



ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

No. 64 of 1940.

An Act to provide for the establishment of veterinary districts, and for other purposes.

[Assented to 5th December, 1940.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Veterinary Districts Act, 1940". Short title.
2. The provisions of this Act are arranged as follows :— Arrangement.
 - PART I.—Preliminary.
 - PART II.—Constitution of the District.
 - PART III.—Management of the District.
 - PART IV.—Stockowners' Roll and Elections.
 - PART V.—Levies.
 - PART VI.—Miscellaneous.
3. (1) In this Act unless the context otherwise requires— Interpretation.
 - "board" means the board of a veterinary district established under this Act :
 - "chairman" means the chairman of the board :
 - "chief inspector" means the Chief Inspector of Stock under the Stock and Poultry Diseases Act, 1934 :

Veterinary Districts Act, 1940.

“ district ” means a veterinary district constituted under this Act :

“ large stock ” includes bulls, cows, oxen, steers, heifers, calves, stallions, mares, geldings, fillies, foals, asses, mules, and camels :

“ Minister ” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor :

“ owner ”, as applied to large stock, pigs or sheep, means any owner or lessee of large stock, pigs or sheep and, in the case of large stock, pigs or sheep which are comprised in any stock mortgage or bill of sale, means the mortgagor or grantor under the stock mortgage or bill of sale :

“ public notice ” means notice given by advertisement in a newspaper circulating in the district, and by posting handbills on every place in the district appointed by the board as a place for posting notices :

“ roll ” and “ stockowners’ roll ”, except when used in Part II., mean the roll prepared by the board pursuant to Part IV. :

“ secretary ” means the secretary of the board :

“ stockowner ” means a person who is the owner of ten head or more of large stock or twenty or more pigs or one hundred or more sheep :

“ veterinary surgeon ” means a person registered under the Veterinary Surgeons Act, 1935-1938, as a veterinary surgeon or veterinary practitioner.

(2) For the purposes of this Act, a person shall be deemed to be a stockowner within any part of the State if he is the occupier of land within that part of the State upon which are kept ten head or more of large stock or twenty or more pigs or one hundred or more sheep of which he is the owner.

PART II.

PART II.

CONSTITUTION OF THE DISTRICT.

Petition for
constitution of
a district.

4. (1) Any fifty or more stockowners within any part of the State may present a petition to the Minister for the constitution of a district.

(2) The petition shall—

- (a) define the part of the State proposed to be constituted a district, and the name proposed to be given to the district :
- (b) state the names and addresses of all stockowners within the proposed district and the number of large stock, pigs and sheep within the proposed district owned by each stockowner (so far as those names and addresses and numbers are known to the petitioners):
- (c) state the names and addresses of five stockowners within the proposed district who it is proposed shall constitute the first board for the district :
- (d) include an estimate of the annual revenue which will be required for the purposes of the district and the amount of the annual levy which will be necessary to produce that revenue :
- (e) include such other matters as are prescribed.

5. (1) Upon the receipt of any petition the Minister shall refer the same to the chief inspector for inquiry and report.

Inquiry by
chief inspector.

(2) The chief inspector shall thereupon inquire whether the objects of the petition are capable of being given effect, and whether, if a district were constituted, the objects of this Act could be carried out within the district. The chief inspector shall report to the Minister the result of his inquiry.

6. (1) After receipt of the report from the chief inspector, the Minister may direct the chief inspector to conduct a poll of stockowners within the part of the State proposed by the petition to be constituted a district, but, if the Minister thinks fit, the part of the State in respect of which the poll is to be taken may be varied to such extent as the Minister directs.

Poll of
stockowners.

(2) Thereupon the chief inspector shall compile a roll of stockowners within the part of the State in respect of which the poll is to be taken and for that purpose the chief inspector may inform himself in any manner he thinks fit as to the persons who should be included in the roll. The roll shall state the number of large stock, pigs and sheep owned within the said part of the State by each stockowner.

(3) The chief inspector shall forward by post to every stockowner included in the roll a voting-paper or voting-papers. In the case of a stockowner which is a body corporate, the chief inspector shall forward the voting-paper or voting-papers to such officer of the body corporate as the chief inspector thinks fit. The voting-papers shall set out such of the matters contained in the petition and such other information as is thought fit by the

chief inspector, and the part of the State proposed to be constituted a district, and shall submit to the persons voting the proposition whether or not the district be constituted.

(4) The chief inspector shall forward to each stockowner one voting-paper for every ten head of large stock, for every twenty pigs, and for every one hundred sheep shown in the roll as being owned by him but the maximum number of voting papers which shall be forwarded to any stockowner shall be twenty-five.

(5) The chief inspector shall fix a time before which all voting papers shall be returned to him. The chief inspector shall examine all voting papers received by him before the said time and shall report the result of the poll to the Minister.

