

STATUTORY RULES.

1947. No. .

REGULATIONS UNDER THE APPLE AND PEAR ORGANIZATION ACT 1938-1947.*

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 *Apple and Pear Organization Act 1938-1947*.

Dated this *sixth*
day of *april*, 194 . *8*

W. J. MCKELL

Governor-General.

By His Excellency's Command,


Minister of State for Commerce and Agriculture.

APPLE AND PEAR ORGANIZATION (ELECTION OF BOARD) REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Apple and Pear Organization (Election of Board) Regulations. Citation.

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

- Part I.—Preliminary.
- Part II.—Enrolment of voters.
- Part III.—Nominations.
- Part IV.—Voting.
- Part V.—Scrutiny.
- Part VI.—Disputed elections.
- Part VII.—Miscellaneous.

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

- “candidate” means a candidate nominated for election as a member of the Board;
- “Deputy Returning Officer” means a Deputy Returning Officer appointed under regulation 4;
- “election” means an election of one or more persons to be members of the Board representing the growers in pursuance of sub-section (5) of section 4 of the Act;
- “member” means a member of the Board;
- “poll” means a poll taken in pursuance of regulation 15;

- “Returning Officer” means a Returning Officer appointed under these Regulations and includes a Deputy Returning Officer;
 “roll” means a roll prepared and maintained in pursuance of these Regulations;
 “the Act” means the *Apple and Pear Organization Act 1938-1947*;
 “the Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth;
 “voter” means a person whose name appears upon a roll.

(2.) In these Regulations, any reference to a regulation shall be read as a reference to a regulation contained in these Regulations, and any reference to a Form shall be read as a reference to a Form contained in the Schedule to these Regulations.

4.—(1.) The Chief Electoral Officer shall be the Returning Officer for the purpose of each election and shall be charged with the duty of giving effect to the provisions of these Regulations in so far as they relate to the election. Returning Officer and Deputy Returning Officers.

(2.) The Returning Officer shall appoint a Deputy Returning Officer for each State, who may, subject to the control of the Returning Officer, exercise all the powers of the Returning Officer.

5. Elections shall be held whenever the Minister so directs by notice published in the *Gazette*. Election.

PART II.—ENROLMENT OF VOTERS.

6.—(1.) The Deputy Returning Officer for a State shall prepare and maintain, or cause to be prepared and maintained, a roll of growers for the State. Preparation of rolls.

(2.) A person shall not have his name placed on the roll of growers for a State unless he has submitted a duly completed claim for enrolment in Form A and that claim has been received by the Deputy Returning Officer for the State.

7. The Deputy Returning Officer for a State may at any time remove from the roll of growers for the State the name of any person who has ceased to be a grower in respect of that State. Removal from rolls.

8. A grower shall not be entitled to vote at an election unless his name appears on the roll prepared in respect of that election. Persons entitled to vote.

PART III.—NOMINATIONS.

9. A person shall not be capable of being elected as a member of the Board unless that person has been duly nominated. Candidates must be nominated.

10. A nomination for the election of a member may be in accordance with Form B and shall be signed by at least ten persons entitled to vote at the election. Mode of nomination.

11.—(1.) A nomination shall not be valid unless— Requisites for nomination.
 (a) the person nominated consents to act, if elected; and
 (b) the nomination is received by the Returning Officer or Deputy Returning Officer on or before the date, or later date (if any), fixed by the Minister in pursuance of this regulation.

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

(3.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation, and the address of the Returning Officer, or Deputy Returning Officer, as the case may be, with whom the nominations are to be lodged.

12. 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 or Deputy Returning Officer may accept any other form of consent whether accompanying the nomination paper or not, that he deems satisfactory, and that acceptance shall be final. Form of consent.

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

14. Any candidate may withdraw his consent to his nomination at any time on or before the date fixed for receiving nominations, by lodging with the Returning Officer or the Deputy Returning Officer with whom his nomination was lodged a notice of withdrawal bearing his personal signature and witnessed by a Justice of the Peace. Withdrawal of consent to nominate.

