



Western Australia

CARNARVON BANANA INDUSTRY (COMPENSATION TRUST
FUND) ACT 1961

Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962

These regulations were repealed as a result of the repeal of the *Carnarvon Banana Industry (Compensation Trust) Fund Act 1961* by the *Carnarvon Banana Industry (Compensation Trust Fund) Repeal Act 1998* s. 4 (No. 45 of 1998) as at 19 Nov 1999 (see *Gazette* 19 Nov 1999 p. 5789).

Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962

Contents

1.	Citation	1
2.	Interpretation	1
3.	Returning Officer	2
4.	Notice of election	2
5.	Compilation and keeping of electoral roll	3
6.	Electoral representative	4
7.	Eligibility for nomination and form of nomination	5
8.	Candidate may withdraw nomination	6
9.	Circumstance in which candidate may be declared elected	6
10.	Election of candidate	6
11.	Circumstances in which a new ballot paper may be issued	7
12.	Voting	7
13.	Custody of and counting of ballot papers	9
14.	Recount of votes	10
15.	Disputes	11
16.	Equal number of votes	11
17.	Election result and returning officers duties	11
18.	Common seal, care and custody	12
19.	Form of returns	12
19A.	Prescribed capacity	13
19B.	Prescribed sum	13
19C.	Prescribed rate of compensation	13
20.	Conditions when applying for compensation	13
20A.	Entry by inspector	14
21.	False claims for enrollment	14

Contents

22.	General penalty	15
	Appendix	
	Notes	
	Compilation table	30

Western Australia

CARNARVON BANANA INDUSTRY (COMPENSATION TRUST
FUND) ACT 1961

Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962

Department of Agriculture,
South Perth, 12th April 1962

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the *Banana Industry Compensation Trust Fund Act 1961*, and section 11 of the *Interpretation Act 1918*, has been pleased to make the regulations set forth in the schedule hereunder, to have and take effect from and including the day upon which the *Banana Industry Compensation Trust Fund Act 1961*, comes into operation.

T. C. DUNNE,
Director of Agriculture

1. Citation

These regulations may be cited as the *Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962*.
[Regulation 1 amended in Gazette 2 March 1990 p.1279.]

2. Interpretation

In these regulations unless the context requires otherwise —
“**elections**” means the election of an elective member of the Committee;
“**electoral roll**” means the electoral roll kept pursuant to regulation 5.

[Regulation 2 inserted in Gazette 2 March 1990 p.1279.]

3. Returning Officer

- (1) For the purposes of elections there shall be a returning officer who shall be such person as the Minister may from time to time appoint.
- (2) The Minister may cancel the appointment of any person as returning officer.
- (3) In respect of each election the returning officer shall be paid twenty per centum (20%) of the fee prescribed for a Returning Officer for State Parliamentary elections in the regulations under the *Electoral Act 1907* that are in force at the time of the holding of the election.
- (4) The Minister may appoint such other officers as he considers necessary for the conduct of any election.

[Regulation 3 inserted in Gazette 23 April 1976 p.1261.]

Notice of Election

4. Notice of election

- (1) Where a vacancy is about to occur by effluxion of time in the office of an elective member of the Committee —
 - (a) the Minister shall, not less than three months before the vacancy is to occur direct the returning officer to fix a day for the election of a person to fill that vacancy and also a day to be the last day upon which nominations of candidates for election to fill the vacancy will be received;
 - (b) the returning officer shall fix the respective days for the election and for the closing of nominations and shall cause notice in Form No. 1 in the Appendix to these regulations to be published in the *Government Gazette* and in a newspaper circulating throughout the State;

- (c) the date fixed under paragraph (b) of this subregulation for the closing of nominations shall not be less than twenty-one nor more than thirty days before the date fixed under that paragraph for the election;
 - (d) the date of the later of the publications under paragraph (b) of this subregulation shall not be less than twenty-one nor more than thirty days before the date fixed under that paragraph for the closing of nominations.
- (2) A notice published under paragraph (b) of subregulation (1) of this regulation shall specify the address of the returning officer to which all nominations, applications and other documents under these regulations are required to be sent or delivered.