Recommendations by Minister.

7. If the proposition submitted by the poll is affirmed by sixty per centum or more of the votes cast, the Minister may recommend to the Governor that a district be constituted.

Constitution of district.

8. (1) Upon any such recommendation the Governor may, by proclamation, constitute the district.

(2) The proclamation—

(a) shall define and give a name to the district :

(b) shall appoint the first members of the board of the district :

(c) shall fix the maximum amount of the annual levy per head of large stock and per pig and per sheep which may be declared by the board : Provided that the Governor may from time to time, by proclamation, vary any amount fixed as aforesaid.

Addition to district.

9. (1) Any ten or more stockowners within any part of the State may present a petition to the Minister praying that the said part of the State be added to any district, but no such petition shall be entertained unless the board of the district agrees thereto.

(2) Sections 4 to 7, shall, *mutatis mutandis*, apply to the petition as if it were a petition for the constitution of a district and the Governor may, if the requirements of the said sections are complied with, by proclamation, add any part of the State to the district.

Abolition of district.

10. (1) The Governor may by proclamation abolish any district and thereupon the district and the board thereof shall be determined. Any such proclamation may make provision for the distribution of any assets of the board of the district in any manner thought fit by the Governor.

(2) A proclamation under this section may be made—

(a) upon the recommendation of the Minister ; or

(b) at the request of the board of the district.

PART III.

PART III.

MANAGEMENT OF THE DISTRICT.

11. The affairs of the district shall be managed by a board consisting of five members. Management by board.

12. (1) The board shall be a body corporate under the name of "The Veterinary Services Board", and shall have perpetual succession and a common seal, and by its name shall be capable of suing and being sued and of acquiring and disposing of real and personal property. Incorporation of board.

(2) Judicial notice shall be taken of the incorporation and of the common seal of the board, and the production of any deed, instrument, or writing, if sealed with the said seal, shall be *prima facie* evidence of the due making and execution of the deed, instrument, or writing.

(3) The common seal of the board shall be kept at the board's office.

13. Subject to this Act, any stockowner within the district who is included in the stockowners' roll or, if the stockowner is a body corporate, any director or manager thereof, shall be eligible for membership of the board. Qualification for membership of board.

14. (1) The following persons shall not be eligible to hold office as a member of the board :— Disqualification for membership of the board.

- I. A minor :
- II. An undischarged bankrupt :
- III. A person in arrears for six months with the payment to the board of any levy for which he is liable :
- IV. A person who is the director or manager of any body corporate which is in arrears for six months with the payment to the board of any levy for which it is liable :
- v. A person who directly or indirectly participates or is interested in any contract with, or employment under, the board : Provided that this paragraph shall not apply to the employment of any member pursuant to section 30.

(2) No person shall be disqualified from holding office as a member by reason of his receiving travelling expenses incurred in pursuance of and authorized to be paid by a resolution of the board, or by reason of his being a member of a company, incorporated under the law of the United Kingdom or any British possession, which is concerned with any contract or

PART III.

dealing with the board ; but no member shall vote on a question relating to a contract or dealing with a company of which he is a member.

Term of office.

15. (1) Subject to this Act, members shall hold office for two years.

(2) Of the members first appointed by the Governor three, who shall be designated by the Governor, shall hold office until the first Saturday in July next after the expiration of twelve months from the date of their appointment and the other members first appointed by the Governor shall hold office until the first Saturday in July next after the first mentioned Saturday in July.

Election of members.

16. Except as provided by this Act for the appointment of the first members of the board, and for the filling of casual vacancies, members shall be elected as provided by this Act.

Eligibility for re-election.

17. A retiring member shall be eligible for re-election.

Members to hold office until appointment of successor.

18. Every member shall, notwithstanding his retirement, hold office until his successor is appointed.

Casual vacancies.

19. (1) Any of the following acts or events shall cause a casual vacancy in the office of any member, namely :—

- I. If he dies or becomes a mental defective within the meaning of the Mental Defectives Act, 1935-1939 :
- II. If he is adjudicated bankrupt or executes a statutory deed of assignment for the benefit of his creditors, or compounds with his creditors for less than twenty shillings in the pound :
- III. If he is convicted by the Supreme Court of any offence triable on indictment :
- IV. If he is absent without leave of the board for four or more consecutive ordinary meetings of the board :
- V. If he resigns by notice to the board :
- VI. If he ceases to be a stockowner within the district, or if a director or manager of a stockowner being a body corporate, the body corporate ceases to be a stockowner within the district, or he ceases to be such a director or manager :
- VII. If his office is declared vacant by a judgment or order of a court.

(2) Any member appointed to a casual vacancy shall—

- (a) be deemed for the purpose of future retirements to have been appointed at the time when the member in whose place he was appointed was last elected or appointed.

