

Water Management (Private Irrigation Boards) Regulation 2000

[2000-536]



New South Wales

Status Information

Currency of version

Historical version for 1 January 2001 to 14 March 2002 (accessed 17 July 2024 at 19:57)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Private Irrigation Districts (First Elections) Regulation 2000
- **Note**
The *Water Management (Private Irrigation Boards) Regulation 2000* (formerly *Private Irrigation Districts (First Elections) Regulation 2000*) made under the *Private Irrigation Districts Act 1973* is on and from 1.1.2001 taken to be a regulation under the *Water Management Act 2000 No 92*. See clause 45 of Schedule 9 to the *Water Management Act 2000*.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 5 January 2001

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New South Wales

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Water Management (Private Irrigation Boards) Regulation 2000



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (Private Irrigation Boards) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note—

This Regulation replaces the *Private Irrigation Districts (First Elections) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

election means the election of the members of a private irrigation board referred to in section 143 (3) (d) of the Act.

the Act means the *Water Management Act 2000*.

zone means:

- (a) a zone of a private irrigation district divided into zones under clause 4 (1), or
- (b) if a private irrigation district is not divided into zones, the private irrigation district.

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Division of private irrigation districts into zones

(1) For the purposes of an election, the Ministerial Corporation may divide a private irrigation district into zones.

(2) If a private irrigation district is divided into zones, the Ministerial Corporation must:

- (a) subject to section 148 (3) (a) of the Act, determine the number of members to be elected by the voters of each zone, and
- (b) show the zones on the plan of the private irrigation district exhibited as referred to in section 143 (3) (c) of the Act.

5 Savings provisions

Any act, matter or thing that, immediately before the repeal of the *Private Irrigation Districts (First Elections) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.

5A Continuity of existing bodies

Each private irrigation board is a continuation of, and the same legal entity as, the board of management from which it has arisen.

5B Continuation in office of existing members of private irrigation boards

- (1) Each person who, immediately before 1 January 2001, was a member of the board of management for a private district under the *Private Irrigation Districts Act 1973* is taken to have continued in office as a member of the corresponding private irrigation board for the residue of the term for which the person was elected.
- (2) This Regulation applies to and in respect of such a person in the same way as it applies to and in respect of a person who is elected to office as a member of a private irrigation board on or after 1 January 2001.

5C Continuation of certain sections of Private Irrigation Districts Act 1973

- (1) Despite the repeal of the *Private Irrigation Districts Act 1973*, sections 17, 18, 19, 20 (2), 21, 22, 23 and 70 of that Act apply to and in respect of a private irrigation board in the same way as they formerly applied to and in respect of the board of management of a private district under that Act.
- (2) In the sections of the *Private Irrigation Districts Act 1973* referred to in subclause (1):
 - (a) any reference to regulations is taken to be a reference to this Regulation, and
 - (b) any reference to a prescribed matter is taken to be a reference to a matter prescribed by this Regulation.
- (3) This clause ceases to have effect on 1 September 2001.

5D Construction of certain references

- (1) In sections 142, 144, 147, 160, 178 and 181 of the Act, any reference to a water use approval or water supply work approval is taken to be a reference to the corresponding authority, licence or permit in force under Part 2 or 5 of the *Water Act*

1912.

- (2) This clause ceases to have effect on the commencement of Part 3 of Chapter 3 of the Act.

Part 2 Elections

6 Appointment of Returning Officer

The Ministerial Corporation must appoint a Returning Officer for an election.

7 Roll

- (1) The Returning Officer must keep a roll for each zone in respect of which the Returning Officer is to hold an election.
- (2) A roll must contain the names and last known addresses of:
 - (a) each sole owner of land which is being worked as a separate property within the zone, 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.

8 Nomination day

- (1) Nominations of candidates for an election close at a day (***the nomination day***) and hour fixed by the Returning Officer.
- (2) Not less than 7 days before the nomination day, the Returning Officer must issue nomination papers to the persons entitled to vote at the election.

