

NEW SOUTH WALES MEAT
INDUSTRY ENCOURAGEMENT
ACT.

Act No. 72, 1924.

An Act to encourage and improve the Meat Industry : and for other incidental purposes.
[Assented to, 24th December, 1924.]

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No. 72.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the “New South Wales Meat Industry Encouragement Act of 1924.”

Short title
and com-
mencement.

(2) This Act shall come into operation on a date to be appointed by the Governor and notified in the Gazette.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

Interpreta-
tion.

“Australian Meat Council” or “Council” means the Australian Meat Council as defined in the Act of the Parliament of the Commonwealth of Australia intituled the Meat Industry Encouragement Act, 1924.

“Board” means the State Meat Advisory Board constituted under the provisions of this Act.

“Cattle” includes any bull, cow, ox, heifer, steer, or calf.

“Fund” means the Meat Industry Encouragement Fund created by this Act.

“Minister” means the Minister of Agriculture or other Minister of the Crown charged for the time being with the administration of this Act.

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“Owner”

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“Owner” means the owner of cattle or sheep (whether jointly or severally), and includes the agent, manager, or attorney of an owner, and in the case of a company, unless some other person be specifically nominated by the said company, its registered public officer under the Income Tax (Management) Act of 1912.

“Prescribed” means prescribed by this Act or by the regulations.

“Regulations” means regulations made under this Act.

“Sheep” includes any ram, ewe, wether, hogget, or lamb.

“Stock” includes all sheep and cattle.

“This Act” means this Act and the regulations made thereunder.

Finance.

Fund.

3. (1) There shall be established in the Treasury a special account to be called “The Meat Industry Encouragement Fund.”

(2) All assessments levied and moneys received under this Act shall be paid into the fund.

(3) There shall be paid out of the fund such amount as may be agreed upon between the Colonial Treasurer and the Australian Meat Council to reimburse the expenses incurred in the administration of this Act by the Colonial Treasurer or the Minister.

(4) The balance of the fund shall be paid to the Australian Meat Council, and shall be paid on demand by precept made by its authority in due form, and delivered to the Colonial Treasurer.

Levies.

4. (1) Subject as hereinafter provided, the Minister shall in the month of September in each year, on the recommendation of the board, make and levy in the prescribed manner an assessment on each and every owner of cattle and each and every owner of sheep at such rates as shall be determined and declared from time to time by the Australian Meat Council, but at not more in any one year than one penny per head of cattle and one-sixth of a penny per head of sheep on the actual numbers returnable by the owner under the provision of this Act.

(2)

(2) An assessment shall become due and payable at the Treasury in Sydney within thirty days after the date of the notice of such assessment :

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Provided that—

- (a) no assessment shall be payable by an owner on any stock owned by him not exceeding one hundred head of cattle or five hundred head of sheep;
- (b) any amount so levied or any penalty may be reduced or wholly remitted either generally or partially or in respect of any owner by the Minister on the recommendation of the board.
- (3) Any person who fails to pay an assessment made upon him before or at the due date shall be liable to a penalty not exceeding twenty-five pounds.
- (4) All assessments due and payable shall be recoverable as a debt by the Minister or some person authorised by him in writing in any court of competent jurisdiction.

5. (1) The Minister may upon the recommendation of the board in the manner prescribed require any or every owner to make a return of any stock of which he is the owner, or to supply any information required for the purpose of this Act.

Returns.

(2) Any owner who fails to make such return or supply such information when required by the Minister and within a time limit specified by him, or who makes any false return or supplies any false information shall, upon summary conviction, be liable to a penalty not exceeding twenty-five pounds.

(3) Notwithstanding anything in this section the Minister may, upon a resolution of the board, declare the latest returns made under any other Act to be returns under this Act for the purpose of making assessments, and cause assessment to be made upon such returns accordingly as if they had been specially made for the purpose of this Act.

(4) The board shall have access as prescribed to—

- (a) returns of sheep or large stock made under the Pastures Protection Act, 1912, or any other Act; and
- (b) returns collected by the police or other authorised persons for statistical or other purposes.

The

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Establish-
ment.

The board and its method of election.

6. (1) For the purposes of this Act there shall be established a board to be called the State Meat Advisory Board.