[Regulation 4 inserted in Gazette 23 April 1976 p.1261.]

Electoral Roll and Electors

5. Compilation and keeping of electoral roll

- (1) For the purposes of conducting elections the returning officer shall compile and keep an electoral roll of growers and shall sign each page of that electoral roll.
- (2) A grower who is not enrolled on the electoral roll shall not be entitled to vote at an election.
- (3) Any grower who is not enrolled on the electoral roll, and who desires to be enrolled thereon, shall make application to the returning officer in the Form No. 2 in the Appendix to these regulations.
- (4) On receipt of an application under subregulation (3) of this regulation the returning officer shall, if he is satisfied that the applicant is a grower, enrol the applicant on the electoral roll, but, where the application is received less than fourteen days before the date fixed by a notice published under paragraph (b) of subregulation (1) of regulation 4 of these regulations for the

closing of nominations for an election, the applicant shall not be entitled to vote at that election.

- (5) The returning officer may remove from the electoral roll the name of any person who, in his opinion, has ceased to be a grower.

[Regulation 5 inserted in Gazette 23 April 1976 p.1261.]

6. Electoral representative

- (1) Where any grower eligible for enrolment on the electoral roll is a company or other corporate body, the board of directors or other management authority thereof may authorise any director, trustee or other member of that board or management authority or its manager, secretary or other officer (being a person not already enrolled or entitled to be enrolled on the electoral roll) to represent the company or other corporate body as an elector, and upon receipt of an application for enrolment from such representative person, together with a certificate in writing of such authorisation signed by the managing director of the company or, as the case may be, the president or chairman of the management authority of such other corporate body, the returning officer may, subject to all other requirements of these regulations being satisfied, enrol that representative person on the electoral roll as an elector.
- (2) In the case of a partnership, any one of the partners, but not more than one, at any one time may, with the consent of the other partners, apply for enrolment and be enrolled on the electoral roll as an elector.
- (3) A person shall not be entitled to be enrolled on the electoral roll more than once at any one time, whether as an elector in his own right or as the representative of a company or other corporate body, or as a partner in a partnership, or otherwise.
- (4) A company or other corporate body may revoke any authority given by it under this regulation by notice in writing signed by the board of directors or other management authority sent or

delivered to the returning officer, and upon receipt of such notice the returning officer shall forthwith remove from the electoral roll the name of the representative person whose authority has been so revoked:

Provided that any such revocation shall not invalidate any vote given by the representative person enrolled and voting by virtue of such authority at an election held prior to that revocation.

- (5) Every authority given under subregulation (1) of this regulation shall remain effective for all subsequent elections until written notice of revocation is sent or delivered to the returning officer.

[Regulation 6 amended in Gazette 23 April 1976 p.1261.]

Nominations

7. Eligibility for nomination and form of nomination

- (1) A person is not eligible to be nominated as a candidate for election as an elective member of the Committee unless at the time of the nomination he is a grower within the meaning of section 5 of the Act, and is not —
- (a) of unsound mind; or
 - (b) an undischarged bankrupt under the laws relating to bankruptcy; or
 - (c) a person who has been convicted of an indictable offence for which a sentence of imprisonment for not less than twelve months may be imposed.
- (2) A nomination may be in the Form No. 3 in the Appendix to these regulations, but has no effect unless it —
- (a) contains the full name of the candidate;
 - (b) is signed by at least two persons eligible to vote at the election for which the nomination is made;
 - (c) is signed by the candidate consenting to act if elected; and

- (d) is addressed to the returning officer, and is sent or delivered to him so as to reach him not later than the hour of 12 o'clock noon on the day fixed for the close of nominations.

[Regulation 7 amended in Gazette 23 April 1976 p.1261.]

Withdrawal of Nomination

8. Candidate may withdraw nomination

Any candidate may by notice in writing signed by him and witnessed by a grower, addressed to the returning officer and lodged with him not later than the hour of 12 o'clock noon on the day fixed for the close of nominations, withdraw his consent to his nomination, and thereupon that candidate shall be considered as not having been nominated, and the returning officer shall omit the name of that candidate from the ballot paper.

