



New South Wales

# **Gumly Gumly Private Irrigation District Board of Management (General) By-law 1997**

under the

**Private Irrigation Districts Act 1973**

His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve the following By-law made by the Board of Management of Gumly Gumly Private Irrigation District under the *Private Irrigation Districts Act 1973*.

KIM YEADON, M.P.,

Minister for Land and Water Conservation.

## **Explanatory note**

The object of this By-law is to make provision for elections of the members of the Board for the Gumly Gumly Private Irrigation District, a district constituted under the *Private Irrigation Districts Act 1973*, including the following matters

- (a) the appointment of a returning officer (clause 5),
- (b) the notification of polling days and invitations for nominations (clause 8),
- (c) the making of nominations (clause 9),
- (d) the procedure for the poll (clause 12),
- (e) the counting of votes (clause 14),
- (f) the declaration of the result of the poll (clause 17).

This By-law is made under the *Private Irrigation Districts Act 1973*, including sections 20 (conduct of elections) and 93 (the general regulation making power).

This By-law is an instrument specified or described in Schedule 4 to the *Subordinate Legislation Act 1989*.

## 1997 No 175

Gumly Gumly Private Irrigation District Board of Management (General) By-law 1997

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## Gumly Gumly Private Irrigation District Board of Management (General) By-law 1997

The Gumly Gumly Private Irrigation District Board of Management, in pursuance of section 94 of the *Private Irrigation Districts Act 1973*, makes the following By-law:

### Part 1 Preliminary

#### 1 Name of By-law

This By-law is the *Gumly Gumly Private Irrigation District Board of Management (General) By-law 1997*.

#### 2 Definitions

In this By-law:

**Board** means the Board of Management for the District.

**closing date** means the time and date stated in the notice of election by which nominations must reach the Returning Officer.

**declaration form** means a form of declaration of identity and entitlement to vote at an election.

**District** means the Gumly Gumly Private Irrigation District as constituted by proclamation in Government Gazette No 78 of 9 July 1993 at page 3853.

**election** means an election of the members of the Board under the Act, other than the first election of the members of the Board, and includes an election to fill a casual vacancy in the office of such a member under section 18 of the Act.

**electoral roll** means the electoral roll for the District.

**the Act** means the *Private Irrigation Districts Act 1973*.

#### 3 Notes

The explanatory note, table of contents and notes in the text of this By-law do not form part of this By-law.

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## **Part 2        Elections**

### **4    Conduct of elections**

For the purposes of section 20 (1) of the Act, an election is to be held in accordance with this By-law.

### **5    Returning Officer**

- (1)    The Board is to appoint a Returning Officer for an election.
- (2)    The Returning Officer is not to have a pecuniary interest in any property within the District.

### **6    Electoral roll**

- (1)    The Returning Officer is to keep a roll of electors for the District.
- (2)    The electoral roll is to contain the name and last known address of:
  - (a)    each sole owner of land that is being worked as a separate property within the District, and
  - (b)    if there is more than one owner of any such land, such one of them as may, by notice in writing given to the Returning Officer, have been last nominated for the purposes of this paragraph by all the owners of the land.

### **7    Time periods relating to the conduct of an election**

- (1)    In the conduct of an election, the Returning Officer is to allow an interval:
  - (a)    between the publication of the notice of election and the closing date, of not less than 28 days, and
  - (b)    between the issue of voting papers and the day fixed for the election, of not less than 14 days.
- (2)    However the Returning Officer may prescribe a shorter interval if the Returning Officer considers it necessary in order for the election to be conducted on the day fixed for the election.

### **8    Notice of election**

- (1)    The Returning Officer is to give notice of an election by sending by post or otherwise issuing a copy of the notice to the persons on the electoral roll.

- (2) The notice of election is to contain the following information:
- (a) the day of the election,
  - (b) the closing date,
  - (c) the place where nomination forms are to be sent,
  - (d) the time and place where the electoral roll may be inspected.

## **9 Nominations**

The Returning Officer is not to accept a nomination unless:

- (a) it is in writing, and
- (b) it is signed by 2 people whose names appear on the electoral roll, and
- (c) the person nominated has agreed to stand for election:
  - (i) by a notice in writing to the Returning Officer received by the Returning Officer by the closing date, or
  - (ii) by a notation to that effect on the nomination form, and
- (d) it is received by the Returning Officer by the closing date, and
- (e) the person nominated is not ineligible to be elected under section 19 of the Act.

## **10 Uncontested elections**

If, after the closing date, the number of nominations accepted by the Returning Officer is equal to or less than the number of people to be elected, the Returning Officer is to declare the persons nominated to be elected.

## **11 Contested elections**

- (1) If, after the closing date, the number of nominations accepted by the Returning Officer exceeds the number of persons to be elected, the Returning Officer is to send or otherwise issue voting papers to those persons whose names appear on the electoral roll.
- (2) Each voter is to be issued with 1 voting paper per vote.

