

# Water Management (Elections) Regulation 2002

[2002-199]



New South Wales

## Status Information

### Currency of version

Repealed version for 28 March 2002 to 14 April 2005 (accessed 18 July 2024 at 9:34)

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—

- **Repeal**

The Regulation was repealed by cl 108 (a) of the *Water Management (General) Regulation 2004 (429)* (inserted by *Water Management (General) Amendment (Miscellaneous) Regulation 2005 (153)* (GG No 34 of 18.3.2005, p 769)) with effect from 15.4.2005.

### 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 15 April 2005

# Water Management (Elections) Regulation 2002



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of Regulation .....	5
2 Commencement .....	5
3 Definitions .....	5
4 Notes .....	6
<b>Part 2 Division of private irrigation districts into zones</b> .....	6
5 Division of private irrigation districts into zones .....	6
<b>Part 3 Who is eligible to be elected at an election?</b> .....	7
6 Eligibility for election as a member of a private irrigation board .....	7
7 Eligibility for election as director of a private drainage board .....	7
8 Eligibility for election as member of a private water trust .....	7
<b>Part 4 Who is entitled to vote in an election?</b> .....	7
9 Persons entitled to vote in election of members of a private irrigation board .....	7
10 Persons entitled to vote in election of directors of a private drainage board .....	8
11 Persons entitled to vote in election of members of a private water trust .....	9
12 No other persons entitled to vote .....	9
13 Enrolment of representatives .....	10
<b>Part 5 Who is the returning officer?</b> .....	10
14 Returning officer for election of members of a private water trust or directors of a private drainage board .....	10

15 Returning officer for election of members of a private irrigation board.....	10
<b>Part 6 Rolls.....</b>	<b>10</b>
<b>Division 1 Preparation and exhibition of preliminary roll .....</b>	<b>10</b>
16 Preparation of preliminary roll .....	10
17 Exhibition of preliminary roll.....	11
<b>Division 2 Preparation of final roll .....</b>	<b>11</b>
18 Applications for enrolment by persons not already enrolled .....	11
19 Objections to enrolment .....	12
20 Postponement of ballot not to affect final roll.....	13
<b>Part 7 Calling of the election.....</b>	<b>13</b>
21 Final roll must be prepared before election called .....	13
22 Notice of election.....	13
23 Postponement of nomination day.....	14
<b>Part 8 Nominations .....</b>	<b>14</b>
24 Eligibility for nomination.....	14
25 Nomination of candidates.....	14
26 Uncontested elections .....	14
27 Contested elections .....	14
<b>Part 9 Calling of the ballot.....</b>	<b>15</b>
28 Notice of ballot .....	15
29 Postponement of ballot.....	15
<b>Part 10 The ballot .....</b>	<b>15</b>
30 Printing of ballot-papers .....	15
31 Distribution of ballot-papers .....	16
32 Duplicate ballot-papers .....	16
33 Recording of votes.....	17
<b>Part 11 The scrutiny .....</b>	<b>17</b>
34 Receipt of ballot-papers.....	17
35 Ascertaining result of ballot.....	18

36 Poll clerks .....	18
37 Scrutineers .....	18
38 Scrutiny of votes.....	18
39 Counting of votes .....	19
40 Notice of result of election.....	19
<b>Part 12 General</b> .....	<b>20</b>
41 Election of directors of private drainage boards or members of private water trusts.....	20
42 Decisions of returning officer final.....	20
43 Disposal of election papers.....	20
44 Offences .....	20
45 Repeals and savings .....	21
<b>Schedule 1 Forms</b> .....	<b>21</b>

# Water Management (Elections) Regulation 2002



New South Wales

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the [Water Management Act 2000](#).

JOHN AQUILINA, M.P., Minister for Land and Water Conservation

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the [Water Management \(Elections\) Regulation 2002](#).

### 2 Commencement

This Regulation commences on 1 April 2002.

### 3 Definitions

(1) In this Regulation:

**calling of the ballot** for an election means the date on which a notice is first published for the election under clause 28.

