

# Poultry Meat Industry Regulation 1995

[1995-195]



New South Wales

## Status Information

### Currency of version

Repealed version for 27 March 1998 to 31 August 2003 (accessed 18 July 2024 at 2:20)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Regulation was repealed by the [Subordinate Legislation Act 1989 No 146](#), sec 10 (2) with effect from 1.9.2003.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of Regulation .....	5
2 Commencement .....	5
3 Definitions .....	5
<b>Part 2 Nominations</b> .....	7
<b>Division 1 Preliminary</b> .....	7
4 Nomination of members to represent processors .....	7
<b>Division 2 Calling of nominations</b> .....	7
5 Independent members and Association members .....	7
6 Notice of proposed appointment .....	7
7 Postponement of close of nominations .....	7
<b>Division 3 Nominations</b> .....	8
8 Qualifications for nominating candidates .....	8
9 Eligibility for nomination .....	8
10 Nomination of candidates .....	8
11 Selection of members .....	9
<b>Part 3 Elections</b> .....	9
<b>Division 1 Preliminary</b> .....	9
12 Election of members to represent growers .....	9

<b>Division 2 Calling of the election</b> .....	9
13 Independent members and Association members .....	9
14 Notice of election.....	9
15 Postponement of close of nominations.....	10
<b>Division 3 Nominations</b> .....	10
16 Qualifications for nominating candidates .....	10
17 Eligibility for nomination.....	10
18 Nomination of candidates.....	10
19 Uncontested elections .....	11
20 Contested elections .....	11
21 Candidate information sheets.....	11
<b>Division 4 Calling of the ballot</b> .....	12
22 Preparation of preliminary rolls .....	12
23 Notice of ballot .....	13
24 Postponement of ballot.....	14
<b>Division 5 Preparation of the final rolls</b> .....	14
25 Qualifications for voting .....	14
26 Enrolment of representatives of growers.....	14
27 Applications for enrolment .....	15
28 Objections to enrolment .....	15
29 Postponement of ballot not to affect final roll.....	16
<b>Division 6 The ballot</b> .....	16
30 Printing of ballot-papers .....	16
31 Distribution of ballot-papers .....	17
32 Duplicate ballot-papers .....	17
33 Recording of votes.....	18
<b>Division 7 The scrutiny</b> .....	18
34 Receipt of ballot-papers.....	18
35 Ascertaining result of ballot.....	19
36 Scrutineers .....	19

37 Scrutiny of votes.....	19
38 Counting of votes .....	20
39 Notice of result of election.....	20
<b>Division 8 General</b> .....	20
40 Decisions of returning officer final.....	20
41 Death of a candidate .....	20
42 Offences .....	21
<b>Part 4 Miscellaneous</b> .....	21
43 Application fee.....	21
44 Notification fee .....	21
45 Repeal .....	21
<b>Schedule 1 Forms</b> .....	22

# Poultry Meat Industry Regulation 1995



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation may be cited as the *Poultry Meat Industry Regulation 1995*.

### 2 Commencement

This Regulation commences on 30 June 1995.

### 3 Definitions

(1) In this Regulation:

**Association grower** means a grower who grows designated poultry under an agreement with an Association processor.

**Association processor** means a processor who is a member of the Australian Poultry Industries Association.

**calling of the ballot** for an election means the date on which a notice is first published for the election under clause 23.

**calling of the election** for an election means the date on which a notice is published for the election under clause 14.

**calling of nominations**, in relation to the appointment of one or more processor members, means the date on which a notice is first published in respect of that appointment under clause 6.

**close of enrolments** for an election means the final time and date fixed by the returning officer for the close of enrolments in the election.

**close of exhibition of the rolls** for an election means the final time and date fixed by the returning officer for the close of exhibition of the rolls.

**close of nominations** means:

(a) in relation to the appointment of one or more processor members, the final time

and date fixed by the returning officer for the close of nominations for that appointment, or

- (b) in relation to an election, the final time and date fixed by the returning officer for the close of nominations for the election.

**close of the ballot** for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

**election** means an election conducted for the purpose of appointing one or more grower members.

**final roll** for an election means:

- (a) the roll of independent growers, or  
(b) the roll of Association growers,

prepared by the returning officer under Division 5 of Part 3.

