



Western Australia

Marketing of Eggs Act 1945

Marketing of Eggs Regulations 1945

These regulations expired by the *Marketing of Eggs (Expiry Day) Order 2005* as at 2 Jul 2005 (see *Gazette* 28 Jun 2005 p. 2896).

Marketing of Eggs Regulations 1945

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Defined terms

Western Australia

Marketing of Eggs Act 1945

Marketing of Eggs Regulations 1945

1. Citation

These regulations may be cited as the *Marketing of Eggs Regulations 1945*¹.

[Regulation 1 amended in Gazette 30 Dec 1988 p. 5110.]

Preliminary

2. Interpretation

In these regulations —

“**Code**” means the Egg Grading and Packing Code formulated under section 31AA.

[Regulation 2 inserted in Gazette 30 Dec 1988 p. 5110.]

Part I

[Heading inserted in Gazette 31 Dec 1947 p. 2376.]

Elective Members — Qualification

3. Qualification for elective members

No person shall be qualified for election as an elective member of the Board unless at the time when he is nominated as a candidate for election he is a commercial producer within the meaning of that term as contained in section 5 of the Act, and is not —

- (a) of unsound mind; or
- (b) an undischarged bankrupt within the meaning of the laws relating to bankruptcy; or
- (c) a person who has been convicted of an indictable offence for which a sentence of imprisonment for 12 months or longer may be imposed.

Elections

4. Procedure for elections

For the purposes of elections of elective members of the Western Australian Egg Marketing Board: —

- (a) There shall be a Returning Officer who shall be such person as the Board may from time to time appoint.
- (b) The Board may cancel the appointment of any person as Returning Officer.
- (c) The Board shall by public notice fix a day for the election by the commercial producers of the first elective members of the Board.
- (d) The day so fixed shall not be less than 2 months nor more than 3 months after the date of the publication of the day fixed for the election.

- (e) The nomination day for the nomination of candidates for such election shall be not less than 14 days nor more than one month preceding the day fixed for the said election.
- (f) Only persons who are commercial producers within the meaning of the Act will be eligible to be registered as electors and unless and until so registered will not be entitled to vote at such election.
- (g) Within 7 days after the said publication, the Returning Officer shall by public notice inform commercial producers —
 - (i) of the intention to hold the election;
 - (ii) of the date fixed for the election;
 - (iii) of the nomination day fixed for such election; and
 - (iv) of the address of the Returning Officer.
- (h) As soon as reasonably may be after the said publication, the Returning Officer shall prepare a roll of electors for use at the elections.
- (i) Any person who is eligible for enrolment upon the said roll of electors and wishes to be enrolled thereon, shall make application for such enrolment in writing in accordance with Form No. 1 in the Appendix, and shall send or deliver the same to the address of the Returning Officer as notified in accordance with paragraph (g); and so that such application shall be in the hands of the Returning Officer by 12 o'clock noon 21 days before the nomination day so fixed.
- (j) Such application shall be accompanied by evidence satisfactory to the Returning Officer of the eligibility of the applicant for enrolment as an elector upon the said roll of electors.
- (k) When the application is sent by post and sufficient postage has not been prepaid thereon, the Returning

Officer shall reject the same; and, when any application is received by the Returning Officer after 12 o'clock noon 21 days before nomination day, the Returning Officer shall reject the same.

- (l) When the Returning Officer has prepared the roll of electors as aforesaid, he shall sign each page thereof, and thereafter such roll shall be the electoral roll to be used at the said election.
- (m) only persons whose names appear on the said electoral roll shall be entitled to vote at the said election.

5. Extraordinary vacancies

When, after the first elective members of the Board have been elected, any extraordinary vacancy arises or any vacancy is about to rise by effluxion of time in relation to the membership of an elective member of the Board, the following provisions shall apply: —

- (a) In the case of an extraordinary vacancy, the Returning Officer shall notify the Board thereof by writing under his hand as soon as possible after such extraordinary vacancy has arisen.
- (b) In the case of vacancies occurring by effluxion of time, the Returning Officer shall, at least 3 months before the term of office of an elective member will expire by effluxion of time, inform the Board by writing under his hand of the name of the elective member whose term of office is about to expire, and of the date upon which such term of office will expire.
- (c) As soon as reasonably may be after the receipt of a notification from the Returning Officer under paragraph (a) or paragraph (b), the Board shall fix the date for the holding of the election to fill the vacancy or vacancies of which it has been notified, and shall forthwith notify the Returning Officer of the date so fixed.
- (d) The date so fixed shall be not less than 2 months and not more than 3 months after the date of the publication by

the Returning Officer of the notice to be published by him in accordance with paragraph (e).

- (e) Upon receipt by him of the notice from the Board fixing the day for the holding of the election, the Returning Officer shall by public notice inform the commercial producers —
 - (i) of the intention to hold the election;
 - (ii) of the date fixed for the election;
 - (iii) of the nomination day; and
 - (iv) of the address of the Returning Officer.
- (f) The nomination day shall be not less than 14 days nor more than one month prior to the day fixed for the election.

[Regulation 5 amended in Gazette 8 Feb 1957 p. 233.]

Electoral Roll

6. Electoral roll

- (1) For the purposes of elections to be held for the election of elective members of the Board, after the first elective members have been elected, the Returning Officer shall, on 31 December next following the date of the election of the said first elective members, or as soon as reasonably may be thereafter, and on 31 December in each succeeding year, or as soon as reasonably may be thereafter, prepare an electoral roll for use at all elections, whether to fill extraordinary vacancies or ordinary vacancies, during the currency thereof.
- (2) Such electoral roll, when prepared, shall be signed on each page thereof by the Returning Officer, shall be the electoral roll for all the elections aforesaid, and shall continue current and in force until the next electoral roll has been prepared in accordance with these regulations. Provided that —
 - (a) during the currency of an electoral roll that roll may, in accordance with these regulations, be amended by the

Returning Officer by the inclusion of the names of persons who since the preparation of the roll have become eligible for enrolment and registered as electors and by the removal of the names of persons enrolled who since the preparation of the roll have ceased to be eligible for enrolment as electors or to vote at an election;

- (b) any person whose name is not enrolled as an elector on the electoral roll then in existence and who would be entitled to apply for enrolment on such electoral roll under these regulations, if a new electoral roll were then being prepared under these regulations and who desires to vote as an elector in any election about to be held may, at any time before 12 o'clock noon 21 days before the last day for the receipt of nominations of candidates for such election, make application in accordance with regulation 4 for enrolment as an elector upon the said electoral roll, and, subject to the requirements of these regulations, the Returning Officer shall enrol the name of the applicant upon such electoral roll, and upon the applicant being so enrolled he shall be entitled to all the rights and privileges of a duly registered elector.

[Regulation 6 amended in Gazette 8 Feb 1957 p. 233.]

7. Entitlement to be on electoral roll

- (1) Where any commercial producer eligible for enrolment on the electoral roll is a limited liability company or other corporate body, the board of directors or other management authority thereof may authorise any director, trustee, or other member of such 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 body aforesaid as an elector, and, upon receipt of an application for enrolment from such representative, together with a certificate in writing of such authority aforesaid under the hand of the managing director of the company or the president or chairman of the management authority of such other corporate body, as the case may be, the Returning Officer may,

subject to all other requirements of these regulations being satisfied, enrol such representative person on the electoral roll in accordance with his application.

- (2) In the case of a partnership, either one of the partners, but not more than one, at any one time may apply for enrolment and be enrolled on the electoral roll upon which the partnership is entitled to be enrolled.
- (3) No person shall be entitled to be enrolled on the electoral roll more than once, whether as an elector in his own right or as the representative of a limited liability company or other corporate body, or as a partner in a partnership, or otherwise.
- (4) Every authority given under paragraph (1) shall remain effective for all subsequent elections and electoral rolls until written notice of revocation is sent or delivered to the Returning Officer.
- (5) Any company or other corporate body may cancel or revoke any authority given by it under this regulation by notice in writing under the hand of the said Board of Directors or other management authority, as the case may be, sent or delivered to the Returning Officer.

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

- (6) Upon receipt of notice of cancellation or revocation of authority as aforesaid, the Returning Officer shall forthwith remove from the electoral roll the name of the representative person whose authority has been so cancelled or revoked.