(2) The members of the board, to be appointed or elected in the manner prescribed, shall consist of—

- (a) two owners of stock representing the cattle interest;
- (b) three owners of stock representing the sheep interest;
- (c) one owner of stock representing the lamb interest;
- (d) three persons representing the meat works of the State;
- (e) a State executive officer and a Commonwealth Government executive officer (neither of which executive officers shall have a vote in any proceedings of the board whatever).

(3) Such members shall be elected or appointed in the manner prescribed.

Qualifications
of members
and electors.

7. (1) Every owner assessed under this Act, and who has paid all moneys, due by him to the fund in respect of the year in which the election is held and of every previous year, shall be qualified to be elected a member of the board to represent the owners of stock.

(2) Every such owner shall be entitled to vote at any such election according to the following scale of votes :—

Under one thousand head of cattle, or six thousand head of sheep—one vote.

One thousand and under five thousand head of cattle, or six thousand and under thirty thousand head of sheep—two votes.

Five thousand head of cattle, or thirty thousand head of sheep and upwards—three votes.

Elections.

(3) For the purpose of determining the number of votes to which an owner shall be entitled at an election under this Act where sheep and cattle are owned by the same owner all such sheep and cattle shall be taken into account, and for that purpose six sheep shall be deemed to be equivalent to one head of cattle.

(4) At any election no single owner shall have more than three votes even if his stock is located on more than one property.

8.

8. (1) The first board shall be appointed by the Governor by notification published in the Gazette. George V,
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(2) The first board shall remain in office for a term to be fixed by the Governor, not exceeding one year after the commencement of this Act. First board.

(3) Any vacancy in the first board shall be filled by appointment by the Governor notified in like manner.

(4) In the year in which the first board goes out of office upon a day not later than the thirtieth day of December to be appointed by the Governor an election shall be held to elect the members who are to sit upon the board for the remainder of the period of the duration of this Act, but notwithstanding anything in this section the then existing board shall remain in office until the first meeting of the newly elected board.

(5) When at any election no members, or an insufficient number, have been elected to the board the Governor shall, on the recommendation of the board, by notice published in the Gazette appoint a sufficient number of persons to fill the vacancies then existing. Appoint-
ment.

(6) The rules, forms, and directions contained in the Schedule to this Act shall as to all matters to which they extend regulate the proceedings in relation to all elections held under this Act. Such rules, forms, and directions may from time to time be amended or added to by regulations made under this Act.

(7) The elections of the representatives of the meat works upon the board shall take place at the same time and subject to the same rules and conditions which under this Act apply to the election of owners' representatives unless as otherwise expressly provided hereafter.

At such election each and every meat works recognised as such by the Minister on the advice of the board shall be entitled to one vote and no more.

(8) The Governor-General of the Commonwealth of Australia in Council may, and the Governor shall, each severally, from time to time, as may appear convenient to them, appoint a Commonwealth executive officer and a State executive officer to become members of the board in conformity with the provisions of this Act. Appointment
of executive
officers.

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Time of
constitution
of board.

9. A board shall be duly constituted and may transact business immediately upon election or appointment of members, but a notification of an election or appointment shall be published in the Gazette as soon as conveniently may be thereafter.

Vacation of membership.

Vacation of
membership.

10. Any member who—

- (a) has been absent from three consecutive meetings of the board without leave obtained from the board in that behalf; or
- (b) removes his permanent domicile from the State; or
- (c) becomes bankrupt or who by any deed or writing whatever compounds with his creditors or makes any assignment of his earnings or effects for their benefit; or
- (d) dies or becomes an insane person, an insane patient, or an incapable person within the meaning of the Lunacy Act, 1898; or
- (e) is serving a sentence of imprisonment; or
- (f) has become disqualified or ceased to be qualified as a member or elector under this Act in any way or for any reason; or
- (g) resigns his office as a member in writing,

shall be deemed to have vacated his membership of the board and shall forthwith cease to be a member and his seat upon the board shall be filled in the manner prescribed.

Penalty for
wrongful
sitting.

11. If any member of the board who is disqualified or whose office has become vacant continues to act as a member of the board knowing that he is disqualified or that his office has become vacant he shall be liable on summary conviction to a penalty not exceeding twenty-five pounds.

Filling of
vacancies.

12. In the event of any vacancy arising at any time upon the board by reason of the death, disqualification or removal of any member, such vacancy shall be filled upon the nomination of the official organisations of the section of the owners or of the meat works in whose representation such vacancy occurs.