**calling of the election** for an election means the date on which a notice is published for the election under clause 22.

**close of enrolments** for an election means the final time and date fixed by the returning officer for the close of enrolments in the election.

**close of exhibition** of the roll for an election means the final time and date fixed by the returning officer for the exhibition of the roll in the election.

**close of nominations** for an election means the final time and date fixed by the returning officer for the close of nominations in the election.

**close of the ballot** for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

**election** means:

- (a) an election of members of a private irrigation board referred to in Part 2 of Chapter 4 of the Act, or
- (b) an election of directors of a private drainage board referred to in Part 3 of Chapter 4 of the Act, or
- (c) an election of members of a private water trust referred to in Part 4 of Chapter 4 of the Act.

**final roll** for an election means the roll prepared by the returning officer under Division 2 of Part 6.

**preliminary roll** for an election means the roll prepared by the returning officer under clause 16.

**returning officer** means:

- (a) in the case of an election of members of a private irrigation board—the person appointed under clause 15 to be the returning officer for the election, and
- (b) in the case of an election of directors of a private drainage board—the person appointed under clause 14 to be the returning officer for the election, and
- (c) in the case of an election of members of a private water trust—the person appointed under clause 14 to be the returning officer for the election.

**the Act** means the [Water Management Act 2000](#).

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

**Note—**

Certain other terms used in this Regulation, including **owner** are defined in the [Water Management Act 2000](#).

#### **4 Notes**

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

## **Part 2 Division of private irrigation districts into zones**

### **5 Division of private irrigation districts into zones**

- (1) For the purposes of the first election of members of a private irrigation board, the Minister may divide a private irrigation district into zones.
- (2) For the purposes of the second and any later election of members of a private irrigation board, the private irrigation board may divide a private irrigation district into zones.

- (3) If a private irrigation district is divided into zones, the Minister or the board must:
  - (a) subject to section 148 (3) 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.

### **Part 3 Who is eligible to be elected at an election?**

#### **6 Eligibility for election as a member of a private irrigation board**

A person (including a corporation) is eligible to be elected as a member of a private irrigation board if the person is entitled to vote in the election.

#### **7 Eligibility for election as director of a private drainage board**

- (1) A person is eligible to be elected as director of a private drainage board if the person is entitled to vote in the election.
- (2) However, a person is ineligible for election if the person:
  - (a) has not before nomination paid all moneys that were at any time before the end of the month preceding that in which nomination day falls, due by the person to the board, or
  - (b) has been convicted in New South Wales of a serious indictable offence or has been convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be a serious indictable offence.

#### **8 Eligibility for election as member of a private water trust**

- (1) A person is eligible to be elected as a member of a private water trust if the person is entitled to vote in the election.
- (2) However, a person who has been convicted of any serious indictable offence is ineligible to be elected as a member of a private water trust or to act as a member of a private water trust.

### **Part 4 Who is entitled to vote in an election?**

#### **9 Persons entitled to vote in election of members of a private irrigation board**

- (1) A person is entitled to vote in an election of members of a private irrigation board if the person is an owner of land within the private irrigation district of that board.
- (2) Except as provided by subclauses (3) and (4), at any such election:
  - (a) the owner of a non-irrigated holding is entitled to one vote, and

- (b) the owner of an irrigated holding is entitled to:
  - (i) 2 votes where the area irrigated does not exceed 80 hectares, or
  - (ii) 3 votes where the area irrigated exceeds 80 hectares.
- (3) At an election for the West Corrugan Private Domestic and Stock Water Supply and Irrigation District:
  - (a) the owner of a non-irrigated holding is entitled to one vote, and
  - (b) the owner of an irrigated holding is entitled to:
    - (i) 2 votes where the quantity of water allocated to the holding is up to 200 megalitres, or
    - (ii) 3 votes where the quantity of water allocated to the holding is over 200 megalitres.
- (4) At an election for the Narromine Private Domestic and Stock Water Supply and Irrigation District:
  - (a) the owner of a non-irrigated holding is entitled to one vote, and
  - (b) the owner of an irrigated holding is entitled to:
    - (i) 2 votes where the allocation is up to 150 megalitres, and
    - (ii) one vote for each 150 megalitres by which the allocation exceeds 150 megalitres,but only to a maximum of 10 votes.