(b) hold office only for the balance of the term of that member.

20. When any casual vacancy occurs in the office of a member the remaining members of the board shall appoint to fill the vacancy a person qualified under this Act.

Casual vacancies filled by appointment.

21. (1) Ordinary meetings of the board shall be held at the board office or any other place determined by the board at such times as the board from time to time determines.

Meetings

(2) Special meetings may be held at any time and at the board office or any other place determined by the board.

(3) Any meeting may be adjourned to any time and to the board office or any other place determined by the board, and any business required to be done at an ordinary meeting may be done at a special meeting.

22. (1) At the first meeting of the board and thereafter at the first meeting of the board held after any annual election the board shall elect a chairman.

Chairman.

(2) The chairman may resign his office at any time and any vacancy in the office of chairman may be filled at any meeting of the board.

23. (1) The chairman may call a special meeting at any time, and, on the requisition in writing of any three members, shall call such a meeting.

Special meetings.

(2) If after receiving any such requisition the chairman refuses or for seven clear days fails to call a meeting, any three members may call the meeting by public notice, signed by them, and stating the object of the meeting and the time and place of holding it.

24. Except as otherwise provided by the last preceding section or the regulations, seven days notice of every meeting, signed by the secretary, shall be sent by post to every member, informing him of the time and place of meeting, and, in the case of a special meeting, of the business to be done thereat.

Notice of meeting.

25. (1) At all meetings of the board any three members shall form a quorum.

Quorum.

(2) The secretary, in the absence of the chairman and all the members, or the chairman or any member present alone, or the majority of members present at a meeting at which there is no quorum, at the expiration of half an hour from the time fixed for the meeting, may adjourn the meeting and any business which could have been transacted at the meeting may be transacted at the adjourned meeting.

PART III.

Chairman of meetings.

26. (1) At every meeting of the board the chairman, or, if the chairman is absent, a member chosen by the members present, shall preside.

(2) The person so presiding shall have a deliberative vote, and, in case of equality of votes, a casting vote also.

Effect of vacancies.

27. Notwithstanding any vacancy in the office of a member, the business of the board shall be carried on by the members actually in office, who shall have all the powers of the board.

Validity of proceedings of board.

28. All acts and proceedings of the board, or of any person acting as chairman, or a member, shall notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of the chairman or any member or any such person or that he was incapable of holding office, be as valid as if he had been duly elected or appointed and was capable of holding office.

Office.

29. The board shall maintain an office either within or conveniently near to the district suitable for transacting the business of the board.

Secretary.

30. (1) The board shall appoint a secretary and may pay him such remuneration and expenses as are necessary. The secretary shall carry out such duties as are allotted to him by the board.

(2) A member may be appointed as secretary, but any member appointed as aforesaid shall not be paid any salary or fees for so acting.

Appointment of veterinary officer.

31. The board shall appoint a veterinary surgeon to be the veterinary officer of the district and may pay him such remuneration and expenses as are necessary. The services of the veterinary officer shall, pursuant to the arrangement made with the veterinary officer by the board, either be for a full time appointment or a part time appointment, but in the latter case there shall be such an arrangement that the services of the veterinary officer are available for stockowners within the district whose names are included in the roll.

Services of veterinary officer.

32. (1) The board shall make arrangements so that the services of the veterinary officer are available within the district to stockowners, whose names are included in the roll, for the treatment of the large stock, pigs and sheep of such stockowners, at such times and for such purposes and upon such terms and conditions as the board from time to time determines.

(2) No such stockowner shall be entitled to the services of the veterinary officer pursuant to subsection (1) if any levy payable to the board by the stockowner is three months or more in arrears.

(3) No such stockowner shall be entitled to the services of the veterinary officer pursuant to subsection (1) unless his name was included in the stockowners' roll at the time when the last levy was declared by the board under this Act prior to the time when the said services are required by the stockowner.

(4) The board may make arrangements so that the services of the veterinary officer may be made available to any stockowner or any other person for the performance of any veterinary service at such times and for such purposes and upon such terms and conditions and upon payment of such fees as the board from time to time determines.

33. The board may arrange with any municipal or district council—

Arrangements with council.

- (a) for the use of any premises of the council as the office of the board :
- (b) for the employment of any officer of the council as the secretary of the board.

34. The board shall cause its accounts to be audited at least once a year and also as often as it deems advisable so to do, and for that purpose shall appoint an auditor or auditors and may pay him or them such remuneration and expenses as are necessary.

Audit of accounts.

PART IV.

PART IV.

STOCKOWNERS' ROLL AND ELECTIONS.

35. (1) The board shall keep a roll of the stockowners within the district.

Preparation of stockowners' roll.

(2) The roll shall state—

- (a) the name and address of every stockowner within the district :
- (b) the number of large stock, pigs and sheep from time to time owned by him within the district.

