

**Authorised Version No. 001**  
**Agricultural Industry Development (Polls)**  
**Regulations 2011**

**S.R. No. 38/2011**

Authorised Version as at  
30 June 2011

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**1 Objective**

The objective of these Regulations is to prescribe procedures to be followed in the conduct of polls under the **Agricultural Industry Development Act 1990**.

**2 Authorising provision**

These Regulations are made under section 62 of the **Agricultural Industry Development Act 1990**.

**3 Commencement**

These Regulations come into operation on 30 June 2011.

**4 Revocation**

The following Regulations are **revoked**—

- (a) the Agricultural Industry Development (Polls) Regulations 2001<sup>1</sup>;
- (b) the Agricultural Industry Development (Polls) (Amendment) Regulations 2003<sup>2</sup>.

**5 Definitions**

In these Regulations—

***return envelope*** means the reply-paid return envelope referred to in regulation 8(b);

***returning officer*** means the returning officer under section 58(1) of the Act;

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***roll*** means the roll of persons entitled to vote at a poll that is prepared by the Minister under section 58(2) of the Act or prepared in accordance with section 58B(2) of the Act;

***the Act*** means the **Agricultural Industry Development Act 1990**.

## **6 Notification of poll**

- (1) As soon as practicable after the Minister under section 7(1) or 9(4) of the Act directs that a poll be held of producers, the returning officer must publish a notice—
  - (a) setting out the question on which the poll is to be held; and
  - (b) fixing the date for the close of voting in the poll; and
  - (c) stating the time for close of voting in the poll; and
  - (d) stating where and at what times the roll may be inspected; and
  - (e) stating whether or not it is compulsory for persons who are on the roll to vote at the poll.
- (2) A notice under subregulation (1) must be published—
  - (a) in a newspaper circulating generally in Victoria; and
  - (b) if the Victorian Electoral Commission is authorised by the Minister under section 58B(1) of the Act to conduct a poll of producers in a participating jurisdiction, in a newspaper circulating generally in that jurisdiction.

- (3) The date fixed for the close of voting in the poll must not be earlier than 14 days nor later than 42 days after the date that the notice under subregulation (1) is published.

#### **7 Supply of roll and voting information**

Within 7 days after directing under section 7(1) or 9(4) of the Act that a poll be held of producers, the Minister—

- (a) must supply the returning officer with the roll and the number of votes each person on the roll may cast in the poll; and
- (b) in the case of a poll conducted under section 7(1)—
  - (i) must supply the returning officer with a copy of the proposed Order which is the subject of the poll; and
  - (ii) may supply the returning officer with a statement setting out a case in support of the proposed Order and with a statement setting out a case against the proposed Order.

#### **8 Issue of ballot-papers and voting information**

The returning officer must, at least 14 days before the date for the close of voting in the poll, post or cause to be posted or otherwise delivered to each person whose name appears on the roll at the address of each person as shown on the roll—

- (a) a ballot-paper indicating the number of votes that may be cast by the person—
  - (i) in the case of a poll conducted under section 7(1) of the Act, in the form of Schedule 1; or

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- (ii) in the case of a poll conducted under section 9(4) of the Act, in the form of Schedule 2; and
- (b) an envelope, with provision for the person to sign, enclosing the ballot-paper and a return envelope addressed to the returning officer; and
- (c) in the case of a poll conducted under section 7(1), a copy of the proposed Order and any statements that have been supplied to the returning officer under regulation 7(b)(ii).

#### **9 Duplicate ballot-papers**

- (1) If a voter who has been issued with a ballot-paper satisfies the returning officer that the ballot-paper has been spoilt, lost or destroyed, and that the voter has not already voted in the poll, the returning officer may issue to the voter a new ballot-paper, a new envelope for enclosing the ballot-paper and a new return envelope.
- (2) The returning officer must maintain a record of all duplicate ballot-papers issued under subregulation (1).

#### **10 Method of voting**

To cast a vote, a voter who has been issued with a ballot-paper must—

- (a) write "YES" or "NO" on the ballot-paper in accordance with the directions shown on the ballot-paper; and
- (b) enclose the ballot-paper in the ballot-paper envelope and sign the envelope in the space provided; and
- (c) place the ballot-paper envelope with its enclosed ballot-paper in the return envelope; and

- (d) post or deliver the return envelope to the returning officer so as to be received by the returning officer before the close of voting in the poll.

### **11 Processing of return envelopes**

The returning officer must—

- (a) remove the ballot-paper envelope from each return envelope received before the close of the poll; and
- (b) record receipt of the ballot-paper envelope on the roll of voters; and
- (c) separate the signed ballot-paper envelopes from the unsigned ballot-paper envelopes; and
- (d) disallow the unsigned ballot-paper envelopes; and
- (e) place each signed ballot-paper envelope in a sealed ballot-box.