**10 Persons entitled to vote in election of directors of a private drainage board**

- (1) A person is entitled to vote in an election of directors of a private drainage board if the person is the owner of land within the drainage district of that board.
- (2) At any such election:
  - (a) the owner of land not exceeding 20 hectares is entitled to one vote, and
  - (b) the owner of land exceeding 20 hectares but not exceeding 120 hectares is entitled to 2 votes, and
  - (c) the owner of land exceeding 120 hectares is entitled to 3 votes.
- (3) If the Crown is in the roll of voters the votes may be exercised by:
  - (a) any director appointed to the board by the Minister, or
  - (b) if a director has not been appointed to the board by the Minister, by a public



servant authorised in writing for that purpose by the Ministerial Corporation.

#### **11 Persons entitled to vote in election of members of a private water trust**

- (1) A person is entitled to vote in an election of members of a private water trust if the person is the owner of land within the water supply district of the trust.
- (2) At an election of members of a private water trust placed in charge of irrigation works, or works for the prevention of floods or the control of floodwaters within the Murray Basin:
  - (a) the owner of an area of land not exceeding 20 hectares is entitled to one vote, and
  - (b) the owner of an area of land exceeding 20 hectares, but not exceeding 120 hectares, is entitled to 2 votes, and
  - (c) the owner of an area of land exceeding 120 hectares is entitled to 3 votes.
- (3) At an election of members of a private water trust in charge of water supplies for domestic and stock purposes:
  - (a) the owner of an area of land not exceeding 800 hectares is entitled to one vote, and
  - (b) the owner of an area of land exceeding 800 hectares, but not exceeding 4,000 hectares, is entitled to 2 votes, and
  - (c) the owner of an area of land exceeding 4,000 hectares is entitled to 3 votes.
- (4) A person who is entitled to vote under this clause may by instrument in writing authorise the trustees to place on the roll of voters the name of some other person instead of the person's own name. In such a case, the name of the other person is to be placed on the roll instead of the name of the person.
- (5) For the purposes of this clause, a person whose name is on the roll pursuant to an authority of the owner of a property is to be taken to be the owner of the area of land included in the property.

#### **12 No other persons entitled to vote**

A person is entitled to vote in an election only if:

- (a) the person has an entitlement set out in this Part, and
- (b) as at the close of enrolments, the person's name is included in the final roll for the election.

### **13 Enrolment of representatives**

- (1) If land is owned:
  - (a) by a corporation—the corporation is taken to be included in the final roll for an election only if the secretary of the corporation or some other nominee is included in that roll as the representative of the corporation, or
  - (b) by more than one trustee or legal personal representative (whether as administrators or executors) on behalf of the estate of a person—the trustees are, or the estate is, taken to be included in the final roll for an election only if a nominee of those trustees or legal personal representatives is so included in that roll as the representative of the trustees or estate.
- (2) Only one person may be nominated to vote in the election as a representative of the corporation, trustees or estate concerned.

## **Part 5 Who is the returning officer?**

### **14 Returning officer for election of members of a private water trust or directors of a private drainage board**

- (1) For the purpose of an election of members of a private water trust or directors of a private drainage board, the returning officer is the person appointed by the trust or board (as the case requires) to be the returning officer for the election.
- (2) Without limiting subclause (1), the secretary of a private drainage board may be appointed as the returning officer for an election.

### **15 Returning officer for election of members of a private irrigation board**

- (1) For the purposes of the first election of members of a private irrigation board after the commencement of section 149 of the Act, the Minister is to appoint a returning officer.
- (2) For the purpose of any other election of members of a private irrigation board, the returning officer is to be appointed by the board.
- (3) Without limiting subclause (2), the secretary of a private irrigation board may be appointed as the returning officer for an election.