Nominations

8. Nominations

- (1) Every nomination of a candidate for election as a member of the Board shall be made in writing, in the Form No. 2 in the Appendix, and shall be signed by the candidate himself and also by a proposer and seconder, both of whom shall be persons enrolled on the electoral roll to be used at the election.
- (2) Every nomination of a candidate shall be sent or delivered to the Returning Officer so as to be in his hands not later than 12 o'clock noon of the nomination day for the election.
- (3) Every nomination form received by the Returning Officer after the time aforesaid shall be rejected by him.
- (4) Where any nomination is sent by post, but the postage thereon is wholly unpaid or insufficiently prepaid thereon, the Returning Officer shall refuse to accept such nomination, and such nomination shall be deemed not to have been sent or delivered to the Returning Officer within the meaning of these regulations.
- (5) Forthwith, after 12 o'clock noon of the nomination day, the Returning Officer shall examine all the nominations received by him and satisfy himself that the candidates whose names appear on the nomination forms are eligible for election, and that the persons who have signed the said forms as proposer and seconder are entitled under these regulations so to sign the same.
- (6) The Returning Officer shall reject any nomination form which, in his opinion, is not in order as required by these regulations, and any such rejection shall be final and conclusive as against the candidate.
- (7) An election shall be held for the first elective members, but in subsequent elections where the number of candidates nominated does not exceed the number of candidates to be elected, the Returning Officer shall forthwith certify that fact, together with the names, addresses and occupations of the candidates

nominated in accordance with Form No. 3 in the Appendix to the Board, and such certificate, when received by the Board, shall be the final and conclusive evidence of the election of the said candidates as members of the Board.

- (8) As soon as reasonably may be after the receipt by it from the Returning Officer of the certificate mentioned in paragraph (7), the Board shall cause the result of the election to be published in the *Government Gazette* and in a newspaper published in Perth.
- (9) When the number of candidates nominated exceeds the number to be elected, the Returning Officer shall hold an election in accordance with these regulations, as hereinafter provided.

[Regulation 8 amended in Gazette 8 Feb 1957 p. 233.]

Polling

9. Ballot papers

- (1) When after the receipt of nominations of candidates an election is necessary to elect an elective member or elective members of the Board, the Returning Officer shall, as soon as practicable after the closing time for the receipt of such nominations, but within 7 days thereafter, cause ballot papers to be printed in accordance with Form No. 4 in the Appendix containing the names of all the candidates in alphabetical order.
- (2) The ballot paper shall set forth in a space provided for the purpose notice of the day fixed for the closing of the poll.

10. Distribution of ballot papers

- (1) When the ballot papers have been printed as aforesaid, the Returning Officer shall send by prepaid letter post to each person, whose name appears as an elector on the electoral roll, to his postal address as shown on his application for enrolment, one ballot paper, with the initials of the Returning Officer, or of some other person authorised in that behalf by the Returning

Officer, indorsed on the back thereof, together with an envelope marked "Ballot Paper Envelope", and another envelope addressed to the Returning Officer and a form of statement in the Form No. 5 in the Appendix, to be completed and signed by the elector.

- (2) The Returning Officer may, before sending the statement aforesaid to an elector, fill in the particulars to be furnished therein so that the same will be ready for signature and completion by the elector when marking his ballot paper.

11. Voting

- (1) For the purpose of casting his vote at the election, the elector shall mark his vote on the ballot paper received by him as aforesaid in the manner hereinafter provided, and shall then place the same in the envelope marked "Ballot Paper Envelope", and seal the envelope. He shall then sign and complete the statement in accordance with the directions stated therein and then place the sealed envelope, with the ballot paper enclosed therein and the statement signed and completed in the envelope addressed to the Returning Officer, and seal such lastmentioned envelope.
- (2) The elector may then send by prepaid letter post or may deliver the envelope addressed to the Returning Officer, with its said enclosures, to the Returning Officer at his address shown on the envelope, but so that such envelope shall be in the hands of the Returning Officer not later than 4 p.m. of the day fixed for the closing of the poll.
- (3) Where any envelope containing the ballot paper is sent by post to the Returning Officer, but the postage thereon is wholly unpaid or insufficiently paid thereon, the Returning Officer shall refuse to accept the same, and such envelope, with its enclosures, shall be deemed not to have been sent or delivered to the Returning Officer within the meaning of these regulations.

[Regulation 11 amended in Gazette 8 Feb 1957 p. 233.]

12. Lost or damaged ballot papers

If, prior to the closing of the poll, an elector satisfies the Returning Officer that he has not received a ballot paper and is entitled to vote at the election, or that the ballot paper or envelopes received by him have been lost or destroyed, and that he has not already voted at the poll, the Returning Officer may post or give personally to such elector a ballot paper and envelopes or a further ballot paper and envelopes, as the case may be.

*Preferential Voting***13. Method of voting**

- (1) Voting shall be by means of a preferential ballot.
- (2) When only one candidate is to be elected and there are not more than 2 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.
- (3) When only one candidate is to be elected and there are more than 2 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 requires) opposite their names, so as to indicate by such numerical sequence the order of his preference.
- (4) When 2 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 requires) opposite their names so as

to indicate by such numerical sequence the order of his preference.

Ballot Papers

14. Ballot box and lodging of votes

- (1) The Returning Officer shall keep a locked and sealed ballot box, with the words "Egg Marketing Board Ballot Box" marked thereon, and, as and when the envelope containing the ballot paper and the statement is received by him from an elector, he shall open the outer envelope and extract therefrom the statement and the sealed envelope containing the ballot paper.
- (2) He shall thereupon examine the statement and satisfy himself that the same is in order and that the elector who signed the statement is enrolled on the electoral roll and entitled to vote.
- (3) If and when he is so satisfied, he shall place the statement in some place of security for safe keeping and shall immediately place the envelope containing the ballot paper unopened in the said ballot box and so leave the same until the close of the poll.
- (4) If, upon examining the statement as aforesaid, the Returning Officer is not satisfied that the statement is in order, or that the person who signed the same is enrolled on the electoral roll and entitled to vote, he shall retain such statement and the envelope containing the ballot paper unopened in a safe place and at once notify the elector in writing that his ballot paper has not been accepted for the reasons to be stated in the notice.
- (5) If, before the closing of the poll, a voter who has received notice as provided for in paragraph (4) satisfies the Returning Officer that he is an elector and entitled to vote at the election, the Returning Officer shall forthwith place the sealed envelope containing such voter's ballot paper unopened in the said ballot box and so leave the same until the closing of the poll.
- (6) If a voter who has received notice as provided for in paragraph (4) fails to satisfy the Returning Officer in the manner required by paragraph (5), the Returning Officer shall reject the

ballot paper received from such voter. Upon such rejection he shall indorse on the envelope containing the ballot paper the word “rejected”, and sign the same, and then place such envelope unopened in some place of security for safe keeping until after the election.

Scrutineers

15. Scrutineers

- (1) Each candidate at an election shall be entitled to appoint, in writing, one scrutineer to be present when the envelopes containing ballot papers relating to such election are being opened at the commencement of the scrutiny and to remain during the scrutiny.
- (2) Every scrutineer shall, before he acts, make and sign, before the Returning Officer, declaration in accordance with Form No. 6 in the Appendix.

The Scrutiny

16. Counting of votes

- (1) The counting of votes cast at an election shall be carried out by the Returning Officer, in the presence of the scrutineers, at the office of the Returning Officer, and shall not commence until after 4 p.m. on the election day. The Returning Officer may from time to time adjourn the scrutiny to a day and hour fixed by him and notified to the scrutineers.
- (2) The Returning Officer may appoint such officers as he deems necessary to assist in the conduct of an election and count thereof.
- (3) Subject as hereunder provided, the method of conducting the count shall be the same as that prescribed under the *Electoral Act 1907*, for the counting of the votes taken at an election of members of the Legislative Assembly.

Provided that —

- (a) When 2 candidates are to be elected the count of the votes will proceed until one candidate has received an absolute majority, when he shall be declared elected. The first elected candidate shall then be eliminated from the count, and to proceed with the election of the second candidate, all the ballot papers, including those which have been set aside as exhausted, shall be brought into operation and again sorted into first preference votes. 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 when added to their respective first preference votes shall constitute the first count for the second candidate. The procedure from then on shall be the same as in the counting of votes for the election of one candidate.
 - (b) Votes shall not be deemed to be informal except in the case hereinafter mentioned.
- (4) As soon as practicable after the closing of the poll, the Returning Officer shall, in the presence of the scrutineers —
 - (a) open the ballot box and remove therefrom the envelopes containing the ballot papers; and
 - (b) open the envelopes containing the ballot papers and extract the ballot papers therefrom; and
 - (c) examine every ballot paper and satisfy himself that the same bears his or the authorised officer's initials indorsed thereon and decide whether such ballot paper is formal or informal; and
 - (d) count all formal ballot papers and reject all informal ballot papers.
- (5) The Returning Officer shall be the sole and final judge as to whether a ballot paper is informal.
- (6) Any candidate may attend and be present at the counting of the votes.

[Regulation 16 amended in Gazette 8 Feb 1957 p. 233.]