9 Persons entitled to vote

The persons entitled to vote in a ballot to determine the members to be elected are the persons whose names appear on the relevant roll at the time fixed for the election.

10 Nominations

Nominations must be signed by 2 persons entitled to vote at the election and must include the consent of the nominee.

11 Uncontested elections

If, after the time for close of nominations, the number of accepted nominations does not exceed the number of persons to be elected, the Returning Officer must declare the persons nominated to be elected.

12 Contested elections

- (1) If, after the time for close of nominations, the number of accepted nominations exceeds the number of persons to be elected, the Returning Officer must issue voting papers to the persons entitled to vote at the election.
- (2) The voting papers must be issued not later than 7 days before the election.
- (3) The Returning Officer may prescribe a shorter interval if considered necessary in order for the election to be conducted at the time fixed for it.
- (4) Each voter must be issued with one ballot-paper for each vote to which the voter is entitled.
- (5) Each ballot-paper must contain the names of the candidates in alphabetical order and be signed or initialled by the Returning Officer.
- (6) Each ballot-paper (or, if the voter is entitled to more than one vote, each set of ballot-papers) must be accompanied by:
 - (a) a form of declaration of identity and of entitlement to vote at the election, and
 - (b) 2 envelopes, one marked "ballot-paper" and the other addressed to the Returning Officer, and
 - (c) a notice which:
 - (i) specifies the time by which the completed ballot-papers must reach the Returning Officer (being the time fixed for the election), and
 - (ii) contains instructions for the completion of the ballot-papers and for their transmission to the Returning Officer.

13 Voting

- (1) A voter must record his or her vote on a ballot-paper by placing a cross opposite the name of each candidate for whom he or she votes.
- (2) A voter must post or deliver to the Returning Officer the completed ballot-paper or papers enclosed and sealed in the envelope marked "ballot-paper" which, together with the completed declaration, must be enclosed and sealed in the envelope addressed to the Returning Officer.

14 Duplicate ballot-papers

- (1) The Returning Officer may, on receipt of a declaration by a person that a ballot-paper has been lost or destroyed, issue a duplicate ballot-paper to the person.
- (2) A voter who satisfies the Returning Officer that a ballot-paper has been spoiled by

mistake or accident may, on returning it, be issued with a new ballot-paper.

(3) The Returning Officer must cancel and preserve the spoilt ballot-paper.

15 Counting of votes

At the place and time fixed for an election, the Returning Officer must:

- (a) open the outer envelopes received before that time, and
- (b) if the declaration is signed by a qualified voter, ascertain the zone to which the vote relates (where applicable) and place the envelope marked "ballot-paper" with other such envelopes for that zone, and
- (c) following the opening of all the outer envelopes, open the envelopes marked "ballot-paper" and take out the ballot-papers, and
- (d) reject such ballot-papers as are found to be informal, and
- (e) count the number of votes given to each candidate.

16 Informal votes

- (1) The Returning Officer must reject as informal a ballot-paper:
 - (a) which is not signed or initialled by the Returning Officer, or
 - (b) on which votes are marked for more candidates than the number of persons to be elected for the zone, 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 Regulation or the instructions of the Returning Officer.
- (2) A ballot-paper is not informal by reason only that the voter has not recorded his or her vote exactly as prescribed if, in the opinion of the Returning Officer, the intention of the voter can be clearly ascertained.

17 Declaration of result of ballot

The result of a ballot for an election must be ascertained (zone by zone, where applicable) by the Returning Officer as follows:

- (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 to be elected.

18 Declaration of persons elected where district divided into zones

If there are a number of zones in a private irrigation district, the Returning Officer must declare the persons elected for each of the zones on the same day.

19 Notification of election result

As soon as practicable after declaration of the result of a ballot, the Returning Officer must issue to each person elected a notice in writing of the result.

20 Disposal of election papers

- (1) After the declaration of a ballot, the Returning Officer must send all papers connected with the election to the Ministerial Corporation.
- (2) The Corporation must keep the papers for at least 12 months after the election.