

STATUTORY RULES.

1927. No. 72.

REGULATIONS UNDER THE FRESH FRUITS OVERSEAS MARKETING ACT 1927.

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 *Fresh Fruits Overseas Marketing Act 1927*, to come into operation forthwith.

Dated this 8th day of July 1927.

(Sgd.) STONEHAVEN

Governor-General.

By His Excellency's Command,

(Sgd.) J. Paterson

Minister of State for Markets and Migration.

FRESH FRUITS OVERSEAS MARKETING (POLL AND ELECTION OF BOARD) REGULATIONS.

Part I.—Preliminary.

1. These Regulations may be cited as the Fresh Fruits Overseas Marketing (Poll and Election of Board) Regulations. Short title.

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

Parts.

- Part I.—Preliminary.
- Part II.—Enrolment.
- Part III.—Nominations for Board.
- Part IV.—Voting.
- Part V.—Scrutiny.
- Part VI.—Disputed elections.
- Part VII.—Offences.

3.—(1) In these Regulations, unless the contrary intention appears— Definitions.

“the Act” means the *Fresh Fruits Overseas Marketing Act 1927*;

“the Minister” means the Minister for Markets and Migration;

“officer” means an officer of the Department of Markets and Migration;

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

“voter” means a grower entitled to vote at the poll and the election;

“the poll” means the poll of growers under section two of the Act and includes any poll under section three of the Act;

“the election” means the election of members of the Board in pursuance of sub-section (2) of section five of the Act.

(2) Any reference in these Regulations to a form shall be read as a reference to a form in the Schedule to these Regulations.

C.9342.—PRICE D.

Part II.—Enrolment.

4.—(1) The Minister shall appoint an officer to be the Returning Officer for the purpose of carrying out the poll and the election, and the Returning Officer shall make all necessary arrangements for the conduct of the poll and the election.

Appointment of Returning Officer and Deputy Returning Officers.

(2) The Minister may, if he thinks it desirable, in order to expedite the taking of the poll and the holding of the election, appoint Deputy Returning Officers to act under the direction of the Returning Officer.

5. The roll to be used for the poll and the election shall be that prepared under the Fresh Fruits Overseas Marketing (Preparation of Rolls) Regulations.

Rolls to be used.

6. Any voter whose name appears on the roll shall be entitled to one vote only.

Growers entitled to one vote only.

Part III.—Nominations for Board.

7. No person shall be capable of being elected as a member of the Board unless duly nominated.

Candidates must be nominated.

8.—(1) A nomination shall be in accordance with Form A and shall be signed by not less than twenty growers entitled to vote at the election for which the candidate is nominated.

Mode of nomination.

(2) A nomination shall be lodged with the Returning Officer on or before the day fixed in that behalf by the Minister.

9. A nomination shall not be valid unless—

Requisites for nomination.

- (a) the person nominated consents to act if elected; and
- (b) the nomination-paper is received by the Returning Officer on or before the day fixed in that behalf by the Minister.

10. The consent of the person nominated to act if elected shall be sufficient if he signs the form of consent at the foot of the nomination-paper but the Returning Officer may accept any other form of consent, whether accompanying the nomination-paper or not, that he deems satisfactory, and such acceptance shall be final.

Form of consent to act.

11. On the day following the day fixed by the Minister as the last day for receiving nominations the Returning Officer shall produce to the Minister all nomination-papers received by him, and the Minister shall announce the name, place of residence and occupation of each person nominated and cause notice thereof to be published in the *Gazette*.

Declaration of nomination.

12. Any candidate may withdraw his consent to his nomination at any time on or before the day fixed for the close of nominations by lodging with the Returning Officer a notice of withdrawal bearing his personal signature and witnessed by a justice of the peace.

Withdrawal of consent to nomination.

13.—(1) If the number of candidates nominated is not greater than the number of candidates required to be elected, the Minister shall declare the candidate or candidates nominated duly elected and cause notice thereof to be published in the *Gazette*.

Proceedings on nomination day.

(2) If the number of candidates nominated is greater than the number required to be elected a vote of growers shall be taken to decide the election.

Part IV.—Voting.

14. Voting at the poll and the election shall be carried out by post. Voting to be by post.

15.—(1) The date fixed for the close of the poll and the election shall be the date fixed in that behalf by the Minister. Date of close of election.