17. Informal votes

- (1) A ballot paper shall be informal —
 - (a) if it is not initialled by the Returning Officer or the other officer authorised in that behalf; or
 - (b) if, subject as hereinafter provided, it is marked in any other manner than prescribed in regulation 11; or
 - (c) if it has upon it any mark or writing not authorised by these regulations, which in the opinion of the Returning Officer will enable any person to identify the elector; or
 - (d) if it does not indicate the elector's vote, or, if when there are more than 2 candidates it is not marked so as effectively to indicate the elector's preference as regards all candidates; or
 - (e) if no mark is indicated on it.
- (2) A ballot paper shall not be informal for any reason other than the reasons stated in paragraph (1), but shall be given effect to according to the elector's intention so far as his intention is clear, and, in particular when only one candidate is to be elected and there are only 2 candidates, a ballot paper shall not be informal by reason only of the elector having indicated his vote or first preference by a cross instead of the numeral 1.

18. Declaration of result

As and when the Returning Officer shall have completed the counting of the votes, he shall declare the result of the election in the presence of the scrutineers and of any candidates who may be present at the time.

19. Notification of result

- (1) When the result of an election has been ascertained and declared, the Returning Officer shall forthwith furnish to the

Board a certificate of such result in accordance with Form No. 7 in the Appendix, and state therein the names, addresses, and occupations of the candidates who have been elected; and such certificate, when received by the Board, shall be final and conclusive evidence of the election of the said candidates as members of the Board.

- (2) As soon as reasonably may be after the receipt by it from the Returning Officer of the certificate mentioned in paragraph (1), the Board shall cause the result of the election to be published in the *Government Gazette* and a newspaper published in Perth.

[Regulation 19 amended in Gazette 8 Feb 1957 p. 233.]

20. Persons ceasing to be producers not entitled to vote

Where any person whose name appears on the electoral roll to be used at any election has since such enrolment ceased to be a commercial producer within the meaning of the Act, such person shall not be entitled to vote at any election held subsequently to his ceasing to be a commercial producer as aforesaid merely because his name appears as an elector on the said electoral roll, and in any such case the Returning Officer, upon it coming to his knowledge that the person is no longer a commercial producer shall cause his name to be struck off such roll.

21. Retention of ballot papers

The Returning Officer shall retain all ballot papers and statements received by him in connection with any election held under these regulations until the expiration of 3 months after the declaration of the result of such election, and may then cause the same to be destroyed.

22. Offences

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 voter's right to vote, shall be guilty of an offence against these regulations and shall be liable to a penalty not exceeding \$40.

[Regulation 22 amended by Act No. 113 of 1965 s. 8(1).]

23. Expenses of Returning Officer

Subject to section 8(2) of the Act, all costs, charges, and expenses as incurred by the Returning Officer in connection with the publication of notices, the receipt of nominations of candidates for election, application for enrolment by commercial producers, preparation of electoral rolls, and the conduct of elections, including any fee that may be allowed, or in connection with any other matters incidental thereto and is certified in writing by the Returning Officer under his hand, and communicated by the Returning Officer to the Board, shall be borne and paid by the Board or reimbursed to the Returning Officer by the Board out of moneys from time to time in his hands.

Provided that the Board may at its own expense have the accounts of the Returning Officer audited by the Auditor General, whose decision thereon shall be final as between the parties concerned.

Part II

[Heading inserted in Gazette 31 Dec 1947 p. 2376.]

24. Definition of “Chilled Eggs”

For the purposes of this Part —

“Chilled Eggs” means eggs that have been artificially cooled.

[Regulation 24 inserted in Gazette 31 Dec 1947 p. 2376.]

Proceedings of Board

[Heading inserted in Gazette 31 Dec 1947 p. 2376.]

25. Minutes

The secretary shall keep proper minutes of all resolutions, business, and proceedings made or transacted at each meeting of the Board, which shall be submitted to the members for confirmation, and, when confirmed, the chairman of the meeting at which they were confirmed shall sign them, and they shall be preserved by the secretary. Any entry in the minute-book signed by the chairman shall be conclusive evidence that any resolution has been carried or lost at any meeting.

[Regulation 25 inserted in Gazette 31 Dec 1947 p. 2376.]

26. Payment of accounts

- (1) All accounts shall be passed by the Board as due and payable and paid by cheque signed by any 2 of the chairman, general manager, secretary/accountant, marketing manager or factory manager of the Board.
- (2) A payment from a petty cash account shall not exceed \$30.

[Regulation 26 inserted in Gazette 30 Dec 1988 p. 5110.]

27. Terms of sale

The Board may, in every sale or agreement for sale of eggs by the Board to any person, insert conditions and fix a sum as and

by way of liquidated damages for any breach of conditions, which damages shall be recoverable accordingly.

[Regulation 27 inserted in Gazette 31 Dec 1947 p. 2377.]

28. Persons authorised to sign on behalf of Board

The Board may authorise all contracts and agreements and other documents requiring execution by the Board to be signed for and on behalf of the Board by the chairman of the Board and by the secretary, or by the chairman and by one other member of the Board.

[Regulation 28 inserted in Gazette 31 Dec 1947 p. 2377.]

29. Common seal

The common seal of the Board shall not be affixed to any document except with the authority of the Board. The secretary shall have the custody of the seal, which shall be kept under lock and key in such place as the Board directs.

In every case where the common seal is authorised by the Board to be affixed to any document, such seal shall be affixed only in the presence of at least 2 members of the Board, who shall sign every such document, which shall be countersigned by the secretary.

[Regulation 29 inserted in Gazette 31 Dec 1947 p. 2377.]

30. Form of certificate under s. 26

The certificate to be issued by the Board to the producer in accordance with section 26 of the Act shall be in or to the effect of Form No. 8 in the Appendix.

[Regulation 30 inserted in Gazette 31 Dec 1947 p. 2377.]

31. Lost or damaged certificates

The Board may replace any lost or damaged certificate issued in accordance with section 26 of the Act, provided that such duplicate certificate shall be clearly stamped across the face thereof with the words “duplicate only”.

[Regulation 31 inserted in Gazette 31 Dec 1947 p. 2377.]

32. Assignment of rights

A person to whom a certificate has been issued under section 26 of the Act may assign his rights under the certificate by endorsement of a memorandum on the certificate and by delivering to the assignee a notice signed by him in or to the effect of Form No. 9 in the Appendix. The notice of assignment shall be forwarded to the Board or to the Board’s agent before the end of the week in which the eggs, in respect of which the said notice was given, were delivered to the said agent. The Board shall not be obliged to recognise any such notice which is not forwarded to the Board’s agent within the time specified in this regulation.

[Regulation 32 inserted in Gazette 31 Dec 1947 p. 2377.]

33. Assignment of moneys owing by Board

- (a) No assignment of moneys owing by the Board for eggs delivered to the Board or any of its agents shall be recognised by the Board or any of its agents unless such assignment has been effected in accordance with regulation 32, provided that any person to whom the Board owes money for eggs delivered to the Board or to its agent may give to any other person a procuration order addressed to the chairman of the Board in the form contained in Form No. 10 in the Appendix.
- (b) Payment in accordance with any such procuration order may be made at the absolute discretion of the chairman of the Board, provided that no payment shall be made in accordance with such a procuration order unless the procuration order is delivered to the Board or to its agent during the week in which the eggs in

respect of which the order is given are delivered to the Board's agent.

[Regulation 33 inserted in Gazette 31 Dec 1947 p. 2377.]

34. Periods of time for the purposes of section 32(1)

For the purpose of ascertaining the basis of payments to producers in accordance with section 32(1) of the Act, the periods of time shall be the periods commencing on the first Monday in the month of July in each year and terminating upon the Saturday next preceding the first Monday in the month of July in the next following year.

[Regulation 34 inserted in Gazette 31 Dec 1947 p. 2377.]

Licensing of Producers

[Heading inserted in Gazette 23 Jan 1976 p. 169.]

34A. Maximum number of fowls

- (1) The maximum number of fowls which any person or association of persons may be licensed to keep is 21 762.
- (2) For the purposes of section 32E(3a) of the Act the Board may determine that any persons together constitute an association of persons if in relation to any one of those persons some other person concerned in the keeping of the fowls in question is —
 - (a) the spouse, de facto partner, parent or remoter lineal ancestor, son, daughter or remoter issue, brother or sister of that person;
 - (b) a partner of that person;
 - (c) a corporation of which that person is an officer;
 - (d) where the person is a corporation — an officer of the corporation;
 - (e) an officer of any corporation of which the person is an officer;

- (f) an employee or employer of the person;
- (g) an employee of a natural person of whom that person is an employee;
- (h) a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of that person or, where the person is a corporation, of the directors or management of that person;
- (i) a corporation in accordance with the directions, instructions or wishes of which, or of the directors or management of which, that person is accustomed or under an obligation, whether formal or informal, to act;
- (j) a corporation in which the person holds a substantial interest;
- (k) where that person is a corporation — a person who holds a substantial interest in the corporation; or
- (l) a person who is, by virtue of the foregoing, an associate of any other person who is an associate of that person (including a person who is an associate of that person by another application or other application of this paragraph),

but persons shall not be regarded as associates if the Board is satisfied on representations made by one or more of them and after its own enquiries (if any) that they are commercially independent in their respective enterprises.