Powers

Powers and duties of board.

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13. The board may at all times—

Power of
board.

- (a) advise the Minister on all matters relating to this Act;
- (b) act as the deputy or agent of the Australian Meat Council in relation to any matter in respect of which the said council is empowered by its constitution to delegate its authority to the board; and
- (c) deal generally with respect to any measures which it may deem necessary to increase the production of beef and mutton and their by-products, and to improve the methods at any time in use of breeding, carrying, killing, cold-storing, or selling stock and meat and other products thereof.

14. Subject to this Act the board shall meet for the transaction of its business at such times and places and upon such notice given as it may from time to time by resolution determine; and it may make and enforce all such rules as are necessary in respect of its being called together and of the proper conduct of its proceedings in meeting assembled.

Board's
proceedings.

15. The quorum of the board shall be seven members, and provided that such number of members at least is in attendance at a meeting otherwise properly constituted the board may proceed to business even though there may be for the time being a vacancy or vacancies in its membership, and everything done by it shall have force and be valid as if all the members of the board were present.

Quorum.

16. The board shall in each year at its first meeting elect a chairman who shall preside over its meetings, and in the event of his death or disqualification at any time choose someone from among its members to fill the vacancy so occurring.

Chairman.

17. No action or claim or demand shall lie or be allowed against the board or any of its members or the Minister or any officer of the board or the Minister in respect of anything done or omitted to be done by the lawful authority of the board or the Minister and in conformity with this Act and whereby damage, loss, or injury may be caused to any person or persons, firm, company, or public authority.

Indemnity.

18.

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Authorisa-
tion in
proceedings.

18. In any proceedings in any court of law under this Act it shall not be necessary to prove the validity of any document authorised by the Minister or the board or the authority of any officer of the Minister or board to sign and issue such document or to do any act done in the execution of his duty for and on behalf of the Minister or board.

Relation with Australian Meat Council.

Elections to
Australian
Meat Council.

19. (1) The board, in duly constituted meeting of which not less than thirty days clear notice has been given, shall choose and nominate four persons to be its representatives upon the Australian Meat Council in the following manner, that is to say :—

- (a) Those of its members who are representatives of the meat works shall all of them together in writing in a single document over their several signatures nominate one person; and
- (b) Those of its members who are representatives of the cattle interest, the sheep interest, and the lamb interest respectively shall each according to their sections and in like manner to the representatives of the meat works nominate one person to represent such interest.

Whereupon the chairman shall declare the said persons so nominated to be the board's representatives upon the Australian Meat Council and cause their names and the period for which they are appointed to be entered in the minutes of the meeting, a copy of which shall forthwith be sent by registered letter post or delivered by an officer of the board to the chairman of the Australian Meat Council.

(2) (a) The first board may appoint its representatives on the council for a term not exceeding fifteen months.

(b) The succeeding board may appoint its representatives on the council for the remaining period of the duration of this Act or for such lesser period as to it seems fit.

Vacancies,
how filled.

20. (1) Any vacancy which may occur in the board's representation upon the Australian Meat Council at a time other than that of an election as aforesaid shall be filled upon the nomination of that section of the board which

which originally chose the member whose seat has been vacated, and the mode of procedure in such cases shall be similar to that pursued at an election.

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(2) Any vacancy which occurs shall be filled by the board at a meeting of which notice has been given within six weeks after it has been notified in writing by the council.

Regulations.

21. (1) The Governor on the recommendation of the board may make regulations for carrying this Act into effect.

Regulations.

(2) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect as from the date of publication or from a later date to be specified in the regulations.

(3) All such regulations shall be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, or if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after the regulations have been laid before such House disallowing the regulations or any part thereof, the regulations or part shall thereupon cease to have effect.

(5) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof, which penalty may be recovered in a court of summary jurisdiction.

22. (1) Within three months after a first levy of an assessment has been made under this Act, any number of owners of stock, not being less than one hundred such owners, who have duly paid such assessment shall be entitled to demand that a poll of stock-owners liable to pay assessments under this Act shall be taken on the question whether a further levy of assessments under this Act shall be made or not.

Stock-owners
may demand
a poll.
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32, s. 13.

(2) Such demand shall be in writing signed by such owners demanding the poll, and shall be delivered or sent to the Minister.