Polling

9. Circumstance in which candidate may be declared elected

Where the number of candidates duly nominated does not exceed the number of persons to be elected, the candidate or candidates so nominated shall be declared elected.

[Regulation 9 amended in Gazette 23 April 1976 p.1262.]

10. Election of candidate

- (1) Where the number of candidates duly nominated exceeds the number of persons to be elected, the returning officer shall as soon as practicable alter the close of nominations —
 - (a) cause the full names of the candidates and the date and hour fixed for the close of the poll to be published in the *Government Gazette* and in a newspaper circulating throughout the State;

- (b) cause to be printed ballot papers setting out the full names of the candidates arranged in alphabetical order of their surnames in accordance with the Form No. 4 in the Appendix to these regulations, and counterfoils in accordance with the Form No. 5 in that Appendix;
 - (c) send by post or otherwise to each person whose name appears on the electoral roll —
 - (i) one ballot paper initialled by the returning officer or a person authorised by him in that behalf;
 - (ii) one counterfoil;
 - (iii) one ballot paper envelope; and
 - (iv) one envelope addressed to the returning officer.
- (2) Each ballot paper, counterfoil, ballot paper envelope, and addressed envelope shall be enclosed by the returning officer in a covering envelope which shall be fastened, addressed and forwarded to the person for whom it is intended.

[Regulation 10 amended in Gazette 23 April 1976 p.1262.]

11. Circumstances in which a new ballot paper may be issued

If a voter makes and transmits to the returning officer a statement in writing setting out his full name and his official address, and stating that he has not received his ballot paper, or that the ballot paper received by him has been destroyed and that he has not already voted the returning officer may issue a new ballot paper to that voter.

12. Voting

- (1) Voting shall be by means of a preferential ballot and a person, having received a ballot paper and counterfoil and wishing to vote, shall record his vote on the ballot paper, in the following manner: —
 - (a) where only one candidate is to be elected and there are not more than two candidates, the elector shall mark his

- vote on the ballot paper by placing the numeral, "1", opposite the name of the candidate for whom he votes;
- (b) where only one candidate is to be elected and there are more than two candidates, the elector shall mark his vote on the ballot paper by placing the numeral, "1", opposite the name of the candidate for whom he votes as his first preference, and he shall give contingent votes for all the remaining candidates by placing the numerals, "2", "3", and so on (as the case may require) opposite their names, so as to indicate by numerical sequence the order of his preference;
 - (c) where two candidates are to be elected, the elector shall mark his vote on the ballot paper by placing the numeral "1" opposite the name of the candidate for whom he votes as his first preference and the numeral, "2", opposite the name of the candidate for whom he votes as his second preference, and he shall give contingent votes for all the remaining candidates by placing the numerals, "3", "4", and so on (as the case may require) opposite their names so as to indicate by numerical sequence the order of his preference.
- (2) An elector having marked his ballot paper in the manner prescribed by subregulation (1) of this regulation shall then —
- (a) enclose the ballot paper alone in the envelope marked "ballot paper" and fasten the envelope;
 - (b) complete and sign the counterfoil in the presence of a witness who shall also sign the counterfoil; and
 - (c) return the envelope containing the ballot paper and the completed counterfoil to, and in the envelope addressed to, the returning officer, by post or otherwise, so as to be received by the returning officer not later than the day and hour appointed by the notice of election for the closing of the poll.

[Regulation 12 inserted in Gazette 23 April 1976 p.1262.]