- (3) The Board shall receive and have regard to all written representations that are submitted by a person who is licensed or who seeks to be licensed under the Act as to whether or not that person is one of an association of persons.

[Regulation 34A inserted in Gazette 23 Jan 1976 p. 169; amended in Gazette 2 Mar 1979 p. 611; 3 Aug 1979 p. 2217; 26 Sep 1980 p. 3358; 30 Jan 1981 p. 511; 27 Mar 1981 p. 1095; 7 Aug 1981 p. 3241; 13 May 1983 p. 1484; 30 Jun 2003 p. 2616.]

*Exemption from Delivering Eggs to the Board**[Heading inserted in Gazette 31 Dec 1947 p. 2377.]***35. Obligations of permit holders**

Where a permit is granted by the Board in accordance with the provisions of section 23(1) or (3) of the *Marketing of Eggs Act 1945* (as amended), the permit holder shall —

- (a) allow any inspector or such member, officer, agent or other employee of the Board as is duly authorised by the Board in writing to do so —
 - (i) to enter at any reasonable time for the purpose of carrying out an inspection of the same, any land, premises, vessel or vehicle which is owned or under the control of the permit holder and is used in connection with the sale, purchase, despatch or receipt of eggs; and
 - (ii) to inspect and to take notes, copies or extracts from any books, accounts, invoices, registers documents, docket books, writings or copies of any returns furnished or about to be furnished to the Board and which are in the custody or control of the permit holder and which are used by the permit holder in connection with the sale, purchase, despatch or receipt of eggs;
- (b) truthfully answer any question relating to those books, accounts, invoices, registers, documents, docket books, writings or copies of any returns submitted or about to be submitted to the Board or relating to any eggs produced or purchased by him;
- (c) deliver to the Board fortnightly, and not later than 14 days after each fortnightly period a return on the form provided by the Board for that purpose showing, *inter alia* —
 - (i) in the case of a producer permittee the number of eggs produced during the fortnightly period, the

method by which they were distributed and the prices obtained for any such eggs sold by the producer permittee;

- (ii) in the case of a purchasing permittee the number of eggs purchased during each fortnightly period, the method by which they were distributed and the prices obtained for any such eggs sold by the purchasing permittee.

[Regulation 35 inserted in Gazette 8 Feb 1957 p. 233-4; amended in Gazette 31 Aug 1979 p. 2663.]

36. Grounds for exemption to be specified in certain cases

The Board may refuse to consider any application for exemption under section 23 of the Act from a producer on whose holding more than 19 adult female fowls are kept unless he has made application in writing to the Board for such exemption specifying the grounds on which the exemption is sought.

[Regulation 36 inserted in Gazette 31 Dec 1947 p. 2377.]

Grades of Eggs

[Heading inserted in Gazette 31 Dec 1947 p. 2377.]

37. Sale of ungraded eggs prohibited

- (1) A person shall not sell, offer for sale, display for sale or endeavour to sell within the State, eggs which have not been graded and marked in accordance with these regulations.
- (2) Grading and marking of eggs intended to be —
 - (a) sold or delivered to the Board; or
 - (b) sold to a purchaser who is authorised to grade those eggs,are not required until such time as the eggs are delivered to the Board or that purchaser, as the case may be.

[Regulation 37 inserted in Gazette 30 Dec 1988 p. 5110.]

*Marketing of Eggs**[Heading inserted in Gazette 31 Dec 1947 p. 2378.]***38. Authority to grade eggs**

All eggs shall be graded and marked by —

- (a) the Board; or
- (b) a person issued with a licence under regulation 38B.

*[Regulation 38 inserted in Gazette 30 Dec 1988 p. 5110.]***38A. Grading of eggs by the Board**

- (1) Any person may present eggs to an egg grading floor operated by the Board for grading and marking and the person shall pay to the Board for its services such reasonable fee, not exceeding the expenditure incurred by the Board in providing the services, as the Board may determine.
- (2) The Board shall grade and mark eggs presented to it under subregulation (1) in accordance with the Code and shall, after payment of the fee referred to in that subregulation, deliver the eggs to the person who presented them or his agent at the place at which they were presented.

*[Regulation 38A inserted in Gazette 30 Dec 1988 p. 5110-11.]***38B. Licensing of persons to grade eggs**

- (1) A person of a class specified in column 1 of the Schedule may apply in writing to the Board for the grant of a licence to grade and mark eggs of a class specified in column 2 of the Schedule opposite the class of person to which the person applying belongs.
- (2) The Board shall grant a licence to a person who has submitted an application under subregulation (1) unless it considers there are sufficient reasons to refuse a licence and where a licence is refused the Board shall give particulars of its reasons in writing to the applicant.

- (3) On approving an application under subregulation (1), the Board shall —
 - (a) allocate a licence number to the applicant and issue a licence certificate to him; and
 - (b) enter a memorandum of the licence number allocated and the licence certificate issued in a register kept for that purpose.
- (4) A person issued with a licence shall grade and mark eggs —
 - (a) only of a class specified in the licence; and
 - (b) in accordance with the Code.
- (5) A licence attaches to the person to whom it is issued and is not transferable.
- (6) A licence issued to —
 - (a) a person who holds a permit under section 23, remains valid until it lapses or is cancelled; or
 - (b) any other person, expires on 31 December in each year and shall be renewed by the Board each year on receipt of an application in writing by the holder of the licence, unless the Board considers there are sufficient reasons to refuse to renew a licence, in which case it shall give particulars of its reasons in writing to the applicant.
- (7) The Board may for sufficient reasons cancel the licence of a person by sending a notice containing particulars of the reasons for cancellation by post to that person.

[Regulation 38B inserted in Gazette 30 Dec 1988 p. 5111.]

39. Misleading or deceptive marks

No person shall, within Western Australia, market, sell, display for sale, or store any egg if any such egg is stamped or marked with any stamp or mark which so closely resembles the Board's mark as to be likely to deceive or mislead any purchaser or intending purchaser thereof.

[Regulation 39 inserted in Gazette 31 Dec 1947 p. 2378.]

40. Restrictions of sale of eggs

- (a) No person shall within Western Australia —
- (i) sell, offer, or display for sale by retail any eggs acquired from the Board or from any person acting with the authority of the Board which do not bear the appropriate mark of the Board;
 - (ii) sell, offer, or display for sale by retail to any person eggs of a grade different from the grade which such person asks or requests to be supplied with;
 - (iii) display for sale by retail any eggs in such position that the eggs are exposed to the sun;
 - (iv) sell, offer, or display for sale by retail to any person eggs at a price different from that fixed by the Board or by any other authority with power to fix prices, by notice published in a daily newspaper published in Perth.

[(b) and (c) deleted]

[Regulation 40 inserted in Gazette 31 Dec 1947 p. 2378; amended in Gazette 13 Aug 1957 p. 2454; 30 Dec 1988 p. 5111.]

41. Sale of mixed marked and unmarked eggs prohibited

No person shall, within Western Australia, market, sell, display for sale, or store any eggs if eggs bearing the Board's mark are contained in the same container with eggs not so marked.

[Regulation 41 inserted in Gazette 31 Dec 1947 p. 2378.]

42. Sale of eggs below "First Quality" prohibited

Except with permission of the Board, no person shall within Western Australia, sell, offer, or display for sale by retail any eggs of a quality lower than "First Quality".

[Regulation 42 inserted in Gazette 31 Dec 1947 p. 2378.]

Delivery of Eggs

[Heading inserted in Gazette 31 Dec 1947 p. 2378.]

43. Delivery of eggs to the Board

A producer shall not deliver any eggs to the Board except in a container approved by the Board and bearing on the end thereof a label, that can be detached, legibly marked with the name and address of the person, firm or corporation, or name and address of the producer to whom the proceeds of the eggs contained therein by are to be paid.

[Regulation 43 inserted in Gazette 11 Sep 1953 p. 1709.]

44. Board may refuse to accept delivery

The Board may refuse to accept delivery of any eggs from a producer if such eggs are not delivered in accordance with regulation 43 or are not of merchantable quality.

[Regulation 44 inserted in Gazette 31 Dec 1947 p. 2378; amended in Gazette 13 Aug 1957 p. 2454; 30 Dec 1988 p. 5111.]

45. Certificate of refusal to accept delivery

If the Board refuses to accept delivery of any eggs it shall, upon request, give to the producer a certificate in accordance with Form No. 11 in the Appendix.