15.—(1.) If the number of candidates nominated in respect of any election is not greater than the number of candidates required to be elected, the Returning Officer shall declare the candidate or candidates nominated duly elected and shall publish notice thereof in the *Gazette*. Proceedings on nomination day.

(2.) If the number of candidates nominated in respect of any election is greater than the number of candidates required to be elected a poll shall be taken to decide the election.

PART IV.—VOTING.

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

Voting to be by post.

17. Each voter shall be entitled to one vote only in respect of any election.

Number of votes.

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

Date of close of poll.

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

(3.) The poll shall close at four o'clock in the afternoon on the date fixed by the Minister in accordance with this regulation.

19.—(1.) As soon as practicable after the date for the close of the poll has been fixed, the Returning Officer shall transmit by post to each voter a ballot-paper, together with an envelope having printed thereon a form of declaration in accordance with Form C. Voting papers and form of declaration.

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

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

20. Before posting the ballot-papers and envelopes bearing the voters' forms of declaration, the 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 shall initial each ballot-paper in the space provided for the purpose and in the form of declaration on each envelope he shall insert— Particulars to be inserted in voting papers and declarations.

(a) the Christian names in full (if known), or the initials, and the surname of the voter;

(b) the place of residence or place of business of the voter; and

(c) the date fixed for the close of the poll.

21. Each voter shall sign in his own handwriting the declaration on the envelope in the presence of a witness, who shall sign his name in his own handwriting in the place provided for the purpose and add his address and the date on which the declaration is witnessed. Voter to make declaration.

22. Each voter shall record his vote in accordance with the directions set out on the ballot-paper, and shall send the envelope containing the ballot-paper, by post or otherwise, to the Returning Officer to whom the envelope is addressed. Manner of voting.

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

PART V.—SCRUTINY.

24.—(1.) The Returning Officer shall, in respect of each election— Ballot-papers to be kept in ballot-box under scrutiny.

(a) keep a locked and sealed ballot-box having marked thereon the words "Apple and Pear Board Ballot-Box—Ballot-papers received from Voters", and such additional words as are in his opinion necessary to indicate the particular election for which the ballot-box is to be used; and

(b) place and keep in the ballot-box until the scrutiny all envelopes containing ballot-papers relating to that election which are received by him before the time fixed for the close of the poll.

(2.) Where the envelope containing any ballot-paper is posted to the Returning Officer, but the postage thereon is wholly unpaid or insufficiently prepaid, the Returning Officer shall refuse to accept that

envelope and ballot-paper, and that envelope and ballot-paper shall be deemed not to have been received by the Returning Officer within the meaning of this regulation.

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

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

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

- (a) open the ballot-box and produce unopened all envelopes containing ballot-papers contained therein;
- (b) examine each envelope, and if the declaration is, in the opinion of the Returning Officer, signed by a person whose name is on the roll and who has not previously voted at the poll, and is duly attested, accept the vote for further scrutiny, but if any declaration is not so signed or attested he shall disallow the ballot-paper without opening the envelope;
- (c) place the envelopes containing the disallowed ballot-papers in a parcel, seal the parcel, endorse it "Apple and Pear Board Election—Election of one representative (or two representatives, as the case may be) of growers for the State of (*here insert name of State*)—Votes rejected at Preliminary Scrutiny" and add his signature and the date;
- (d) number consecutively (from one onwards on the address side of the envelope) each envelope accepted for further scrutiny, and place them on a table before him with the address side of each envelope uppermost;
- (e) withdraw from each envelope 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, and forthwith place each ballot-paper in a locked and sealed ballot-box provided for the purpose of holding ballot-papers relating to that election; and
- (f) place the envelopes in a parcel, seal the parcel and endorse it "Apple and Pear Board Election—Election of one representative (or two representatives, as the case may be) of growers for the State of (*here insert name of State*)—Envelopes from which ballot-papers have been withdrawn" and add his signature and the date.