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- (3) Each voting paper is to list the names of candidates in alphabetical order and is to be signed or initialled by the Returning Officer.
- (4) Each voting paper is to be accompanied by:
  - (a) a declaration form, and
  - (b) 2 envelopes, one marked “voting paper” and the other addressed to the Returning Officer, and
  - (c) a notice:
    - (i) specifying the day fixed for the election and the time on that day by which the completed voting papers must reach the Returning Officer, and
    - (ii) setting out instructions for the completion of the voting paper and declaration form, and
    - (iii) setting out the instructions for the return of the completed voting paper and declaration form to the Returning Officer by post or as otherwise determined by the Returning Officer.

### **12 Voting procedure**

A voter must:

- (a) complete the voting paper by placing a cross in the square appearing opposite the name of each candidate for whom he or she votes, and
- (b) place the completed voting paper inside the envelope marked “voting paper” and seal that envelope, and
- (c) place that sealed envelope inside the envelope addressed to the Returning Officer, and
- (d) complete the declaration form and enclose it in the envelope addressed to the Returning Officer, and
- (e) send by post or deliver the envelope to the Returning Officer.

### **13 Duplicate voting papers**

- (1) The Returning Officer may, on receipt of a declaration that a voting paper has been lost or destroyed, issue a duplicate voting paper to the person to whom the lost or destroyed voting paper was sent by post or otherwise issued.

- (2) If the voter:
  - (a) satisfies the Returning Officer that the voter has spoilt the voting paper by mistake or accident, and
  - (b) returns the spoilt voting paper to the Returning Officer, the Returning Officer is to issue a new voting paper to the voter and cancel and preserve the spoilt voting paper.

#### **14 Counting of votes**

After the date and time by which a completed voting paper must reach the Returning Officer in a contested election, the Returning Officer must:

- (a) open the envelopes addressed to the Returning Officer and received by the Returning Officer before that date and time, and
- (b) if the declaration form is signed by a qualified voter, place the envelope marked “voting paper” with other such envelopes, and
- (c) if the envelope does not contain an envelope marked “voting paper” or a declaration form completed in accordance with paragraph (b), place the envelope in a receptacle for rejected papers for forwarding to the Board in accordance with clause 19 after the declaration of the poll, and
- (d) following the opening of all the envelopes addressed to the Returning Officer, open the envelopes marked “voting paper” and remove the voting papers, and
- (e) reject such voting papers as are informal by placing them in a receptacle for rejected papers for forwarding to the Board in accordance with clause 19 after the declaration of the poll, and
- (f) count the number of votes given to each candidate.

#### **15 Informal votes**

- (1) The Returning Officer is to reject as informal a voting paper:
  - (a) that is not signed or initialled by the Returning Officer, or

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- (b) on which votes are marked for more candidates than the number of persons to be elected, or
  - (c) from which the intention of the voter cannot be clearly ascertained, or
  - (d) in the marking of which the voter has not complied with this By-law or with the instructions of the Returning Officer.
- (2) A voting paper is not informal by reason only that the voter has not recorded his or her vote exactly in accordance with clause 12 (a) if, in the opinion of the Returning Officer, the intention of the voter can be clearly ascertained.

### **16 Scrutineers**

Each candidate at an election is entitled to nominate one scrutineer to be present at the count of votes.

### **17 Declaration of result of poll**

The result of a poll for an election is to be ascertained by the Returning Officer in accordance with the following provisions:

- (a) if there is only one person to be elected, the candidate who received the highest number of votes is to be declared to be elected,
- (b) if there is more than one person to be elected, the candidates, not exceeding in number the number of persons to be elected, who received the highest number of votes are to be declared to be elected,
- (c) if there is an equality of votes, the Returning Officer is to determine by lot the candidate or candidates to be elected by placing in a hat the names of the candidates with an equality of votes and the name or names of the candidates first drawn from the hat are to be elected.

### **18 Notification of election result**

As soon as practicable after the Returning Officer declares a person to be elected, the Returning Officer must send by post or otherwise issue to that person a notice in writing informing that person of his or her election as a member of the Board.



**19                      of election papers**

- (1)    After the declaration of the poll, the Returning Officer must send all papers connected with the election to the Board.
- (2)    The Board may destroy those papers on the expiration of 12 months after the date of the election.

**20    Returning Officer and scrutineers not to disclose votes**

The Returning Officer and scrutineers must not in any way disclose or aid in disclosing the manner in which any voter has voted.

Maximum penalty: 0.5 penalty unit.

Pursuant to a resolution of the Board  
made on 9 December 1996  
the common seal of the GUMLY GUMLY  
PRIVATE IRRIGATION DISTRICT  
BOARD OF MANAGEMENT was affixed  
hereto on 10 April 1997  
in the presence of:

COLIN RUSH

COLIN MEYERS

.....  
Member

.....  
Member