Scrutiny and Count

13. Custody of and counting of ballot papers

- (1) The returning officer shall place and keep in a locked and sealed ballot box all envelopes purporting to contain ballot papers received by him up to the close of the poll.
- (2) An envelope containing a ballot paper received after the close of the poll shall not be admitted to the scrutiny.
- (3) As soon as practicable after the hour fixed for the close of the poll, the returning officer shall proceed with the scrutiny and count the votes received, and ascertain and declare the result of the poll.
- (4) Subject to these regulations, each election shall be conducted and the candidate to be elected ascertained in accordance with the provisions of the law for the time being regulating elections for the Legislative Assembly as far as they can with necessary adaptations be made applicable.
- (4a) Where two persons are to be elected at the election the following provisions shall apply —
 - (a) the count of votes shall proceed as provided by subregulation (4) of this regulation, until one candidate has received an absolute majority, whereupon he shall be declared elected;
 - (b) the candidate elected pursuant to paragraph (a) of this subregulation shall then be eliminated from the count and, to proceed with the election of the second candidate, all the ballot papers shall be brought into operation and again sorted into first preference votes;
 - (c) the first preference votes of the eliminated successful candidate shall be distributed, according to the second preference markings shown thereon, to the remainder of the candidates, and, for the purposes of the election of the second person, shall be deemed to be first preference votes cast in favour of those respective candidates;

- (d) following the distribution referred to in paragraph (c) of this subregulation counting of votes shall again proceed in the manner referred to in paragraph (a) of this subregulation until a second person is elected.
- (5) (a) Each candidate at an election shall be entitled to appoint in writing one scrutineer for the purposes of the election.
 - (b) A scrutineer appointed under this subregulation may be present when the envelopes containing ballot papers relating to the election are being opened at the commencement of the scrutiny and may remain during the scrutiny.
- (6) (a) Where the right of a person to vote is not established, or the counterfoil is not signed by the voter and by the witness, the returning officer shall replace the counterfoil and the envelope marked “ballot paper” in the outer envelope, endorse that envelope “rejected” and set it aside for safe keeping, together with any other outer envelopes which have been rejected.
 - (b) A ballot paper shall be informal —
 - (i) if it does not bear the initials or signature of the returning officer or a person authorised in that behalf by the returning officer;
 - (ii) if the voter has not marked it in accordance with the directions set out therein; or
 - (iii) if no mark is indicated on it.

[Regulation 13 amended in Gazette 23 April 1976 pp.1262-3.]

Recount of Votes

14. Recount of votes

- (1) At any time before the gazettal of the results of the election as provided in regulation 17 of these regulations, the returning officer may, if he thinks fit, on the written request of any candidate setting forth the reasons for the request, or of his own motion, make a recount of the ballot papers.

- (2) If the returning officer refuses a request of a candidate to make a recount of the ballot papers, the candidate may within the period referred to in subregulation (1) of this regulation appeal in writing to the Minister to direct a recount, and the Minister may at his discretion either direct a recount or refuse to direct a recount, and where the Minister directs a recount the returning officer shall make a recount as soon as practicable after being notified of that direction.

Disputes

15. Disputes

Any dispute arising out of the conduct of an election shall be referred by the returning officer to the Minister, and the decision of the Minister in that regard shall be final and conclusive.

Equal Number of Votes

16. Equal number of votes

If on any count two or more candidates have an equal number of votes, the returning officer shall decide by lot which candidate shall be declared defeated, and the other candidate shall thereupon be declared elected.

Result of Election

17. Election result and returning officers duties

- (1) The returning officer shall prepare and forward forthwith to the Minister a statement showing the result of each election and the name or names of the candidate or candidates elected and shall cause the result of the election to be notified in the *Government Gazette*.
- (2) On completion of the scrutiny and count of votes the returning officer shall enclose in one packet all used ballot papers, in another packet all counterfoils, and in a third packet all rejected votes, and shall seal up the several packets, endorse on each

packet a description and a number of the contents and the date of the poll, and sign the endorsements.

- (3) The returning officer shall preserve and hold in custody the sealed packets referred to in subregulation (2) of this regulation together with all other documents used at or in connection with the election until that election may no longer be questioned, when the sealed packets and documents shall be destroyed.

[Regulation 17 amended in Gazette 23 April 1976 p.1263.]