**grower member** means a member of the Committee appointed under section 4 (3) (c) of the Act.

**independent grower** means a grower who is not an Association grower.

**independent processor** means a processor who is not an Association processor.

**preliminary roll** for an election means:

- (a) the roll of independent growers, or  
(b) the roll of Association growers,

provided to the returning officer under clause 22.

**processor member** means a member of the Committee appointed under section 4 (3) (b) 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.

**Secretary** means the Secretary of the Poultry Meat Industry Committee.

**the Act** means the [Poultry Meat Industry Act 1986](#).

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

## **Part 2 Nominations**

### **Division 1 Preliminary**

#### **4 Nomination of members to represent processors**

The processor members are to be nominated in accordance with this Part.

### **Division 2 Calling of nominations**

#### **5 Independent members and Association members**

Of the processor members, 3 are to represent independent processors and 3 are to represent Association processors.

#### **6 Notice of proposed appointment**

- (1) Whenever one or more processor members are required to be appointed, the Secretary must cause notice of that fact to be published in the Gazette, and at the same time sent by mail to each Association processor and independent processor.
- (2) The notice:
  - (a) must specify the number of members required to be appointed to represent independent processors or to represent Association processors (or both), and
  - (b) must call for nominations of candidates, and
  - (c) must fix the time and date for the close of nominations, and
  - (d) must advise where nomination forms may be obtained and where nominations may be lodged, and
  - (e) must specify the qualifications that qualify a processor to nominate a candidate.
- (3) The date fixed for the close of nominations must be not earlier than 21 days, or later than 28 days, after the date on which the notice is published in the Gazette.

#### **7 Postponement of close of nominations**

- (1) The Secretary may postpone the close of nominations for a period not exceeding 14 days by a notice similar to, and published and sent by mail in the same manner as, the notice calling for the nomination of candidates.
- (2) The power conferred on the Secretary by this clause may be exercised more than once in respect of a proposed appointment.

## **Division 3 Nominations**

### **8 Qualifications for nominating candidates**

- (1) A person is qualified to nominate a candidate for appointment as an independent processor member if the person is an independent processor and has processed designated poultry during the calendar year in which the calling of nominations occurred or during the previous calendar year.
- (2) A person is qualified to nominate a candidate for appointment as an Association member if the person is an Association processor and has processed designated poultry during the calendar year in which the calling of nominations occurred or during the previous calendar year.

### **9 Eligibility for nomination**

Any person is eligible for nomination as a candidate for appointment as a processor member.

### **10 Nomination of candidates**

- (1) A nomination of a candidate:
  - (a) must be in Form 1, and
  - (b) must be made:
    - (i) in the case of a candidate to represent independent processors, by at least 1 independent processor (other than the candidate) who is qualified to nominate a candidate, or
    - (ii) in the case of a candidate to represent Association processors, by at least 1 Association processor (other than the candidate) who is qualified to nominate a candidate, and
  - (c) must be lodged with the Secretary before the close of nominations.
- (2) If the Secretary is of the opinion that none of the persons by whom a candidate has been nominated is qualified to nominate a candidate, the Secretary must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) A person must not consent to being nominated as a candidate to represent one class of processors if the person has, in respect of the same appointment, consented to being nominated as a candidate to represent the other class of processors.
- (4) A candidate who has been nominated for appointment may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the Secretary.

## **11 Selection of members**

In the appointment of one or more processor members:

- (a) the member or members to be appointed to represent independent processors must be selected from the persons duly nominated to represent independent processors, and
- (b) the member or members to be appointed to represent Association processors must be selected from the persons duly nominated to represent Association processors.

## **Part 3 Elections**

### **Division 1 Preliminary**

#### **12 Election of members to represent growers**

The grower members are to be elected in accordance with this Part.

### **Division 2 Calling of the election**

#### **13 Independent members and Association members**

Of the grower members, 3 are to represent independent growers and 3 are to represent Association growers.

