



Statutory Rules

1980 No. 191

REGULATIONS UNDER THE WHEAT MARKETING ACT 1979¹

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Wheat Marketing Act 1979*.

Dated this twenty-eighth day of June 1980.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

PETER NIXON
Minister of State for Primary Industry

AMENDMENTS OF THE WHEAT INDUSTRY STABILIZATION (ELECTION OF BOARD) REGULATIONS²

Principal Regulations

1. In these Regulations, the Wheat Industry Stabilization (Election of Board) Regulations continued in force under sub-section 63 (2) of the *Wheat Marketing Act 1979* are referred to as the Principal Regulations.

Interpretation

2. Regulation 3 of the Principal Regulations is amended —
 - (a) by inserting after the definition of “candidate” in sub-regulation (1) the following definitions:

“ ‘Chief Electoral Officer’ means the Chief Australian Electoral Officer appointed under the *Australian Electoral Office Act 1973* or a person appointed under that Act to act in the office of Chief Australian Electoral Officer;

‘company’ means a company incorporated or deemed to be incorporated under a law in force in a State or Territory;”;

- (b) by omitting “in accordance with paragraph (b) of sub-section (3) of section 7” from the definition of “election” in sub-regulation (1) and substituting “under paragraph 29 (3) (b)”;
- (c) by omitting the definitions of “the Act”, “the Chief Electoral Officer” and “voter” from sub-regulation (1) and substituting the following definitions:
 “ ‘the Act’ means the *Wheat Marketing Act* 1979;
 ‘voter’ means —
 (a) in relation to a person (other than a company) whose name is included in a roll — that person; or
 (b) in relation to a company whose name is included in a roll — a person appointed in accordance with regulation 7 to act on behalf of that company and whose name is, under that regulation, noted on the roll beside the name of the company.”; and
- (d) by omitting sub-regulation (2) and substituting the following sub-regulation:
 “(2) A reference in these Regulations to a name of a person that is included in a roll is a reference to a name of a person that is included in the roll by virtue of regulation 6 and does not include a reference to a name of a person that under sub-regulation 7 (3) is noted on the roll.”.

Elections

- 3. Regulation 5 of the Principal Regulations is amended by omitting “7” and substituting “29”.

Preparation of rolls

- 4. Regulation 6 of the Principal Regulations is amended —
 (a) by inserting in sub-regulation (3) “(other than a company)” after “person”;
- (b) by omitting from sub-regulation (3) “may” and substituting “shall”; and
- (c) by adding at the end thereof the following sub-regulation:
 “(4) A company claiming to be entitled to have its name included in a roll of wheat growers for a State shall submit to the Deputy Returning Officer for that State a duly completed claim for enrolment in accordance with Form AA together with evidence in writing that it is a company.”.
- 5. Regulations 7 and 8 of the Principal Regulations are repealed and the following regulations substituted:

Companies to appoint representative

- “7. (1) Where the name of a company is included in a roll of wheat growers for a State for the purposes of an election, the company may appoint a person who is enrolled as an elector under Part VII of the *Commonwealth Electoral Act* 1918 (whether or not for a sub-division in the State) to act on behalf of the company in relation to that election.
- “(2) An appointment under sub-regulation (1) by a company shall —
 (a) be substantially in accordance with Part 2 and Part 4 of Form AA;
 (b) bear the seal of the company;
 (c) be signed on behalf of the company by a director or the secretary of the company;
 and

- (d) be furnished, on or before the date fixed in relation to an election by the Minister under sub-regulation 11 (2), to the Deputy Returning Officer for the State in which the election is to be held.
- “(3) Subject to these Regulations, where under sub-regulation (1) a company has appointed a person to act on its behalf, the Deputy Returning Officer shall forthwith note on the roll the name of the person so appointed beside the name of the company appearing on the roll.
- “(4) Subject to these Regulations, a person whose name is, under sub-regulation (3), noted on a roll of wheat growers for a State for the purposes of an election may —
 - (a) vote at the election on behalf of the company whose name appears on the roll and beside which his name is noted;
 - (b) nominate a person as a candidate at an election;
 - (c) be nominated as a candidate in respect of an election; and
 - (d) if elected, be appointed to represent wheat growers as a member of the Board,as if his name were, under regulation 6, included in the roll.
- “(5) A person, other than a person whose name is, under sub-regulation (3), noted on a roll for a State in relation to a company, shall not act on behalf of that company in relation to a matter referred to in paragraph (4) (a), (b), (c) or (d).
- “(6) At any time on or before the date fixed in relation to an election by the Minister under sub-regulation 11 (2), a company may, by notice in writing signed by a director or secretary of the company, witnessed by a Justice of the Peace and furnished to the Deputy Returning Officer, revoke an appointment made by the company under sub-regulation (1).
- “(7) Subject to these Regulations, where a company has, under sub-regulation (6), revoked an appointment made by it under sub-regulation (1), it may make another appointment under sub-regulation (1).