28. The Returning Officer shall open each ballot-box referred to in paragraph (e) of the last preceding regulation, and a further scrutiny shall be conducted in accordance with regulation 29 or regulation 30, as the case may be. Further scrutiny.

29.—(1.) In the case of a poll for the election of members of the Board to represent the growers in the State of Tasmania, the scrutiny shall be conducted in accordance with the succeeding sub-regulations of this regulation. Counting of votes for growers' representatives in Tasmania.

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

3. The first vacancy shall be filled in the following manner:—

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

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

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

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

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

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

(a) The Returning Officer shall re-arrange all the ballot-papers under the names of the respective candidates in accordance with the first preferences indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated shall 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 an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the scrutiny shall proceed as provided in sub-paragraphs (i) and (ii) of paragraph (b) of the last preceding sub-regulation until one candidate has received an absolute majority of votes: Provided that, in the application of sub-paragraph (i) of that paragraph, 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;

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

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

(6.) In this regulation—

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

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

30.—(1.) In the case of a poll for the election of members of the Board to represent the growers in the States of New South Wales, Victoria, Queensland, South Australia, and Western Australia, the scrutiny shall be conducted in accordance with the succeeding sub-regulations of this regulation.

Counting of votes for growers' representatives in New South Wales, South Australia, Western Australia, Queensland and Victoria.

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

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

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

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

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

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

(5.) 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. If on the final count two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected.

(6.) In this regulation—

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

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

31.—(1.) The Returning Officer shall make out a statement showing the result of the election and the names of the candidates elected and shall publish notice of the result in the *Gazette*. Declaration of election.

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

32.—(1.) At any time before the publication in the *Gazette* of the result of an 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, conduct a recount of the ballot-papers. Recount of votes.

(2.) If the Returning Officer refuses, on the request of a candidate, to conduct a recount of any ballot-papers, the candidate may appeal in writing 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.

33.—(1.) The Returning Officer or Deputy Returning 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 Returning Officer conducting recount.

(2.) A Deputy Returning 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 the last preceding sub-regulation shall be allowed and admitted or disallowed and rejected.

34. A ballot-paper shall be informal if—

- (a) it is not initialled by the Returning Officer or 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 ballot-paper.

Informal voting papers.

35. The Returning Officer shall place in separate parcels—

- (a) all the ballot-papers received by the Returning Officer which have been rejected as informal;
- (b) all the unrejected ballot-papers received by the Returning Officer; and
- (c) the copy of the roll used for the election,

Voting papers to be placed in parcels.

and shall endorse on each parcel a description of the contents thereof, add his signature and the date, and retain the parcels until authority is given, in accordance with the provisions of regulation 36, for destruction of the contents thereof.

36. At the expiration of six months from the date of publication of the result of the election, the Returning Officer shall cause the ballot-papers and the voters' declarations to be destroyed. Destruction of papers.

37. A person, not being authorized in pursuance of these Regulations to be present at the scrutiny, shall not—

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

Penalty: Fifty pounds.

PART VI.—DISPUTED ELECTIONS.

38. The validity of an election or of any statement or notice showing the voting at, or the result of, an election may be disputed by a candidate at the election or by a person who was qualified to vote thereat by petition addressed to the High Court in the prescribed manner and not otherwise.

39. The petition disputing the election, statement or notice shall—
- (a) set out the facts relied on to invalidate the election, 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;
 - (d) be attested by two witnesses, whose occupations and addresses shall be 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 election.

40. The High Court shall have jurisdiction to entertain and hear and determine any petition which complies with the requirements of these Regulations.

41. At the time of filing the petition, the petitioner shall deposit with the Principal Registrar or District Registrar, as the case may be, of the High Court, the sum of Ten pounds as security for costs.

42. The petitioner shall, within seven days after filing the petition, notify the fact in the *Gazette*, and post a copy of the petition to the Secretary of the Department of Commerce and Agriculture.

