

Narromine Irrigation Board of Management (Election) By-law 1982

[1982-149]



New South Wales

Status Information

Currency of version

Current version for 2 April 1982 to date (accessed 23 May 2024 at 11:42)

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—

- **Note**

The [Narromine Irrigation Board of Management \(Election\) By-law 1982](#) 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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Contents

1 Name of By-law	3
2 Definitions	3
3 Conduct of elections	3
4 Returning Officer	3
5 Electoral roll.....	3
6 Times for nominations and voting	4
7 Notice of election.....	4
8 Nominations	4
9 Uncontested elections	5
10 Contested elections	5
11 Duplicate voting papers	6
12 Counting procedure	6
13 Informal votes	6
14 Scrutineers	6
15 Ascertainment of election results	7
16 Notification of successful candidates.....	7
17 Spent voting papers etc	7

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New South Wales

The Narromine Irrigation Board of Management, in pursuance of the *Private Irrigation Districts Act 1973*, hereby makes the following By-law:

1 Name of By-law

This By-law may be cited as the *Narromine Irrigation Board of Management (Election) By-law 1982*.

2 Definitions

In this By-law:

Board means the Board of Management for the District.

District means the Narromine–Trangie Private Domestic and Stock Water Supply and Irrigation District as constituted by proclamation in Government Gazette No 19 of 23 January 1981.

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 Act 1973*.

3 Conduct of elections

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

4 Returning Officer

The Board shall appoint a Returning Officer for an election.

5 Electoral roll

The Returning Officer shall keep a roll of electors for the District:

(a) containing the name and last known address of:

- (i) each sole owner of land which is being worked as a separate property within the District, 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 sole owner or nominee determined in accordance with section 20 (2) of the Act.

6 Times for nominations and voting

- (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—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 that an election be held on the day fixed for the election.

7 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,
 - (b) specify the time by which nominations must reach the Returning Officer and the place for the receipt of nomination forms, and
 - (c) specify the place at which a copy of the roll of electors is available for inspection.

8 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,
- (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 not ineligible to be elected by reason of section 19 of the Act.

9 Uncontested elections

If, after the time stated in the notice of election for the close of nominations, the number of accepted nominations does not exceed the number of persons to be elected, the Returning Officer shall declare the persons nominated to be elected.

10 Contested elections

- (1) If, after the time stated in the notice of election for the close of nominations, the number of accepted nominations exceeds the number of persons to be elected, the Returning Officer shall send by post or otherwise issue voting papers to those persons whose names appear on the roll of electors for the election.
- (2) Each elector shall be issued with 1 voting paper for each vote to which he is entitled.
- (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 voting papers shall be accompanied by:
 - (a) a form containing a declaration of identity and of entitlement to vote at the election,
 - (b) two envelopes, one marked "voting paper(s)" and the other addressed to the Returning Officer, and
 - (c) a notice which:
 - (i) specifies 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) contains instructions for the completion of voting papers and for their transmission to the Returning Officer.
- (5) A voter shall record his vote on the voting paper by placing a cross opposite the name of each candidate for whom he votes.
- (6) A 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.

11 Duplicate voting papers

- (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 by post or otherwise 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.

12 Counting procedure

At the time specified in the notice referred to in clause 10 (4) (c) 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, place the envelope marked "voting paper(s)" with other such envelopes,
- (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 in accordance with clause 13 to be informal, and
- (e) count the number of votes given to each candidate.

13 Informal votes

- (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,
 - (c) from which the intention of the voter cannot be clearly ascertained, and
 - (d) in the marking of 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.

14 Scrutineers

- (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.

15 Ascertainment of election results

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

- (a) the candidates, not exceeding in number the number of members to be elected, who received the highest numbers of votes shall be declared to be elected,
- (b) where, by reason of 2 or more candidates' having an equality of votes, a number of candidates corresponding to the number of members to be elected cannot be declared elected under paragraph (a), the Returning Officer shall determine by lot which of those 2 or more candidates shall be declared elected.

16 Notification of successful candidates

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.

17 Spent voting papers etc

- (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 of Management.
- (2) The Board may destroy those papers on the expiration of 12 months after the election.

Pursuant to a resolution of the Board made on sixteenth day of February 1982, the Common Seal of the NARROMINE IRRIGATION BOARD OF MANAGEMENT was affixed hereto on the sixteenth day of February 1982 in the presence of:

(L.S.)

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G. SWANE,
Member.

P.J. CODDINGTON,
Member.