

# STATUTORY RULES.

1929. No. 40.

## REGULATIONS UNDER THE WINE OVERSEAS MARKETING ACT 1929.

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 *Wine Overseas Marketing Act 1929*, to come into operation forthwith.

Dated this nineteenth day of April, 1929.

STONEHAVEN

Governor-General.

By His Excellency's Command,

T. PATERSON

Minister of State for Markets and Transport.

### WINE OVERSEAS MARKETING (POLL AND ELECTION OF BOARD) REGULATIONS.

#### *Part I.—Preliminary.*

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

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 Definitions. appears—

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

“co-operative distillery” means any distillery which the Returning Officer is satisfied distributes the whole or any portion of its surplus profits to the persons supplying the grapes to the distillery;

“co-operative winery” means any winery which the Returning Officer is satisfied distributes the whole or any portion of its surplus profits to the persons supplying grapes to the winery;

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

“owner” includes—

- (a) in the case of a proprietary or co-operative winery or distillery—the Chairman of the Board of Directors of that winery or distillery; or a person appointed by the Chairman to act in that behalf; and
- (b) in the case of a privately-owned winery or distillery—any one partner of the firm owning the winery or distillery;
- “privately-owned distillery” means any distillery which is owned by any person or firm;
- “privately-owned winery” means any winery which is owned by any person or firm;
- “proprietary distillery” means any distillery which is owned by any registered company other than a co-operative company;
- “proprietary winery” means any winery which is owned by any registered company other than a co-operative company;
- “voter” means an owner of a winery or distillery entitled to vote at the poll and the election;
- “the Act” means the *Wine Overseas Marketing Act 1929*;
- “the election” means the election of members of the Board in pursuance of sub-section (2) of section five of the Act;
- “the Minister” means the Minister for Markets and Transport;
- “the poll” means the poll of owners of a winery or distillery under section two of the Act and includes any poll under section three 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.

#### *Part II.—Enrolment.*

Appointment of Returning Officer and Deputy Returning Officers.

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.

(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.

Rolls to be used.

5. The rolls to be used for the poll and the election shall be those prepared under the *Wine Overseas Marketing (Preparation of Rolls) Regulations*.

Voters entitled to one vote for each State enrolled.

6. Any voter whose name appears on the roll shall be entitled to one vote in respect of each State for which he is enrolled as the owner of a winery or distillery.

#### *Part III.—Nominations for Board.*

Candidates must be nominated.

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

Mode of nomination of representatives of co-operative wineries and distilleries.

8. (1) A nomination of a representative to be elected by the owners of co-operative wineries and distilleries shall be in accordance with Form A., and shall be signed by not less than two owners of co-operative wineries or distilleries entitled to vote at the election.

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

9. (1) A nomination of a representative to be elected by the owners of proprietary and privately-owned wineries and distilleries shall be in accordance with Form B, and shall be signed by not less than five owners of proprietary or privately-owned wineries or distilleries situated in the State or States for which the candidate is nominated. Mode of nomination of representatives of proprietary and privately-owned wineries and distilleries.

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

10. A nomination shall not be valid unless—

- (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. Requisites for nomination.

11. 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.

12. 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.

13. 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.

14. (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 shall be taken to decide the election.

#### *Part IV.—Voting.*

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

16. (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.

Voting-papers  
and form of  
declaration.

17. 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 owner of a winery or distillery whose name is set out in the rolls, a ballot-paper for the poll and a ballot-paper for the election, in respect of each State for which he is enrolled as the owner of a winery or distillery, together with an envelope having printed thereon a form of declaration in accordance with Form C.

Envelopes to  
be endorsed.

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

Particulars to  
be inserted in  
voting-papers  
and  
declarations.

19. Before posting the ballot-papers and envelopes bearing the voters' form of declaration, the Returning Officer or Deputy Returning Officer shall insert in each ballot-paper in the space provided for the purpose the date fixed for the close of the poll and the election, and shall initial each 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—

- (a) the Christian name in full and surname of the person who is entitled to vote;
- (b) the place of residence of the person entitled to vote;
- (c) the State in which the winery or distillery is situated; and
- (d) the date fixed for the close of the poll and the election.

Voter to make  
declaration.

20. Each 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.

Authorized  
witnesses.

21. 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.

Form of  
voting-paper  
for use at the  
poll.

22. The ballot-paper to be used at the poll shall be in accordance with Form D. and the voter shall record his vote in accordance with the directions thereon.

Form of  
voting-paper to  
be used at the  
election for  
co-operative  
wineries and  
distilleries, and  
for proprietary  
and privately-  
owned wineries  
and distilleries  
in the State of  
South  
Australia.