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

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

- (a) to adjourn;
- (b) to compel the attendance of witnesses and the production of documents;

- (c) to grant to any party to a petition leave to inspect, in the presence of an officer of the Department of Commerce and Agriculture, the roll or any other document (except ballot-papers) used at or in connexion with the election and to take, in the presence of the officer, extracts from the roll and document;
- (d) to examine witnesses on oath;
- (e) to declare that any person who was returned as elected was not duly elected;
- (f) to declare any candidate duly elected who was not returned as elected;
- (g) to declare any election absolutely void;
- (h) to dismiss or uphold the petition in whole or in part; and
- (i) to award costs against any party to the petition.

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

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

45. 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.

46. 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. Technicalities to be disregarded.

47. On the hearing of any petition, the High Court shall not admit the evidence of any voter that he was not permitted to vote in any election unless the witness satisfies the Court— Evidence that person not permitted to vote.

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

48. 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.

49.—(1.) A party to the petition shall not, 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.

50. If costs are awarded to any party against the petitioner, the deposit referred to in regulation 41 shall be applicable in payment, or part payment, of the sum ordered, but otherwise the deposit shall be repaid to the petitioner. Deposit applicable for costs.

51. All costs awarded by the High Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of the Court and payment may be enforced accordingly. Award of costs to have effect of a judgment.

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

- (a) If any person returned as elected is declared not to have been duly elected, he shall cease to be a member of the Board.
- (b) If any person not returned as elected is declared to have been duly elected, he shall become a member of the Board.
- (c) If any election is declared absolutely void, a new election shall be held.

53. 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.

PART VII.—MISCELLANEOUS.

54.—(1.) An election, or any statement or notice showing the voting at an 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, error or omission by any officer, if the Court is satisfied that that delay, absence, error or omission did not affect the result of the election. Immaterial errors not to vitiate poll or election.

(2.) An 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 in fact acted as such at the election or by reason of any formal error or defect in any statement, notice, instrument or publication made under or in pursuance of 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.

55.—(1.) Whenever an election wholly or partially fails a new election shall be held. Failure of election.

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

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

56. Every person acting as Returning Officer or Deputy Returning Officer at 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.

57. 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 or a further ballot-paper. Untrue statements in declaration, &c.

Penalty: Fifty pounds.

58. A person shall not witness the signature of any person to any declaration under these Regulations unless— Duty of witness.

- (a) he has satisfied himself as to the identity of that person;
- (b) he has seen the person sign the declaration in his 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.

Penalty: Fifty pounds.

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

Penalty: Twenty pounds.

60. A person shall not—

- (a) falsely impersonate any person to secure a ballot-paper to which the personator is not entitled;
- (b) personate any other person for the purpose of voting at an election;
- (c) fraudulently destroy or deface any ballot-paper; or
- (d) vote more than once at an election.

Offences in connexion with polling.

Penalty: Fifty pounds.

61. Strict compliance with the Forms in the Schedule to these Regulations shall not be necessary, and substantial compliance shall be sufficient. Forms.

THE SCHEDULE.

FORM A.

Regulation 6 (2).

COMMONWEALTH OF AUSTRALIA.

Apple and Pear Organization (Election of Board) Regulations.

CLAIM FOR ENROLMENT BY GROWER.

Surname—

Christian name—

Full postal address—

To the Deputy Returning Officer,

(Here insert address.)

I, the abovenamed grower, hereby claim to have my name placed on the roll of growers for the State of _____ to enable me to vote at elections of members of the Board to represent growers on the Australian Apple and Pear Board for the said State.

I declare—

- (i) that I am carrying on the business of growing apples or pears or apples and pears and that for that purpose I am utilizing an area or areas comprising not less than five acres;
- (ii) that the statements made in this Claim are true and correct in every particular.

Signature of grower

(In own handwriting.)

Date

19 .

Signature of witness

Address of witness

Regulations 57 and 58 of the Apple and Pear Organization (Election of Board) Regulations read as follow:—

“ 57. 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 or a further ballot-paper.