(3)

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(3) The Minister shall cause such poll to be taken in the prescribed manner.

(4) If, upon such poll being taken, at least sixty per centum of the stock-owners entitled to vote thereat have voted, and the majority of the stock-owners voting thereat have decided that no further assessments under this Act shall be levied, that decision shall be binding upon the Minister.

(5) The Governor shall forthwith, by proclamation published in the Gazette, notify the result of the poll, and shall in the proclamation specify a date not later than one month after the date of the proclamation upon which this Act shall cease to have effect.

Duration of
Act.

23. This Act shall cease to have effect upon the date specified in a proclamation published under the last preceding section, or, if no such proclamation has been published, then upon the thirty-first day of December, one thousand nine hundred and twenty-nine.

SCHEDULE

PART I.

Rules for elections of members of the board to represent the owners of stock.

Retiring
member eligible
for re-election.

1. Every member who vacates his office shall, if otherwise qualified, be eligible for re-election or reappointment.

Returning
officer.

2. At every election the chairman ex officio, or some other person appointed by the board, or, if there is no board or chairman or no person is appointed by the board, then such person as the Governor appoints, shall be the returning officer.

Roll at first
election.

3. As soon as conveniently may be after the appointment of a returning officer, the Government Statistician shall furnish the returning officer with a list in alphabetical order, showing—

- (a) the name of every owner of cattle or of sheep or of sheep and cattle entitled to vote ;
- (b) the name or description of every holding of such owners ;
- (c) the number of stock returned for every such holding according to the latest statutory returns ; and
- (d) the number of votes to which every such owner is entitled.

Such list shall be certified by the Government Statistician by writing under his hand to be correct, and, when so certified, shall be the roll of electors to be used at the first election, and shall be conclusive evidence of the right of all persons to vote thereat.

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4. (1) For the purposes of elections after the first, the secretary of the board shall, as soon as practicable after the last day of August next preceding the election of members or such other day as is prescribed, prepare an alphabetical list containing the name and particulars of the place of abode of every person who is entitled to vote at elections of members representing the owners of stock, and, in such list, shall set opposite the name of every person the number of votes to which he is entitled.

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Secretary to
prepare annual
roll.

Such list shall be certified by the secretary by writing under his hand to be correct, and, when so certified, shall be conclusive evidence of the right of every person named therein to vote.

(2) The said list, when so certified, shall be delivered by the secretary to the returning officer, and shall be the roll of electors to be used at elections, and such roll shall continue in force until a new roll is made.

List to form the
roll

5. On or before the first day of November in the year of the election, the returning officer shall give public notice of the election by advertisement in some newspaper.

Elections.

Such notice shall specify a day not less than fourteen nor more than forty days after the publication of such notice as the day of nomination of candidates to represent the cattle interest, the sheep interest, and the lamb interest respectively, and shall require the candidates at such election to be nominated at some place named in such notice in manner hereinafter mentioned.

6. The place appointed for the nomination of candidates for election, and for the declaration of the result of the election, shall, whenever practicable, be at the office for the time being of the board.

Place of
nomination.

7. (1) In order that a person may become a candidate at an election, he shall be nominated by not less than twenty persons entitled to vote at such election in manner following, that is to say,—Before four o'clock in the afternoon of the day next preceding the day of nomination there shall be delivered to the returning officer, at the place appointed, a nomination-paper, signed by the persons nominating him.

Nomination.

(2) Every nomination-paper shall be in the following form or to the like effect, that is to say,—

Nomination-paper.

The day of

We, the undersigned, electors of the State Meat Advisory Board, hereby nominate [stating Christian name and surname] of as a candidate for the office of member of the board to represent the cattle interest or sheep interest or lamb interest as the case may be.

[Here are to follow the signatures.]

8. The returning officer shall, at all times between the hours of nine o'clock in the forenoon and four o'clock in the afternoon upon each day between the giving of a public notice of an election and the day of nomination named therein, keep posted outside the place appointed for the delivery of nomination papers the names of all persons who have already become candidates at such election in the cattle interest, the sheep and the lamb interest respectively.

Posting of names
of candidates.

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Penalties in
connection with
nominations of
candidates.

