

1990 - No. 212

FISHERIES AND OYSTER FARMS ACT 1935 – REGULATION

(New South Wales Commercial Fishing Advisory
Council Regulation 1990)

NEW SOUTH WALES



[Published in Gazette No. 49 of 12 April 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fisheries and Oyster Farms Act 1935, has been pleased to make the Regulation set forth hereunder.

IAN ARMSTRONG

Minister for Agriculture and Rural Affairs.

PART 1 - PRELIMINARY

Citation

1. This Regulation may be cited as the New South Wales Commercial Fishing Advisory Council Regulation 1990.

Definitions

2. (1) In this Regulation:

"**approved**" means approved for the time being by the Director of Fisheries;

"**calling of the ballot**", in relation to an election, means the date on which a notification is first published in respect of the election under clause 19;

"**calling of the election**", in relation to an election, means the date on which a notification is first published in respect of the election under clause 11;

"close of enrolments", in relation to an election, means the time and date for the close of enrolments in the election fixed by the notification:

- (a) except as provided by paragraph (b) - published under clause 19; or
- (b) if the returning officer fixes a later time and date for the close of enrolments in the election than that fixed by a previous notification - last published under clause 20;

"close of exhibition of the roll" in relation to an election, means the time and date for the close of exhibition of the roll in the election fixed by the notification:

- (a) except as provided by paragraph (b) - published under clause 19; or
- (b) if the returning officer fixes a later time and date for the close of exhibition of the roll in the election than that fixed by a previous notification - last published under clause 20;

"close of nominations", in relation to an election, means the time and date for the close of nominations in respect of the election fixed by the notification:

- (a) except as provided by paragraph (b) - published under clause 11; or
- (b) if the returning officer fixes a later time and date for the close of nominations in respect of the election than that fixed by a previous notification - last published under clause 12;

"close of the ballot", in relation to an election, means the time and date for the close of the ballot in respect of the election fixed by the notification:

- (a) except as provided by paragraph (b) - published under clause 19; or
- (b) if the returning officer fixes a later time and date for the close of the ballot in respect of an election than that fixed by a previous notification - last published under clause 20;

"Council" means the New South Wales Commercial Fishing Advisory Council constituted by section 17G of the Act;

"election" means an election conducted for the purposes of the appointment of one or more members to the Council or to a Regional Advisory Committee;

"electoral region" means an electoral region described in clause 4;

"final roll", in relation to an election, means the roll prepared for the election by the returning officer under Division 6 of Part 2;

"fisherman" means a person who is the holder of a current licence issued under section 24C of the Act;

"preliminary roll", in relation to an election, means the roll furnished for the election under clause 18 to the returning officer;

"Regional Advisory Committee" means a Regional Advisory Committee constituted by section 17L of the Act;

"returning officer" means:

- (a) the Electoral Commissioner for New South Wales; or
- (b) a person nominated by the Electoral Commissioner for the purpose of exercising the functions of a returning officer;

"the Act" means the Fisheries and Oyster Farms Act 1935.

(2) A reference to a fisherman who is a resident of an electoral region:

- (a) in relation to Region 1 - includes a reference to a fisherman who is a resident of Queensland; and
- (b) in relation to Region 7 - includes a reference to a fisherman who is a resident of South Australia, Tasmania or Victoria.

Election of members of the Council and of Regional Advisory Committees

3. The members of the Council and of the Regional Advisory Committees are to be elected in accordance with Part 2.

PART 2 - ELECTIONS

Division 1 - Electoral regions

Electoral regions

4. For the purposes of section 17H (3) of the Act, the following regions are prescribed:

- (a) Region 1 (Upper North Coast) - that part of the State of New South Wales lying generally between the border between the States of Queensland and New South Wales and the parallel 29°15' south latitude;

- (b) Region 2 (Clarence) - that part of the State of New South Wales lying generally between the parallel 29°15' south latitude and the parallel 29°45' south latitude;
- (c) Region 3 (North Coast) - that part of the State of New South Wales lying generally between the parallel 29°45' south latitude and the parallel 31°44' south latitude;
- (d) Region 4 (Central) - that part of the State of New South Wales lying generally between the parallel 31°44' south latitude and the parallel 33°25' south latitude;
- (e) Region 5 (Metropolitan) - that part of the State of New South Wales lying generally between the parallel 33°25' south latitude and the parallel 34°20' south latitude;
- (f) Region 6 (Upper South Coast) - that part of the State of New South Wales lying generally between the parallel 34°20' south latitude and the parallel 35°25' south latitude;
- (g) Region 7 (Lower South Coast) - that part of the State of New South Wales lying generally between the parallel 35°25' south latitude and the border between the States of New South Wales and Victoria.