Penalty: Fifty pounds.

58. A person shall not witness the signature of any person to any claim for enrolment or declaration under these regulations unless—

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

Penalty: Fifty pounds.”

FORM B.

Regulation 10.

COMMONWEALTH OF AUSTRALIA.

Apple and Pear Organization (Election of Board) Regulations.

*NOMINATION FOR ELECTION OF ONE MEMBER OF THE BOARD OR TWO MEMBERS OF THE BOARD (AS THE CASE MAY BE) TO REPRESENT GROWERS ON THE APPLE AND PEAR BOARD.

A nomination will not be valid unless received by the Returning Officer or Deputy Returning Officer (as the case may be) on or before the

19 .

To the Returning Officer or the Deputy Returning Officer:

We, the undersigned growers entitled to vote at the election of one member of the Board or two members of the Board (as the case may be) to represent growers on the Apple and Pear Board, hereby nominate the following person to represent growers on the Board for the State of

Christian name or names in full

(In block letters.)

Surname

(In block letters.)

Place of residence

Occupation

Signature of Nominator.	Place of Residence.	Date of Signature.	Witness to Signature.
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

I, _____ of _____, consent to
act if elected.

Dated this _____ day of _____, 19 ____.

Signature of candidate

Signature of witness

Address of witness

Date / / 19 ____.

NOTE.—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 will not be questioned.

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

A grower shall be entitled to vote at the election only if his name has been placed on the roll of growers before the date, viz., _____, 19 ____, fixed by the Minister for the election.

* One member is to be elected by growers in each of the States of New South Wales, Victoria, Queensland, South Australia and Western Australia, and two representatives by growers in the State of Tasmania.

FORM C.

Regulation 19 (1.).

COMMONWEALTH OF AUSTRALIA.

Apple and Pear Organization (Election of Board) Regulations.

ELECTION OF MEMBER OF THE BOARD TO REPRESENT GROWERS.

DECLARATION TO BE MADE BY VOTER.

I, _____, of _____, declare that I am a grower of apples or pears or apples and pears and for that purpose I am utilizing an area or areas comprising not less than five acres and that I am entitled to vote at the election of _____ to be a member of the Board to represent growers in the State of _____, the poll for which closes on _____, 19 ____, under the provisions of the *Apple and Pear Organization Act 1938-1947* and the Regulations thereunder, 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 _____, 19 ____.

Signature of witness

Address of witness

NOTE.—Regulations 57 and 58 of the *Apple and Pear Organization (Election of Board) Regulations* read as follows:—

“57. 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 or a further ballot-paper.

Penalty: Fifty pounds.

“58. A person shall not witness the signature of any person to any declaration under these Regulations unless—

(a) he has satisfied himself as to the identity of that person;

(b) he has seen the person sign the declaration in his 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.

Penalty: Fifty pounds.”.

FORM D.

Regulation 19 (2.).

COMMONWEALTH OF AUSTRALIA.

Initials of Returning Officer or Deputy Re- turning Officer.

Apple and Pear Organization (Election of Board) Regulations.

BALLOT-PAPER.

Election of [*here insert* "one member of the Board to represent growers for the State of " or "two members of the Board to represent growers for the State of Tasmania," *as the case may be*] on the Apple and Pear Board.

DIRECTIONS TO VOTER.—The voter must 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 place the numbers 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

CANDIDATES.

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FURTHER DIRECTIONS TO VOTER.

After marking his vote, the voter must 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, by pre-paid post or otherwise, to the Returning Officer or Deputy Returning Officer (as the case may be) to whom the envelope is addressed.

NOTE.—If this ballot-paper is sent to the Returning Officer or Deputy Returning Officer by post, the postage thereon must be fully pre-paid, otherwise the voting paper will not be accepted by the Returning Officer or Deputy Returning Officer.

Unless the vote is marked on this ballot-paper and is received by the Returning Officer or Deputy Returning Officer at or before four 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.