9. Every person who—

- (1) procures himself to be nominated as a candidate for the office of a member of the board, knowing himself to be under this Act incapable of being or continuing such member ; or
- (2) knowingly signs a nomination-paper nominating or purporting to nominate as a candidate for such office a person incapable of being or continuing such member ; or
- (3) knowing that he is not qualified to vote at an election of members, signs a nomination-paper nominating any person as a candidate at such election ;

shall be liable to a penalty not exceeding fifty pounds.

Result where
only number to
be elected are
nominated.

10. If at the expiration of the time limited for the nomination of candidates the number of persons who are duly nominated in any interest does not exceed the number of members to be elected in that interest the returning officer shall, at noon on the day of nomination, at the place aforesaid, publicly declare such candidates to be duly elected, and they shall be elected accordingly.

Notification of
candidates.

11. If at the expiration of the time limited for the nomination of candidates the number of candidates nominated in any interest exceeds the number of members to be elected in that interest, the returning officer shall, at noon on the day of nomination, at the place aforesaid, publicly announce the names of the candidates, and also a day (not being less than twenty nor more than forty days from the day of nomination) on which the poll shall close as hereinafter provided, and also the place at which the votes will be examined and the result of the election ascertained.

The returning officer shall also forthwith give public notice by advertisement in some newspaper, stating the names of the candidates and the day on which the poll will close, and naming also the place at which the votes will be examined.

Substitute for
returning
officer.

12. If the returning officer is prevented from attending to any of his duties by illness or other sufficient cause, he may, or in case of his refusal or inability the secretary shall, by writing under his hand, appoint a substitute to act for him ; and such substitute shall thereupon for the time being have, perform, and be subject to all the powers, authorities, duties, and liabilities of the principal.

Voting-paper.

13. If a poll is required to be taken, the returning officer shall forthwith after the day of nomination transmit by post to every person entitled to vote at the election a voting-paper ; or, if a voter appears by the roll of electors to be entitled to give more votes than one, then so many voting-papers as are equal to the number of votes which such voter is entitled to give. All owners of stock who are entitled to vote shall be entitled to vote for members to represent the cattle interest, to represent the sheep interest, and to represent the lamb interest.

The envelopes containing the voting-papers so posted by the returning officer shall be endorsed with the words " State Meat Advisory Board Voting paper."

Every voting-paper shall contain the names in full, in alphabetical order, of all the candidates for election, placing them in three sections, namely

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namely, the cattle interest, the sheep interest, and the lamb interest, and shall be initialled by the returning officer, and shall be in the following form, or to the like effect, that is to say,—

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Voting-paper.

[This voting-paper, having been completed and signed before some other person entitled to vote at the same election, or justice of the peace, or the returning officer, must be placed in a closed envelope addressed to the returning officer and endorsed "State Meat Advisory Board Voting-paper," and be transmitted to the place of nomination through the post.]

A.B. [*Initials of Returning Officer.*]

I [*christian name and surname in full*], of _____, am an elector, and am entitled to vote at the election of [*insert number of members to be elected*] member [*or members*] of the Board, which is to take place at [*state place of nomination*] and closes on the _____ day of _____.

Elector.

Witness :

Elector (J.P. or Returning Officer)

NAMES OF CANDIDATES.

(Strike out the names of the candidates in each interest for whom you do not wish to vote.)

Cattle interest.

ARCHER, THOMAS
BROWN, ALEXANDER
DOE, JOHN
HARKER, WILLIAM, &c.

Sheep interest.

JONES, JAMES
ROE, RICHARD
SMITH, CHARLES
THOMPSON, HENRY

Lamb interest.

HENRY, CHARLES
JOHNS, WILLIAM
MURPHY, MARK
WILLIAMS, ARCHIBALD

14. Every voting-paper so transmitted to a voter shall be accompanied by an unsealed envelope addressed to the returning officer at the place of nomination, and endorsed with the words "State Meat Advisory Board Voting-paper."

15. In printing voting-papers, regard shall be had to the following rules, that is to say,—

- (a) The name of every candidate shall be printed in plain capital letters of not smaller than pica type ;
- (b) The name of one candidate only shall be printed in one line ;

(c)

Printing voting
papers.

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- (c) On each side of every such line there shall be a blank space of not less than one quarter of an inch ;
- (d) Reasonable space shall be left for the signature of the voter and of the witness to the voter's declaration ;
- (e) If two candidates have the same surname and christian name, the residence and occupation of each such candidate shall be added to his name.