Division 2 - Qualifications

Qualifications for voting for elected regional members of the Council

5. (1) One member for each electoral region is to be elected for the purposes of section 17H (2) (c) of the Act by fishermen each of whom:

- (a) is resident in the region; and
- (b) fishes on a vessel which is the subject of a licence under the Commonwealth Act,

(2) One member for each electoral region is to be elected for the purposes of section 17H (2) (c) of the Act by fishermen each of whom:

- (a) is resident in the region; and
- (b) fishes on a vessel which is the subject of a licence under section 23 or 24 of the Act.

Qualifications of elected industry sector members of the Council

6. (1) For the purposes of section 17H (4) (a) of the Act, the following sectors of the fishing industry are prescribed:

- (a) Sector 1 - prawn trawling;
- (b) Sector 2 - fin fish trawling;
- (c) Sector 3 - commercial tuna fishing;
- (d) Sector 4 - commercial abalone fishing;
- (e) Sector 5 - commercial inland fishing.

(2) Each elected industry sector member must be a fisherman resident in New South Wales and must:

- (a) in relation to the member elected for Sector 1 - be principally engaged in prawn trawling in waters outside the coastal waters of New South Wales and operate a vessel which is the subject of a licence under the Act or the Commonwealth Act authorising prawn trawling in those waters; and
- (b) in relation to the member elected for Sector 2 - be principally engaged in fin fish trawling in the waters known as the South-East Trawl Fishery and operate a vessel which is the subject of a licence under the Act or the Commonwealth Act authorising fin fish trawling in those waters; and
- (c) in relation to the member elected for Sector 3 - be principally engaged in commercial tuna fishing and operate a vessel which is the subject of a licence under the Act or the Commonwealth Act authorising commercial tuna fishing; and
- (d) in relation to the member elected for Sector 4 - be principally engaged in commercial abalone fishing and hold a restricted fishery permit issued under section 22A of the Act which authorises the taking of abalone; and
- (e) in relation to the member elected for sector 5 - be principally engaged in commercial inland fishing and hold a licence under section 24C of the Act which authorises fishing in an inland fishery.

Qualifications for voting for elected industry sector members of the Council

7. For the purposes of section 17H (4) of the Act, the elected industry sector members are to be elected by fishermen each of whom:

- (a) in relation to the election of a member for Sector 1 - is principally engaged in prawn trawling in waters outside the coastal waters of New South Wales and operates a vessel which

- is the subject of a licence under the Act or the Commonwealth Act authorising prawn trawling in those waters; and
- (b) in relation to the election of a member for Sector 2 - is principally engaged in fin fish trawling in the waters known as the South-East Trawl Fishery and operates a vessel which is the subject of a licence under the Act or the Commonwealth Act authorising fin fish trawling in those waters; and
 - (c) in relation to the election of a member for Sector 3 - is principally engaged in commercial tuna fishing and operates a vessel which is the subject of a licence under the Act or the Commonwealth Act authorising commercial tuna fishing; and
 - (d) in relation to the election of a member for Sector 4 - is principally engaged in commercial abalone fishing and holds a restricted fishery permit issued under section 22A of the Act which authorises the taking of abalone; and
 - (e) in relation to the election of a member for Sector 5 - is principally engaged in commercial inland fishing and holds a licence under section 24C of the Act which authorises fishing in an inland fishery.

Qualifications for voting for members of Regional Advisory Committees

8. The members of a Regional Advisory Committee are to be elected by fishermen resident within the relevant electoral region.

Person to be candidate for 1 position only

9. (1) A person may not be a candidate for, or hold, more than 1 position of member on the Council.

(2) A person may not be a candidate for the position of member on more than 1 Regional Advisory Committee.

Division 3 - Calling of the election

Conduct of elections

10. (1) Elections for members of the Council and of the Regional Advisory Committees are to be held every 3 years and must be conducted by postal ballot.