36. The board shall from time to time make such alterations to the roll as appear to the board to be necessary to make the roll a correct record of the matters included therein.

Alteration of roll.

37. Any person whose name appears in the roll shall be entitled to have his name removed from the roll if—

Removal of names.

- (a) he has ceased to be a stockowner within the district ;
and
- (b) he has given notice in writing thereof to the board.

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Insertion of
names in roll.

38. Any stockowner within the district whose name does not appear in the roll may apply to the board to have his name inserted in the roll.

Inspection of
roll.

39. Any person interested may, at any time when the board's office is open for business, inspect the roll.

Returning
officer.

40. The secretary shall be the returning officer at any election of the board.

Time and
place of
nomination.

41. (1) Twelve o'clock noon on the second Saturday in June shall be nomination hour and day of nomination for any annual election; and the office of the board shall be the place of nomination.

(2) Ten clear days before the day of nomination the board shall give public notice of the hour, day and place of nomination.

Nominations.

42. (1) No person shall be capable of being elected as a member of the board unless duly nominated in writing.

(2) Every nomination shall be in a form fixed by the returning officer and shall—

(a) state the name of the candidate, his place of residence and his occupation;

(b) be signed as nominators by not less than two stockowners whose names are included in the roll;

(c) contain an undertaking by the candidate that he will act as a member if elected.

(3) No person shall be entitled to nominate a candidate for election unless, before the day of nomination, all sums then due in respect of any levy which has been declared six months prior to the day of nomination and for the payment of which he or, if he is a director or manager of a body corporate, the body corporate is liable, have been paid.

Proceedings on
day of
nomination.

43. (1) On the day of nomination the returning officer shall attend at the office of the board at the hour of noon, and shall there and then publicly read aloud all the nominations lodged in the office.

(2) If there are such number of candidates nominated for office as members as are required to be elected, the returning officer shall declare those candidates to be elected as from the first Saturday in July next ensuing.

(3) If there are more than the necessary number of candidates the returning officer shall adjourn all further proceedings in respect of the election until the first Saturday in July next ensuing, when the election shall be by ballot as by this Act provided.

44. The returning officer upon any such adjournment shall forthwith give public notice thereof, and of the object thereof, and the names of the several candidates, and the day, hour, and place when and where the election is to take place.

Notices of adjournment.

45. Whenever—

Procedure on failure of election.

(a) any annual election from any cause wholly or in part fails to be made upon the day appointed by this Act ; or

(b) any such election being made, afterwards becomes wholly or in part void,

a supplementary election shall be held.

46. (1) Immediately upon the happening of any such failure or avoidance, the board shall by public notice appoint a day, not being earlier than seven days nor later than twenty-one days from the giving of the notice, and an hour and place for the nomination of the persons to be elected.

Supplementary election.

(2) The nomination shall take place on the day and at the hour and place so appointed in like manner as at the annual election.

(3) If there are such number of candidates nominated for office as are required to be elected, the returning officer shall declare those candidates to be elected to that office as from the day of nomination.

(4) If more than the necessary number of candidates are nominated, the returning officer shall adjourn all further proceedings in respect of the election until a day to be fixed by him for the election, not being less than six nor more than ten clear days from the day of nomination.

(5) On the day so fixed the election shall take place in like manner as at the annual election.

47. Within forty-eight hours from the election of any person as a member of the board, the returning officer shall cause to be delivered or posted to that person a notice informing him of the election, and within fourteen days of the election shall cause a notice thereof to be inserted in the *Gazette*.

Notice of election.

48. If—

Procedure where board fails to hold election.

(a) the board fails to proceed, as required by this Act, to any election for twenty-one days from the last day on which the election is required by this Act to be held ; or

(b) by resignation or otherwise it happens that there are no members of the board,

any justice resident within the district, or any special magistrate, may, upon the request in writing of any three stockowners

whose names are included in the roll, do every act by this Act required or necessary to be done for holding the election, including the appointment of a day, hour, and place for nomination and a returning officer.

Returning officers.

49. The returning officer, shall, *mutatis mutandis*, have all the powers conferred by The Ballot Act of 1862, on a returning officer in case of an election, including the power to appoint deputies, and shall preside at the election.

Polling place and hours of voting.

50. (1) The board shall appoint a polling place or polling places for the election. The voting at the election shall commence at nine o'clock in the morning, and shall continue until all the voters present in each polling place at five o'clock in the afternoon have had an opportunity of voting, and shall then close.

(2) The board may arrange with any municipal or district council—

(a) for the use by the board as a polling place of any premises appointed by the council as a polling place for any election or poll held by the council :

(b) for the employment as a deputy returning officer or poll clerk of any person employed by the council in connection with any election or poll held by the council.

Scrutineers.