23. The ballot-paper to be used in the election of members to the Board by owners of co-operative wineries and distilleries in the Commonwealth, and by owners of proprietary and privately-owned wineries and distilleries in the State of South Australia, shall be in accordance with Form E, and the voter shall record his vote in accordance with the directions thereon.

24. The ballot-paper to be used in the election of a member to the Board by owners of proprietary and privately-owned wineries and distilleries in the State of Victoria or Western Australia, and the States of New South Wales and Queensland, shall be in accordance with Form F, and the voter shall record his vote in accordance with the directions thereon.

Form of voting-paper to be used at the election for proprietary and privately-owned wineries and distilleries in the States of Victoria, Western Australia, New South Wales and Queensland.  
Arrangement of names of candidates on ballot-papers.

25. 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.

26. Upon an owner of a winery or distillery 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 owner.

Ballot-papers not received, miscarried, or destroyed.

27. The Returning Officer shall keep a locked and sealed ballot-box with the words "Wine 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.

28. 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.*

29. (1) The Minister may appoint from persons nominated by any association of owners of wineries or distilleries not more than two scrutineers to represent that association 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.

30. 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 "Wine 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 "Wine Overseas Marketing—Poll and Election of Board—Envelopes from which ballot-papers have been withdrawn" and add his signature and the date.

The further scrutiny.

31. 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.

Counting the votes for the poll.

32. 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 election from owners of co-operative wineries and distilleries, and from owners of proprietary and privately-owned wineries and distilleries in the State of South Australia.

33. In the election of the members of the Board to represent co-operative wineries and distilleries in the Commonwealth, and proprietary and privately-owned wineries and distilleries in the State of South Australia, the scrutiny shall be conducted in the following manner:—

(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 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; or

(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) 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.

(7) 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; and

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

34. In the election of the members of the Board to represent proprietary and privately-owned wineries and distilleries in the State of Victoria, or in the State of Western Australia, and the States of New South Wales and Queensland, the scrutiny shall be conducted in the following manner:—

(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

Counting the votes for the election from owners of proprietary and privately-owned wineries and distilleries in the State of Victoria or Western Australia and the States of New South Wales and Queensland.



- (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.

**35.** (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.

**36.** (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.

**37.** 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.

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

- (a) in favour of the *Wine Overseas Marketing Act 1929* being brought into operation (*or* being continued in operation, as the case requires);
- (b) not in favour of the *Wine Overseas Marketing Act 1929* being brought into operation (*or* being continued in operation, as the case requires); and
- (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 results of the poll and the election.

Voting-papers  
to be placed in  
parcels.

39. 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.

Destruction of  
papers.

40. 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.

Intruders.

41. 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.

*Part VI.—Disputed Validity of Poll or Election.*

Disputing  
validity of  
poll or election  
statement.

42. 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.

Requisites of  
petition.

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

- (a) set out the facts relied on to invalidate the poll, 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.

Jurisdiction of  
High Court.

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

Notice of  
petition.

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

46. 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.

47. (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.

48. 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.

49. 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.

50. 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.

51. 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.

Counsel or  
solicitor.

52. (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.

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

Costs.

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

Recovery of  
costs.

54. 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.

Effect of  
decision.

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

(a) If any person returned is declared not to have been duly elected, he shall cease to be a member of the Board.

(b) If any person not returned is declared to have been duly elected, he shall become a member of the Board.

(c) If any poll or election is declared absolutely void, a new poll or election shall be held.

Procedure on  
petition.

56. 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  
vitiating poll or  
election.

57. (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.

(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.

Failure of  
election.

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

(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.

#### *Part VII.—Offences.*

Misfeasance.

59. Any 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.

Penalty: Fifty pounds.

60. 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.

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

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

62. Except where expressly authorized by these Regulations, a person (other than an owner of a winery or distillery 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.

63. Any person who—

- (a) falsely impersonates any person to secure a voting-paper to which the personator is not entitled; or Offences in connexion with polling.
- (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.

Penalty: Fifty pounds.

## THE SCHEDULE.

## COMMONWEALTH OF AUSTRALIA.

Regulation 8.

FORM A.

*Wine Overseas Marketing Act 1929.*

Wine Overseas Marketing (Poll and Election of Board) Regulations.

NOMINATION OF REPRESENTATIVE OF CO-OPERATIVE WINERIES  
AND DISTILLERIES.

*Note.*—A nomination will not be valid unless received by the Returning Officer  
on or before the 19 .

To the Returning Officer—

We, the undersigned, being owners of co-operative wineries or distilleries and entitled to vote at the election of representatives of co-operative wineries and distilleries on the Wine Overseas Marketing Board, do hereby nominate the following person as a representative of co-operative wineries and distilleries on the Board:—

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.	Full Name of Winery or Distillery of which Nominator is the owner.	Date of Signature.	Witness to Signature.

