery at the election.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Signature of witness:

Signature of owner or person authorized to sign this claim.

Address of witness:

Specimen signature of person authorized to vote on behalf of the cannery.

FORM 2.

Regulation 7.

COMMONWEALTH OF AUSTRALIA.

*Canned Fruits Export Marketing (Election of Board) Regulations.*

## CLAIM FOR ENROLMENT OF CANNERY OTHER THAN A CO-OPERATIVE CANNERY.

Application is hereby made for the name of the \_\_\_\_\_ cannery, which is a cannery other than a co-operative cannery, is situated at \_\_\_\_\_ and is engaged in the production of canned fruits other than canned pineapples and canned pineapple juice, to be placed on the roll required to be prepared under paragraph (b) of sub-regulation (1.) of regulation 7 of the Canned Fruits Export Marketing (Election of Board) Regulations for the purposes of the election to be held on \_\_\_\_\_, 19 \_\_\_\_\_.

2. The production of canned fruits at the cannery during the year ended on the thirtieth day of June immediately preceding that date was not less than—

(a) one hundred and twenty thousand cans each containing twenty-nine ounces;

or

(b) the equivalent of that quantity.

Details of the production in that year are as follows:—

[Here insert details.]

3. \_\_\_\_\_ of \_\_\_\_\_, a specimen of whose signature is endorsed hereon, is authorized to vote on behalf of the cannery at the election.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Signature of witness:

Signature of owner or person authorized to sign this claim.

Address of witness:

Specimen signature of person authorized to vote on behalf of the cannery.

## FORM 3.

Regulation 7.

COMMONWEALTH OF AUSTRALIA.

*Canned Fruits Export Marketing (Election of Board) Regulations.*CLAIM FOR ENROLMENT OF A CANNERY ENGAGED IN THE PRODUCTION  
OF CANNED PINEAPPLES OR CANNED PINEAPPLE JUICE.

Application is hereby made for the name of the \_\_\_\_\_ cannery,  
which is situated at \_\_\_\_\_ and is engaged in the production of  
canned pineapples or canned pineapple juice, to be placed on the roll required to be  
prepared under paragraph (c) of sub-regulation (1.) of regulation 7 of the Canned  
Fruits Export Marketing (Election of Board) Regulations for the purposes of the  
election to be held on \_\_\_\_\_, 19 \_\_\_\_\_.

2. The production of canned pineapples and canned pineapple juice at the cannery  
during the year ended on the thirtieth day of June immediately preceding that date  
was not less than—

- (a) one hundred and twenty thousand cans each containing twenty-nine ounces; or  
(b) the equivalent of that quantity.

Details of the production in that year are as follows:—

[Here insert details.]

3. \_\_\_\_\_ of \_\_\_\_\_, a specimen  
of whose signature is endorsed hereon, is authorized to vote on behalf of the cannery  
at the election.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Signature of witness:

Signature of owner or person authorized  
to sign this claim.

Address of witness:

Specimen signature of person authorized  
to vote on behalf of the cannery.

## FORM 4.

Regulation 11.

*Canned Fruits Export Marketing (Election of Board) Regulations.*NOMINATION FOR ELECTION OF A MEMBER OF THE AUSTRALIAN  
CANNED FRUITS BOARD TO REPRESENT

To the Returning Officer,

[Here insert address.]

We, the undersigned persons, being persons entitled to nominate a candidate for the  
forthcoming election of \_\_\_\_\_ member(s) of the Australian Canned Fruits  
Board to represent \_\_\_\_\_, hereby nominate the following person as a  
candidate for election:—

Surname of candidate—

(In block letters.)

Place of residence:

Occupation:

Signature of Nominator.	Place of Residence.	Date of Signature.	Witness to Signature.
1.			
2.			
3.			

*Canned Fruits Export Marketing (Election of Board) Regulations.*

16

I, \_\_\_\_\_ of \_\_\_\_\_, the person nominated for election above, consent to act, if elected, and declare that I am qualified under the Canned Fruits Export Marketing (Election of Board) Regulations to be nominated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature of candidate:

Signature of witness:

Address of witness:

FORM 5.

Regulation 20.

*Canned Fruits Export Marketing (Election of Board) Regulations.*

DECLARATION BY VOTER.

I, \_\_\_\_\_ of \_\_\_\_\_, declare—  
(a) that I am the person authorized to vote for the cannery at the election of the member(s) of the Australian Canned Fruits Board to represent \_\_\_\_\_ (the poll for which election closes on \_\_\_\_\_, 19 \_\_\_\_); and  
(b) that I have not previously voted at the election.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
Signature of voter.

Before me—

Signature of witness:

Address of witness:

FORM 6.

Regulation 20.

Returning Officer's initials.

*Canned Fruits Export Marketing (Election of Board) Regulations.*

BALLOT-PAPER.

ELECTION OF \_\_\_\_\_ MEMBER(S) OF THE AUSTRALIAN CANNED FRUITS BOARD TO REPRESENT \_\_\_\_\_, THE POLL FOR WHICH ELECTION CLOSES ON \_\_\_\_\_, 19 \_\_\_\_.

*Directions to Voter.*—Mark your vote on this paper by placing the numbers 1, 2, 3, 4 (and so on, as the case requires) in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them.

CANDIDATES.

<input type="checkbox"/>	.....
<input type="checkbox"/>	.....
<input type="checkbox"/>	.....
<input type="checkbox"/>	.....

FURTHER DIRECTIONS TO VOTER.

After marking your vote, fold the ballot-paper and place it in the envelope bearing your declaration (duly signed and witnessed), securely fasten the envelope, and forthwith send it, by pre-paid post or otherwise, to the Returning Officer.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.