

NORTHERN TERRITORY OF AUSTRALIA

GRAIN MARKETING (ELECTION OF GROWER
MEMBERS) REGULATIONS

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SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1986, No. 52*

Regulations under the *Grain Marketing Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Grain Marketing Act*.

Dated this nineteenth day of December, 1986.

E.E. JOHNSTON
Administrator

GRAIN MARKETING (ELECTION OF GROWER
MEMBERS) REGULATIONS

1. CITATION

These Regulations may be cited as the Grain Marketing (Election of Grower Members) Regulations.

2. COMMENCEMENT

These Regulations shall come into operation at the expiration of 14 days from the date on which the making of the Regulations is notified in the *Gazette*.

3. INTERPRETATION

(1) In these Regulations, unless the contrary intention appears, "candidate" means a person who has been nominated for election as a grower member of the Board and whose nomination has not been withdrawn.

(2) In these Regulations, a reference to a form by number is a reference to a form so numbered in the Schedule.

* Notified in the *Northern Territory Government Gazette* on 23rd December, 1986.

4. NOMINATIONS FOR ELECTION

(1) The nomination of a person for election as a grower member shall be in accordance with -

- (a) Form 1; or
- (b) if that person is nominating himself, the form approved by the Chief Electoral Officer under section 12(3) of the Act.

(2) The Chief Electoral Officer shall, in calling for nominations pursuant to section 12(2) of the Act, notify eligible voters of the address to which nominations are to be sent, and enclose with each notice a copy of the form approved by him for the purposes of section 12(3).

(3) Where the Chief Electoral Officer receives a nomination which does not comply with subregulation (1), he shall -

- (a) reject it; and
- (b) inform the proposed candidate in writing of the rejection and the reasons for it.

5. WITHDRAWAL OF NOMINATIONS

A candidate may withdraw his nomination at any time before the close of nominations under section 13(a) of the Act by lodging with the Chief Electoral Officer a written notice of withdrawal signed by the candidate.

6. PROCEEDINGS AFTER CLOSE OF NOMINATIONS

(1) The Chief Electoral Officer shall, as soon as practicable after the close of nominations under section 13(a) of the Act -

- (a) publish a list of candidates at his office, or, if there are no candidates, notify the Minister in writing of that fact;
- (b) where there are 3 candidates or less, declare each of them to be a duly elected as a grower member, and notify the Minister in writing of the declaration; and
- (c) where there are more than 3 candidates, conduct a postal ballot for the election of grower members in accordance with the Act and these Regulations.

(2) Where the Minister is notified under subregulation (1) that there are no candidates, or that less than 3 candidates have been declared elected, he may appoint one or more eligible voters as appropriate to be a grower member or grower members, and a person so appointed shall hold office as a grower member as if he had been nominated for election and declared duly elected.

(3) Section 53 of the *Electoral Act* does not apply to an election of grower members.

7. FORM OF BALLOT-PAPER AND VOTER'S DECLARATION

(1) Where the Chief Electoral Officer proceeds to a postal ballot pursuant to regulation 6(1)(c), he shall send to each eligible voter -

- (a) a ballot-paper in accordance with Form 2; and
- (b) an envelope having printed on it a declaration in Form 3.

(2) A ballot-paper -

- (a) shall set out the names of the candidates in alphabetical order of their surnames, and of their given names if there are 2 or more with the same surname;
- (b) may contain such description or addition, if any, as the Chief Electoral Officer thinks fit; and
- (c) shall be initialled on the back by the Chief Electoral Officer.

(3) The date specified in a ballot-paper as that by which the paper must be received by the Chief Electoral Officer shall be not more than 28 days after the date on which nominations close under section 13(a) of the Act.

8. MARKING OF BALLOT-PAPER

(1) An eligible voter shall vote by placing on the ballot-paper a tick or a cross in the boxes opposite the names of 3 candidates of his choice.

(2) If an eligible voter is illiterate, or is so physically incapacitated that he is unable to mark his vote on the ballot-paper, he may authorize another person to mark it in accordance with his instructions.

9. MAKING OF VOTER'S DECLARATION

(1) After a ballot-paper has been marked, the voter or person marking it on his behalf under regulation 8(2) shall place the paper in the envelope provided, seal the envelope, and, in the presence of a witness, complete as appropriate, and sign, the declaration on the envelope.

(2) The witness referred to in subregulation (1) shall attest the signature of the voter or other person by signing the declaration, and writing his name and address and the date in the spaces provided.