#### **14 Notice of election**

- (1) As soon as possible after having been notified in writing by or on behalf of the Minister that one or more grower members are required to be appointed, the returning officer must cause notice of that fact:
  - (a) to be published in the Gazette, and
  - (b) to be sent to the Secretary and to each grower.
- (2) The notice to be published in the Gazette and the notice to be sent to the Secretary:
  - (a) must state that an election is to be held for the purpose of appointing one or more grower members, and
  - (b) must fix a time and date for the close of nominations.
- (3) The notice to be sent to each grower:
  - (a) must state that an election is to be held for the purpose of appointing one or more grower members, and
  - (b) must specify the number of members required to be appointed to represent independent growers or to represent Association growers (or both), and

- (c) must call for nominations of candidates, and
  - (d) must specify the time and date for the close of nominations, and
  - (e) must advise where nomination forms may be obtained and where nominations may be lodged, and
  - (f) must specify the qualifications that qualify a grower to nominate a candidate.
- (4) The date fixed for the close of nominations must not be earlier than 21 days, or later than 28 days, after the date on which the notice is published.

### **15 Postponement of close of nominations**

- (1) The returning officer may postpone the close of nominations for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner as, a notice calling for the nomination of candidates.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

## **Division 3 Nominations**

### **16 Qualifications for nominating candidates**

- (1) A person is qualified to nominate a candidate for election as an independent grower member if the person is an independent grower and has grown designated poultry (under an agreement with an independent processor) during the year in which the calling of the election occurred or during the previous calendar year.
- (2) A person is qualified to nominate a candidate for election as an Association grower if the person is an Association grower and has grown designated poultry (under an agreement with an Association processor) during the year in which the calling of the election occurred or during the previous calendar year.

### **17 Eligibility for nomination**

Any person is eligible for nomination as a candidate for election as a grower member.

### **18 Nomination of candidates**

- (1) A nomination of a candidate:
  - (a) must be in Form 2, and
  - (b) must be made:
    - (i) in the case of a candidate to represent independent growers, by at least 5 independent growers (other than the candidate) who are qualified to nominate a candidate, or

- (ii) in the case of a candidate to represent Association growers, by at least 5 Association growers (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 to furnish the returning officer with such information regarding the person as the returning officer may specify.
- (4) The Secretary must comply with such a requirement as soon as practicable.
- (5) A person must not consent to being nominated as a candidate to represent one class of growers if the person has, in respect of the same election, consented to being nominated as a candidate to represent the other class of growers.
- (6) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

## **19 Uncontested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to have been elected.

## **20 Contested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

## **21 Candidate information sheets**

- (1) At any time before the close of nominations, a candidate may submit to the returning officer a statutory declaration, in Form 3, containing information intended for inclusion in a candidate information sheet.
- (2) If more than the required number of persons have been nominated as candidates by the close of nominations, the returning officer must draw up a candidate information sheet consisting of the information contained in the statutory declarations submitted by the candidates.

- (3) In drawing up a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information contained in a candidate's statutory declaration as the returning officer considers:
  - (a) to be false or misleading, or
  - (b) to be inappropriate for inclusion in the candidate information sheet, or
  - (c) to exceed the maximum amount of information that is suitable for inclusion in the candidate information sheet.
- (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".
- (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.

## **Division 4 Calling of the ballot**

### **22 Preparation of preliminary rolls**

- (1) 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, the returning officer must cause notice of that fact to be sent to the Secretary.
- (2) The Secretary must provide the returning officer with:
  - (a) in the case of an election of one or more members to represent independent growers, a preliminary roll of the independent growers who, in the opinion of the Secretary, are qualified to vote in the election, and
  - (b) in the case of an election of one or more members to represent Association growers, a preliminary roll of the Association growers who, in the opinion of the Secretary, are qualified to vote in the election, and
  - (c) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that or those rolls.
- (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, for each such person, the name of a processor under an agreement with whom that person grows designated poultry, and
  - (b) must be certified by the Secretary in accordance with Form 4.
- (4) This clause does not apply to an election held as a consequence of an earlier election

that has failed if a preliminary roll for the earlier election has already been provided to the returning officer.