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

Signature of Candidate.

Witness.

Address.

Date

19 .

*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 shall be signed by not less than two owners of co-operative wineries or distilleries entitled to vote at the election for which the candidate is nominated.

An owner of a winery or distillery is entitled to vote at the election if the winery or distillery of which he is the owner handled not less than 10 tons of grapes for use in the manufacture of wine or spirit during the year ended 30th June, 19 .

For the purposes of these Regulations—

Owner includes, in the case of a co-operative winery or distillery, the Chairman of the Board of Directors of the winery or distillery, or a person appointed by the Chairman to act in that behalf.

## COMMONWEALTH OF AUSTRALIA.

Regulation 9.

FORM B.

*Wine Overseas Marketing Act 1929.*

## Wine Overseas Marketing (Poll and Election of Board) Regulations.

NOMINATION OF REPRESENTATIVE OF PROPRIETARY AND  
PRIVATELY-OWNED WINERIES AND DISTILLERIES.

*Note.*—A nomination will not be valid unless received by the Returning Officer  
on or before the 19 .

To the Returning Officer—

WE, the undersigned, being owners of proprietary or privately-owned wineries or distilleries and entitled to vote at the election of representatives of proprietary and privately-owned wineries and distilleries on the Wine Overseas Marketing Board, do hereby nominate the following person as a representative of proprietary and privately-owned wineries and distilleries 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.	Full Name of Winery or Distillery of which Nominator is the owner.	Date of Signature.	Witness to Signature.

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

Signature of Candidate.

Witness.

Address.

Date

19 .

*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 five owners of proprietary or privately-owned wineries or distilleries entitled to vote at the election for which the candidate is nominated.

An owner of a winery or distillery is entitled to vote at the election if the winery or distillery of which he is the owner handled not less than 10 tons of grapes for manufacture into wine or spirit during the year ended 30th June, 19 .

For the purposes of these Regulations—

“owner” includes—

in the case of a proprietary winery or distillery—the Chairman of the Board of Directors of the winery or distillery; or a person appointed by the Chairman to act in that behalf; and

in the case of a privately-owned winery or distillery—any one partner of the firm owning the winery or distillery.

## COMMONWEALTH OF AUSTRALIA.

Regulation 17.

FORM C.

*Wine Overseas Marketing Act 1929.*  
DECLARATION TO BE MADE BY VOTER.

I, \_\_\_\_\_, of \_\_\_\_\_, declare that I am the owner of a winery or distillery in the State of \_\_\_\_\_ which handled not less than 10 tons of grapes for use in the manufacture of wine or spirit during the year ended 30th June, 19\_\_\_\_, and that I am entitled to vote at the poll and/or election which closes on the day of \_\_\_\_\_, 19\_\_\_\_, under the provisions of the *Wine Overseas Marketing Act 1929*, and I also declare that I have not previously voted in connexion with the said poll and/or election.

Signed before me the \_\_\_\_\_ Personal signature of voter—  
day of \_\_\_\_\_ 19\_\_\_\_.

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.

Regulation 22.

FORM D.

*Wine Overseas Marketing Act 1929.*

BALLOT-PAPER.



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

If he is in favour of the *Wine Overseas Marketing Act 1929* 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 *Wine Overseas Marketing Act 1929* 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 *Wine Overseas Marketing Act 1929* 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 \_\_\_\_\_ 19\_\_\_\_), it will not be admitted to the scrutiny.



BALLOT-PAPER.



ELECTION OF TWO REPRESENTATIVES OF CO-OPERATIVE WINERIES  
AND DISTILLERIES ON THE WINE OVERSEAS MARKETING BOARD.

[Or, ELECTION OF TWO REPRESENTATIVES OF PROPRIETARY AND  
PRIVATELY-OWNED WINERIES AND DISTILLERIES IN THE STATE  
OF SOUTH AUSTRALIA ON THE WINE OVERSEAS MARKETING  
BOARD, as the case requires.]

*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                                 19    ), it will not be admitted to the scrutiny.

## BALLOT-PAPER.



ELECTION OF ONE REPRESENTATIVE OF PROPRIETARY AND PRIVATELY-OWNED WINERIES AND DISTILLERIES ON THE WINE OVERSEAS MARKETING BOARD FOR THE STATES OF NEW SOUTH WALES AND QUEENSLAND [or THE STATE OF VICTORIA, or THE STATE OF WESTERN AUSTRALIA].

*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.
- FRENCH, 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    19 )<sub>s</sub>, it will not be admitted to the scrutiny.