(2) Notwithstanding anything contained in this regulation, where, in the opinion of the Minister, such circumstances exist as render it necessary to alter the date fixed for the close of the poll and the election the Minister may alter that date, and that date, as so altered, shall be the date fixed for the close of the poll and the election.

16. As soon as practicable after the date for the close of the poll and the election has been fixed, the Returning Officer or Deputy Returning Officer shall initial and transmit by post to each grower whose name is set out in the rolls, a ballot-paper for the poll and a ballot-paper for the election, together with an envelope having printed thereon a form of declaration in accordance with Form B. Voting-papers and form of declaration.

17. The envelopes containing the ballot-papers posted by the Returning Officer or Deputy Returning Officer to the voters shall be endorsed with the words "Fresh Fruits Overseas Marketing (Poll and Election of Board) Ballot-papers." Envelopes to be endorsed.

18. Before posting the ballot-papers and envelopes bearing the voters' form of declaration, the Returning Officer or Deputy Returning Officer shall insert in the ballot-paper in the space provided for the purpose the date fixed for the close of the poll and the election, and shall initial the ballot-paper in the space provided for the Returning Officer or Deputy Returning Officer's initials, and, in the form of declaration on each envelope, he shall insert— Particulars to be inserted in voting-papers and declarations.

- (a) the christian name in full and surname of the grower who is entitled to vote;
- (b) the place of residence of the grower entitled to vote; and
- (c) the date fixed for the close of the poll and the election.

19. Each grower 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. Voter to make declaration.

20. The following persons are authorized witnesses within the meaning of these Regulations:—The Returning Officer and all Deputy Returning Officers appointed in connexion with the poll and the election; all persons entitled to vote at the poll and the election; all ministers of religion; all postmasters, postmistresses and postal officials and all other permanent officers of the Public Service of the Commonwealth or of a State; 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; all legal practitioners; all bank managers and all railway stationmasters. Authorized witnesses.

21. The ballot-paper to be used at the poll shall be in accordance with Form C and the voter shall record his vote in accordance with the directions thereon. Form of voting-paper for use at the poll.

22. The ballot-paper to be used in the election of members of the Board for the State of Tasmania shall be in accordance with Form D and the voter shall record his vote in accordance with the directions thereon.

Form of voting-papers for use at the election for the State of Tasmania.

23. The ballot-paper to be used in the election of a member of the Board for the States of Victoria, New South Wales, Queensland, South Australia and Western Australia shall be in accordance with Form E and the voter shall record his vote in accordance with the directions thereon.

Form of voting-papers for use at the election for the States of Victoria, New South Wales, Queensland, South Australia and Western Australia.

24. In printing the ballot-papers to be used at the election, the names of the candidates shall be arranged in such order and with such description or addition as the Returning Officer thinks fit.

Arrangement of names of candidates on ballot-papers.

25. Upon a grower making and transmitting to the Returning Officer or Deputy Returning Officer a statement in writing setting out his full name and address, and that he has not received a ballot-paper or that a ballot-paper received by him has miscarried or has been destroyed and that he has not already voted at the poll or the election, the Returning Officer or Deputy Returning Officer may at any time before 3 o'clock in the afternoon of the day next preceding the day fixed for the close of the poll and the election, issue a ballot-paper to any such grower.

Ballot-papers not received, miscarried, or destroyed.

26. The Returning Officer shall keep a locked and sealed ballot-box with the words "Fresh Fruits Overseas Marketing (Poll and Election of Board) Ballot-box, Ballot-papers received from Voters" marked thereon and shall place and keep therein until the scrutiny all envelopes containing ballot-papers received by him at or before 4 o'clock in the afternoon of the day fixed for the close of the poll and the election.

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

27. No ballot-paper received by the Returning Officer after 4 o'clock in the afternoon of the day fixed for the close of the poll and the election shall be admitted to the scrutiny.

Voting-papers received after close of poll.

Part V.—Scrutiny.

28.—(1) The Minister may appoint from persons nominated by any association of growers not more than two scrutineers to represent the growers at the scrutiny.

Scrutineers at the scrutiny.

(2) Each candidate for the Board may by notice in writing or by telegram addressed to the Returning Officer appoint one scrutineer to represent him at the scrutiny, and such notice or telegram shall be signed by the candidate and shall give the name and address of the scrutineer.