### **23 Notice of ballot**

- (1) As soon as practicable after receiving the preliminary roll or rolls for the election, the returning officer:
  - (a) must cause notice that a ballot is to be held to be published in the Gazette and sent to each grower, and
  - (b) must cause copies of the preliminary roll or rolls to be exhibited for public inspection for at least 14 days (ending at the close of exhibition of the rolls) at a place specified in the notice sent to growers as a place where the roll or rolls will be exhibited.
- (2) The notice published in the Gazette:
  - (a) must state that a ballot is to be taken, and
  - (b) must fix a time and date for the close of exhibition of the rolls, and
  - (c) must fix a time and date for the close of enrolments, and
  - (d) must fix a time and date for the close of the ballot.
- (3) The notice sent to each grower:
  - (a) must state that a ballot is to be taken, and
  - (b) must specify the time and date fixed for the close of exhibition of the rolls, and
  - (c) must specify the time and date fixed for the close of enrolments, and
  - (d) must specify the time and date fixed for the close of the ballot, and
  - (e) must advise where copies of the preliminary roll or rolls will be exhibited, and
  - (f) must specify the qualifications that qualify a grower to vote, and
  - (g) must advise where applications for enrolment and objections against enrolment may be lodged.
- (4) The close of exhibition of the rolls must be not earlier than 14 days after the calling of the ballot.
- (5) The close of the ballot must be not earlier than 28 days after the calling of the ballot.
- (6) The close of enrolments must be not earlier than the close of exhibition of the rolls and not later than 14 days before the close of the ballot.

## **24 Postponement of ballot**

- (1) The returning officer may postpone (for a period not exceeding 14 days) the close of exhibition of the rolls, the close of enrolments or the close of the ballot by a notice published in the same way as the notice stating that a ballot is to be held.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

## **Division 5 Preparation of the final rolls**

### **25 Qualifications for voting**

- (1) A person is qualified to vote in an election for an independent grower member if the person is an independent grower and has grown designated poultry (under an agreement with an independent processor) during the calendar year in which the close of nominations occurred or during the previous calendar year.
- (2) A person is qualified to vote in an election for an Association grower member if the person is an Association grower and has grown designated poultry (under an agreement with an Association processor) during the calendar year in which the close of nominations occurred or during the previous calendar year.

### **26 Enrolment of representatives of growers**

- (1) If, in the opinion of the returning officer, designated poultry is grown under an agreement with a processor:
  - (a) on behalf of a corporation—the corporation is taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election if, and only if, a nominee of the corporation is so enrolled, or so applies for enrolment, in that roll as the representative of the corporation, or
  - (b) on behalf of a partnership—the partnership is taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election if, and only if, a nominee of the partnership is so enrolled, or so applies for enrolment, in that roll as the representative of the partnership, or
  - (c) by trustees or by legal personal representatives (whether as agents, administrators or executors or otherwise) on behalf of a person or the estate of a person—the person or estate is taken to be enrolled, or to apply for enrolment, in the relevant final roll for an election if, and only if, a nominee of those trustees or representatives is so enrolled, or so applies for enrolment, in that roll as the representative of the person or estate.
- (2) A nominee must be a natural person who is not already enrolled in the relevant final roll for the election in some other capacity.

- (3) A representative of a corporation, partnership, person or estate is taken to be a grower for the purposes of enrolment and of any election in which the corporation, partnership, person or estate is qualified to vote.
- (4) In this clause, a reference to a partnership includes a reference to any group of persons who, in the opinion of the returning officer, are engaged in a single enterprise in the growing of designated poultry.
- (5) In forming such an opinion in respect of a group of persons, the returning officer may ignore the existence of any legal entity that consists of or includes persons who form part of the group.

## **27 Applications for enrolment**

- (1) A person whose name does not appear on the preliminary roll for an election may apply for enrolment in the final roll for the election.
- (2) The application must be in Form 5 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
  - (a) if satisfied that the applicant is qualified to vote, must accept the application and enter the name and address of the applicant in the relevant final roll, or
  - (b) if not so satisfied, must 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, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

## **28 Objections to enrolment**

- (1) Before the close of enrolments, the returning officer and any person who is qualified to vote in an election may object to the inclusion of the name of any person in the relevant final roll.
- (2) An objection:
  - (a) must be in Form 6, and
  - (b) must state the grounds on which the objection is made, and
  - (c) must be signed by the objector, and
  - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection to the person to whom the

objection relates.

- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent 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 accept or refuse to accept an objection.
- (7) If the returning officer accepts an objection, the returning officer must exclude from the relevant final roll for the election the name of the person to whom the objection relates and must inform that person and the objector, in writing, that the name is so excluded.
- (8) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
- (9) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

## **29 Postponement of ballot not to affect final roll**

The validity of the final roll for an election is not affected by the postponement of the close of the ballot by a notice published after the close of the roll, and the roll remains the final roll for the election.

## **Division 6 The ballot**

### **30 Printing of ballot-papers**

- (1) As soon as practicable after the close of enrolments in an election, the returning officer:
  - (a) must 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) must cause sufficient ballot-papers to be printed to enable a ballot-paper to be sent to each person included in each of the rolls, and
  - (c) if a candidate information sheet has been drawn up, must cause sufficient copies to be printed so that a copy may be sent 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 the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer, considers will distinguish between the candidates, and
  - (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that:
- (a) the voter 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
  - (b) the voter may, but is not required to, 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.

### **31 Distribution of ballot-papers**

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send 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) or that bears a mark prescribed for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, 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 a name, address and signature, and
- (c) if applicable, a candidate information sheet.

### **32 Duplicate ballot-papers**

- (1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot-paper and envelope if the voter satisfies the returning officer by statutory declaration:
  - (a) that the original ballot-paper has been spoiled, lost or destroyed, and
  - (b) that the voter has not already voted in the election to which the ballot-paper relates.

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

### **33 Recording of votes**

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must place the completed ballot-paper (folded so that the vote cannot be seen) in the envelope addressed to the returning officer, and
- (c) must seal the envelope, and
- (d) must complete the person's full name and address on, and must sign, the back of the envelope, and
- (e) must return the envelope to the returning officer so as to be received before the close of the ballot.

## **Division 7 The scrutiny**

### **34 Receipt of ballot-papers**

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

### **35 Ascertaining result of ballot**

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

### **36 Scrutineers**

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.

### **37 Scrutiny of votes**

- (1) 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,
  - (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.
- (2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal:
  - (a) if 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) if it has on it any mark or writing which the returning officer considers could enable any person to identify the voter who completed it, or
  - (c) if it has not been completed in accordance with the directions shown on it.
- (3) A ballot-paper must not be rejected as informal:
  - (a) merely because 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 (2) (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) merely because the same preference (other than a first preference) has been recorded on the ballot-paper for more than one candidate, or
- (ii) merely because there is a break in the order of preferences recorded on the ballot-paper.

### **38 Counting of votes**

- (1) If there is only one person to be elected in any election:
  - (a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Seventh Schedule to the *Constitution Act 1902*, and
  - (b) for the purpose of applying the provisions of that Part to any such election, a reference in those provisions to the returning officer is to be read as a reference to the returning officer under this Regulation.
- (2) If there are 2 or more persons to be elected in any election:
  - (a) the method of counting the votes so as to ascertain the result of the election is as provided in Part 2 of the Sixth Schedule to the *Constitution Act 1902*, and
  - (b) for the purpose of applying the provisions of that Part to any such election:
    - (i) a reference in those provisions to the Council returning officer is to be read as a reference to the returning officer under this Regulation, and
    - (ii) the quota referred to in those provisions is to be determined by dividing the number of first preference votes for all candidates by one more than the number of persons to be elected and by increasing the quotient so obtained (disregarding any remainder) by one.

### **39 Notice of result of election**

As soon as practicable after a candidate in an election has been elected, the returning officer must notify the Minister and the Secretary, in writing, of the name of the candidate elected.

## **Division 8 General**

### **40 Decisions of returning officer final**

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

### **41 Death of a candidate**

If a candidate dies after the close of nominations and before the close of the ballot:

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

#### **42 Offences**

A person must not:

- (a) vote, or attempt to vote, more than once in any election, or
- (b) vote, or attempt to vote, in an election in which the person is not entitled to vote, or
- (c) make 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) apply for enrolment in respect of an election in respect of which the person is already enrolled.