## **Part 6 Rolls**

### **Division 1 Preparation and exhibition of preliminary roll**

#### **16 Preparation of preliminary roll**

- (1) The returning officer for an election must prepare and keep:
  - (a) a preliminary roll of the persons who, in the opinion of the returning officer, are

eligible to vote in the election, and

(b) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.

(2) The preliminary roll:

(a) must contain the names and last known addresses of each sole owner of land within the district, and

(b) if there is more than one owner of any such land—must contain the name and last known address of any one of them who was, by notice in writing given to the returning officer, last nominated for the purposes of this paragraph by all the owners of the land, and

(c) must describe the area of land held by each, and

(d) must contain the number of votes to which each is entitled, and

(e) must be certified by the returning officer in accordance with Form 1.

(3) This clause does not apply to an election held as a consequence of an earlier election that has failed if a preliminary roll for the earlier election has already been prepared by the returning officer.

### **17 Exhibition of preliminary roll**

The returning officer must cause copies of the preliminary roll to be exhibited for public inspection:

(a) at the places where applications for enrolment and objections against enrolment may be lodged, and

(b) for a period of at least 14 days.

## **Division 2 Preparation of final roll**

### **18 Applications for enrolment by persons not already enrolled**

(1) A person whose name does not appear on the preliminary roll for an election may apply for enrolment in the final roll for the election.

(2) The application must be in Form 2 and must be lodged with the returning officer before the close of enrolments.

(3) On receipt of the application, the returning officer:

(a) if satisfied that the applicant is entitled to vote, must accept the application and enter the name and address of the applicant in the final roll, or

- (b) if not so satisfied, must reject the application and inform the applicant in writing that the application has been rejected, or
- (c) if the application is not in the proper form or is incomplete, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

## **19 Objections to enrolment**

- (1) Before the close of enrolments, the returning officer and any person who is entitled to vote in an election may object to the inclusion of the name of any person in the final roll.
- (2) An objection:
  - (a) must be in Form 3, and
  - (b) must state the grounds on which it is made, and
  - (c) must be signed by the objector, and
  - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent to that person.
- (5) The returning officer must consider each objection, and any reply received within that 14-day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or reject an objection.
- (7) If the returning officer accepts an objection, the returning officer must exclude from the final roll for the election the name of the person to whom the objection relates and must inform that person and the objector, in writing, that the person's name is so excluded.
- (8) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
- (9) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.
- (10) For the purpose of enabling the returning officer to make a decision to accept or reject an objection to the inclusion of the name of a person in the final roll, the

returning officer may require a person to furnish the returning officer with such information regarding the person objected to as the returning officer may specify.

## **20 Postponement of ballot not to affect final roll**

The validity of the final roll for an election is not affected by the postponement of the close of the ballot by a notice published after the close of exhibition of the roll, and the roll remains the final roll for the election.

## **Part 7 Calling of the election**

### **21 Final roll must be prepared before election called**

- (1) The final roll in relation to an election must be prepared in accordance with Part 6 before the calling of an election.
- (2) This clause does not apply to an election held as a consequence of an earlier election that has failed if a final roll for the earlier election has already been prepared by the returning officer.

### **22 Notice of election**

- (1) The returning officer must fix a time and place for an election and cause notice of that fact:
  - (a) to be posted to every person eligible to vote at the election, or
  - (b) to be published in a newspaper circulating generally throughout the relevant board or trust's district.
- (2) The notice:
  - (a) must state that an election is to be held for the purpose specified, and
  - (b) must call for nominations of candidates, and
  - (c) must specify the date (the ***nomination day***) and time for the close of nominations, and
  - (d) must advise where nomination forms can be obtained, and
  - (e) must advise where nominations may be lodged, and
  - (f) must, in the case of a notice sent to eligible voters, contain a nomination form, and
  - (g) must advise when and where the final roll for the election will be available on public exhibition.
- (3) The time specified in the notice for the close of nominations must be at least 14 days after notice is given.

### **23 Postponement of nomination day**

- (1) Despite clause 22 (3), the returning officer may postpone the nomination day for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner as, a notice referred to in clause 22 (1).
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

## **Part 8 Nominations**

### **24 Eligibility for nomination**

Any person is eligible for nomination as a candidate for election if the person is eligible, under Part 3, to be elected.