[Regulation 45 inserted in Gazette 31 Dec 1947 p. 2378.]

Submission of Returns

[Heading inserted in Gazette 31 Dec 1947 p. 2378.]

46. Returns to be furnished by producers

- (a) Any officer, servant, or employee of the Board duly authorised by the Board in that behalf may, by notice in writing served personally or by post on a producer, require the producer to furnish, to the person giving the notice on or before a date specified in the notice, a return in accordance with Form No. 12

in the Appendix in relation to such period or periods as are specified in the notice.

[(b) deleted]

- (c) A producer who has been required under subregulation (a) to furnish a return shall not —
- (i) Refuse or fail to furnish, on or before the date specified in the notice, to the person making the requirement, a duly signed and witnessed return; or
 - (ii) furnish any such return which is incomplete or false or misleading in any particular.

[Regulation 46 inserted in Gazette 31 Dec 1947 p. 2378; amended in Gazette 30 Dec 1988 p. 5111.]

46A. Returns regarding female fowls

- (1) Every person who on 1 May or 1 November in any year owns or controls 20 or more adult female fowls and who —
- (a) delivers to the Board eggs produced by those fowls; or
 - (b) under the authority of a permit granted by the Board under section 23 of the Act sells eggs produced by those fowls,

shall within 14 days after those respective dates furnish to the Board a return completed and signed by him in the Form No. 16 in the Appendix setting forth the required particulars of egg-type female fowls owned or controlled by him.

- (2) A person who, being required under this regulation to furnish a return to the Board, fails or neglects to so furnish that return within the time and in the manner so required, or furnishes a return which is incomplete or incorrect in any material particular, commits a breach of these regulations.

[Regulation 46A inserted in Gazette 15 Oct 1964 p. 3548.]

47. Returns not to relate to more than 12 months

A producer shall not be required to furnish any information in relation to eggs sold more than 12 months prior to date of the giving of such notice.

[Regulation 47 inserted in Gazette 31 Dec 1947 p. 2378.]

Powers of Inspection

[Heading inserted in Gazette 31 Dec 1947 p. 2378.]

48. Powers of inspectors

- (a) Any inspector may at all reasonable times enter any premises on which eggs are produced, held, stored, graded, packed, dried, pulped or otherwise treated and inspect or impound any stocks of eggs or egg containers and any accounts, books or documents relating to any eggs or egg containers and, for the purpose of satisfying himself as to the truth or correctness of any such accounts, books or documents, or of any returns submitted to the Board, may make any inquiries or inspect any such premises or any poultry or eggs thereon.
- (b) Any inspector, or any member, officer, servant or employee of the Board duly authorised by the Board in that behalf may at any reasonable time during the day or at any time during trading hours enter upon any premises where eggs are produced, held, stored, graded, packed, dried, pulped or otherwise treated for the purpose of inspecting any such eggs, and may take such sample or samples of any such eggs which do not or does not comply with the provisions of these regulations or any of them, and may inspect any books, accounts, invoices, registers, documents, or writings in or upon such premises relating to any such eggs, and may take notes, copies or extracts thereof or therefrom.

[Regulation 48 inserted in Gazette 31 Dec 1947 p. 2378; amended in Gazette 5 Aug 1949 p. 1901; 4 Jul 1952 p. 1694; 8 Feb 1957 p. 234.]

49. Obstruction of inspectors

Any person who obstructs any inspector or any person so authorised and any person carrying on any business whatsoever, in, or in charge of, such premises who refuses to produce such books, accounts, invoices, registers, documents or writings, or any returns required to be submitted to the Board, or to answer any question relating to such books, accounts, invoices, registers, documents or writings, or any returns submitted to the Board, or to any eggs or egg pulp displayed for sale or held in or upon such premises, or who wilfully gives any untruthful answer to any such questions, shall be guilty of an offence against these regulations.

[Regulation 49 inserted in Gazette 31 Dec 1947 p. 2379; amended in Gazette 5 Aug 1949 p. 1901; 4 Jul 1952 p. 1694; 8 Feb 1957 p. 234.]

50. Records to be kept

A person in charge of or carrying on any business in connection with which eggs are held, stored, graded, packed, dried, pulped or otherwise treated or in connection with which egg pulp is made or held shall —

- (a) if the eggs or egg pulp is purchased or obtained from any other person or persons, keep a record of the name and address of that other person or those other persons and of the quantities of eggs and egg pulp purchased or obtained from each person; and
- (b) if required by an inspector or by a duly authorised person referred to in regulation 48(b), furnish in writing to the inspector or person, as the case may be, the names and addresses and quantities so recorded.

[Regulation 50 inserted in Gazette 8 Feb 1957 p. 234.]

Storage

[Heading inserted in Gazette 31 Dec 1947 p. 2379.]

51. Storage in cold stores

No person shall place eggs in any cold store without the permission of the Board, and no person shall place in any cold store eggs which are inferior in quality to eggs as defined in these regulations.

[Regulation 51 inserted in Gazette 31 Dec 1947 p. 2379.]

52. Storage with other goods

No person shall store eggs in any room or chamber of a cold store in which room or chamber any other goods, article, or substance is stored.

[Regulation 52 inserted in Gazette 31 Dec 1947 p. 2379.]

53. Sale of eggs from cold store or oil processed eggs

No person shall sell, expose for sale or have in his possession for sale any eggs which have been held in cold storage in their natural state or eggs which have been oil processed unless the shells are reasonably clean and the eggs are branded with the appropriate brand prescribed by regulations made under the *Agricultural Products Act 1929*, as amended and the eggs marked in accordance with these regulations.

[Regulation 53 inserted in Gazette 13 Aug 1957 p. 2455; amended in Gazette 30 Dec 1988 p. 5111.]

54. Defacing marks

No person shall efface or rub off the word “chilled” or the word “sealed” from the shell of any egg after the egg has been marked under these regulations.

[Regulation 54 inserted in Gazette 13 Aug 1957 p. 2455; amended in Gazette 30 Dec 1988 p. 5111.]

55. Removal of chilled eggs from cold store

[(a) deleted]

- (b) No “chilled” eggs shall be removed from the cold store without the written approval of the Board, and if any owner, manager, or person in charge of a cold store acts without such approval be shall be guilty of an offence.

*[Regulation 55 inserted in Gazette 31 Dec 1947 p. 2379;
amended in Gazette 13 Aug 1957 p. 2455.]*

56. Application to eggs for export

Regulations 51 to 55 shall not apply to eggs packed in accordance with the Commonwealth Regulations governing the export of eggs overseas and approved for export by a Commonwealth Officer.

*[Regulation 56 inserted in Gazette 31 Dec 1947 p. 2379;
amended in Gazette 13 Aug 1957 p. 2455.]*

57. Unclean packing material

No person shall market, sell, display for sale, store or cold store any eggs which are packed in any case, packing material, or container which is unclean or which has become contaminated by contact or otherwise with any deleterious substance.

[Regulation 57 inserted in Gazette 31 Dec 1947 p. 2379.]

Egg Pulp

[Heading inserted in Gazette 31 Dec 1947 p. 2379.]

58. Egg pulp

- (a) No person shall prepare or pack egg pulp otherwise than in accordance with the following conditions: —
- (i) That the eggs to be pulped have been graded in accordance with these regulations and are of merchantable quality.

- (ii) That the eggs are broken by hand or by a machine approved by the Board into a receptacle, any such machine or receptacle being free from impurities and foreign matter, and constructed of materials which will not taint the egg pulp.
 - (iii) That the egg pulp is properly blended, emulsified, and strained.
 - (iv) That the egg pulp in the case of liquid whole eggs shall contain not more than 75 parts per centum moisture.
 - (v) That the egg pulp be packed only in clean containers, free from impurities and foreign matter, and of a kind that the containers will not taint the egg pulp.
 - (vi) That the egg pulp be hard frozen within 24 hours after being placed in the refrigeration chamber, the temperature of which shall not exceed 15°C.
 - (vii) That the preparation of egg pulp be carried out under sanitary conditions.
- (b) This regulation shall not apply to egg pulp for export in accordance with Commonwealth regulations dealing with the export of egg pulp.

[Regulation 58 inserted in Gazette 31 Dec 1947 p. 2379; amended in Gazette 30 Dec 1988 p. 5111; 30 Dec 2004 p. 6896.]

Settlement of Conflicting Claims

[Heading inserted in Gazette 31 Dec 1947 p. 2379.]

59. Conflicting claims for payment

- (a) When the Board receives conflicting claims in respect of payments to be made in respect of any eggs delivered to the Board, the Secretary of the Board shall give notice in writing to each of the claimants in the Form No. 13 in the Appendix.
- (b) At the expiration of 14 days after the date of service of such notice on the claimants the Board may, if a notice has not been lodged in accordance with the next succeeding regulation

requesting that the dispute be referred for decision by the State Administrative Tribunal, forthwith proceed to settle and adjust the conflicting claims and the decision of the Board shall thereupon be binding on all the parties to the dispute.