(2) Nominations are to be invited from fishermen qualified to vote in the election:

- (a) in relation to an election of a Council member under section 17H (2) (d) of the Act, by advertisement in a newspaper circulating throughout New South Wales or by written notice sent by post to each fisherman stating that the election is to be held; and
- (b) in relation to an election of a Council member under section 17H (2) (c) of the Act or a member of a Regional Advisory Committee, by advertisement in a newspaper circulating throughout the relevant electoral region.

Notification of election

11. (1) The returning officer must, as soon as practicable after having been notified in writing by or on behalf of the Minister that a member is required to be appointed for the Council or for a Regional Advisory Committee:

- (a) cause to be published in at least one newspaper circulating generally throughout New South Wales (or, in the case of an election of a Council member under section 17H (2) (c) of the Act or of a member of a Regional Advisory Committee, throughout the relevant electoral region) a notification:
 - (i) stating that an election is to be held for that purpose; and
 - (ii) specifying that a member is required to be appointed; and
 - (iii) calling for nominations of candidates; and
 - (iv) fixing the time and date for the close of nominations; and
 - (v) advising where nomination forms may be obtained; and
 - (vi) specifying the places where nominations may be lodged; and
 - (vii) specifying the qualifications that qualify a person to nominate a candidate; and
- (b) notify the Chairperson of the Council in writing:
 - (i) that an election is to be held for the purpose; and
 - (ii) of the time and date fixed under paragraph (a) for the close of nominations.

(2) The date fixed under subclause (1) for the close of nominations must be not earlier than 21 days, and not later than 28 days, after the date on which the notification is first published.

Postponement of close of nominations

12. (1) The returning officer may, by a notification in a form similar to, and published in the same manner as, a notification referred to in clause 11 (1) (a), postpone (for a period not exceeding 14 days) the close of nominations if, in the returning officer's opinion, it is desirable to do so.

(2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Division 4 - Nominations

Qualifications for nominating candidates

13. (1) A person is qualified to nominate a candidate for an election if, and only if, the person is entitled to vote in the election.

(2) A person is not entitled to nominate more than 1 candidate in an election.

Nomination of candidates

14. (1) A nomination of a candidate:

- (a) must be in the approved form; and
- (b) must be made by not less than 2 persons (other than the candidate) who are qualified to nominate a candidate; and
- (c) must be lodged with the returning officer before the close of nominations.

(2) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.

(3) For the purpose of enabling the returning officer to form an opinion as to whether a person by whom a candidate in an election has been nominated is qualified to nominate a candidate, the returning officer may require the secretary of the Council to furnish the returning officer with such information regarding the person as the returning officer may specify.

(4) The secretary of the Council must comply with such a requirement as soon as practicable.

(5) A candidate who has been nominated in an election may, by notice in writing addressed to the returning officer, withdraw the nomination at any time before the close of nominations.

Uncontested elections

15. If, by the close of nominations in an election, only one person has been duly nominated as a candidate, that person is to be taken to have been elected.

Contested elections

16. If, by the close of nominations in an election, more than one person has been duly nominated as a candidate, a ballot must be held.

Candidate information sheets

17. (1) A candidate may, at any time before the close of nominations, submit to the returning officer a statutory declaration, in the approved form, containing information intended for inclusion in a candidate information sheet.

(2) If, by the close of nominations, more than one person has been duly nominated as a candidate, the returning officer must draw up a candidate information sheet consisting of the information contained in the statutory declarations submitted by the candidates.

(3) If the returning officer considers that the information contained in such a statutory declaration:

- (a) is not appropriate for inclusion in a candidate information sheet; or
- (b) is false or misleading in a material particular; or
- (c) is of a length greater than that permitted by the approved form, the returning officer may, in drawing up the candidate information sheet:
 - (d) omit the information; or
 - (e) omit or rectify the particular; or
 - (f) reduce the length of the information.

(4) If a candidate does not submit a statutory declaration to the returning officer, the returning officer may, in drawing up a candidate information sheet, include in the sheet in respect of the candidate the words "NO INFORMATION RECEIVED".

Division 5 - Calling of the ballot

Preparation of preliminary rolls

18. (1) The returning officer must, as soon as practicable after it becomes apparent to the returning officer that a ballot is required to be held in respect of an election, notify the Director-General:

- (a) that a ballot is to be held; and
- (b) that the Director-General is required to furnish the returning officer, within such time after the calling of the ballot as may be specified in the notice, with:
 - (i) a preliminary roll of the persons who, in the opinion of the Director-General, are qualified to vote in the election; and
 - (ii) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.