Common Seal

18. Common seal, care and custody

- (1) The Common Seal of the Committee shall be in the design of a circle and bear thereon the inscription "The Banana Industry Compensation Committee" and the words "Common Seal."
- (2) The Common Seal shall be kept in safe custody by the secretary of the Committee and shall not be affixed to any document unless —
 - (a) the Committee has directed by a resolution at a regular meeting that the Common Seal be so affixed; and
 - (b) it is affixed to the document by the secretary in the presence of the chairman of the Committee, or in his absence another member of the Committee.

Returns

19. Form of returns

- (1) The return required to be prepared and furnished to the Committee by a wholesaler pursuant to section 20 of the Act shall be in the Form No. 6 in the Appendix to these regulations and shall be prepared and furnished in duplicate.
- (2) The return required to be furnished annually to the Committee by each grower pursuant to section 32 of the Act shall be in the Form No. 7 in the Appendix to these regulations.

[Regulation 19 amended in Gazette 23 April 1976 p.1263.]

19A. Prescribed capacity

For the purpose of section 19 (1a) (a) of the Act, 13 kilograms is prescribed as the capacity of a carton.

[Regulation 19A inserted in Gazette 2 March 1990 p.1279.]

19B. Prescribed sum

For the purpose of section 19 (1a) (b) of the Act, a sum of 20 cents per carton is prescribed.

[Regulation 19B inserted in Gazette 2 March 1990 p.1279.]

19C. Prescribed rate of compensation

For the purpose of section 25 (3) of the Act, a rate of \$4.00 per carton is prescribed.

[Regulation 19C inserted in Gazette 2 March 1990 p.1280; 22 December 1998 p.6834.]

Compensation

20. Conditions when applying for compensation

- (1) A grower who suffers loss by destruction of bananas and by reason thereof claims to be entitled to payment of compensation under the Act shall make application for compensation to the Committee in the Form No. 8 in the Appendix to these regulations within thirty days after the destruction of the bananas.
- (2) Every application for compensation shall —
 - (a) be in writing signed by the applicant;
 - (b) set out the full name of the applicant and his postal address and the description and situation of the land upon which he is producing bananas;

r. 20A

- (c) specify the date on which bananas have been destroyed, the cause of destruction, the area of each portion of land on which bananas have been destroyed, and the respective stages of growth of the bananas destroyed;

[(d) deleted]

- (e) be accompanied by a statutory declaration made by the applicant verifying the correctness of the particulars contained in the application.

*[Regulation 20 amended in Gazette 23 April 1976 p.1263;
2 March 1990 p.1280.]*

20A. Entry by inspector

- (1) Any officer or inspector appointed under section 30 of the Act, may, at all reasonable times, for the purpose of making an assessment under the Act, or for the purpose of ensuring the accuracy of growers returns, or for any other reason necessary for carrying into effect the purposes of the Act or these regulations, enter into and upon land on which banana growing is being carried on.
- (2) A person shall not refuse admission or in any way hinder such officer or inspector in the execution of his duty.

[Regulation 20A inserted in Gazette 18 August 1971 p.3063.]

False Statements

21. False claims for enrollment

Any person who, not being entitled to be enrolled as an elector for the purpose of an election held under the Act and these regulations, makes a claim to be enrolled, and any person who makes any statement which is to his knowledge false in any application for enrolment, or in any statement accompanying a ballot paper verifying the right of the voter to vote, commits an offence against these regulations.

Penalty: Twenty pounds.

Penalties

22. General penalty

Any person who commits a breach of any of the provisions of these regulations commits an offence against these regulations and is liable on summary conviction, where no specific penalty is expressed for that offence, to a penalty not exceeding fifty pounds.

Appendix

Form No. 1

Western Australia

Carnarvon Banana Industry (Compensation Trust Fund) Act 1961

(Regulation 4(1) (b).)

NOTICE OF ELECTION

NOTICE is hereby given that an election of elective member(s) of the Carnarvon Banana Industry Compensation Committee under section 7 of the *Carnarvon Banana Industry (Compensation Trust Fund) Act 1961* will take place at the office of the returning officer hereunder mentioned on the day of, 19....., closing at the hour of 12 o'clock noon on that date.

Nominations of candidates must be made in accordance with the *Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962*, and must be received by the returning officer at his office specified hereunder not later than the hour of 12 o'clock noon on the day of, 19.....

Nomination forms are obtainable from the returning officer or the Clerk of Courts, Carnarvon.

The address of the returning officer to which nominations are required to be sent or delivered is

Dated this day of, 19.....

.....
Returning Officer

Form No. 2

Western Australia

Carnarvon Banana Industry (Compensation Trust Fund) Act 1961
(Regulations 5(3) and 6.)

APPLICATION FOR ENROLLMENT

To the Returning Officer,
C/o State Electoral Department,
PERTH. 6000.

I.....
(Full name of applicant)

of.....
(Address)

in the State of Western Australia.....
(Occupation)

hereby apply to have my name enrolled as an elector on the electoral roll under subregulation (3) of regulation 5 of the *Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962*, on the ground that: —

(1) I am a grower within the meaning of the *Carnarvon Banana Industry (Compensation Trust Fund) Act 1961*.

or

I am a partner in the firm of
(Trade name of firm or partnership)

..... of
(Address)

.....
which firm is a grower within the meaning of the Act aforesaid, and *all the other partners have consented to my making this application as evidenced by their written consent shown at the foot of this application.*

or

I am a of
(Director, trustee, member, officer) (Name of company or
..... which is a grower within
other corporate body)

the meaning of the Act aforesaid and I have been authorised by it to be enrolled on its behalf by the written authority lodged herewith.

- (2) I (or the said firm, company or other corporate body) am (or is) a grower within the meaning of the Act aforesaid by reason of the following facts, namely: —

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

(Here set out particulars to satisfy the returning officer that the applicant is a grower)

- (3) I am not enrolled upon the said electoral roll and I am not disqualified under those regulations from being enrolled upon the electoral roll.

- (4) I supply the following particulars concerning myself: —

Surname (Block Letters)

Christian names (in full).....

Residence (full address)

.....

Occupation

I, the abovenamed,

(Full name of applicant)

hereby state that the particulars furnished above in this application are true and correct, and I make this statement knowing that any wilfully false statement herein is punishable under the regulations.

Dated the day of,
19.....

.....
(Applicant's signature)

WE, THE OTHER PARTNERS IN THE PARTNERSHIP, CONSENT TO THIS APPLICATION.

(Other partners to sign here)

NOTE:

1. The applicant must complete and sign the attached application, and satisfy the returning officer that he, or the partnership, company, or other corporate body, which he represents, is a grower within the meaning of the abovementioned Act.

2. The application must be sent or delivered to the returning officer at his address.

Form No. 3

Western Australia

Carnarvon Banana Industry (Compensation Trust Fund) Act 1961

(Regulation 7 (2))

NOMINATION FORM

WE, the undersigned, being growers within the meaning of the Act abovementioned and entitled to vote at the election of an elective member of the Carnarvon Banana Industry Compensation Committee do hereby nominate

.....
(Full name)

for election as an elective member of that Committee.

Dated this day of,
19.....

(1)...Full name of nominator
(in block letters)

Address

Signature

(2)...Full name of nominator
(in block letters)

Address

Signature

(To be signed by at least two persons eligible to vote at the election for which the nomination is made.)

I,
(Full name in block letters)

of
(Address)

the person nominated hereby consent to the above nomination and to act, if elected, as a member of The Carnarvon Banana Industry Compensation Committee.

Dated this day of,
19.....

.....
Signature of Person Nominated

Dated this day of,
19.....
at o'clock in the noon.

.....
Returning Officer

Form No. 4

Western Australia

Carnarvon Banana Industry (Compensation Trust Fund) Act 1961

(Regulation 10 (1) (b))

BALLOT PAPER

Election of Candidate(s) as Elective Member(s)
of The Carnarvon Banana Industry Compensation Committee.

Date of Close of Poll

.....

Initials of Returning Officer

DIRECTIONS FOR VOTING

- (1) Where only one candidate is to be elected and there are not more than two candidates, the elector shall mark his vote on the ballot paper by placing the numeral, "1", opposite the name of the candidate for whom he votes.
- (2) Where only one candidate is to be elected and there are more than two candidates, the elector shall mark his vote on the ballot paper by placing the numeral, "1", opposite the name of the candidate for whom he votes as his first preference, and he shall give contingent votes for all the remaining candidates by placing the numerals, "2", "3", and so on (as the case may require) opposite their names, so as to indicate by numerical sequence the order of his preference.
- (3) Where two candidates are to be elected, the elector shall mark his vote on the ballot paper by placing the numeral, "1", opposite the name of the candidate for whom he votes as his first preference and the numeral "2" opposite the name of the candidate for whom he votes as his second preference, and he shall give contingent votes for all the remaining candidates by placing the numerals, "3", "4", and so on (as the case may require) opposite their names so as to indicate by numerical sequence the order of his preference.
- (4) The elector shall then —
 - (a) enclose the ballot paper in the envelope marked "ballot paper" and fasten the envelope;
 - (b) complete and sign the counterfoil in the presence of a witness who shall also sign the counterfoil; and
 - (c) return the envelope containing the ballot paper and the completed counterfoil to, and in the envelope addressed to, the returning officer, by post or otherwise, so as to be received by the returning officer not later than the day and hour appointed by the notice of election for the closing of the poll.

Full Names of Candidates
(in alphabetical order of surnames.)

Vote

.....

.....

.....

.....

.....

.....

.....

Form No. 5

Form No. 6
 Western Australia

[Reg 19 (1)]

Carnarvon Banana Industry (Compensation Trust Fund) Act 1961

WHOLESALE'S RETURN

For the month ended 19.....

Name

Address

Date of Sale	Grower's Name	Size of Container and Levy Rate			Amount of Levy	
		No. of 13kg cartons @...cents	No. of 15kg Tubs (36 litre) @...cents	Other (State Details)	\$	c
	B/fwd					
	C/fwd Totals					

The original and duplicate copies of this return, together with remittance to cover the monthly total of the levy, must be forwarded within fourteen (14) days of the end of each month to — The Accountant, Department of Agriculture, Baron-Hay Court, South Perth, WA 6151. Penalty for failure to comply with Section 20 of the *Carnarvon Banana Industry (Compensation Trust Fund) Act* — \$2 000.

I certify this to be a true and accurate record of bananas received from Carnarvon banana growers during the period:

...../...../..... /...../.....

Name (Print) Signature

(wholesaler or agent)

Date/...../.....

**Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962
Appendix**

Form No. 7

Western Australia

Carnarvon Banana Industry (Compensation Trust Fund) Act 1961

(Regulation 19 (2).)

ANNUAL RETURN BY GROWER

For the period from 1st January to 31st December, 19.....

Plantation No. (P.W.D. Water Assessment No.)

Name

Address

Address of Plantation

Lot Number of Plantation

Total Area Planted (Hectares)	Total Area in Production (Hectares)	QUANTITY OF BANANAS PRODUCED		
		13 kg Cartons	16 kg Cartons	Other (State Details)

(State Details)

Date, 19..... Signature.....

Grower or his Agent

This return must be forwarded to the Carnarvon Banana Industry Compensation Committee, c/o Department of Agriculture, P.O. Box 522, Carnarvon, 6701.

The envelope should be marked "Annual Return".

NOTE: Failure to furnish this return by 1st February may render you liable to a penalty of Twenty Dollars.

Form No. 8

Western Australia

The Carnarvon Banana Industry (Compensation Trust Fund) Act 1961
(Regulation 20)

APPLICATION FOR COMPENSATION

TO: The Chairman, The Carnarvon Banana Industry
Compensation Committee
Address of Plantation (including Lot No.)
.
Cause of Destruction.
Date of Destruction.19.

Statutory Declaration

The following statutory declaration is to be completed and signed:

I,
Given names Surname (Block letters)

do solemnly and sincerely declare that I am the owner* of the banana plants described in the claim form on the reverse of this application and that the information contained in that claim form and elsewhere in this application is to the best of my knowledge and belief, correct in every particular and I make this solemn declaration by virtue of Section 106 of the *Evidence Act 1906*.

* If not the registered owner, state the reason for signing for the owner. If applicable, state full particulars of tenancy, owner's name, Lot No. whether lease agreement or contract of sale, and where agreement of document may be sighted.

.....
Signature (Owner of Banana Plants)

Place of residence

Declared at in the State of Western Australia
the day of..... 19.....

Before me
Signature — Justice of the Peace

or any other person authorised to witness a Statutory Declaration including the following:

- Town or Shire Clerk, or Councillor
- Electoral Registrar
- Postmaster
- Officer of State or Commonwealth Public Service

**Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962
Appendix**

Bank, Building Society or Credit Union Manager

CLAIM FORM

Plantation No. (Water Authority of Western Australia Assessment No.)

Name for Payment

Postal address

As the area of every banana patch is recorded in Western Australian Department of Agriculture records the area column below should be completed with the assistance of a representative of the Carnarvon Regional Office.

	FOR USE BY ASSESSORS ONLY
AREA OF EACH PLANTING (to nearest .001 hectare)	PERCENTAGE DAMAGED (includes hidden damage)
A. MATURE PLANTS (Compensation Factor = 1)	
.....
.....
.....
.....
.....
.....
B. PLANTS WHICH ARE NOT OVER 760 mm IN HEIGHT (Compensation Factor = 0.3)	
.....
.....
.....
C. PLANTS WHICH ARE OVER 760 mm BUT NOT 1.52 METRES IN HEIGHT (Compensation Factor = 0.4)	
.....
.....
.....
D. PLANTS WHICH ARE 1.52 METRES IN HEIGHT AND OVER AND UP TO THE BUNCHING STAGE BUT HAVING NO BUNCHES SHOWING (Compensation Factor = 0.5)	

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

E. PLANTS WHICH HAVE REACHED THE STAGE OF EARLY BUNCHING
(Compensation Factor = 0.75)

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

Assessors' Signatures	SPECIAL INSTRUCTIONS
.....
.....
.....

[Appendix inserted in Gazette 23 April 1976 pp.1263-9; amended in Gazette 2 March 1990 pp.1280-3; 12 July 1991 p.3421.]

Notes

- ^{1.} This is a compilation of the *Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Banana Industry Compensation Trust Fund Act Regulations 1962</i>	18 Apr 1962 pp.937-47	18 Apr 1962
<i>Amendment Regulations</i>	1 Aug 1962 p.2092	1 Aug 1962
<i>Amendment Regulations</i>	30 Jul 1963 p.2209	30 Jul 1963
<i>Amendment Regulations</i>	26 Oct 1965 p.3764	26 Oct 1965
<i>Amendment Regulations</i>	19 Feb 1969 p.625	19 Feb 1969
<i>Amendment Regulations</i>	18 Aug 1971 pp.3062-3	18 Aug 1971
<i>Amendment Regulations</i>	23 Apr 1976 pp.1260-9	23 Apr 1976
<i>Carnarvon Banana Industry (Compensation Trust Fund) Amendment Regulations 1990</i>	2 Mar 1990 pp.1279-83	2 Mar 1990
<i>Carnarvon Banana Industry (Compensation Trust Fund) Amendment Regulations 1991</i>	12 Jul 1991 p.3421	12 Jul 1991
<i>Carnarvon Banana Industry (Compensation Trust Fund) Amendment Regulations 1998</i>	22 Dec 1998 p.6834	22 Dec 1998

These regulations were repealed as a result of the repeal of the *Carnarvon Banana Industry (Compensation Trust) Fund Act 1961* by the *Carnarvon Banana Industry (Compensation Trust Fund) Repeal Act 1998* s. 4 (No. 45 of 1998) as at 19 Nov 1999 (see *Gazette* 19 Nov 1999 p. 5789)