### **12 Scrutineers**

- (1) Any organisation or body of persons, on the written authorisation of not less than twenty persons entitled to vote at the poll, may by notice in writing served on the returning officer appoint a scrutineer.
- (2) A scrutineer appointed under subregulation (1) is entitled to be present during the examination and opening of return envelopes and at the scrutiny and counting of votes.

### **13 Extraction of and counting of votes**

- (1) As soon as practicable after the close of the poll, the returning officer, in the presence of any scrutineers that choose to be present, must—
  - (a) open the ballot-box; and

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- (b) produce unopened all signed ballot-papers received up to the close of the poll; and
  - (c) detach and separate the flap containing the voter's details from each ballot-paper envelope; and
  - (d) after the flaps have been detached, open each ballot-paper envelope and extract the ballot-paper; and
  - (e) count the votes taking into account the number of votes each voter may cast.
- (2) Any ballot-paper that does not contain the word "YES" or the word "NO" written by the voter on the ballot-paper or contains both the word "YES" and the word "NO" is informal and must not be counted.
- (3) A ballot-paper must not be rejected as informal for any reasons other than those prescribed in subregulation (2) so long as the voter's intention is clear.

#### **14 List of persons who failed to vote**

At the conclusion of a poll in which voting is compulsory, the returning officer must supply the Minister with a list of names of persons on the roll who failed to vote in the poll.

#### **15 Adjournment of scrutiny and counting**

The returning officer may at any time adjourn the scrutiny and count of votes to a day and hour fixed by the returning officer and notified to the scrutineers.

#### **16 Notice of result of poll**

As soon as practicable after the result of the poll has been ascertained, the returning officer must give to the Minister a written notice of the result of the poll and must publish a similar notice—



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- (a) in a newspaper circulating generally in Victoria; and
  - (b) if the Victorian Electoral Commission is authorised by the Minister under section 58B(1) of the Act to conduct a poll of producers in a participating jurisdiction, in a newspaper circulating generally in that jurisdiction.
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**SCHEDULES**

**SCHEDULE 1**

Regulation 8

**BALLOT-PAPER FOR CONDUCT OF POLL UNDER  
SECTION 7(1) OF THE ACT**

Order to [*insert purposes of Order*]

Number of votes you may cast in a poll

Are you in favour of the Order?

**DIRECTIONS TO VOTER**

1. To vote in favour of the Order, write the word "YES" in the box.
2. To vote against the Order, write the word "NO" in the box.
3. If you are entitled to more than one vote your marking of "YES" or "NO" on the ballot-paper will be treated by the returning officer as voting "YES" or "NO" the number of times that you are entitled to cast a vote.
4. After marking your ballot-paper, insert the ballot-paper in the envelope marked "Ballot-Paper Envelope" and sign the envelope in the place provided.
5. Then enclose the Ballot-Paper Envelope in the return envelope and post or deliver the return envelope to reach the returning officer not later than 4 p.m. on the day of [*insert the date of close of the poll*].

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**SCHEDULE 2**

Regulation 8

**BALLOT-PAPER FOR CONDUCT OF POLL UNDER  
SECTION 9(4) OF THE ACT**

Order to *[insert purposes of Order]*

Number of votes you may cast in a poll

Are you in favour of the continuation of the Order?

**DIRECTIONS TO VOTER**

1. To vote in favour of the continuation of the Order, write the word "YES" in the box.
2. To vote against the continuation of the Order, write the word "NO" in the box.
3. If you are entitled to more than one vote your marking of "YES" or "NO" on the ballot-paper will be treated by the returning officer as voting "YES" or "NO" the number of times that you are entitled to cast a vote.
4. After marking your ballot-paper, insert the ballot-paper in the envelope marked "Ballot-Paper Envelope" and sign the envelope in the place provided.
5. Then enclose the Ballot-Paper Envelope in the return envelope and post or deliver the return envelope to reach the returning officer not later than 4 p.m. on the day of *[insert the date of close of the poll]*.

## ENDNOTES

### 1. General Information

The Agricultural Industry Development (Polls) Regulations 2011, S.R. No. 38/2011 were made on 28 June 2011 by the Governor in Council under section 62 of the **Agricultural Industry Development Act 1990**, No. 48/1990 and came into operation on 30 June 2011: regulation 3.

The Agricultural Industry Development (Polls) Regulations 2011 will sunset 10 years after the day of making on 28 June 2021 (see section 5 of the **Subordinate Legislation Act 1994**).

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## 2. Table of Amendments

There are no amendments made to the Agricultural Industry Development (Polls) Regulations 2011 by statutory rules, subordinate instruments and Acts.

**Endnotes**

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**3. Explanatory Details**

<sup>1</sup> Reg. 4(a): S.R. No. 114/2001 as amended by S.R. No. 23/2003.

<sup>2</sup> Reg. 4(b): S.R. No. 23/2003.