(2) The Director-General must comply with such a requirement as soon as practicable.

(3) A preliminary roll:

- (a) must contain the names (consecutively numbered and listed in alphabetical order) and addresses of the persons whose names are included in the roll; and
- (b) must be certified by the Director-General.

(4) This clause does not apply to an election which is held as a consequence of an earlier election which has failed but in respect of which the relevant preliminary roll has been furnished to the returning officer under this clause.

Notification of ballot

19. (1) The returning officer must, as soon as practicable after receiving the preliminary roll for an election:

- (a) cause to be published in at least one newspaper circulating generally throughout New South Wales (or, in the case of the election of a Council member under section 17H (2) (c) of the Act or of a member of a Regional Advisory Committee, throughout the relevant electoral region) a notification:

- (i) stating that an election is being held for the purpose of appointing a member for the purposes of section 17H (2) (c) or (d) or 17L (2) (b) or (c) of the Act; and
- (ii) stating that a ballot is to be taken; and
- (iii) fixing the time and date for the close of exhibition of the roll; and
- (iv) specifying the places where copies of the preliminary roll will be exhibited; and
- (v) fixing the time and date for the close of enrolments; and
- (vi) specifying the qualifications that qualify a person to vote; and
- (vii) specifying the places where applications for enrolment and objections against enrolment may be lodged; and
- (viii) fixing the time and date for the close of the ballot; and
- (b) cause copies of the preliminary roll to be exhibited for public inspection:
 - (i) for a period of not less than 14 days ending at the close of exhibition of the roll; and
 - (ii) at the place specified under paragraph (a) (iv).
- (2) The date fixed under subclause (1) for:
 - (a) the close of exhibition of the roll - must be not earlier than 14 days after the calling of the ballot; and
 - (b) the close of the ballot - must be not earlier than 28 days after the calling of the ballot; and
 - (c) the close of enrolments - must be not earlier than the close of exhibition of the roll and not later than 14 days before the close of the ballot.

Postponement of ballot

20. (1) The returning officer may, by a notification in a form similar to, and published in the same manner as, a notification referred to in clause 19, postpone (for a period not exceeding 14 days) the close of exhibition of the roll, the close of enrolments or the close of the ballot if, in the returning officer's opinion, it is desirable to do so.

(2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Division 6 - Preparation of the final rolls

Applications for enrolment

21. (1) An application for enrolment in respect of an election must be in the approved form and must be lodged at the office of the returning officer before the close of enrolments.

(2) On receipt of an application for enrolment, the returning officer must:

- (a) if satisfied that the applicant is qualified to vote, accept the application and enter the name and address of the applicant in the relevant final roll; or
- (b) if not so satisfied, reject the application and inform the applicant in writing that the application has been rejected; or
- (c) if the application is not in the proper form or is incomplete:
 - (i) return the application for correction or completion; and
 - (ii) if the application is corrected or completed and returned within such time as the returning officer may specify, deal with the corrected or completed application in accordance with this subclause.

Objections to enrolment

22. (1) The returning officer, and any person who is qualified to vote in an election, may, before the close of enrolments, object to the inclusion in the final roll of the name of any person.

(2) An objection must:

- (a) be in the approved form; and
- (b) state the grounds on which the objection is made; and
- (c) be signed by the objector; and
- (d) be lodged with the returning officer.

(3) The returning officer must forward particulars of an objection to the person to whom the objection relates.

(4) The person to whom an objection relates may lodge a reply, in writing, with the returning officer within 14 days after the date on which particulars of the objection were forwarded to that person.

(5) The returning officer must consider each objection, and any reply received within that 14 day period, and may make such inquiries as the returning officer thinks fit.

(6) The returning officer may, after complying with subclause (5), accept or refuse to accept an objection.

(7) If the returning officer accepts an objection, the returning officer must exclude from the final roll for the election the name of the person to whom the objection relates and must inform the person and the objector, in writing, that the person's name is so excluded.

(8) If the returning officer does not accept an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has not accepted the objection.

(9) The returning officer may require a person who lodges an objection, or who replies to an objection under subclause (4), to verify the objection or reply by statutory declaration.

Postponement of ballot not to affect final roll

23. A notification published under clause 20 after the close of enrolments in an election, being a notification whereby the close of the ballot is postponed, does not affect the validity of a final roll for the election prepared in accordance with this Division and, regardless of the publication of the notification, that roll remains a final roll for the election.