[Regulation 59 inserted in Gazette 31 Dec 1947 p. 2379; amended in Gazette 30 Dec 2004 p. 6896.]

60. Referral of dispute to Local Court

- (a) Any claimant to whom notice has been given in accordance with the preceding regulation may, within 14 days after the date of service of such notice lodge at the office of the Board a notice, in duplicate, in accordance with the Form No. 14 in the Appendix requesting that the dispute be referred for decision by the State Administrative Tribunal in accordance with section 32(3) of the Act.
- (b) The claimant shall pay to the secretary of the Board at the time of lodging such notice the fee required to be paid for commencing proceedings in the State Administrative Tribunal.
- (c) A copy of the notice shall also be served by the claimant on all the other parties to the dispute within 7 days after the date of lodgment of such notice at the office of the Board and an affidavit of service of such notice shall be filed in the State Administrative Tribunal prior to the hearing of such application.
- (d) Upon receipt of such notice in duplicate the secretary of the Board shall refer the dispute to the State Administrative Tribunal and file one copy of such notice with the executive officer of the Tribunal.

[Regulation 60 inserted in Gazette 31 Dec 1947 p. 2379-80; amended in Gazette 30 Dec 2004 p. 6896-7.]

[61-66. Repealed in Gazette 30 Dec 2004 p. 6897.]

67. Offence and penalty

Any person who commits a breach of, or fails to comply with, any of these regulations, or gives any incorrect information to the Board or any of its servants or agents, shall be guilty of an offence and liable to a penalty not exceeding \$100.

*[Regulation 67 inserted in Gazette 31 Dec 1947 p. 2380;
amended in Gazette 24 Dec 1975 p. 4689.]*

[68. *Repealed in Gazette 30 Dec 1988 p. 5111.]*

Schedule

Eligibility to grade eggs

| Column 1 | Column 2 |
|--|---|
| Class of person | Class of eggs |
| 1. Holder of a permit under section 23(1). | 1. Eggs produced by poultry owned or controlled by the holder of that permit and intended for sale under the authority of that permit. |
| 2. Holder of a permit under section 23(3)(a). | 2. Eggs purchased under the authority of that permit. |
| 3. Producer who has been exempted under section 23(6)(a) from the operation of sections 21 and 22. | 3. Eggs produced by poultry owned or controlled by that producer. |
| 4. Producer of eggs that are intended to be used for sales exempted under section 23(6)(b) from the operation of sections 21 and 22. | 4. Eggs that are — (a) produced by poultry owned or controlled by that producer; and (b) intended to be used for sales so exempted. |
| 5. Person who owns or controls less than 20 poultry. | 5. Eggs produced by those poultry. |
| 6. Person who owns or controls poultry in a part of the State that is for the time being exempted from the operation of the Act by proclamation made under section 4(1). | 6. Eggs produced by those poultry. |
| 7. Retail vendor of eggs that are referred to in one or more of items 3, 4, 5 or 6 of column 2. | 7. Eggs referred to in item 3, 4, 5 or 6 of this column that are sold or intended for sale by that vendor. |

[Schedule inserted in Gazette 30 Dec 1988 p. 5112.]

The Appendix

Form No. 1

Marketing of Eggs Act 1945

(Regulation 4(i))

APPLICATION FOR ENROLMENT

To the Returning Officer,
Western Australian Egg Marketing Board,
Perth:

1. (a).....of (b)
..... in the State of Western Australia
(c) hereby apply to have my name enrolled
as an elector on the Electoral Roll, under regulation 4(i) of the regulations made
under the *Marketing of Eggs Act 1945*, on the ground that: —

(1) I am a bona fide commercial producer within the meaning of the
said Act; or

(2) I am a partner in the firm of (d)
..... of (b)
which is a bona fide commercial producer within the meaning
of the said Act, and all the remaining partners have consented to
this application by me on behalf of the firm, as evidenced by
their written consent annexed hereto; or

(3) I am (f) of
(g), which is a bona
fide commercial producer within the meaning of the said Act,
and I have been authorised thereby to be enrolled on its behalf
by the written authority annexed hereto; and

(4) I (or the said firm, or the said company, association or other
body), am (or is), a bona fide commercial producer by reason of
the following facts, namely:

(h)
.....
.....
.....

- (5) I am not enrolled upon the said electoral roll or upon any other electoral roll under the said regulations; and
- (6) I am not disqualified under the said regulations from being enrolled upon the said electoral roll.

I, the abovenamed (a),
hereby state that the particulars furnished in the above application are true and correct and I make this statement with full knowledge of the fact that any wilfully false statement in this respect is punishable under the regulations made under the Act by a fine not exceeding \$40.

Dated the day of, 20.....

(i)

Signature.

(a) Full name of applicant; (b) address; (c) occupation; (d) trade name of firm or partnership; (f) director, trustee, member or officer; (g) name of company, association or other body; (h) here set out particulars to satisfy the Returning Officer that the applicant is a "bona fide" commercial producer; (i) signature of applicant.

Note — (1) The applicant must sign and complete the application, the statement at the foot thereof, and particulars of enrolment.

(2) The applicant must satisfy the Returning Officer that he or the partnership, company, or association, or other body, which he represents, is a bona fide commercial producer within the meaning of the Act (one who owns or controls more than 150 head of adult female poultry) by furnishing such particulars as the Returning Officer may require.

(3) The application may be sent by prepaid letter post, or delivered to the Returning Officer at his address; but, if sent by letter post, the Returning Officer must reject it if the correct amount of postage has not been prepaid.

Surname (block letters)
Christian names (in full)
Place of living (full address)
Occupation
Sex

[Form 1 amended in Gazette 8 Feb 1957 p. 234; amended by Act No. 113 of 1965 s. 8(1).]

Marketing of Eggs Regulations 1945
The Appendix

Form No. 2

Marketing of Eggs Act 1945

(Regulation 8(1))

**NOMINATION FORM FOR NOMINATION OF CANDIDATE
FOR AN ELECTION**

We, (a) of (b)
in the State of Western Australia (c) and
(d) of (b) in
the State of Western Australia (c), being
electors duly enrolled upon the electoral roll of Commercial Producers do
hereby, as proposer and seconder respectively, nominate (e) of
(f) in the State of Western Australia, (g) as a
candidate for election under section 7(3)(c) of the *Marketing of Eggs Act 1945*,
as an elective member of the Western Australian Egg Marketing Board, for the
purpose of and in connection with the election to be held on the
day of 20....., for the election of elective members of the
said Board under the said Act.

Dated the day of, 20.....

(h) Proposer.

(i) Secunder.

I, the abovenamed (e) 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 said Act and the regulations made thereunder for the
following reasons, namely: —

(j)
.....

Dated the day of, 20.....

(k) Candidate.

(a) Full name of proposer; (b) address; (c) occupation; (d) full name of seconder; (e) full name of
candidate; (f) his address; (g) his occupation; (h) signature of proposer; (i) signature of seconder; (j) here state
grounds upon which the candidate claims to be eligible for nomination as a candidate; (k) signature of
candidate.

Form No. 3

Marketing of Eggs Act 1945

(Regulation 8(7))

CERTIFICATE OF ELECTION OF CANDIDATE WHERE NUMBER
OF CANDIDATES NOMINATED DOES NOT EXCEED NUMBER TO BE
ELECTED

To the
Western Australian Egg Marketing Board,
Perth:

I (a), being the Returning
Officer duly appointed under and for the purposes of the regulations made under
the *Marketing of Eggs Act 1945*, do hereby certify: —

- (1) That in connection with the nomination of candidates for
election as members of the Western Australian Egg Marketing
Board received up to 12 o'clock noon of (b)
the day of, 20....., being the
last day for the nomination of candidates for such election to be
held on the day of, 20.....,
under section 8(3)(c) of the said Act the following candidate (or
candidates) was (or were) nominated, namely: —

(c)
.....
.....

- (2) That the nomination form (or forms) of the said candidate (or
candidates) was (or were) in order as required by the
regulations; that the candidate (or candidates) was (or were)
eligible for nomination and election, and that the persons who
signed the nomination form (or forms) as proposer and seconder
were competent so to sign the same.
- (3) That the number of candidates so nominated did not exceed the
number of candidates to be elected as Members of the said
Western Australian Egg Marketing Board; and

Marketing of Eggs Regulations 1945
The Appendix

- (4) That the said (d)
is (or are) the person (or persons) now elected as such elective
members as required by the said Act for appointment by the
Governor as a member (or members) of the said Board.

Dated the day of, 20.....

.....
Returning Officer.