29. The Returning Officer, and any Deputy Returning Officer directed in that behalf by the Returning Officer, shall, at 4 o'clock in the afternoon of the day fixed for the close of the poll and the election—

Scrutiny of votes and declarations.

- (a) open the ballot-box and produce unopened all envelopes containing ballot-papers received by the Returning Officer up to that 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 ballot-paper without opening the envelope;

- (c) place the envelopes containing the disallowed ballot-papers in a parcel, seal the parcel, and endorse it "Fresh Fruits Overseas Marketing (Poll and Election of Board), 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 ballot-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 envelope in a parcel, seal the parcel and endorse it "Fresh Fruits Overseas Marketing--Poll and Election of Board--Envelopes from which ballot-papers have been withdrawn" and add his signature and the date.

30. At the further scrutiny the Returning Officer or a Deputy Returning Officer shall open the ballot-box referred to in paragraph (e) of the last preceding regulation and the scrutiny shall be conducted in accordance with the provisions of the next four succeeding regulations. The further scrutiny.

31. In the taking of the poll, the Returning Officer or such Deputy Returning Officer as the Returning Officer appoints in that behalf shall examine and count the votes. Counting the votes for the poll.

32. In the election of the members of the Board to represent the growers of the State of Tasmania, the scrutiny shall be conducted in the following manner:— Counting the votes for the election from Tasmania.

(1) The Returning Officer or such Deputy Returning Officer as the Returning Officer appoints in that behalf shall, in the presence of an officer appointed by the Returning Officer, and of such authorized scrutincers as attend, count the first preference votes given for each candidate on all unrejected ballot-papers.

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

(a) The candidate who has received the largest 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 or the Deputy Returning Officer, as the case may be, shall proceed with the scrutiny and the counting of the votes as follows:—

(i) the candidate who has received the fewest first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in the 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 fewest votes and counting each of his unexhausted ballot-papers to the unexcluded candidate next in the order of the voter's preference, shall be repeated until one candidate has received an absolute majority of votes; and
- (iii) the candidate who has received an absolute majority of votes shall be elected.

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

- (a) The Returning Officer or a Deputy Returning Officer, as the case may be, shall re-arrange all the ballot-papers under the names of the respective candidates in accordance with the first preference indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated, shall, if unexhausted, be placed in the parcel of the candidate next in order of the voter's preference, and shall then count the ballot-papers in each parcel;
- (b) if a candidate then has a 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:

Provided that, in the application of paragraph (i) of paragraph (b) of the last preceding sub-regulation, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this sub-regulation; and

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

(4) In the process of filling any vacancy, exhausted ballot-papers shall be set aside as finally dealt with, and shall thenceforth not be taken into account in the filling of that vacancy.

(5) When a candidate is elected or excluded, each ballot-paper counted to him shall be deemed to be exhausted if there is not indicated upon it a next preference for one unexcluded candidate.

For the purpose of this sub-regulation "next preference" includes the first of the subsequent preferences marked on the ballot-paper which is not given to an elected or excluded candidate:

Provided that where there is a break in the consecutive numbering of preferences marked on a ballot-paper (other than a break necessitating the rejection of the ballot-paper as informal), only those preferences preceding the break shall be taken into account.

(6) In this regulation "unexcluded candidate" means a candidate not already elected or excluded from the count.

(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, in the final count for filling any vacancy, two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected.

(8) In this regulation "an absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers. The decision of the Returning Officer, given in pursuance of the last preceding sub-regulation, shall, in reckoning an absolute majority of votes, be included as if it were a vote.

33. In the election of the members of the Board to represent the growers of the States of Victoria, New South Wales, Queensland, South Australia or Western Australia, the scrutiny shall be conducted in the following manner:—

Counting the votes for the election from Victoria, New South Wales, Queensland, South Australia and Western Australia.

(1) The Returning Officer or such Deputy Returning Officer as the Returning Officer appoints in that behalf shall, in the presence of an officer appointed by the Returning Officer, and of such authorized scrutineers as may attend, count the first preference votes given for each candidate on all unrejected ballot-papers;

(2) The candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected;

(3) If no candidate has received an absolute majority of first preference votes, the Returning Officer or the Deputy Returning Officer, as the case may be, shall proceed with the scrutiny and the counting of the votes as follows:—

(i) the candidate who has received the fewest first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in the 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 fewest votes and counting each of his unexhausted ballot-papers to the unexcluded candidate next in the order of the voter's preference, shall be repeated until one candidate has received an absolute majority of votes; and

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

(4) 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 in the final count two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected; and

(5) In this regulation "an absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal ballot-papers. The decision of the

Returning Officer, given in pursuance of the last preceding sub-regulation shall, in reckoning an absolute majority of votes, be included as if it were a vote.