Division 7 - The ballot

Printing of ballot-papers

24. (1) The returning officer must, as soon as practicable after the close of enrolments in an election:

- (a) determine the order in which the candidates' names are to be listed on a ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the Parliamentary Electorates and Elections Act 1912; and
- (b) cause sufficient ballot-papers to be printed so that a ballot-paper may be forwarded to each person included in each of the rolls; and
- (c) if a candidate information sheet has been drawn up under clause 17, cause sufficient copies to be printed so that a copy may be forwarded to each person included in that roll.

- (2) A ballot-paper for an election must contain:
- (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name; and
 - (b) if, in the opinion of the returning officer, the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as will, in the opinion of the returning officer, distinguish between those candidates; and
 - (c) such directions as to the manner in which a vote is to be recorded, and the ballot-paper returned to the returning officer, as the returning officer considers appropriate, including the direction that the voter:
 - (i) must record a vote for at least the number of candidates to be elected by placing consecutive numbers (beginning with the number "1" and ending with the number equal to the number of candidates to be elected) in the squares set opposite their names in the order of the voter's preferences for them; and
 - (ii) may vote for additional candidates by placing consecutive numbers (beginning with the number next higher than the number of candidates to be elected) in the square set opposite their names in the order of the voter's preferences for them.
- (3) A candidate information sheet must be printed in such a manner that the information relating to each candidate appears on the sheet in the same order as the order in which the candidates' names are listed on the ballot-papers.

Distribution of ballot-papers

25. The returning officer must, as soon as practicable after the printing of the ballot-papers for an election, forward to each person included in a final roll for the election:

- (a) a ballot-paper initialled by the returning officer or by a person authorised by the returning officer in that behalf; and
- (b) an unsealed reply-paid envelope addressed to the returning officer and bearing on the back the words "Name and address of voter" and "Signature of voter", together with appropriate spaces for the insertion of the person's name, address and signature; and

- (c) if applicable, a candidate information sheet.

Duplicate ballot-papers

26. (1) If any voter to whom a ballot-paper has been forwarded under clause 25 satisfies the returning officer by statutory declaration that the ballot-paper has been spoilt, lost or destroyed, and that the voter has not already voted in the election to which the ballot-paper relates, the returning officer may, at any time before the close of the ballot, issue to the voter a new ballot-paper and envelope.

(2) The returning officer must maintain a record of all duplicate ballot-papers so issued.

Recording of votes

27. A person whose name is included in a final roll for an election and who wishes to vote in the election must, on receipt of a ballot-paper:

- (a) record a vote on the ballot-paper in accordance with the directions shown on it; and
- (b) place the completed ballot-paper (folded so that the vote cannot be seen) in the envelope addressed to the returning officer and forwarded with the ballot paper; and
- (c) seal the envelope; and
- (d) complete his or her full name and address and inscribe his or her signature on the back of the envelope; and
- (e) return the envelope to the returning officer so as to be received by the returning officer before the close of the ballot.

Division 8 - The scrutiny

Receipt of ballot-papers

28. (1) In any ballot, the returning officer must reject any envelope purporting to contain a ballot-paper, being an envelope:

- (a) that is not received by the returning officer before the close of the ballot; or

- (b) that is unsealed,
without opening the envelope or inspecting the ballot-paper.
- (2) On receipt, before the close of the ballot, of an envelope purporting to contain a ballot-paper, the returning officer must examine the name on the back of the envelope and:
- (a) if the returning officer is satisfied that a person of that name is included in the relevant final roll for the election, accept the ballot-paper in the envelope for scrutiny without opening the envelope and draw a line through that person's name in the roll; or
 - (b) if the returning officer is not so satisfied, or if a signature does not appear on the back of the envelope, reject the ballot-paper in the envelope without opening the envelope.
- (3) If it appears to the returning officer that the signature on the back of any such envelope is not the signature of the person whose name and address appear on the back of the envelope, the returning officer may make such inquiries as the returning officer thinks fit and must, if satisfied after making those inquiries that the signature is not the signature of that person, reject the ballot-paper in the envelope without opening the envelope.

Ascertaining result of ballot

29. The result of a ballot is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

Scrutineers

30. Each candidate in a ballot is entitled to appoint, by notice in writing, a scrutineer to represent the candidate at all stages of the scrutiny.