(a) Full name of Returning Officer; (b) the last day for receiving nominations of candidates; (c) set out the full name, address and occupation of each candidate; (d) full name of each candidate.

Form No. 4

Marketing of Eggs Act 1945

(Regulation 9(1))

BALLOT PAPER

For use in an election of (a) person (or persons) to be elected as the elective member (or members) of the Western Australian Egg Marketing Board under section 7(3)(c) of the abovementioned Act.

The Ballot Paper marked and completed in accordance with the directions hereunder must be received by the Returning Officer not later than 4 p.m. on (b) the day of, 20.....

| Names of Candidates (in alphabetical order) | Vote (in order of preference) |
|--|----------------------------------|
| (c) | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| | <input type="checkbox"/> |

Directions for Voting

(1) Voting shall be by means of a preferential ballot.

(2) The elector shall mark his vote on the ballot paper by placing in the column headed "Vote" the numeral 1 opposite the name of the candidate for whom he votes as his first preference, by placing in the said column 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 requires) opposite their names so as to indicate by such numerical sequence the order of his preference.

(3) The elector shall then place the ballot paper in the envelope marked "Ballot Paper Envelope" and seal the envelope.

(4) The elector shall then sign and complete the statement according to Form No. 5 received by him with the ballot paper.

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(5) The elector shall then place the ballot paper envelope sealed and the completed statement in the envelope addressed to the Returning Officer, and send the same by prepaid letter post or deliver the same to the Returning Officer.

(6) The envelope, addressed to the Returning Officer, with its contents, must be received by the Returning Officer before the time fixed for the closing of the poll as notified above, otherwise the same and the ballot paper will be rejected.

(7) If sent by prepaid letter post, the same and the ballot paper will be rejected, if the correct amount of letter post has not been prepaid by the elector.

(a) One or 2, as the case may be; (b) the day fixed for the closing of the poll; (c) insert full names of candidates in alphabetical order.

Form No. 5

Marketing of Eggs Act 1945

(Regulation 10(1))

STATEMENT BY ELECTOR TO ACCOMPANY BALLOT PAPER

I, (a),, of (b),
in the State of Western Australia (c) hereby
submit the following facts in verification of my right to vote, according to the
accompanying ballot paper: —

- (1) I am an elector duly enrolled on the electoral roll of commercial
producers and am still a commercial producer within the
meaning of the Act, owning or controlling more than 150 head
of adult female poultry.
- (2) That as such elector I am entitled to vote in the election now
being held and closing at 4 p.m. of the (d)
day of, 20....., for the election of
(e) person (or persons) as an elective member
(or members) of the Western Australian Egg Marketing Board.
- (3) That I have not voted previously in the said election.
- (4) That I make this statement with the full knowledge of the fact
that if it is wilfully false in any particular I am liable to a
penalty under the regulations not exceeding the sum of \$40.

(f).....
Signature of Elector.

(a) Full name of elector; (b) address; (c) occupation; (d) date of election; (e) one or 2, as the case may
be; (f) signature of elector.

*[Form 5 amended in Gazette 8 Feb 1957 p. 234; amended by Act No. 113 of
1965 s. 8(1).]*

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Form No. 6

Marketing of Eggs Act 1945

(Regulation 15(2))

DECLARATION BY SCRUTINEER

I, (full name),
of (address), do hereby
declare that I will faithfully and impartially, according to the best of my skill
and judgment, carry out the duties required of me as a Scrutineer, in connection
with the election of elective members to the Western Australian Egg Marketing
Board, and I do further declare that I will not at such election attempt to
ascertain how any person shall vote or has voted, and that if in the discharge of
such duties at or concerning the said election I learn how any person has voted,
I will not by word or act directly or indirectly divulge or discover or aid in
divulging or discovering the same.

Signature.....

Declared before me at..... this
day of, 20.....

.....

Returning Officer

Form No. 7

Marketing of Eggs Act 1945

(Regulation 19(1))

CERTIFICATE BY RETURNING OFFICER OF RESULT OF AN
ELECTION

I, (a), being the Returning Officer
duly appointed under and for the purpose of the regulations made under the
Marketing of Eggs Act 1945, do hereby certify as follows: —

- (1) That in accordance with the said regulations I have held an
election, which closed at 4 p.m. on the (b)
day of 20....., for the
election of (c) person (or persons) as the
elective member (or members) of the Western Australian Egg
Marketing Board under section 7(3)(c) of the said Act.

- (2) That the candidates at such election were: —

(d)
.....
.....

- (3) That the voting resulted as follows: —

- (1) On the first count:

(e)
.....
.....

- (2) On the second count:

(e)
.....
.....

- (3) On the third count:

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(e)
.....
.....

(4) On the final count:

(e)
.....
.....

(4) That as the result of the said voting the said (f)
..... was (or were) duly elected as the person (or
persons) to be the elective member (or members) as aforesaid.

(5) That I duly declare the said (f) to
have been duly elected as the elective member (or members) as
aforesaid on the (g) day of 20.....

(6) As the result of the said election the said (f)
..... is (or are) now the elective member (or
members) as required by the said Act for appointment by the
Governor as a member (or members) of the said Board.

(7) That the following is a statistical return of the voting at the said
election: —

| | |
|--|-------|
| Total number of electors on roll | |
| Number of electors who voted | |
| Number of formal votes counted | |
| Number of votes rejected — | |
| (a) for informality of ballot paper | |
| (b) received after close of poll | |
| (c) insufficient postage | |
| | |
| | |

Dated the day of, 20.....

(h).....,
Returning Officer.

(a) Full name of Returning Officer; (b) date fixed for closing of poll; (c) one or 2, as the case may be;
(d) set out the full names, addresses, and occupations of all the candidates in alphabetical order; (e) set out the
names of the candidates, with the number of votes gained by them; (f) set out the name of one candidate, or if

2 required, the 2 candidates elected; (g) date of declaration of the result of the poll; (h) signature of Returning Officer.

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Form No. 8

Western Australia

Marketing of Eggs Act 1945

(Regulation 30)

CERTIFICATE OF RECEIPT OF EGGS

The Western Australian Egg Marketing Board hereby certifies having
received the eggs described as under from

Date

.....
Authorised Agent of the Board.

[Form 8 inserted in Gazette 31 Dec 1947 p. 2380.]

Form No. 9

Western Australia

Marketing of Eggs Act 1945

(Regulation 32)

ASSIGNMENT BY HOLDER OF CERTIFICATE

To the Western Australian Egg Marketing Board:

I,,
of, being the holder of a certificate
under section 26(1) of the said Act in respect of (state quantity) eggs
delivered to you by do hereby assign all my right,
title and interest in the proceeds of the withinmentioned eggs unto
of to whom all payments in respect of the
said eggs are to be made and I agree to abide by the provisions of the *Marketing
of Eggs Act 1945*, and the regulations to that Act.

Dated this day of, 20.....

Signed by the said

In the presence of

Address

Occupation

[Form 9 inserted in Gazette 31 Dec 1947 p. 2380.]

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Form No. 10

Western Australia

Marketing of Eggs Act 1945

(Regulation 33)

To the Chairman,

The Western Australian Egg Marketing Board:

I hereby authorise you at your absolute discretion to pay to
..... the sum of \$..... out of moneys
due or becoming due to me by the Board for eggs delivered to the Board by
..... on the day of
..... 20.....

Duty Stamp.

Dated this day of, 20.....

Signature.....

Witness to Signature:

Address.....

Occupation

*[Form 10 inserted in Gazette 31 Dec 1947 p. 2380; amended by Act No. 113 of
1965 s. 8(1).]*

Form No. 11

Western Australia

Marketing of Eggs Act 1945

(Regulation 45)

CERTIFICATE OF REFUSAL TO ACCEPT DELIVERY

The Western Australian Egg Marketing Board doth hereby certify that
..... dozens of eggs tendered for delivery to the Board by or
on behalf of of on the
day of 20....., were refused by the Board on the ground
that —

- (1) they are below the prescribed quality;
- (2) they are below the prescribed grade;
- (3) they are not of merchantable quality;
- (4) they were not delivered in accordance with regulation 43.

Dated 20.....

.....
Authorised Agent of the Board.

[Form 11 inserted in Gazette 31 Dec 1947 p. 2381.]

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Form No. 12

Western Australia

Marketing of Eggs Act 1945

(Regulation 46)

RETURN OF EGGS PRODUCED AND MANNER OF DISPOSAL

I, (insert full name)
of (insert place of abode), being a
producer within the meaning of the *Marketing of Eggs Act 1945*, hereby certify
that the following is a full, true and complete statement of all eggs produced,
sold, disposed of or delivered by me or on my behalf during the periods shown
below, together with the name and address of each person to whom each such
sale, disposal or delivery was effected.

