

STATUTORY RULES.

1924. No. 167.

REGULATIONS UNDER THE DAIRY PRODUCE EXPORT CONTROL ACT 1924.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, do hereby make the following Regulations under the *Dairy Produce Export Control Act 1924*, to come into operation forthwith.

Dated this twelfth day of November, 1924.

FORSTER,
Governor-General.

By His Excellency's Command,
H. E. PRATTEN,
Minister of State for Trade and Customs.

DAIRY PRODUCE EXPORT CONTROL (POLL) REGULATIONS.

1. These Regulations may be cited as the Dairy Produce Export Control (Poll) Regulations. Short title.
2. In these Regulations unless the contrary intention appears— Definitions.
 - “Officer” means an Officer of Customs;
 - “the Act” means the *Dairy Produce Export Control Act 1924*;
 - “the Poll” means the Poll of producers under section 2 of the Act.
3. The Minister shall appoint an officer to be the Returning Officer for the purpose of taking the poll and the Returning Officer shall make all necessary arrangements for the conduct of the poll. Appointment of Returning Officer.
4. The Minister may, if he thinks it desirable, in order to expedite the taking of the poll appoint Deputy Returning Officers to act under the direction of the Returning Officer. Appointment of Assistant Returning Officers.
5. The Returning Officer shall arrange for the preparation in each State of a roll of producers entitled to vote at the poll in that State. List of voters to be prepared.
6. (1) The roll for each State shall be certified by the Returning Officer or a Deputy Returning Officer by writing under his hand to be correct, and when so certified shall be the roll of producers to be used for the purposes of the poll in the State to which the roll refers. Roll to be used at Poll.
(2) The roll shall be conclusive evidence of the right of the persons named therein to vote at the poll.
7. Every voter whose name appears on the roll shall be entitled to one vote only. Producers entitled to one vote only.
8. The poll shall be taken by post. Voting to be by post.

Date of Poll.

9. The date fixed for the close of the poll shall be a date fixed in that behalf by the Minister.

Voting papers and form of declaration.

10. As soon as practicable after the date for the close of the poll has been fixed, the Returning Officer or a Deputy Returning Officer shall initial and transmit by post to each producer at the postal address of the producer set out in the roll a voting paper, together with an envelope having printed thereon a form of declaration as follows:—

COMMONWEALTH OF AUSTRALIA.
DAIRY PRODUCE EXPORT CONTROL ACT 1924.
Declaration to be made by Voter.

I.....of.....declare that I am carrying on business as a supplier of milk or cream to a factory manufacturing butter or cheese and that I am entitled to vote at the poll which closes on theday of.....1924, under the provisions of the *Dairy Produce Export Control Act 1924*, and I also declare that I have not previously voted in connexion with the said poll.

Personal Signature of Voter.....

Signed before me the.....day of.....1924.

Signature of Authorized Witness.....

Address of Authorized Witness.....

Title under which witness acts as authorized witness.....

Authorized Witnesses.

The following persons are authorized witnesses namely:—The Returning Officer and all Deputy Returning Officers appointed in connexion with this Poll; all Managers, Directors and Proprietors of butter or cheese factories; ALL PERSONS ENTITLED TO VOTE AT THIS POLL; all Ministers of Religion; all Postmasters and Postmistresses and Postal Officials in charge of Post Offices; all Magistrates and Justices of the Peace; all Teachers in charge of a School; all members of the Police Force; all Legally Qualified Medical Practitioners; and all Railway Stationmasters.

Envelopes to be endorsed.

11. The envelopes containing the voting papers posted by the Returning Officer to the voters shall be endorsed with the words "Dairy Produce Export Control 'Poll' Ballot Papers."

Particulars to be inserted in voting papers and declarations.

12. Before posting the voting papers and envelopes bearing the voters' form of declaration, the Returning Officer or a Deputy Returning Officer, as the case may be, shall insert in the voting paper in the space provided for the purpose the date upon which the poll will close and shall initial the voting paper in the space provided for the Deputy Returning Officer's initials and in the form of declaration on each envelope he shall insert—

- (a) The christian name in full (if known) or the initials and surname of the person entitled to vote;
- (b) the place of residence or place of business of the person entitled to vote; and
- (c) the date upon which the poll will close.

Voter to make declaration.

13. The voter shall complete and sign with his personal signature the prescribed declaration in the presence of an authorized witness who shall sign his name in his own handwriting in the place provided for the purpose, and add the title under which he acts as an authorized witness and the date.

14. The following persons are authorized witnesses within the meaning of these Regulations:—

Authorized witnesses.

The Returning Officer and all Deputy Returning Officers appointed in connexion with the Poll; all Managers, Directors or Proprietors of butter or cheese factories; ALL PERSONS ENTITLED TO VOTE AT THE POLL; all Ministers of Religion; all Postmasters and Postmistresses and Postal Officials in charge of Post Offices; all Magistrates and Justices of the Peace; all Teachers in charge of a School; all members of the Police Force; all Legally Qualified Medical Practitioners; and all Railway Stationmasters.