### **25 Nomination of candidates**

- (1) A nomination of a candidate:
  - (a) must be in Form 4, and
  - (b) must be made by at least 2 persons (other than the candidate) who each are eligible to vote in the election, and
  - (c) must be endorsed with, or accompanied by, the consent of the nominee, and
  - (d) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of persons by whom a candidate has been nominated are eligible to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

### **26 Uncontested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to have been elected.

### **27 Contested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

## **Part 9 Calling of the ballot**

### **28 Notice of ballot**

- (1) As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be taken in respect of an election, the returning officer must cause notice that a ballot is to be taken:
  - (a) to be published in at least one newspaper circulating locally in the area to which the election relates, or
  - (b) to be sent by post to each person whose name is included in the final roll at the address shown on the roll.
- (2) The notice:
  - (a) must state that a ballot is to be taken, and
  - (b) must fix a time and date for the close of the ballot, and
  - (c) must, in the case of a notice in a newspaper, advise where copies of the final roll will be exhibited.
- (3) The notice must also state that it is compulsory for persons who wish to vote in the election to be enrolled in the final roll for the election.
- (4) The close of the ballot must not be earlier than 28 days after the calling of the ballot.

### **29 Postponement of ballot**

- (1) The returning officer may postpone (for a period not exceeding 14 days) the close of the ballot by a notice published in the same way as the notice stating that a ballot is to be held.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

## **Part 10 The ballot**

### **30 Printing of ballot-papers**

- (1) As soon as practicable after the close of enrolments in an election, the returning officer:
  - (a) must determine the order in which the candidates' names are to be listed on a ballot-paper by means of a lot, and
  - (b) must cause sufficient ballot-papers to be printed to enable a ballot-paper to be sent to each person included in the final roll for the election.

- (2) A ballot-paper for an election must contain:
  - (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and
  - (b) if the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
  - (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that the voter must record a vote by placing a cross in the square set opposite the name of each candidate for whom he or she votes.

### **31 Distribution of ballot-papers**

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send to each person included in the final roll for the election:

- (a) a ballot-paper that is initialled by the returning officer, and
- (b) an unsealed envelope (the **voter's envelope**) addressed to the returning officer and bearing on the back the words "NAME AND ADDRESS OF VOTER" and "SIGNATURE OF VOTER", together with appropriate spaces for the insertion of a name, address and signature, and
- (c) another unsealed envelope (the **posting envelope**) that:
  - (i) is large enough to accommodate the voter's envelope if that envelope is folded, and
  - (ii) is addressed to the returning officer, and
  - (iii) is reply-paid.

### **32 Duplicate ballot-papers**

- (1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot-paper and envelope if the voter satisfies the returning officer by statutory declaration:
  - (a) that the original ballot-paper has been spoilt, lost or destroyed, and
  - (b) that the voter has not already voted in the election to which the ballot-paper relates.
- (2) The returning officer must maintain a record of all duplicate ballot-papers issued under this clause.



### **33 Recording of votes**

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must vote for no more than the number of persons to be elected, and
- (c) must place the completed ballot-paper (folded so that the vote cannot be seen) in the voter's envelope, and
- (d) must seal the voter's envelope, and
- (e) must complete the person's full name and address on, and must sign, the back of the voter's envelope, and
- (f) must seal the voter's envelope in the posting envelope, and
- (g) must return the envelopes to the returning officer so as to be received before the close of the ballot.

## **Part 11 The scrutiny**

### **34 Receipt of ballot-papers**

- (1) The returning officer must reject (without opening it) any voter's envelope purporting to contain a ballot-paper if the envelope is not received before the close of the ballot or is received unsealed.
- (2) The returning officer must examine the name on the back of the voter's envelope and, without opening the envelope:
  - (a) must accept the ballot-paper in the envelope for further scrutiny and draw a line through the name on the roll that corresponds to the name on the back of the envelope, if satisfied that a person of that name is included in the final roll for the election, or
  - (b) must reject the ballot-paper in the envelope, if not so satisfied or if a name, address or signature does not appear on the back of the envelope.
- (3) The returning officer may reject a ballot-paper without opening the voter's envelope if, after making such inquiries as the returning officer thinks fit:
  - (a) the returning officer is unable to identify the signature on the back of the envelope, or
  - (b) it appears to the returning officer that the signature on the back of the envelope is not the signature of the person whose name and address appear on the back of

the envelope.

