

Water Management (Private Drainage Boards—Elections) Regulation 1995

[1995-470]



New South Wales

Status Information

Currency of version

Repealed version for 1 January 2001 to 31 March 2002 (accessed 18 July 2024 at 11:29)

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**
Drainage (Elections) Regulation 1995
- **Repeal**
The Regulation was repealed by Gazette No 67 of 28.3.2002, p 1992 with effect from 1.4.2002.
- **Note**
The *Water Management (Private Drainage Boards—Elections) Regulation 1995* (formerly *Drainage (Elections) Regulation 1995*) made under the *Drainage Act 1939* is on and from 1.1.2001 taken to be a regulation under the *Water Management Act 2000 No 92*. See clause 48 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](#).

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Water Management (Private Drainage Boards—Elections) Regulation 1995



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Water Management (Private Drainage Boards—Elections) Regulation 1995*.

2 Commencement

This Regulation commences on 1 September 1995.

3 Definition

In this Regulation:

the Act means the *Water Management Act 2000*.

3A Continuation in office of existing members of private irrigation boards

- (1) Each person who, immediately before 1 January 2001, was a director of a drainage union under the *Drainage Act 1939* is taken to have continued in office as a director of the corresponding private drainage 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 drainage board on or after 1 January 2001.

3B Continuation of certain sections of Drainage Act 1939

- (1) Despite the repeal of the *Drainage Act 1939*, sections 16–29 of that Act apply to and in respect of a private drainage board in the same way as they formerly applied to and in respect of the board of directors of a union under that Act.
- (2) In the sections of the *Drainage Act 1939* 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.

Part 2 Roll of voters

4 Preparation of roll

The time within which the Returning Officer must prepare a roll of voters is:

- (a) in the case of the first election of directors after a union has been constituted—not later than 7 days after the constitution, and
- (b) in the case of an ordinary election of directors—not later than 1 October in the year in which the election is to be held, and
- (c) in the case of an election to fill an extraordinary vacancy—not later than 7 days after the vacancy occurs, and
- (d) in a case where the Ministerial Corporation has directed an election as referred to in section 37 of the Act—not later than 7 days after the date of the direction.

5 Form of roll

A roll must be in a form approved by the Ministerial Corporation.

6, 7 (Repealed)

Part 3 Conduct of elections

8 Nomination day

- (1) Nominations of candidates for an election of directors close at 5 pm on a Friday fixed by the Returning Officer.
- (2) The nomination day must not be less than:
 - (a) 14 days before polling day, in the case of an election to fill an extraordinary vacancy, and
 - (b) 21 days before polling day, in the case of any other election.
- (3) Not less than 7 days before nomination day, the Returning Officer must issue nomination papers to the persons entitled to vote at the election.

9 Nominations

Nominations must be signed by 2 persons whose names are on the roll of voters and must include the consent of the nominee.

10 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.

11 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 ballot-papers to the persons whose names are on the roll of voters.
- (2) The ballot-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 elector 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 ballot-papers and for their transmission to the Returning Officer.

12 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.

13 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 spoilt 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.

14 Poll clerks and scrutineers

- (1) The Returning Officer may appoint poll clerks if required.
- (2) Each candidate may nominate one scrutineer who is entitled to be present during the counting of votes.
- (3) A candidate must not be a poll clerk or scrutineer.

15 Counting of votes

As soon as practicable after the time for closing of the poll, the Returning Officer must:

- (a) open the outer envelopes received before that time, and
- (b) if the declaration is signed by a qualified voter, place the envelope marked “ballot-paper” with other such envelopes, 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, 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 poll

The result of a poll for an election must be ascertained by the Returning Officer as follows:

- (a) the candidates, not exceeding in number the number of persons to be elected, who received the highest numbers of votes are to be declared to be elected,
- (b) if there is an equality of votes, the Returning Officer is to determine by lot the candidate to be elected.

18 Notification of election result

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

19 Disposal of election papers

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