34.—(1) At any time before the declaration of the result of the election the Returning Officer may, if he thinks fit, on the written request of any candidate setting forth the reasons for the request, or of his own motion, direct a recount of the ballot-papers. Recount of votes.

(2) If the Returning Officer refuses, on the request of a candidate, to direct a recount of any ballot-papers, the candidate may, in writing, appeal to the Minister to direct a recount of those ballot-papers, and the Minister may, as he thinks fit, either direct a recount of the ballot-papers or refuse to direct a recount.

35.—(1) The officer conducting a recount shall have 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 any ballot-paper. Powers of officer conducting recount.

(2) The officer conducting a recount may, and at the request of any scrutineer shall, reserve any ballot-paper for the decision of the Returning Officer.

(3) The Returning Officer shall decide whether any ballot-paper, reserved for his decision in pursuance of this section, is to be allowed and admitted or disallowed and rejected.

36. A ballot-paper shall be informal if—

- (a) it is not initialed by the Returning Officer or a Deputy 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 voting-paper.
- Informal voting-papers.

37.—(1) The Returning Officer shall make out a statement showing the number of votes— Declaration of poll and election.

- (a) in favour of the *Fresh Fruits Overseas Marketing Act 1927* being brought into operation; ~~(or being continued in operation, as the case requires);~~
- (b) not in favour of the *Fresh Fruits Overseas Marketing Act 1927* being brought into operation; ~~and (or being continued in operation, as the case requires);~~
- (c) rejected as informal.

(2) The Returning Officer shall make out a further statement showing the result of the election and the names of the candidates elected.

(3) The statements referred to in sub-section (1) and (2) of this regulation shall be transmitted to the Minister, who shall announce the results of the poll and the election and cause notice of the results to be published in the *Gazette*.

(4) The notices published in the *Gazette* shall, subject to these Regulations, be conclusive evidence of the result of the poll and the election.

38. The Returning Officer or a Deputy Returning Officer shall—
- (a) place in a separate parcel all the ballot-papers received by the Returning Officer 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 ballot-papers received by the Returning Officer together with the envelopes from which they were withdrawn and the copy of the roll used for the poll and the election, and endorse on each parcel a description of the contents thereof, add his signature and the date and shall retain the parcels until the authority of the Minister has been obtained for the destruction of the contents thereof.

Voting-papers to be placed in parcels.

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

Destruction of papers.

40. 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.

Intruders.

Penalty: Fifty pounds.

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Part VI.—Disputed Validity of Poll or Election.

41. The validity of the poll or the election or of any statement or notice showing the voting at the poll or the election may be disputed by petition addressed to the High Court.

Disputing validity of poll or election statement.

42. The petition disputing the roll, election, statement or notice shall—

Requisites of petition.

- (a) set out the facts relied on to invalidate the roll, election, statement or notice;
- (b) contain a prayer asking for the relief to which the petitioner claims to be entitled;
- (c) be signed by a candidate at the election in dispute or by a person who was qualified to vote thereat;
- (d) be attested by two witnesses whose occupations and addresses are stated; and
- (e) be filed in the Principal Registry of the High Court or in the District Registry of that Court in the capital city of the State in which the petitioner resides within thirty days after the publication in the *Gazette* of the notice of the result of the poll or election.

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

Jurisdiction of High Court.

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

Notice of petition.

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

Joinder of parties.

46.—(1) The High Court when hearing a petition shall sit as an open Court and its powers shall include the following:-- Powers of Court.

- (i) To adjourn;
- (ii) to compel the attendance of witnesses and the production of documents;
- (iii) to grant to any party to a petition leave to inspect in the presence of an officer the rolls and other documents (except ballot-papers) used at or in connexion with any poll or election and to take, in the presence of the officer, extracts from those rolls and documents;
- (iv) to examine witnesses on oath;
- (v) to declare that any person who was returned as elected was not duly elected;
- (vi) to declare any candidate duly elected who was not returned as elected;
- (vii) to declare any poll or election absolutely void;
- (viii) to dismiss or uphold the petition in whole or in part; and
- (ix) to award costs.