### **35 Ascertaining result of ballot**

The result of a ballot is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

### **36 Poll clerks**

- (1) The returning officer may appoint poll clerks if required.
- (2) A candidate must not be a poll clerk.

### **37 Scrutineers**

- (1) Each voter in a ballot is entitled to request, by notice in writing given to the returning officer at any time after the close of enrolments for the ballot, the appointment of a person specified in the notice (who may, but need not, be the voter concerned) as a scrutineer for the purposes of the ballot.
- (2) The returning officer may appoint a maximum of 10 persons as scrutineers for a ballot.
- (3) The persons are to be appointed in the order in which the requests for their appointments were received by the returning officer in accordance with subclause (1).
- (4) A person must not be appointed as a scrutineer unless the person consents to the appointment.
- (5) A candidate must not be appointed as a scrutineer.
- (6) A scrutineer's functions include scrutinising the receipt of ballot-papers under clause 34.

### **38 Scrutiny of votes**

- (1) The scrutiny of votes in a ballot is to be conducted as follows:
  - (a) the returning officer is to produce, unopened, the voter's envelopes containing the ballot-papers accepted for scrutiny,
  - (b) in the case of an election of members of a private irrigation board—the returning officer is to ascertain the zone to which the vote relates (where applicable) and place the voter's envelope with other such envelopes for that zone,
  - (c) the returning officer is then to open each such envelope, extract the ballot-paper and (without unfolding it) place it in an appropriate box or other container, with (in the case of an election of members of a private irrigation board) separate boxes or other containers for each zone (where applicable),

- (d) when the ballot-papers from all the voter's envelopes have been placed in the box or other container, the returning officer is then to open the box or other container and remove the ballot-papers,
  - (e) the returning officer is then to examine each ballot-paper and reject those that are informal,
  - (f) the returning officer is then to proceed to count the votes and ascertain the result of the election.
- (2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal if:
- (a) it is not initialled by the returning officer, or
  - (b) it has on it any mark or writing that the returning officer considers could enable any person to identify the voter who completed it, or
  - (c) it has not been completed in accordance with the directions shown on it.
- (3) A ballot-paper is not to be rejected as informal merely because of any mark or writing on it that is not authorised or required by this Regulation if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper.

### **39 Counting of votes**

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 one person to be elected in the election—the candidate who received the highest number of votes is to be declared to be elected,
- (b) if there are 2 or more persons to be elected in the election—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.

### **40 Notice of result of election**

- (1) As soon as practicable after a candidate in an election has been elected, the returning officer must notify the Minister in writing of the name of the candidate elected.
- (2) 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.

## **Part 12 General**

### **41 Election of directors of private drainage boards or members of private water trusts**

- (1) An election of directors of a private drainage board must be held:
  - (a) in the case of the first election held under this Regulation, on the third anniversary of the election of the board immediately before 1 April 2002, and
  - (b) every 3 years after that.
- (2) An election of the members of a private water trust must be held:
  - (a) in the case of the first election held under this Regulation, on the third anniversary of the election of the board immediately before 1 April 2002, and
  - (b) every 3 years after that.
- (3) Each person who, immediately before 1 April 2002, was a director of a private drainage board or a member of a private water trust is taken to have continued in office as a director of a private drainage board or a member of a private water trust for the residue of the term for which the person was elected.

#### **Note—**

In relation to private drainage boards, the first election under this Regulation is due in 2002.

### **42 Decisions of returning officer final**

If the returning officer is permitted or required by the Act or this Regulation to make a decision on any matter relating to the taking of a ballot in any election, the decision of the returning officer on that matter is final.