**Filling up of
papers.**

16. Before posting the voting-papers, the returning officer shall cause the form of the declaration on each voting-paper to be filled in with—

- (1) The christian name and surname in full, when known, of the person entitled to vote ;
- (2) The place and residence or place of business of the person entitled to vote ;
- (3) The place of nomination ;
- (4) The number of members in each interest to be elected ; and
- (5) The date on which the poll will close.

Retirement

17. If a candidate desires to retire from his candidature, he may, before any of the voting-papers are posted, sign and deliver to the returning officer or to the secretary a notice in the following form or to the like effect :—

I, A.B., hereby retire from being a candidate at the election of members to be held on the day of , for the State Meat Advisory Board.

Dated this day of .

Witness, C.D.

(Signed) A.B.

The returning officer, on the receipt of such notice, shall make known as publicly as possible, by advertisement or otherwise, the fact of the candidate's retirement, and, if the number of candidates is, by his retirement, reduced to the number of persons to be elected at the election, shall, as soon as conveniently may be, declare the remaining candidates to be duly elected, and if the number is not so reduced, shall omit or erase the name of the candidate so retiring from the voting-papers.

**Return of
voting-paper.**

18. The voter shall strike out from the voting-paper the name of every candidate in each interest for whom he does not wish to vote, and shall then sign such paper in the presence of some other person qualified to vote at the same election, or a justice of the peace, or the returning officer.

He shall then place the voting-paper in a closed envelope addressed to the returning officer at the place of nomination and endorsed with the words aforesaid, and shall transmit the same by post.

Marksman.

19. The signature or mark of a voter who cannot write must be attested by a justice of the peace or the returning officer.

No person who cannot write shall be competent to attest the signature of a voter.

**Disqualification
of certain
persons as
witnesses.**

20. No person who is a candidate or the agent of a candidate at the election shall attest the signature of a voter to a voting-paper for use in the election. And any such person who so witnesses a signature shall be liable to a penalty not exceeding twenty pounds, but the vote shall not be thereby invalidated.

21. At any time before three o'clock in the afternoon of the day next preceeding the day appointed for closing the poll, the returning officer may issue a second or duplicate voting-paper to any voter whose original voting-paper has miscarried or has been destroyed:

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Duplicate
voting-papers.

Provided that the voter shall first make a declaration before the returning officer that he has not received the original voting-paper or that it has been destroyed, and that he has not already voted at the election.

22. The returning officer may at the request of a voter strike out from the voting-paper the name of any candidate for whom the voter does not wish to vote, and may attest the signature of a voter, but the returning officer shall not personally receive any vote except through the post as hereinbefore provided.

Assistance given
by returning
officer.

23. No candidate or agent of a candidate shall receive or take any voting-paper or envelope containing a voting-paper from a voter.

Disqualification
of candidate or
agent for
collection of
voting-papers.

Any such person who so takes or receives a voting-paper or envelope containing a voting-paper from a voter shall be liable to a penalty not exceeding twenty pounds, and the election of a candidate who or whose agent so takes or receives a voting-paper or envelope containing a voting-paper shall be void.

24. Each candidate may appoint one person to be his scrutineer at the place appointed for the examination of the voting-papers.

Scrutineers.

25. The returning officer shall at four o'clock in the afternoon of the day appointed for closing the poll and at the place of nomination, in the presence of such candidates and scrutineers as may attend, examine and count the number of votes received for each candidate in each interest, and shall make out a written statement, signed by himself and countersigned by any scrutineers who are present and consent to sign the same, containing the numbers in words as well as figures of the votes for each candidate so counted as aforesaid, and shall as soon as possible there openly declare such numbers, and shall at the same time and place declare the names of the candidates elected in each interest, and shall forthwith thereafter certify to the secretary and to the Minister, by writing under his hand, the names of the candidates so elected in each interest, and the date of the declaration of the result of the election.

Scrutiny of
votes and
declaration.

At the time of opening the ballot-box the returning officer shall produce for the information of the scrutineers an alphabetical list, signed by him, of all persons to whom he has posted or issued voting-papers.

26. At the examination of the voting-papers, every voting-paper which—

Informal
votes.

- (a) does not bear the initials of the returning officer; or
- (b) is not signed by the voter and attested in the manner prescribed; or
- (c) is manifestly irregular; or
- (d) is signed by any person other than a qualified voter; or
- (e) contains a greater or less number of names of candidates not struck out in any interest than the number of members to be elected in that interest; or

(f)

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(f) is so imperfectly executed that the intention of the voter cannot with certainty be ascertained,

shall be rejected.