Scrutiny of votes

31. (1) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal if:

- (a) it is neither initialled by the returning officer (or by a person authorised by the returning officer in that behalf) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the Parliamentary Electorates and Elections Act 1912; or

- (b) it has on it any mark or writing which, in the opinion of the returning officer, could enable any person to identify the voter who completed it; or
 - (c) it has not been completed in accordance with the directions shown on it.
- (2)** A ballot-paper must not be rejected as informal merely because:
- (a) there is any mark or writing on it that is not authorised or required by this Regulation (not being a mark or writing referred to in subclause (1) (b)) if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper; or
 - (b) if the voter has recorded a vote by placing in one square the number "1":
 - (i) the same preference (other than the voter's first preference) has been recorded on the ballot-paper for more than one candidate; or
 - (ii) there is a break in the order of preferences recorded on the ballot-paper.
- (3)** The scrutiny of votes in a ballot is to be conducted as follows:
- (a) the returning officer must produce unopened the envelopes containing the ballot-papers accepted for scrutiny under clause 28 in respect of the ballot, other than any envelope purporting to contain a ballot-paper rejected under clause 28 (3);
 - (b) the returning officer must then open each such envelope, extract the ballot-paper and (without unfolding it) place it in a locked ballot-box;
 - (c) when the ballot-papers from all the envelopes so opened have been placed in the ballot-box, the returning officer must then unlock the ballot-box and remove the ballot-papers;
 - (d) the returning officer must then examine each ballot-paper and reject those which are informal;
 - (e) the returning officer must then proceed to count the votes and ascertain the result of the election in accordance with clause 32.

Counting of votes

32. In any election:

- (a) the method of counting votes for members of the Council is to be as provided by Part 2 of the Seventh Schedule to the Constitution Act 1902; and
- (b) the method of counting votes for members of Regional Advisory Committees is to be as provided by Part 2 of the Sixth Schedule to the Constitution Act 1902; and
- (c) for the purposes of applying the provisions of those Parts to the election, a reference in those provisions to the Council returning officer or to the returning officer is to be construed as a reference to the returning officer within the meaning of this Regulation.

Notification of result of election

33. As soon as practicable after a candidate has been elected, the returning officer must notify the Minister and the Chairperson of the Council, in writing, of the name of the candidate so elected.

PART 3 - MISCELLANEOUS

Decisions of returning officer final

34. If the returning officer is permitted or required by the Act or this Regulation to make a decision on any matter relating to the conduct of a ballot in an election, the decision of the returning officer on that matter is final.

Forms

35. A form is to be completed in accordance with such directions as may be contained in it.

Offences

36. Any person who:

- (a) votes, or attempts to vote, more than once in any election; or
- (b) votes, or attempts to vote, in an election in which the person is not entitled to vote; or
- (c) makes a false or wilfully misleading statement (not being a statement verified by statutory declaration):

- (i) to the returning officer in connection with an election; or
 - (ii) in any document that the person furnishes for the purposes of an election; or
 - (d) applies for enrolment in respect of an election in respect of which the person is already enrolled,
- is guilty of an offence against this Regulation and liable to a penalty not exceeding \$500.

Death of candidate

37. Where a candidate dies after the close of nominations and before the close of the ballot for an election:

- (a) the returning officer must cause a notification of the death to be published in the Gazette; and
- (b) all proceedings in the election taken after the Minister notified the returning officer that the election was required to be held are to be of no effect and those proceedings must be taken again.

Levy

38. For the purposes of section 17P of the Act, the prescribed contribution towards the funds of the Council to be paid by a person applying for the issue or renewal of a licence under section 24C of the Act is \$200 for each year or part of a year of the term of the licence.

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31. Scrutiny of votes
32. Counting of votes
33. Notification of result of election

PART 3 – MISCELLANEOUS

34. Decisions of returning officer final
35. Forms
36. Offences
37. Death of candidate

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38. Levy

EXPLANATORY NOTE

The object of this Regulation is to make provision for the nomination and election of the members of the New South Wales Commercial Fishing Advisory Council, and of members of Regional Advisory Committees, for the purposes of Part 2B of the Fisheries and Oyster Farms Act 1935. The Regulation also prescribes the levy which is to be paid, pursuant to section 17P of that Act, by licensed fishermen as a contribution towards the funds of that Council.