(2) The Court may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks just and sufficient.

(3) Without limiting the powers conferred by this section, it is hereby declared that the power of the Court to declare that any person who was returned as elected was not duly elected, or to declare a poll or an election absolutely void, may be exercised on the ground that illegal practices were committed in connexion with the poll or election.

47. The High Court shall on the hearing of a petition inquire whether or not the petition is duly signed, and so far as rolls and voting are concerned may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, assuming the roll to be correct, but the Court shall not inquire into the correctness of any roll. Inquiries by Court.

48. The High Court shall on the hearing of a petition be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or whether the evidence before it is in accordance with the law of evidence or not. Real justice to be observed.

49. On the trial of any petition the High Court shall not admit the evidence of any voter that he was not permitted to vote in any poll or election unless the witness satisfies the Court— Evidence that person not permitted to vote.

- (a) that he claimed to vote, in the poll or the election, pursuant to these Regulations; and
- (b) that he complied with the requirements of these Regulations relative to voting by growers in so far as he was permitted so to do.

50. All decisions of the High Court under this Part shall be final and conclusive and without appeal, and shall not be questioned in any way. Decisions to be final.

51.—(1) No party to the petition shall, except by consent of all parties, or by leave of the Court, be represented by counsel or solicitor. Counsel or solicitor.

(2) In no case shall more than one counsel or one solicitor appear on behalf of any party.

52. The High Court may award costs against an unsuccessful party to the petition. Costs.

53. All costs awarded by the High Court under this Part shall be recoverable as if the order of the High Court on the petition were a judgment of the High Court of Australia, and such order, certified by the Court, may be entered as a judgment of the High Court of Australia, and enforced accordingly. Recovery of costs.

54. Effect shall be given to any decision of the Court as follows:— Effect of decision.

- (1) If any person returned is declared not to have been duly elected, he shall cease to be a member of the Board;
- (2) if any person not returned is declared to have been duly elected, he shall become a member of the Board;
- (3) if any poll or election is declared absolutely void a new poll or election shall be held.

55. 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. Procedure on petition.

56. (1) The poll or the election or any statement or notice showing the voting at the poll or the election shall not be avoided on account of any delay in relation to the taking of the votes of the voters 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 or the election. Ministerial errors not to vitiate poll or election.

(2) The poll or the election 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 the election, 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.

Part VII.—Offences.

57. Every person acting as Returning Officer or Deputy Returning Officer at the poll or the election, 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. Misfeasance.

Penalty: Fifty pounds.

58. (1) Whenever an election wholly or partially fails a supplementary election shall be held. Failure of election.

(2) An election shall be deemed to have wholly failed if no candidate is nominated or returned as elected.

(3) An election shall be deemed to have partially failed whenever one or more candidates is returned as elected, but not the full number required to be elected.

59. 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 ballot-paper. Untrue statements in declarations, &c.

Penalty: Fifty pounds.

60. An authorized witness shall not witness the signature of a grower to any declaration under these Regulations unless— Duty of authorized witness.

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

Penalty: Fifty pounds.

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

62. 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) except where authorized by these Regulations, votes more than once at the poll,

shall be guilty of an offence. Offences in connexion with polling.

Penalty: Fifty pounds.

THE SCHEDULE.

Commonwealth of Australia.

FORM A.
Reg. 8.*Fresh Fruits Overseas Marketing Act 1927.*

NOMINATION OF REPRESENTATIVE.

Note.—A nomination will not be valid unless received by the Returning Officer on or before the 192 .
To the Returning Officer.

We, the undersigned growers entitled to vote at the election of representatives on the Fresh Fruits Overseas Marketing Board, do hereby nominate the following person as a representative on the Board for the State of

Christian name or names in full of person nominated (in block letters)—

Surname (in block letters)—

Place of living—

Occupation—

Signature of Nominator.	Place of Living.	Date of Signature.	Witness to Signature.

I, _____ of _____ consent to the above nomination and to act if elected.

Signature of candidate—

Witness—

Address—

Date - _____ 192 .

N.B.—The candidate's consent to the nomination may be on a separate paper and in any form, but if given on the nomination-paper in the above form its sufficiency is not to be questioned.