10. NON-RECEIPT, LOSS, &c., OF BALLOT-PAPER BY VOTER

Where the Chief Electoral Officer receives from an eligible voter a statement in writing -

- (a) setting out his full name and address; and
- (b) declaring -
 - (i) that he has not received a ballot-paper or envelope, or that the ballot-paper or envelope received by him has been lost or destroyed; and
 - (ii) that he has not already voted at the election,

the Chief Electoral Officer may post to the eligible voter a ballot-paper and envelope, or further ballot-paper and envelope, as the case may be.

11. PRESENCE OF CANDIDATES' REPRESENTATIVES AT COUNT

(1) A candidate may appoint a representative to be present on his behalf at the counting of votes to determine an election.

(2) An appointment under subregulation (1) shall be made by notice in writing or by telegram -

- (a) addressed to the Chief Electoral Officer;
- (b) signed by the candidate, or bearing his name; and
- (c) stating the representative's name and address.

12. RULES GOVERNING COUNT

(1) In determining the result of an election, the Chief Electoral Officer shall, subject to this regulation, count one vote to a candidate for each tick or cross placed against his name on a ballot-paper.

(2) The Chief Electoral Officer shall disregard for the purposes of the count -

- (a) ballot-papers received by him after the time specified for their return;

(b) ballot-papers not accompanied by a declaration in Form 3 that appears to have been duly completed and signed; and

(c) subject to subregulation (4), ballot-papers that are informal under subregulation (3).

(3) A ballot-paper is informal if it -

(a) has no tick or cross marked on it;

(b) has more than 3 ticks or crosses marked on it; or

(c) bears a word or mark by which, in the opinion of the Chief Electoral Officer, the eligible voter can be identified.

(4) Where in the opinion of the Chief Electoral Officer, an eligible voter has indicated a clear intention to vote for a particular candidate otherwise than by placing a tick or a cross against his name, the Chief Electoral Officer shall treat the ballot-paper for the purposes of the count as if it contained a tick or a cross against that name.

13. DECLARATION OF RESULT

(1) After he has completed the counting of votes, and within the period specified in section 13(c) of the Act, the Chief Electoral Officer shall publish at his office a notice -

(a) setting out the names of the candidates, and the number of votes counted to each of them; and

(b) subject to subregulation (2), declaring the 3 candidates with the highest number of votes to be duly elected as grower members.

(2) Where compliance with subregulation (1)(b) is impossible by reasons of an equality of votes between 2 or more candidates, the Chief Electoral Officer shall -

(a) by drawing lots, exclude from election such number of those candidates as is appropriate; and

(b) include the other or others in the declaration under that subregulation, recording the fact that his or their selection was by lot.

(3) The Chief Electoral Officer shall send a copy of his notice under subregulation (1) to the Minister.

Grain Marketing (Election of Grower Members) Regulations

SCHEDULE

FORM 1

Regulation 4(1)(a)

NORTHERN TERRITORY OF AUSTRALIA

Grain Marketing (Election of Grower Members) Regulations

NOMINATION OF ANOTHER FOR ELECTION AS GROWER MEMBER

To the Chief Electoral Officer,

I,
(surname) (given names in full)

of, hereby
(address)

nominate -

SURNAME:

GIVEN NAMES:

ADDRESS:

for election as a grower member of the Grain Marketing Board.

Signature of nominator Date

I consent to this nomination.

Signature of nominee Date

FORM 2

Regulation 7(1)(a)

NORTHERN TERRITORY OF AUSTRALIA

Grain Marketing (Election of Grower Members) Regulations

BALLOT-PAPER

Election of 3 grower members of the Grain Marketing Board

DIRECTIONS TO VOTER

Mark your vote on this ballot-paper by placing a tick or a cross in the squares opposite the names of the 3 candidates of your choice.

CANDIDATES

- []
- []
- []
- []

FURTHER DIRECTIONS TO VOTER - After marking your vote, fold the ballot-paper and place it in the envelope bearing your declaration (duly signed and witnessed), and forthwith post it to the Chief Electoral Officer.

Unless your ballot-paper is received by the Chief Electoral Officer on or before 4 o'clock in the afternoon of, your votes will not be counted.

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DECLARATION

I,.....
(surname) (given names in full)

of.....
(place of residence)

declare -

* that the enclosed ballot-paper was issued to me,
and has been marked by me, and that I have not
previously voted at this election.

* that I have marked the enclosed ballot-paper for,
and in accordance with the instructions of,
.....
(name) (given names in full)

of
(address)

.....
Signature of voter or
person voting for him

.....
Signature of witness

.....
Name of witness

.....
Address of witness

Date.....

* Strike out whichever is not applicable.