15. The voting paper shall be in accordance with the following form and the voter shall record his vote in accordance with the directions thereon:—

Form of voting paper.

COMMONWEALTH OF AUSTRALIA.
DAIRY PRODUCE EXPORT CONTROL ACT 1924.
Voting Paper.



Directions to Voter—

The voter should indicate his vote as follows:—

If he is in favour of the Dairy Produce Export Control Act 1924 being brought into operation he should make a cross in the square opposite the word "Yes."

If he is not in favour of the Dairy Produce Export Control Act 1924 being brought into operation he should make a cross in the square opposite the word "No."

Question.—Are you in favour of the Dairy Produce Export Control Act 1924 being brought into operation.

YES.

NO.

Further Directions to Voter—

After marking his vote the voter should fold the voting paper and place it in the envelope bearing his declaration (duly signed and witnessed) securely fasten the envelope, and forthwith send the envelope by prepaid post or otherwise to the Returning Officer or Deputy Returning Officer to whom the envelope is addressed.

NOTE.—Unless the vote is marked on this voting paper and is received by the Returning Officer or Deputy Returning Officer at or before 4 o'clock in the afternoon of the day fixed for the close of the poll (namely the..... day of.....192), it will not be admitted to the scrutiny.

N.B.—If this voting paper is sent to the Returning Officer or Deputy Returning Officer by post the postage thereon (1½d.) must be fully prepaid otherwise the voting paper will not be accepted by the Returning Officer or Deputy Returning Officer.

16. Upon a voter making and transmitting to the Returning Officer or Deputy Returning Officer a statutory declaration that he has not received a voting paper or that it has been destroyed, and that he has not already voted, the Returning Officer or Deputy Returning Officer may, at any time before three o'clock in the afternoon of the day next preceding the day fixed for the close of the poll, issue a second or duplicate voting paper to any voter who has not received a voting paper or whose original voting paper has miscarried or has been destroyed.

Duplicate voting papers.

17. The Returning Officer and each Deputy Returning Officer shall keep a locked and sealed ballot-box with the words "Export Dairy Control Ballot Box", "Voting Papers received from Voter", marked thereon and shall place and keep therein until the scrutiny all envelopes containing voting papers received by him on or before the date fixed for the close of the poll.

18. (1) No voting paper received by the Returning Officer or a Deputy Returning Officer after four o'clock in the afternoon of the day fixed for the close of the poll shall be admitted to the scrutiny.

(2) No voting paper sent by post to the Returning Officer or a Deputy Returning Officer shall be accepted by the Returning Officer or Deputy Returning Officer unless the postage on the voting paper has been fully prepaid.

19. The Minister may appoint from persons nominated by associations of producers not more than four scrutineers to represent the producers at the scrutiny.

20. The Returning Officer and the Deputy Returning Officers who have received voting papers shall at four o'clock on the afternoon of the last day for the receipt of voting papers:—

- (a) open the ballot-box and produce unopened all envelopes containing voting papers received by them up to the said hour;
- (b) examine each envelope, and if the declaration is in the opinion of the Returning Officer or Deputy Returning Officer, signed by the voter and is duly attested accept the vote for further scrutiny but if not so signed and attested disallow the voting paper without opening the envelope;
- (c) place the envelopes containing the disallowed voting papers in a parcel, seal the parcel, and endorse it "Export Dairy Control Poll Votes rejected at Preliminary Scrutiny" and add his signature and the date.
- (d) number consecutively from one upwards, and initial each envelope accepted for further scrutiny on the address side thereof, and place it on a table before him so that the address side only shall be visible.
- (e) withdraw from each envelope each voting paper contained therein and without unfolding it or inspecting the vote or permitting any other person to do so place thereon a number corresponding with that placed on the envelope from which it was withdrawn, initial the number, and forthwith deposit it in a locked and sealed ballot-box for further scrutiny; and
- (f) place the envelopes in a parcel, seal the parcel, and endorse it "Export Dairy Control Poll Envelopes from which voting papers have been withdrawn", and add his signature and the date.

Voting papers to be kept in ballot-box until scrutiny.

Voting paper received after close of poll or on which postage not fully prepaid.

Appointment of scrutineers.

Scrutiny of votes of declarations.

21. At the further scrutiny the Returning Officer or the Deputy Returning Officer shall open the ballot-box referred to in the last preceding paragraph, examine and count the votes, and make out and sign a written statement, containing the number (in words as well as figures) of votes—

Counting
of votes.

- (a) in favour of the *Dairy Produce Export Control Act 1924* being brought into operation;
- (b) not in favour of the *Dairy Produce Export Control Act 1924* being brought into operation; and
- (c) rejected as informal.

22. A voting paper shall be informal if—

Informal
voting papers.

- (a) it is not initialled by the Returning Officer or the Deputy Returning Officer;
- (b) it has no vote marked on it;
- (c) it has more than one vote marked on it; or
- (d) it is so imperfectly marked that the intention of the voter is uncertain.

23. The Deputy Returning Officers shall forthwith after they have ascertained the result of the scrutiny of the voting papers received by them, telegraph the result to the Returning Officer and post to him the statement referred to in Regulation 21 of these Regulations.

Result to be
telegraphed.

24. (1) Upon the receipt of the telegraphed result from the Deputy Returning Officers, the Returning Officer shall forthwith make out a statement showing as regards the whole Commonwealth the number of votes—

Declaration
of poll.

- (a) in favour of the *Dairy Produce Export Control Act 1924* being brought into operation;
- (b) not in favour of the *Dairy Produce Export Control Act 1924* being brought into operation; and
- (c) rejected as informal,

transmit the statement to the Minister, who shall announce the result of the poll and cause notice of the result to be published in the *Gazette*.

(2) The notice published in the *Gazette* shall, subject to these Regulations, be conclusive evidence of the result of the poll.

25. The Returning Officer or a Deputy Returning Officer shall—

Voting papers
to be placed
in parcels.

- (a) place in a separate parcel all the voting papers received by him which have been rejected as informal, together with the envelopes from which they were withdrawn; and
- (b) place in a separate parcel all the unrejected voting papers received by him together with the envelopes from which they were withdrawn and the copy of the roll used for the poll,

and endorse on each parcel a description of the contents thereof, add his signature and the date, and, in the case of a Deputy Returning Officer, forward the parcels to the Returning Officer who shall retain the parcels until the authority of the Minister has been obtained for the destruction of the contents thereof.

Destruction of papers.

26. At the expiration of six months from the date of publication of the result of the poll, the Minister shall cause the voting papers and the voters' declarations to be destroyed.

Intruders.

27. Every person not being authorized pursuant to these Regulations to be present at the scrutiny who wilfully intrudes into the room appointed for the examination of the voting papers shall be guilty of an offence. Penalty: Fifty pounds.

Disputing validity of poll, statement or notice.

28. The validity of the poll or of any statement or notice showing the voting on the poll may be disputed by any producer by petition addressed to the High Court.

Requisites of petition.

29. The petition disputing the poll, statement or notice shall—

- (a) set out the facts relied on to invalidate the poll, statement or notice;
- (b) contain a prayer asking for the relief to which the petitioner claims to be entitled;
- (c) be signed by the petitioner; and
- (d) be filed in the Principal Registry of the High Court or in the District Registry in that Court in the capital city of the State in which the petitioner resides within forty days after the publication in the *Gazette* of the notice of the result of the poll.

Jurisdiction of High Court.

30. The High Court shall have jurisdiction to entertain and hear and determine the petition.

Notice of petition.

31. The petitioner shall within seven days after the filing of the petition notify the petition in the *Gazette*.

Joinder of parties.

32. The High Court may on the application of any producer order him to be joined as a party petitioning or responding as the case may be.

Procedure on petition.

33. The procedure in relation to a petition shall, subject to these Regulations, be as prescribed by Rules of Court, or, in default of Rules of Court, as directed by the High Court or a Justice thereof.

Ministerial errors not to vitiate poll.

34. (1) The poll or any statement or notice showing the voting on the poll shall not be avoided on account of any delay in relation to the taking of the votes of the producers or in relation to the making of any statement or notice or on account of the absence or error of or omission by any officer which did not affect the result of the poll.

(2) The poll shall not be disputed by reason of any defect in the title or any want of title of any Returning Officer or Deputy Returning Officer, if that person really acted at the poll or by reason of any formal error or defect in any statement, notice, instrument or publication made under these Regulations or intended to be so made, or by reason of any act or thing not being done at or within the prescribed time.

Misfeasance.

35. Every person acting as Returning Officer or Deputy Returning Officer at a poll who is guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of these Regulations shall be guilty of an offence. Penalty: Fifty pounds.

Untrue statements in declarations, &c.

36. A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or any Deputy Returning Officer for the purpose of obtaining a voting paper. Penalty: Twenty pounds.

37. An authorized witness shall not witness the signature of a producer to any declaration under these Regulations unless:— Duty of authorized witnesses.

- (a) he has satisfied himself as to the identity of the producer;
- (b) he has seen the producer sign the declaration in his, the producer's own handwriting; and
- (c) he knows that the statements contained in the declaration are true, or has satisfied himself by inquiry from the producer or otherwise that the statements contained in the declaration are true. Penalty: Fifty pounds.

38. Except where expressly authorized by these Regulations, a person (other than the producer to whom the voting paper has been issued) shall not make any mark or writing on the voting paper of a producer. Making marks on voting papers.

39. Any person who—

- (a) falsely impersonates any person to secure a voting paper to which the personator is not entitled; or
- (b) personates any other person for the purpose of voting; or
- (c) fraudulently destroys or defaces any voting paper; or
- (d) votes more than once at the poll,

Offences in connexion with polling.

shall be guilty of an offence. Penalty: Fifty pounds.