

Private Irrigation Districts (West Corugan Board Election) By-law (1979 SI 17)

[1979-17]



New South Wales

Status Information

Currency of version

Current version for 27 July 1979 to date (accessed 3 May 2024 at 17:27)

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Provisions in force

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

Notes—

- **Note**

The [Private Irrigation Districts \(West Corugan Board Election\) By-law](#) made under the *Private Irrigation Districts Act 1973* is on and from 1.1.2001 taken to be a by-law made under the [Water Management Act 2000](#). See clause 44 of Division 9 of Part 2 of Schedule 9 to the [Water Management Act 2000 No 92](#).

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 10 January 2001

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1 Name of By-law

This By-law may be cited as the *Private Irrigation Districts (West Corugan Board Election) By-law*.

2 Definitions

In this By-law, except in so far as the context or subject-matter otherwise indicates or requires:

Board means the Board of Management for the District.

District means the West Corugan Provisional Private Domestic and Stock Water Supply and Irrigation District as constituted by proclamation in Government Gazette No 114 of 10th September, 1976, or, if that provisional private district is constituted as a private district, that private district.

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.

the Act means the *Private Irrigation Districts and Water (Amendment) Act 1973*.

zone means:

- (a) a zone of the District under clause 4 (1), or
- (b) where the District is not divided into zones under that subclause, the District.

3 Election

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

4 District zones

- (1) For the purposes of an election, the Board may divide the District into zones.

- (2) Where the Board divides the District into zones under subclause (1), the Board shall:
 - (a) subject to section 15 (3) (b) of the Act, determine the number of members to be elected by the voters of each zone, and
 - (b) show the zones on a plan of the District exhibited at the Board's office.

5 Returning Officer

The Board shall appoint a Returning Officer for an election.

6 Roll of electors

- (1) The Returning Officer shall keep a roll of electors for each zone:
 - (a) containing the name and last known address of:
 - (i) each sole owner of land which is being worked as a separate property within that zone, and
 - (ii) 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 subparagraph by all the owners of that land, and
 - (b) showing the voting entitlement of each such sole owner or nominee determined in accordance with section 20 (2) of the Act.
- (2) The persons entitled to vote in an election for a zone are those persons whose names appear on the roll for that zone of the day fixed for the election under section 16 (1) of the Act.

7 Conduct of election

- (1) In the conduct of an election the following intervals shall be allowed:
 - (a) between the publication of the notice of election and the time stated therein for the close of nominations—not less than 28 days,
 - (b) between the despatch of voting papers and the day fixed for the election under section 16 (1) of the Act—not less than 14 days.
- (2) Notwithstanding subclause (1), the Returning Officer may allow such shorter intervals than are prescribed in that subclause as he considers necessary in order than an election is held on the day fixed for the election under section 16 (1) of the Act.

8 Notice of election

- (1) The Returning Officer shall give notice of an election by causing the notice to be published in a newspaper circulating in or near the District.

(2) The notice of election shall:

- (a) state the day fixed for the election under section 16 (1) of the Act,
- (b) specify the time by which nominations must reach the Returning Officer and the place for the receipt of nomination forms,
- (c) where the District has been divided into zones under clause 4 (1), state that the zones are shown on a plan exhibited at the Board's office, and
- (d) specify the place at which a copy of the roll of electors for each zone is available for inspection.

9 Nominations

The Returning Officer shall not accept a nomination unless:

- (a) it is in writing,
- (b) it is signed by 2 persons whose names are on the roll of electors for the zone for which the candidate is nominated,
- (c) the candidate nominated has consented to stand for election by a notice in writing given to the Returning Officer before the time stated in the notice of election for the close of nominations or by a notation to that effect on the nomination form,
- (d) it is received by the Returning Officer before the time stated in the notice of election for the close of nominations, and
- (e) the person nominated is duly eligible under section 19 of the Act to be elected.

10 Uncontested election

Subject to clause 17, if, after the time stated in the notice of election for the close of nominations, the number of accepted nominations for a zone does not exceed the number of persons to be elected for that zone, the Returning Officer shall declare the persons nominated to be elected.

11 Contested election

- (1) If, after the time stated in the notice of election for the close of nominations, the number of accepted nominations for a zone exceeds the number of persons to be elected for that zone, the Returning Officer shall send by post or otherwise issue voting papers to those persons entitled to vote at the election for that zone.
- (2) Each elector in a zone shall be issued with 1 voting paper for each vote to which he is entitled as shown on the roll of electors for that zone.
- (3) Each voting paper shall contain the names of the candidates in alphabetical order and

shall be signed or initialled by the Returning Officer.