### **43 Disposal of election papers**

After the declaration of a ballot, the returning officer must keep all papers connected with the election for at least 12 months after the election.

### **44 Offences**

A person must not:

- (a) vote, or attempt to vote, more than once in any election, or
- (b) vote, or attempt to vote, in any election in which the person is not entitled to vote, or
- (c) make a false or wilfully misleading statement (not being a statement verified by statutory declaration):
  - (i) to the returning officer in connection with any election, or

- (ii) in any document that the person furnishes for the purposes of any election, or
- (d) apply for enrolment in respect of any election in respect of which the person is already enrolled.

Maximum penalty: 1 penalty unit.

#### **45 Repeals and savings**

- (1) The following regulations are repealed:
  - (a) the *Water Management (Private Drainage Boards—Elections) Regulation 1995*,
  - (b) the *Water Management (Private Water Trusts—Elections) Regulation 1995*,
  - (c) the *Water Management (Private Irrigation Boards) Regulation 2000*.
- (2) Any act, matter or thing that, immediately before the repeal of the *Water Management (Private Drainage Boards—Elections) Regulation 1995*, the *Water Management (Private Water Trusts—Elections) Regulation 1995* and the *Water Management (Private Irrigation Boards) Regulation 2000*, had effect under a provision of the Regulation concerned is taken to have effect under the corresponding provision of this Regulation.

### **Schedule 1 Forms**

(Clause 3 (2))

#### **Form 1 Certificate**

(*Water Management (Elections) Regulation 2002*, clause 16 (2) (e))

I certify that this roll contains the full names (*consecutively numbered and listed in alphabetical order*) and addresses of those persons who, in my opinion, are entitled to vote in the election in relation to which this roll has been prepared.

The first and last entries in the roll are as follows:

First Entry:

No:

Name:

Address:

Last Entry:

No:

Name:

Address:

Dated:

Signed:

#### **Form 2 Application for enrolment**

(*Water Management (Elections) Regulation 2002*, clause 18 (2))

Surname:

Given Names:

Postal Address:

Postcode:

Telephone No:

Address of property on which enrolment is based:

Local government area in which the property is situated:

I apply to be enrolled in the final roll for the following election and in any subsequent election (*specify the election to which the application relates*).

I am applying for enrolment:

(a) \*as the sole owner of property,

(b) \*as the representative of a corporation on behalf of which the property is owned,

(c) \*as the representative of the trustees or legal personal representatives of a person or estate.

Particulars of \*corporation/\*trustee/\*legal personal representative in respect of whom or which the applicant is the representative \*(*see paragraphs (b) and (c) above*):

Name:

Postal Address:

I declare that \*I have/\*the person that I represent has, as at the calling of the election, the qualifications to vote.

I further declare that, to the best of my knowledge, the information contained in this application is true.

Dated:

Signed:

\* *Delete whichever is inapplicable.*

### **Form 3 Objection to enrolment**

([Water Management \(Elections\) Regulation 2002](#), clause 19 (2) (a))

I object to the inclusion in the final roll for the following election: (*specify the election to which the objection relates*) of the name of (*name in full*) of (*postal address*).

This objection is based on the following grounds: (*specify the grounds of the objection*)

Name of objector:

Postal Address:

Telephone No:

Dated:

Signed:

### **Form 4 Nomination of candidate**

([Water Management \(Elections\) Regulation 2002](#), clause 25 (1) (a))

We nominate (*name in full*) of (*postal address*) as a candidate for the following election: (*specify the election to which the nomination relates and any zone in which the election is to be held*).

We declare that we are each entitled to vote in the election.

Name in full:                      Address:                      Signature:

1

2

3

4

5

6

**Note—**

This nomination must be completed by not fewer than 2 persons (other than the candidate), each of whom is qualified to vote under the [Water Management \(Elections\) Regulation 2002](#) in respect of the election.

I, (*name in full*) consent to being a candidate at the election to which this nomination relates.

Postal address:

Telephone No:

Date of birth:

Dated:

Signed: