
AGRICULTURE

AG301*

GRAIN MARKETING ACT 1975

THE GRAIN POOL OF W.A. (ELECTIONS) AMENDMENT REGULATIONS 1998

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as *The Grain Pool of W.A. (Elections) Amendment Regulations 1998*.

Principal regulations

2. In these regulations *The Grain Pool of W.A. (Elections) Regulations 1976** are referred to as the principal regulations.

[*Published in Gazette 20 February 1976, pp. 511-8.
For amendments to 29 April 1998 see 1997 Index to Legislation of Western Australia,
Table 4, pp. 118-9.]

Regulation 3 amended

3. Regulation 3 of the principal regulations is amended —

- (a) by deleting the definitions of “the Act”, “Board”, “Chairman”, “Director”, “grain”, “Grain Pool”, “pool”, “regulation”, “season”, “Secretary” and “subregulation”;
- (b) in the definition of “deliverer” by deleting “season in which the election is held or in either of the two preceding seasons;” and substituting the following —

“ prescribed interval in which the election is held or in a preceding prescribed interval;

”;

- (c) by inserting after the definition of “elector” the following definition —

“ **Electoral Commissioner**” means the Electoral Commissioner appointed under the *Electoral Act 1907*;

”;

- (d) in the definition of “electoral zone” by deleting “by” and substituting the following —
“ in accordance with ”;

- (e) in the definition of “listed deliverer” by deleting “list furnished and signed” and substituting the following —

“ record furnished, certified and marked ”; and

- (f) by inserting after the definition of “listed deliverer” the following definitions —

“ **prescribed interval**” means the period commencing on 1 November of any year and ending on 31 October of the following year;

“ **Secretary**” means the Secretary or the Assistant Secretary of The Grain Pool of W.A.;

“ **term of office**” is determined in accordance with regulation 3B.

”.

Regulation 3B inserted

4. After regulation 3A of the principal regulations the following regulation is inserted —

Term of office

3B. (1) The term of any office held under the Act commences on 1 August of the year in which the appropriate election is held.

(2) A term of office in respect to an electoral zone (current as at 1 August 1997) set out in column 1 of the Table to this regulation, expires on the day set out in the corresponding position in column 2 of that Table.

Table

Column 1 <i>Electoral zone</i>	Column 2 <i>Expiration of term of office</i>
Zone 1	31 July 2000
Zone 2	31 July 1998
Zone 3	31 July 1998
Zone 4	31 July 1998
Zone 5	31 July 2000
Zone 6	31 July 2001
Zone 7	31 July 2001

”.

Regulation 4 amended

5. Regulation 4 (1) of the principal regulations is amended by deleting "Chief Electoral Officer for the State" and substituting the following —

" Electoral Commissioner ".

Regulation 5 repealed and a regulation substituted

6. Regulation 5 of the principal regulations is repealed and the following regulation is substituted —

"

Remuneration of returning officer and other officers

5. The returning officer, and any other officer employed by the returning officer to assist in the conduct of an election, are entitled to such remuneration as is determined from time to time by the Electoral Commissioner.

".

Regulation 6 repealed

7. Regulation 6 of the principal regulations is repealed.

Regulation 7 amended

8. Regulation 7 (1) of the principal regulations is amended —

(a) by deleting "For the purpose of every subsequent election for each electoral zone the" and substituting the following —

" The "; and

(b) by deleting "cause a notice of the day to be published as provided in regulation 6." and substituting the following —

"

cause —

(a) a notice in the form of Form 1 to be published in the *Government Gazette*; and

(b) an advertisement of that notice to be placed.

".

Regulation 10 amended

9. (1) Regulation 10 (1) of the principal regulations is repealed.

(2) Regulation 10 (2) of the principal regulations is amended —

(a) by deleting "after the first election"; and

(b) by deleting "list" and substituting the following —

"

written or computer generated record, in a form acceptable to the returning officer,

".

(3) Regulation 10 (3) of the principal regulations is amended —

(a) by deleting "list" in the 3 places where it occurs and substituting in each place the following —

" record ";

(b) by deleting "(1) and (2)" and substituting the following —

" (2) "; and

(c) by deleting " in accordance with the subregulation under which the earlier list was furnished" and substituting the following —

" by the Secretary ".

Regulation 11 repealed and a regulation substituted

10. Regulation 11 of the principal regulations is repealed and the following regulation is substituted —

"

Record to be marked for identification, and available

11. (1) The returning officer shall, upon receipt of a record furnished under regulation 10, mark that record for the purposes of identification.

(2) The returning officer shall provide a copy of the record referred to in subregulation (1) to a candidate who requests a copy, but only after nominations close and the need for a poll is established.

".

Regulation 13 amended

11. Regulation 13 (c) of the principal regulations is amended —

- (a) after subparagraph (i) by deleting “and”; and
- (b) after the “and” at the end of subparagraph (ii) by inserting the following —
 - “
 - (iii) he is not an insolvent under administration within the meaning of the Corporations Law;
 - and

”.

Regulation 15 amended

12. Regulation 15 of the principal regulations is amended by deleting “that candidate shall be duly elected.” and substituting the following —

“ the returning officer shall declare that candidate duly elected. ”.

Regulation 16 amended

13. Regulation 16 (1) of the principal regulations is amended by deleting paragraph (b) and substituting the following paragraph —

“

- (b) cause the order of the names of the candidates that are to go on the ballot papers to be determined by the conduct of a draw in a manner similar to that set out in section 86 (2a) of the *Electoral Act 1907*;
- (ba) cause ballot papers and counterfoils to be printed, in the form of Forms 4 and 5 respectively, setting out the full names of the candidates in the appropriate order;

”.

Regulation 18 amended

14. Regulation 18 (2) (b) of the principal regulations is amended by deleting “attached to the envelope addressed to the returning officer”.

Regulation 19 amended

15. Regulation 19 (1) of the principal regulations is amended by deleting “locked” and substituting the following —

“ secure ”.

Regulation 20 amended

16. Regulation 20 of the principal regulations is amended —

- (a) in subregulation (2) by inserting before “the voter” the following —
 - “ subject to subregulation (3), ”; and
- (b) by inserting after subregulation (2) the following subregulation —

“

(3) If a voter has marked a ballot paper in a manner other than the prescribed manner but the ballot paper clearly indicates the voter’s intention and is not informal under regulation 20 (2) (a), that ballot paper —

- (a) shall not be informal; and
- (b) shall be given effect to according to the elector’s intention.

”.

Regulation 25 amended

17. Regulation 25 of the principal regulations is amended —

- (a) by inserting after the regulation designation “25.” the subregulation designation “(1)”;
- (b) in subregulation (1) by deleting “Minister and the”; and
- (c) by inserting after subregulation (1) the following subregulations —

“

(2) A candidate elected as a Director to fill a normal vacancy commences his term as a Director on the first day of the term of office for which the election was held.

(3) A candidate elected as a Director to fill a casual vacancy commences his term as a Director on —

- (a) the day on which the result of the election is declared; or
- (a) the first day of the term of office for which the election was held, whichever is the later.

”.

Schedule amended

18. (1) Form 1 in the Schedule to the principal regulations is amended by deleting “(Regs. 6 and 7)” and substituting the following —

“ (Reg. 7) ”.

(2) Form 2 in the Schedule to the principal regulations is amended —

(a) by deleting “list” and substituting the following —

“ record ”; and

(b) on the reverse of the form in the definition of “deliverer” by deleting “season in which the election is held or in either of the two preceding seasons.” and substituting the following —

“

prescribed interval in which the election is held or in a preceding prescribed interval. (ie. 12 months commencing on 1 November).

”.

(3) Form 3 in the Schedule to the principal regulations is amended by deleting

“do hereby consent to the above nomination and do hereby state that I am a person eligible for such nomination within the meaning of the Act and the Regulations being:

(a) an individual natural person who is a producer in relation to that election within the meaning of regulation 12 (1); or

(b) a person who is authorized to represent others or another as an elector for the purposes of that election under regulation 12 (2) or (3).”

and substituting the following —

“

do hereby —

(a) consent to the above nomination;

(b) state that I am a person eligible for such nomination within the meaning of the Act and the Regulations being:

(i) an individual natural person who is a producer in relation to that election within the meaning of regulation 12 (1); or

(ii) a person who is authorized to represent others or another as an elector for the purposes of that election under regulation 12 (2) or (3); and

(c) state that I am not an insolvent under administration within the meaning of the Corporations Law.

”.

(4) Form 4 in the Schedule to the principal regulations is amended —

(a) in item 4 by deleting “Statement attached to the Reply Paid envelope”;

(b) in item 5 under the heading “DIRECTIONS FOR VOTING” by deleting “Place sealed Ballot Paper envelope in the Reply Paid envelope addressed to the Returning Officer with the counterfoil and return it to” and substituting the following —

“

Enclose the sealed Ballot Paper and completed Counterfoil in the Reply Paid envelope addressed to

”;

(c) in item 5 under the heading “CANDIDATES” by deleting “(in alphabetical order of surnames)”;

(d) by inserting after item 5 the following item —

“

6. The information required on the Counterfoil is used to mark your name off the roll. The ballot paper envelope will be removed from the Reply Paid envelope and placed into a separate bundle. This way, the information you provide is not used to identify your voting preference.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.