51. (1) Each candidate may appoint in writing one scrutineer to be present at each polling place.

(2) Any scrutineer may inspect the scrutiny and count of votes.

Copies of roll.

52. The returning officer shall before the day fixed for taking votes, cause a copy of the stockowners' roll to be furnished for use at each polling place.

Voting rights.

53. (1) At an election any person whose name appears in the stockowners' roll shall have one vote for every ten head of large stock or twenty pigs or one hundred sheep he is stated in the roll to own : Provided that no person shall be entitled to more than twenty-five votes.

(2) If two or more persons are included in the stockowners' roll as the part owners of any large stock, pigs or sheep, such one of those persons whose name is first in alphabetical progression, according first to surnames and then to Christian names, only shall be entitled to vote at the election in respect of such large stock, pigs or sheep.

(3) If the name of any body corporate is included in the stockowners' roll, any director or manager of the body corporate nominated in writing by the body corporate shall, if the

nomination in writing is produced to the returning officer, be entitled to vote at the election on behalf of the body corporate.

(4) Any person entitled to vote at an election who at the time of the holding of the election is distant more than twenty miles from any polling place, or is unable to attend owing to illness, may, subject to the proviso hereinafter contained, vote by his proxy appointed in writing, such writing to be produced to the returning officer at the election : Provided that a statutory declaration by such person as to his absence or intended absence, or as to such illness, is produced.

(5) No person shall be entitled to vote at any election unless he is of the age of twenty-one years or upwards.

54. (1) The voting-paper shall bear on the back thereof the initials of the returning officer or the initials of the deputy returning officer presiding at the polling place, and shall contain the Christian names and surnames of the candidates arranged in alphabetical order, according to the surnames, and if there are several candidates of the same surname, then according to the Christian names of the candidates, and if there are several candidates of the same Christian names and surname, then according to residences (which shall in such case be stated on the voting paper) of the candidates arranged in like order. Every such voting-paper shall have a square printed opposite to the name of each candidate. Voting-papers.

(2) At the top of the voting paper there shall be inserted the name of the board and a statement of the purpose of the election and the number of candidates to be elected and at the foot of the voting-paper there may be inserted a direction that a vote is to be indicated by a cross within a square on the voting-paper.

(3) Except as above provided, nothing shall be inserted in or placed on any voting-paper.

55. (1) The returning officer shall provide one or more separate apartments in each polling place. Mode of voting.

(2) The voter shall, on receiving his voting-paper, immediately retire to such an apartment, and there alone and in private, without interruption, indicate his vote or votes by making a cross within the square on his voting-paper which is opposite the name of the candidate or candidates for whom he intends to vote, and shall then fold the paper and exhibit it so folded to the returning officer or his deputy, and then, without opening the paper, deposit it in a box to be provided for that purpose.

(3) No voting-paper so deposited in any box shall on any account be taken therefrom until after the close of the poll and in the presence of such scrutineers as are then present.

(4) No voting-paper shall be received unless it is so folded as to render it impossible for the returning officer, his deputy, or any other person, to see how the vote is given.

Assistance to voters.

56. Any voter may signify to the returning officer or his deputy that by reason of blindness or defective eyesight he is unable to vote without assistance ; and thereupon the returning officer or deputy, if satisfied of such inability, shall permit any agent named by the voter to accompany him into the apartment or place for voting to mark the voting-paper on the voter's behalf, and shall receive the paper from the agent and deposit it in the ballot-box.

Persons entitled to be in polling place.

57. The only persons who shall be allowed to remain in the polling place or room shall be the persons about to vote, the returning officer, the deputy returning officers, the poll clerks, and the scrutineers.

Questions to voters.

58. No inquiry shall be permitted at any election as to the right of any person to vote, except as follows, that is to say :— The returning officer or his deputy may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other :—

(i.) Are you the person whose name appears as..... in the stockowners' roll for the district of..... or (in case of a person claiming to vote by proxy for a ratepayer). Are you the person mentioned as the proxy for.....in the form of proxy under which you claim to vote, and is the person appointing you the person whose name appears as.....in the stockowners' roll for the district of..... ?

(ii.) Are you of the age of twenty-one years or more ?

(iii.) Have you already voted at the present election except in a different capacity from that in which you now claim to vote ?

No person shall be entitled to vote unless his answer to the first or second question, if put, is in the affirmative, and to the third, if put, is in the negative. Any person who wilfully makes a false answer to either of such questions shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Voting twice and personation.

59. Any person who in the same capacity votes a second time or offers to vote a second time, at any election, or who personates any other person for the purpose of voting at any election, shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding six months.

60. (1) Immediately before taking the votes the returning officer or deputy returning officer shall exhibit the ballot-box empty.

Duty of returning officer as to ballot-box.

(2) Immediately upon the close of the voting, the returning officer or deputy returning officer shall publicly close and seal the box containing the voting-papers.

