



New South Wales

# Lord Howe Island (Elections) Amendment (Method of Voting) Regulation 2002

under the

Lord Howe Island Act 1953

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Lord Howe Island Act 1953*.

BOB DEBUS, M.P.,

Minister for the Environment

## Explanatory note

The object of this Regulation is to amend the *Lord Howe Island (Elections) Regulation 1999* to alter the system of voting for an election of more than 1 person to the Lord Howe Island Board from the method as provided, with certain modifications, by Part 2 of the Sixth Schedule to the *Constitution Act 1902* (a proportional representation method) to the “first past the post” method.

This Regulation is made under the *Lord Howe Island Act 1953*, including sections 9C (Elections) and 38 (the general regulation-making power).

## **2002 No 632**

Clause 1            Lord Howe Island (Elections) Amendment (Method of Voting) Regulation  
2002

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# **Lord Howe Island (Elections) Amendment (Method of Voting) Regulation 2002**

## **1 Name of Regulation**

This Regulation is the *Lord Howe Island (Elections) Amendment  
(Method of Voting) Regulation 2002*.

## **2 Amendment of Lord Howe Island (Elections) Regulation 1999**

The *Lord Howe Island (Elections) Regulation 1999* is amended as set  
out in Schedule 1.

## Schedule 1 Amendments

(Clause 2)

### [1] Clause 22 Printing of ballot papers

Omit clause 22 (2). Insert instead:

- (2) An elector must record the elector's vote on the ballot-paper in accordance with the following directions:
  - (a) if there is more than 1 person to be elected, the elector must record the elector's vote for the number of persons to be elected by placing a number of ticks or crosses, each tick or cross being placed in a square opposite the name of a candidate for whom the elector desires to record a vote, where the number of ticks or crosses placed is equal to the number of persons to be elected,
  - (b) if there is 1 person to be elected:
    - (i) the elector must record the elector's vote for at least 1 candidate by placing the number "1" in the square opposite the name of the candidate for whom the elector desires to give a first preference vote, and
    - (ii) the elector may vote for additional candidates by placing consecutive numbers (beginning with the number "2") in the squares opposite the names of those additional candidates in the order of the elector's preferences for them.

### [2] Clause 44 Informal ballot papers

Omit "A ballot-paper" from clause 44 (3).

Insert instead "If there is only 1 person to be elected, a ballot-paper".

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Schedule 1      Amendments

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### [3] **Clause 44 (4)–(6)**

Insert after clause 44 (3):

- (4) If there is more than 1 person to be elected, despite anything to the contrary in this Regulation, a ballot-paper must not be rejected as informal by reason only that the number of candidates the elector has recorded a vote for is less than the number of persons to be elected.
- (5) If there is more than 1 person to be elected, despite anything to the contrary in this Regulation, a ballot-paper must not be rejected as informal by reason only that the elector has placed a single number in a number of squares if the number of squares with a single number in them is no more than the number of persons to be elected, but the ballot-paper is to be treated as if any such single number was a tick or a cross.
- (6) Nothing in subclause (5) authorises any person, if there is more than 1 person to be elected, to encourage an elector to place a number in a square on a ballot-paper.

### [4] **Clause 45**

Omit the clause. Insert instead:

#### **45 Method of counting votes for 2 or 3 vacancies**

- (1) If there is more than 1 person to be elected, the method of counting votes is to be the “first past the post” method, that is, the candidates with the most votes are taken to be elected.
- (2) If the number of candidates to be elected cannot be determined because of an equality of votes, the candidate taken to be elected is the candidate whose name is drawn from a lot containing the names of each of the candidates having equal votes.

BY AUTHORITY

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