Enrolment

- “8. (1) The Deputy Returning Officer shall not include the name of a person (other than a company) in the roll of wheat growers for a State for the purposes of an election unless that person is enrolled as an elector under Part VII of the *Commonwealth Electoral Act* 1918 (whether or not for a sub-division in the State).
- “(2) Where under sub-regulation 6 (4) a Deputy Returning Officer has received from a company a claim to have its name included in a roll and he does not note on the roll the name of a person appointed, under sub-regulation 7 (1), to act on behalf of the company, he shall forthwith, by instrument in writing, notify that company of his reason for not noting that name on the roll.
- “(3) Where the name of a person (other than a company), who is not enrolled as an elector under Part VII of the *Commonwealth Electoral Act* 1918, is included in a roll of wheat growers for a State or noted under sub-regulation 7 (3) on such a roll, the Deputy Returning Officer shall remove that name from the roll.
- “(4) Where under sub-regulation (3) a Deputy Returning Officer removes from a roll a name noted under sub-regulation 7 (3) on the roll, he shall forthwith, by instrument in writing, notify the company which appointed that person under sub-regulation 7 (1) to act on its behalf of his reason for removing that name from the roll.

- “(5) Where, under sub-regulation 7 (6), a company has revoked an appointment of a person made under regulation 7, the Deputy Returning Officer shall remove the name of the person from the roll on which, by virtue of that appointment, it was noted.
- “(6) Where, under sub-regulation (2) or (4), a Deputy Returning Officer is required to notify a company of a matter, the notice may be sent by post to the address of the company, being the address referred to in Part 1 of the claim for enrolment that was submitted under sub-regulation 6 (4) by the company to the Deputy Returning Officer.

Persons entitled to vote at an election

- “8A. A person is entitled to vote at an election if he is —
- (a) a person (other than a company) whose name is, under regulation 6, included in the roll for a state for the purposes of that election; or
 - (b) a person whose name is, under sub-regulation 7 (3), noted on the roll for a State for the purposes of that election.”.

Qualifications of candidates

6. Regulation 9 of the Principal Regulations is amended by omitting paragraph (a) and substituting the following paragraph:
- “(a) his name —
- (i) is included in the roll for that State; or
 - (ii) is, under sub-regulation 7 (3), noted on the roll for that State;”.

Scrutiny of votes and declarations

7. Regulation 27 of the Principal Regulations is amended by omitting from paragraph (b) “whose name is on the roll” and substituting “whose name is included in the roll for that election, or whose name is, under sub-regulation 7 (3), noted on the roll,”.

The Schedule

8. The Schedule to the Principal Regulations is amended —
- (a) by omitting from the heading to Form A “GROWER.” and substituting “GROWER (OTHER THAN A COMPANY)”;
 - (b) by omitting from Form A “placed on” and substituting “included in”;
 - (c) by inserting after Form A the following form:

“FORM AA

Regulations 6 and 7

COMMONWEALTH OF AUSTRALIA

Wheat Industry Stabilization (Election of Board) Regulations

CLAIM FOR ENROLMENT BY A WHEAT GROWER THAT IS A COMPANY

PART 1

Full name and postal
address of company —

PART 2

Full name and address of person
appointed under regulation 7 of
the Wheat Industry Stabilization
(Election of Board) Regulations
to act on behalf of company
described in Part 1 —

PART 3

To the Deputy Returning Officer [*here insert address*]

I, the undersigned director* *or* secretary* of the company described in Part 1 hereby claim to have the name of the company included in the roll of wheat growers for the State of _____ to enable the person named in Part 2 to vote on behalf of the company at the election of wheat growers in that State for appointment as members of the Australian Wheat Board.

I declare —

- (a) that the company is a wheat grower;
- (b) that —
 - (i) the company delivered wheat produced in the State of _____ to the Australian Wheat Board during the season that commenced on 1 October 19_____*; *or*
 - (ii) in the year that commenced on 1 January 19_____, the company sowed in the State of _____ not less than 50 acres of wheat for harvesting as grain;* and
- (c) that the statements made in this claim are true and correct in every particular.

Seal of company and
signature of
director* *or*
secretary* of
company

Date

Signature of
witness

Address of
witness

PART 4

[*to be completed by person named in Part 2*]

I (*full name and address*) consent to an act on behalf of (*insert name of company named in Part 1*) in the election of wheat growers for the State of _____ for appointment as members of the Australian Wheat Board and I declare that I am enrolled as an elector under Part VII of the *Commonwealth Electoral Act* 1918.

Signature of person
named in Part 2

Date

Signature of
witness

Address of witness

**Strike out if inapplicable*;*

- (d) by omitting Form B and substituting the following form:

“FORM B

Regulation 10

COMMONWEALTH OF AUSTRALIA

Wheat Industry Stabilization (Election of Board) Regulations

NOMINATION FOR ELECTION OF A REPRESENTATIVE OF WHEAT GROWERS FOR APPOINTMENT AS A MEMBER OF THE AUSTRALIAN WHEAT BOARD

To the Deputy Returning Officer [*here insert address*]

We, the undersigned persons who are entitled to be voters on the roll of wheat growers for the State of _____ hereby nominate the following person who is entitled to be a voter on that roll to represent, on the Australian Wheat Board, wheat growers in that State:

Full name:

Place of residence:

Occupation:

Signature of nominator	Place of residence	Date of Signature	Witness to signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

- (e) by inserting in Form D “ or that my name has been noted, under sub-regulation 7 (3), on the roll of wheat growers” after “wheat grower”; and
- (f) by omitting from Form D “*Wheat Industry Stabilization Act 1963*” and substituting “*Wheat Marketing Act 1979*”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1980.
2. Statutory Rules 1950 No. 19 as amended by Statutory Rules 1954 No. 84; 1959 No. 62; 1962 No. 66; 1965 No. 191.