(3) Any returning officer or deputy returning officer who unlawfully tampers with any ballot-box or voting-paper shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding six months.

61. (1) At the close of the election the returning officer shall—

Count of votes and result of election.

- (a) fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the election :
- (b) in the presence of such of the scrutineers as choose to be present, open all the boxes containing voting-papers delivered in at the election :
- (c) examine the voting-papers, and reject all such as contain crosses against the names of a larger number of persons than are required to be elected, or contain anything other than such matters as are hereinbefore prescribed for such voting-papers :
- (d) openly declare the general state of the votes at the close of the election, as the same is made up by him from the voting-papers :
- (e) declare the name or names of the person or persons who have been duly elected, and in the event of equality of votes, shall, by casting-vote, decide which candidate or candidates shall be elected.

(2) No returning officer shall vote at any election at which he is returning officer, except in case of an equality of votes aforesaid ; but this provision shall not apply to a deputy returning officer.

62. The returning officer shall destroy all voting-papers upon the expiration of two months after the declaration of the result of the election : Provided that if upon such expiration any legal proceedings are pending as a result of the election, the voting-papers shall be kept until the proceedings have been completed.

Destruction of voting papers.

63. (1) No person shall be entitled to vote at any election or to vote as the representative of a body corporate unless at least six days before the day appointed for polling, all sums then due in respect of any levy which has been declared six months previously, and for the payment of which he, or, as the case may be, the body corporate, is liable, have been paid.

Payment of levies before voting.

(2) Any scrutineer appointed under this Act may object to any person voting if any such levies are not paid.

PART IV.

Powers of
returning
officer.

64. (1) The returning officer and his deputy shall have authority—

- (a) to maintain and enforce order and keep the peace at any election :
- (b) without any other warrant than this Act, to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions which may be put to him under this Act or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once at the same election, or of leaving or attempting to leave the polling-place after having received a voting-paper and before having deposited the same in the box, or of causing a disturbance at any election :
- (c) to cause any person to be removed who obstructs the approaches to any polling-place or conducts himself in a disorderly manner there.

(2) All members of the police force and special constables shall aid the returning officer or his deputy, in the performance of his duty.

Bribery and
corruption.

65. The following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate, whether committed by the candidate or by any agent authorized to act for him, that is to say :—

- I. Giving money or any other article whatsoever to any elector with a view to influencing his vote :
- II. Holding out to any elector any promise or expectation of profit, advancement, or enrichment in any shape in order to influence his vote, or making use of any threat to an elector, or otherwise intimidating him in any manner with a view to influencing his vote :
- III. Treating any elector or supplying him with meat, drink, lodging, horse or carriage hire, or conveyance by steam or otherwise whilst at the election or whilst engaged in coming to or going from the election :
- IV. Paying to any elector any sum of money for acting or joining in any procession during the election, or before or after the election :
- V. Keeping open or allowing to be kept open any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind is distributed at such places of entertainment or not :
- VI. Giving any dinner, supper, breakfast or other entertainment at any place whatsoever to any number of electors with a view to influencing their votes.

66. The commission of any one of the acts mentioned in the preceding section shall, on proof thereof, be held to render void the election of the person committing the act, and to disqualify him from being elected for or appointed as a member during the whole period that may intervene between the commission of the act and the time of the next annual election.

Disqualification for bribery and corruption.

67. The acts of any authorized agent of a candidate shall, in matters connected with any election, be held to be acts of the principal of the agent, if it is proved that the acts were committed with the knowledge or consent of the principal.

Acts of agents.

68. If any of the before-mentioned acts of bribery and corruption are committed by any person not the authorized agent of any candidate, the said person shall be guilty of a misdemeanour, and liable to a fine not exceeding two hundred pounds, or imprisonment for not more than six months.

Bribery and corruption by unauthorized persons.

69. If any person who has, or claims to have, any right to vote in any election directly or indirectly asks, receives, or takes any money or other reward by way of gift, employment, or other reward whatsoever, for himself or for any of his family or kindred, to give his vote or to abstain from giving his vote in any election, he shall be guilty of a misdemeanour and liable to a fine not exceeding two hundred pounds or imprisonment for not more than six months.

Rewards for voting or withholding vote.

70. Any voter wilfully infringing any of the provisions of this Part, or obstructing the voting by any unnecessary delay in performing any act within any polling-place, shall be guilty of an offence and liable to a penalty not exceeding ten pounds.

Offences by voters.

71. No action, suit, or other proceeding shall be maintainable against any person who is a candidate at any election for or in respect of any costs or expenses whatsoever in or about or relating to the election.

No action for election expenses.