Maximum penalty: 5 penalty units.

### **Part 4 Miscellaneous**

#### **43 Application fee**

For the purposes of section 8 (2) of the Act, the prescribed fee to accompany an application for approval of a form of written agreement between a processor and a grower is an amount calculated at the rate of \$122 for each agreement for which approval is sought for each 12 months or part of 12 months during which the agreement is expressed to operate.

#### **44 Notification fee**

For the purposes of section 9 (3) of the Act, the prescribed fee to accompany a notice that an agreement between a processor and a grower has been entered into or terminated is \$10.

#### **45 Repeal**

- (1) The following Regulations are repealed:
  - (a) the *Poultry Meat Industry Regulation 1987*,
  - (b) the *Poultry Meat Industry (Committee Members) Regulation 1988*.

(2) Any act, matter or thing that, immediately before the repeal of a Regulation referred to in subclause (1), had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Forms

### Form 1

(Clause 10)

#### NOMINATION OF CANDIDATE FOR APPOINTMENT AS A PROCESSOR MEMBER

(POULTRY MEAT INDUSTRY ACT 1986)

We hereby nominate .....

(name in full)

of .....

(postal address)

as a candidate for appointment to the Poultry Meat Industry Committee as an independent/Association processor member.

We declare that we are each qualified to make this nomination.

**Name in full**

**Address**

**Signature**

.....  
.....  
.....  
.....

I, ..... hereby consent to being a candidate for appointment to the Poultry Meat Industry Committee.

Postal address: .....

Postcode: ..... Telephone No: .....

Date of birth: .....

Dated: ..... Signed: .....

[Ihrule]

#### NOTE—

This nomination must be completed by 1 or more persons (other than the candidate), each of whom is qualified to nominate a candidate in accordance with clause 8 of the [Poultry Meat Industry Regulation 1995](#).

### Form 2

(Clause 18)

#### NOMINATION OF CANDIDATE FOR ELECTION AS A GROWER MEMBER

(POULTRY MEAT INDUSTRY ACT 1986)

We hereby nominate .....

(name in full)

of .....

(postal address)



.....  
(Signature)

Before me:

.....

*Justice of the Peace*

*\* (Strike out whichever does not apply)*

[Ihrule]

**NOTE—**

A candidate may include further information relating to the candidacy. The information should not exceed 100 words.

**Form 4**

(Clause 22)

**CERTIFICATE**

(POULTRY MEAT INDUSTRY ACT 1986)

I certify that this roll contains the names (consecutively numbered and listed in alphabetical order) and addresses of those persons who in my opinion are entitled to vote in the election for which this roll has been prepared.

The first and last entries in the roll are as follows:

First entry: No: ..... Name: .....

Address: .....

Last entry: No: ..... Name: .....

Address: .....

Dated: ..... Signed: .....

**Form 5**

(Clause 27)

**APPLICATION FOR ENROLMENT**

(POULTRY MEAT INDUSTRY ACT 1986)

Surname: .....

Given names: .....

Postal address: .....

Postcode: ..... Telephone No .....

I hereby apply to be enrolled as an independent/Association grower:

(a) \* as the occupier of land; or

(b) \* as a nominee of the occupier of land.

Particulars of person or persons for whom I am a nominee are as follows:

Name: .....

Postal address: .....

.....

I declare that I am\*/the person I represent is\* entitled to enrolment in accordance with clause 25 of the *Poultry Meat Industry Regulation 1995*.

I further declare that, to the best of my knowledge, the information contained in this application is true.

Dated: ..... Signed: .....

\* *(Strike out whichever does not apply)*

**Form 6**

(Clause 28)

**OBJECTION TO ENROLMENT**

*(POULTRY MEAT INDUSTRY ACT 1986)*

I hereby object to the inclusion in the final roll for the following election:

.....

*(specify the election to which the objection relates)*

of the name of .....

*(name in full)*

of .....

*(address)*

This objection is based on the following grounds:

.....  
.....

*(specify the grounds of the objection)*

Name of objector: .....

Postal address: .....

Postcode: ..... Telephone No: .....

Dated: ..... Signed: .....