**Marking of
name of voters
on list.**

27. At the examination of the voting-papers the returning officer shall, upon the alphabetical list aforesaid, make a mark against the name of the voter who voted.

Casting vote.

28. If the number of votes for two or more candidates in the same interest is found to be equal, the returning officer shall decide by his casting vote which shall be elected.

**Disposal of
voting-papers.**

29. The returning officer shall forthwith, after the declaration of the result of the election, make up in one packet all the voting-papers, together with the alphabetical list of voters signed by him as aforesaid, and shall securely fasten and seal up such packet, and also permit the same to be sealed by the scrutineers present if they so desire, and shall endorse upon it when so sealed a description of the contents thereof and the date of closing the poll, and shall sign such endorsement with his name, and shall cause such sealed packet to be delivered to the secretary, who shall safely keep the same for twelve months after the receipt thereof.

At the expiration of such period of twelve months the chairman shall cause the voting-papers to be destroyed in the presence of at least two members of the board.

If any question at any time arises touching the votes alleged to have been given at any election, the voting-papers contained in any such sealed packet shall be received in evidence as proof of such votes in any court of justice upon production thereof and upon proof that the same were transmitted to the secretary in due course by the returning officer.

Secrecy.

30. (1) If a returning officer or any scrutineer in the discharge of his duties under this Act at or concerning an election learns for what candidate any voter has voted at such election, he shall not by word or act or any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the fact, save in answer to some question which he is legally bound to answer.

Every such returning officer or scrutineer who knowingly and wilfully offends against this provision shall be liable to a penalty not exceeding one hundred pounds.

(2) If a scrutineer makes any mark upon any list of voters or makes or writes any note or memorandum denoting or whereby he can know or remember for what candidate any voter has voted at an election, he shall be liable to a penalty not exceeding one hundred pounds.

Intruders.

31. Every person who wilfully intrudes into the room appointed for the examination of the voting-papers, other than the returning officer, the candidates, and the scrutineers, shall be liable to a penalty not exceeding fifty pounds.

**Power and
authority of
returning
officer.**

32. Every returning officer shall have power and authority to maintain and enforce order and to keep the peace at any election held before him, and may without any other warrant than this Act cause to be arrested and removed and taken before a justice of the peace any person

person who causes a disturbance at the election, or who intrudes into or obstructs the approaches to the room appointed for the examination of the voting-papers, or conducts himself in a disorderly manner; and all police officers shall aid and assist the returning officer in the performance of his duty. Any person so brought before such justice shall, if no other penalty is provided under this Act, be liable to a penalty not exceeding ten pounds.

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33. Every person acting as returning officer at an election who is guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of this Act shall for every such offence be liable to a penalty not exceeding fifty pounds.

34. No election shall be liable to be questioned by reason of any defect in the title or any want of title of any person before whom such election is held if such person really acted at the election, nor by reason of any formal error or defect in any declaration or other instrument or in any publication made under this Act or intended to be so made, nor by reason of any such publication being out of time.

No election shall be void in consequence solely of any delay in holding the election at the time appointed, or in taking the poll, or in consequence of any impediment of a merely formal nature, and the Governor may adopt such measures as may be necessary for removing any obstacle of a merely formal nature by which the due course of any election might be impeded:

Provided that the validity of the election and the measures so taken shall be forthwith declared by the Governor by Proclamation.

35. All reasonable expenses of or incident to any election, incurred by the returning officer, shall be repaid to him by the board out of the fund.

PART II.

Rules relating to the election of members of the board to represent meat works.

1. The returning officer shall be the person referred to in section two of Part I of this Schedule.

2. The secretary shall prepare a roll of voters, and this roll, when certified by him in writing and approved by the Minister, shall be conclusive evidence of the right of every person named therein to vote.

3. Candidates shall be nominated by writing under the hand or seal of three persons entitled to vote.

4. The day of nomination and the day for closing the poll and counting the votes shall be the same as those fixed for elections of representatives of the owners of stock.

5. Subject to the above provisions, the rules, forms and directions contained in Part I of this Schedule shall, *mutatis mutandis*, apply to elections of members of the board to represent meat works.