72. (1) No election shall be held to be void in consequence solely of any delay in the holding of the election at the time appointed, or the absence of the returning officer or any deputy returning officer, or any error on the part of any returning officer, or deputy returning officer, which does not affect the result of the election, or of any error or impediment of a mere formal nature.

Provision as to formal defects and impediments in election.

(2) Within the period of twenty days before or after the day appointed for the holding of any election, the Governor may by proclamation extend the time allowed for the holding of the election, and may adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle by which the due course of any election may be impeded, and may supply any deficiency that may otherwise affect the same.

PART V.

PART V.

LEVIES.

Power to
declare levies.

73. (1) The board may in respect of any financial year declare a levy upon the stockowners whose names appear in the roll at the time of the declaration of the levy.

(2) The amount of the levy shall be uniform throughout the district and shall be a specified amount per head of large stock, per pig, and per sheep.

(3) No such levy shall exceed the amounts specified for the time being by proclamation with respect to the district.

Notice of levy.

74. (1) Within fourteen days after declaring any levy the board shall cause notice to be given in the *Gazette* of the amounts thereof.

(2) The secretary shall give written notice to each stockowner of the date of the declaration of the levy and the sum payable by the stockowner.

Notice before
recovery of
levy.

75. Every levy shall become due and payable when it is declared, but no levy shall be recoverable by action from any person until twenty-one days after written notice has been given to that person as provided by section 74.

Fine on default
of payment.

76. If any levy is not paid before the end of three months after it becomes recoverable, a fine equal to five pounds per centum thereof shall be added to the amount of the levy, and shall thenceforth for all purposes be deemed to be a part of the levy, and shall be paid by the person liable to pay the levy, and be recoverable from the person liable to pay the levy, and in such manner as if it were part thereof.

Recovery of
levies.

77. Levies may be recoverable, as a debt due to the board, from any person liable to pay them by action, in the name of the board, in any court of competent jurisdiction.

PART VI.

PART VI.

MISCELLANEOUS.

78. (1) The board may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows:—

Contracts by board.

- I. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the board may make in writing and under the common seal of the board :
- II. Any contract which, if made between private persons, would be by law required to be in writing signed by or on behalf of the parties to be charged therewith, the board may make in writing under the common seal as aforesaid, or in writing signed by any person acting under the authority of the board, express or implied :
- III. Any contract which, if made by private persons, would be by law valid although only made by parol, may be made by the board in either of the two ways aforesaid, or by parol by any person acting under the authority of the board, express or implied.

(2) All contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

(3) A contract made on behalf of the board may be varied or discharged in the same manner in which it is authorized by this section to be made.

79. The board may compound with any person who has entered into any contract with the board, or by or against whom any action or proceedings has been brought or threatened on behalf of or against the board, for any cause whatsoever, for such sums of money or other consideration as the board thinks proper.

Power to compound claims.

80. (1) All money received on account of the board shall be paid into a bank appointed by the board.

Banking of money.

(2) Payment into the bank shall in every case be made as soon as the moneys in hand amount to five pounds or more.

(3) Every payment of one pound or more made on behalf of the board shall be by cheque on the bank, drawn by the chairman and by a member authorized from time to time by the board in that behalf, or in case of the absence of the chairman, drawn by two members authorized from time to time by the board, and in each case countersigned by the secretary.

(4) Payments of less than one pound may be made out of a petty cash fund, replenished from time to time by cheques drawn and countersigned as aforesaid.

Minutes of meetings.

81. (1) The board shall cause minutes of every meeting of the board, and of the proceedings thereat, with the names of the members who attend at each meeting, and the names of all members voting on any question, to be duly made in books provided for the purpose, and to be kept by the secretary, under the superintendence of the board.

(2) The minutes of every meeting of the board shall be put for confirmation to the next succeeding meeting, or, if that is omitted, to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which they are confirmed, or if he refuses or neglects so to do for seven days after the meeting, then by any two members present and entitled to vote at the meeting.

Evidence of minutes.

82. (1) Every minute purporting to be any such minute as aforesaid and to be so signed, or a copy of or extract from any such minute signed by the chairman and the secretary, shall in all courts, and before all persons acting judicially be receivable as evidence of the transactions and matters therein recorded without proof that the meeting to which the minute refers was duly convened or held, or that the persons attending thereat were members of the board, or of the signature of the chairman or secretary, or of the fact of his having been such chairman or secretary. All such matters shall be presumed until the contrary is proved.

(2) All minute books shall, at all reasonable times, be open to the inspection of any member and of any creditor of the board. Every stockowner within the district may inspect and take copies of the minutes at all reasonable times.

Provision for death or absence of secretary and other persons.

83. (1) If, in consequence of death, absence, or any lawful impediment, it is impossible or inconvenient for the secretary or any member or other person to perform any particular matter or thing which by this Act he is required to perform, the chairman, or, if for the like reason it is impossible or inconvenient for the chairman, the board may perform the matter or thing, or appoint some member or other person to perform it.