Schedule

| Periods | Eggs Produced (Doz.) | Eggs Forwarded to an Agent of the Board | Eggs Consumed by Producer and Family (Doz.) | Eggs Used for Incubation (Doz.) | Particulars of Sales, Disposal and Deliveries, Otherwise than to an Agent of the Board | | |
|---------|----------------------------|---|---|--|--|--------------------|---|
| | | | | | Date | Quantity (Doz.) | Name and Address of Buyer or Receiver of Eggs |
| | | | | | | | |

Dated this day of, 20.....

Signature of Producer

Witness to Signature

[Form 12 inserted in Gazette 31 Dec 1947 p. 2381.]

Form No. 13

Western Australia

Marketing of Eggs Act 1945

(Regulation 59)

NOTICE OF RECEIPT OF CONFLICTING CLAIMS

Notice is hereby given pursuant to regulation 59 of the regulations made under the abovementioned Act that the following persons, namely of of and of have lodged conflicting claims to payment in respect of a quantity of eggs delivered to the Board (or the Board's registered agent) at on the day of 20..... in respect of which on certificate No. has been issued.

As you are one of the abovenamed claimants, you may, if you so desire, within 14 days from the date of service of this notice, lodge at the office of the Board a notice, in duplicate, in the form prescribed requesting that the dispute be referred for decision by the State Administrative Tribunal.

The notice must be accompanied by a fee of prescribed under the *State Administrative Tribunal Act 2004* for commencing proceedings in the State Administrative Tribunal. If at the expiration of 14 days from the date of service of this notice a notice requesting that the dispute be referred for decision to the State Administrative Tribunal has not been lodged at the Office of the Board, with the fee prescribed, the Board may forthwith proceed to settle and adjust the conflicting claims and the decision of the Board shall be binding on the parties to the dispute.

Dated the day of, 20.....

.....
Secretary,
Western Australian Egg Marketing Board.

To
.....

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(Note — Copies of the prescribed form requesting that the dispute be referred for decision by the State Administrative Tribunal are available at the office of the Board.)

[Form 13 inserted in Gazette 31 Dec 1947 p. 2381; amended in Gazette 30 Dec 2004 p. 6897.]

Form No. 14

Marketing of Eggs Act 1945

(Regulation 60)

NOTICE OF REQUEST

To the Chairman,

Western Australian Egg Marketing Board:

I, (a)..... of (b)
in the State of Western Australia (c) being a party to a
dispute regarding a claim in respect to payments to be made in respect of eggs
delivered to the Board hereby request that the dispute be referred to the State
Administrative Tribunal for decision in accordance with section 32 of the
Marketing of Eggs Act 1945.

Names and addresses of the parties to the dispute are as follows: —

.....
.....

Particulars of my claim are as follows: —

.....
.....

Dated at this day of
..... 20.....

.....
Signature of Applicant.

To the executive officer of the State Administrative Tribunal:

In accordance with section 32 of the *Marketing of Eggs Act 1945*, and the
regulations made thereunder the dispute mentioned above is hereby referred to
the State Administrative Tribunal for decision.

.....
Chairman,
Western Australian Egg Marketing Board.

(a) Full name; (b) Address; (c) Occupation.

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[Form 14 inserted in Gazette 31 Dec 1947 p. 2382; amended in Gazette 30 Dec 2004 p. 6897-8.]

[Form 15 deleted in Gazette 30 Dec 2004 p. 6898.]

Form No. 16

Marketing of Eggs Act 1945

(Regulation 46A)

FLOCK RETURNS AS AT 20.....

I,
of

Do hereby declare that I was on the first day of 20.....
a producer of eggs producing them from 20 or more adult female fowls and I do
hereby furnish the following particulars of female fowls which were on such
date owned or controlled by me.

| | | | |
|--|-------------------------|------|----------|
| Location of Farm or property on which fowls are kept | | | |
| PRESENT STOCK: Number of egg type female birds that are: — | | CODE | QUANTITY |
| (a) 18 months of age or over | | XXXX | |
| (b) Not less than 6 months but less than 18 months of age | | XXXX | |
| (c) Not less than 3 months but less than 6 months of age | | XXXX | |
| (d) Less than 3 months of age | | XXXX | |
| FUTURE STOCK: | DATE | CODE | QUANTITY |
| Total number of egg type female chickens ordered from hatcheries and dates on which to be delivered | | XXXX | |
| | | XXXX | |
| | | XXXX | |
| Total number of egg type fowls to be hatched on own | | XXXX | |
| | | XXXX | |

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| | | | |
|---|--|------|--|
| account and approximate date of hatching | | XXXX | |
|---|--|------|--|

If also a producer of eggs to be used in the hatching of chickens for rearing as fowls for consumption as poultry meat or a producer of eggs for the hatching of chickens to be reared as egg laying stock, indicate here, percentage of egg production intended for sale for human consumption

.....

Signature of Producer

Date

To the
Western Australian Egg Marketing Board,
Box P. 1224, G.P.O.,
PERTH, W.A.

Notes

- ¹ This is a compilation of the *Marketing of Eggs Regulations 1945* and includes the amendments made by the other written laws referred to in the following table.³
The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|---------------------------|--|
| <i>Marketing of Eggs Regulations</i> ² | 14 Jun 1946 p. 659-67 | 14 Jun 1946 |
| | 31 Dec 1947 p. 2376-82 | 31 Dec 1947 |
| | 5 Aug 1949 p. 1901 | 5 Aug 1949 |
| | 3 Mar 1950 p. 398 | 3 Mar 1950 |
| | 7 Jul 1950 p. 1564 | 7 Jul 1950 |
| | 4 Jul 1952 p. 1694 | 4 Jul 1952 |
| | 11 Sep 1953 p. 1709 | 11 Sep 1953 |
| | 8 Feb 1957 p. 233-4 | 8 Feb 1957 |
| | 13 Aug 1957 p. 2454-5 | 30 Sep 1957 (see r. 1(2)) |
| Reprint of the <i>Marketing of Eggs Regulations</i> dated 26 Aug 1963 in <i>Gazette</i> 5 Sep 1963 p. 2681-707 (includes amendments listed above) | | |
| | 15 Oct 1964 p. 3548-9 | 15 Oct 1964 |
| <i>Decimal Currency Act 1965</i> (No. 113 of 1965) assented to 21 Dec 1965 | | s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1)) |
| | 24 Dec 1975 p. 4689 | 24 Dec 1975 |
| | 23 Jan 1976 p. 169 | 23 Jan 1976 |

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| Citation | Gazettal | Commencement |
|---|----------------------------|--|
| | 2 Mar 1979 p. 611 | 2 Mar 1979 |
| | 3 Aug 1979 p. 2217 | 3 Aug 1979 |
| | 31 Aug 1979 p. 2663 | 31 Aug 1979 |
| <i>Marketing of Eggs Amendment Regulations 1980</i> | 26 Sep 1980 p. 3358 | 26 Sep 1980 |
| <i>Marketing of Eggs Amendment Regulations 1981</i> | 30 Jan 1981 p. 511 | 30 Jan 1981 |
| <i>Marketing of Eggs Amendment Regulations (No. 2) 1981</i> | 27 Mar 1981 p. 1095 | 27 Mar 1981 |
| <i>Marketing of Eggs Amendment Regulations (No. 3) 1981</i> | 7 Aug 1981 p. 3241 | 19 Sep 1981 (see r. 2) |
| <i>Marketing of Eggs Amendment Regulations 1983</i> | 13 May 1983 p. 1484 | 13 May 1983 |
| <i>Marketing of Eggs Amendment Regulations 1988</i> | 30 Dec 1988 p. 5110-12 | 30 Dec 1988 |
| Reprint 2: The Marketing of Eggs Regulations 1945 as at 7 Mar 2003 (includes amendments listed above) | | |
| <i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 25</i> | 30 Jun 2003 p. 2581-638 | 1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579) |
| <i>Marketing of Eggs Amendment Regulations 2004</i> | 30 Dec 2004 p. 6896-8 | 1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130) |
| These regulations expired by the Marketing of Eggs (Expiry Day) Order 2005 as at 2 Jul 2005 (see <i>Gazette</i> 28 Jun 2005 p. 2896) | | |

² Now known as the *Marketing of Eggs Regulations 1945*; citation changed (see note under r. 1).

³ The *Marketing of Eggs Amendment Act 2004* s. 5 assented to 26 Aug 2005 reads as follows:

“

5. Sections 41, 42 and 43 inserted

After section 40 the following sections are inserted —

“

41. Expiry of Act and regulations

- (1) This Act (other than sections 1 and 43) and the *Marketing of Eggs Regulations 1945* expire on —
 - (a) 31 December 2005; or

- (b) an earlier day fixed by the Governor by order published in the *Gazette*.

”.

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|-------------------|--------------|
| Chilled Eggs..... | 24 |
| Code..... | 2 |