A nomination must be signed by not less than twenty growers entitled to vote at the election for which the candidate is nominated.

A grower is entitled to vote at the election if he is the occupier of an orchard from which not less than one hundred bushel cases of apples and/or pears were exported from Australia during either of the years ended 30th June, 192 , or 30th June, 192 .

Commonwealth of Australia.

FORM B.
Reg. 16.*Fresh Fruits Overseas Marketing Act 1927.*

DECLARATION TO BE MADE BY VOTER.

I, _____ of _____ declare that I am the occupier of an orchard in the State of _____ from which not less than one hundred bushel cases of apples and/or pears (on an average of forty pounds to the bushel) were exported from Australia during

the year ended 30th June, 192 , or the year ended 30th June, 192 , and that I am entitled to vote at the poll and/or election which closes on the day of 192 , under the provisions of the *Fresh Fruits Overseas Marketing Act 1927*, and I also declare that I have not previously voted in connexion with the said election.

Personal signature of voter—

Signed before me the day of 192 .

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 the poll and the election; all persons entitled to vote at the poll and the election; all ministers of religion, all postmasters, postmistresses, and postal officials and all other permanent officers of the Public Service of the Commonwealth or of a State; 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; all legal practitioners; all bank managers; and all railway station-masters.

Commonwealth of Australia.

FORM C.
Reg. 21.

Fresh Fruits Overseas Marketing Act 1927.

BALLOT-PAPER.



Directions to Voter.—The voter should indicate his vote as follows:—

If he is in favour of the *Fresh Fruits Overseas Marketing Act 1927* being brought into operation (or being continued in operation as the case requires) he should make a cross in the square opposite the word "Yes."

If he is not in favour of the *Fresh Fruits Overseas Marketing Act 1927* being brought into operation (or being continued in operation as the case requires) he should make a cross in the square opposite the word "No."

Question.—Are you in favour of the *Fresh Fruits Overseas Marketing Act 1927* being brought into operation (or being continued in operation as the case requires)?

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 to the 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 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.

Commonwealth of Australia.

FORM D.
Reg. 22.*Fresh Fruits Overseas Marketing Act 1927.*

BALLOT-PAPER.

ELECTION OF TWO REPRESENTATIVES ON THE FRESH FRUITS OVERSEAS
MARKETING BOARD FOR THE STATE OF TASMANIA.

Directions.—In marking his vote on this ballot-paper the voter must place in the square respectively opposite the names of at least
(*here insert the number which represents twice the number of representatives to be elected plus one, or, if the number of candidates is less than that number, the total number of candidates*) candidates the numbers 1, 2, 3, 4, and so on up to and inclusive of the number
(*here insert the number which represents twice the number of representatives to be elected plus one, or, if the number of representatives is less than that number, the total number of candidates*), so as to indicate the order of his preference for such candidates, and if there are any more candidates, may in addition indicate the order of his preference for as many of them as he pleases by placing in the squares respectively opposite their names other numbers next in numerical order after those already used by him.

Candidates.

- BROWN, Charles William Henry.
- KING, Henry.
- RUSSELL, Percy John.
- BROWN, Samuel Wilson.
- LOVELL, Edward Thomas.
- QUICK, Richard James.

Further Directions to Voter.—After marking his vote the voter should fold the ballot-paper and place it in the envelope bearing his declaration (duly signed and witnessed) securely fasten the envelope, and forthwith send the envelope to the Returning Officer to whom the envelope is addressed.

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

Commonwealth of Australia.
Fresh Fruits Overseas Marketing Act 1927.

FORM E.
 Reg. 23.

BALLOT-PAPER.



ELECTION OF ONE REPRESENTATIVE OF THE FRESH FRUITS OVERSEAS
 MARKETING BOARD FOR THE STATE OF

Directions.—The voter shall mark his vote on this ballot-paper by placing the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and must give contingent votes for all the remaining candidates by placing the numbers 2, 3, 4 (*and so on, as the case requires*) in the squares opposite their names so as to indicate the order of his preference for them.

Candidates.

- BROOKMAN, John
- CRANE, Joseph.
- FRENCIL, Charles.

Further Directions to Voter.—After marking his vote the voter should fold the ballot-paper and place it in the envelope bearing his declaration (duly signed and witnessed) securely fasten the envelope, and forthwith send the envelope to the Returning Officer to whom the envelope is addressed.

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