(2) The board may authorize the chairman to carry into effect any decision of the board.

84. Any person who at the time of his election or appointment of the office of member is to his own knowledge disqualified to act in that office, or who after his election or appointment becomes disqualified, and who in any manner acts as a member with knowledge of the existence of his disqualification, shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Disqualified person acting as member or auditor.

85. No writ of *quo warranto* or information in the nature of a *quo warranto* or other proceeding shall issue, or be filed or had, or taken in the Supreme Court, to try or question the title of the board or the title of any person to act as member or auditor, or in any office or place under the board.

No writ of *quo warranto* allowed to try title to any office.

86. No *mandamus* shall issue from the Supreme Court to admit or restore to office, or to compel the board to proceed to the election or appointment of any chairman, member, auditor, officer, or other person to any office or place under the board, or to compel any person or persons to proceed to any ballot, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the board or person may be entitled under this Act.

No *mandamus* to issue from Supreme Court.

87. The proceedings—

- (a) for trying the title of a chairman, member, auditor, officer, or other person to his office or place ; or
- (b) for trying the right of any person to be admitted or restored to any such office or place ; or
- (c) to compel his restoration or admission ; or
- (d) to compel the board to proceed to any election or appointment ; or
- (e) to try the validity of any levy ; or
- (f) to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the board or any person may be entitled under this Act,

Proceedings for trying title of member, etc.

shall be had and taken before, and determined in a summary way by, a court of summary jurisdiction constituted by a special magistrate.

PART VI.

Jurisdiction
and powers
of court.

88. (1) The complaint for the purposes of the last preceding section may be laid at the instance of the board, or by any stockowner within the district or other person interested.

(2) The court of summary jurisdiction may make an order—

(a) declaring that any person is or is not entitled to any office or place or that any office or place is vacant:

(b) commanding the board to proceed to take the necessary steps for and hold any election, or to make any appointment:

(c) quashing any levy which for any reason is invalid:

(d) to compel the production or delivery of any books, voting-papers, or documents by or to the board, or any officer thereof, to or by any person.

(3) No order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

Procedure on
non-compliance
with order.

89. On non-compliance with any order made by any court of summary jurisdiction under the last preceding section, any court of summary jurisdiction may on complaint laid at the instance of the board, or by any stockowner within the district or person interested, order any sum of money to be paid by or to the board, or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such officer or person to be imprisoned, either for a specified time, not exceeding six months, or until the order aforesaid is obeyed. Any such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid.

Time within
which
proceedings
may be taken.

90. (1) No proceedings to try the title of any person to any office or place shall be taken except upon a complaint laid within two months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person is liable to be ousted, whichever last happens.

(2) No proceedings to try the validity of any levy shall be had or taken except upon a complaint laid within two months from the time at which notice of the levy appeared in the *Gazette*.

91. Subject to the provisions of this Part as to contracts made by the board, every order, summons, notice, or other document requiring to be authenticated by the board shall be sufficiently authenticated without the common seal of the board, if signed by the chairman or by two members or by the secretary.

Authentication of documents by the board.

92. The *Gazette* containing a notice of the election or appointment under this Act of any person to any office shall be *prima facie* evidence of the said election or appointment, except in any proceedings brought to try the title of the person so elected or appointed.

Evidence of appointments or elections.

93. The *Gazette* containing a notice of the declaration of any levy under this Act shall be *prima facie* evidence that the levy was duly declared, except in proceedings to quash the levy.

Evidence of declaration of levy.

94. The stockowners' roll or any copy thereof or extract therefrom certified as a true copy or extract under the hand of the chairman and the secretary, shall be *prima facie* evidence of the contents thereof.

Evidence of stockowners' roll.

95. Any notice required to be given or served by the board upon any person may be given or served—

Service of notices, etc.

- (a) by sending the same by post in a prepaid letter, addressed to such person at his usual or last known place of residence ; or
- (b) by serving the same on such person ; or
- (c) by leaving the same with some adult inmate of his place of residence.

96. Every summons, or notice, or writ, or other proceeding required to be served on the board shall be served by being given personally to the chairman or the secretary. Every notice or other proceeding (not being a summons or writ) may also be served by post.

Service on board.

97. The board may from time to time borrow money from any bank on overdraft on the credit of its revenue.

Power to borrow on overdraft.

98. The Governor may make regulations—

Regulations.

- (a) prescribing the form and matters to be included in petitions under this Act :

- (b) prescribing the procedure of boards and generally regulating the conduct and practice of boards :
- (c) generally, prescribing any matter or thing required or necessary or expedient to be prescribed for carrying this Act into effect.

Proceedings
for offences.

99. All proceedings for offences against this Act (not being misdemeanours) shall be disposed of summarily.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.