- (4) Each voting paper or, where the elector is entitled to more than 1 vote, each set of multiple voting papers shall be accompanied by:
 - (a) a form containing a declaration of identity and of entitlement to vote at the election for the zone,
 - (b) two envelopes, one marked "voting paper(s)" and the other addressed to the Returning Officer, and
 - (c) a notice which:
 - (i) specifies the time by which the completed voting papers must reach the Returning Officer, being a time on the day fixed for the election under section 16 (1) of the Act, and
 - (ii) contains instructions for the completion of voting papers and for their transmission to the Returning Officer.
- (5) The voter shall record his vote on a voting paper by placing a cross opposite the name of each candidate for whom he votes.
- (6) The voter shall post or deliver to the Returning Officer his completed voting paper or papers enclosed and sealed in the envelope marked "voting paper(s)", which, together with his completed declaration, shall be enclosed and sealed in the envelope addressed to the Returning Officer.

12 Voting paper lost or spoilt

- (1) The Returning Officer may, upon 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 or issued.
- (2) If a voter satisfies the Returning Officer that his voting paper has been spoilt by mistake or accident, he may, on returning it, be issued with a new voting paper by the Returning Officer, who shall thereupon cancel and preserve the spoilt voting paper.

13 Receipt of voting papers

At the time specified in the notice referred to in clause 11 (4) (c) (i) for the receipt of voting papers, the Returning Officer shall:

- (a) open the envelopes addressed to him and received by him before that time,
- (b) if the declaration is signed by a qualified voter, ascertain the zone to which the vote relates and place the envelope marked "voting paper(s)" with other such envelopes for that zone,

- (c) following the opening of all envelopes addressed to him, open the envelopes marked "voting paper(s)" and take the voting papers therefrom,
- (d) reject such voting papers as he finds to be informal in accordance with clause 14, and
- (e) count the number of votes given to each candidate in each zone.

14 Informal vote

- (1) The Returning Officer shall reject as informal any voting paper:
 - (a) which is not duly signed or initialled by the Returning Officer,
 - (b) on which votes are recorded for more candidates than the number of members to be elected for the zone,
 - (c) in which the intention of the voter cannot be clearly ascertained, and
 - (d) in which the voter has not complied with the provisions of this By-law or with the instructions of the Returning Officer.
- (2) Notwithstanding any other provision of this By-law, a voting paper shall not be informal by reason only that the voter has not recorded his vote exactly as prescribed if, in the opinion of the Returning Officer, the intention of the voter can be clearly ascertained.

15 Scrutineer

- (1) Each candidate for an election may nominate 1 scrutineer who shall be entitled to be present during the counting of the votes at the election.
- (2) The Returning Officer or a scrutineer shall not in any way disclose the manner in which a voter has voted at an election.

16 Result of poll

Subject to clause 17, the result of a poll for an election shall be ascertained by the Returning Officer in accordance with the following provisions:

- (a) where there is only 1 member to be elected for a zone, the candidate who received the highest number of votes shall be declared to be elected,
- (b) where there is more than 1 member to be elected for a zone, the candidates, not exceeding in number the number of members to be elected for that zone, who received the highest number of votes shall be declared to be elected,
- (c) where 2 or more candidates for a zone have an equal number of votes and not all those candidates can be elected, the candidate or candidates to be elected shall be determined by lot by the Returning Officer.

17 Casual vacancy

Except in the case of an election to fill a casual vacancy in the office of a member of the Board under section 18 of the Act, the Returning Officer shall not declare a person elected for any zone under clauses 10 or 16 on a day other than the day upon which he declares the persons elected for each of the other zones of the District under clause 10 or 16, as the case may be.

18 Notice of election result

The Returning Officer shall, as soon as practicable after he declares any person elected as a member of the Board, send by post or otherwise issue to that person a notice in writing informing him of his election as a member of the Board.

19 Election papers returned to Board

- (1) After the declaration of the persons elected at an election the Returning Officer shall forward all papers held by him in connection with the election to the Board.
- (2) The Board may destroy those papers on the expiration of 12 months after the election.

Sealed at Berrigan, this 15th day of May, 1979.

The Common Seal of the West Corugan Board of Management was affixed hereto pursuant to a resolution of the Board made on 15th May, 1979, in the presence of:

(L.S.)

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P.M. WALLIS,
Secretary.

J.F. SANDRAL,
Chairman.