



Western Australia

STATE ELECTRICITY COMMISSION ACT 1945

State Energy Commission Appeal Board Regulations

These regulations were repealed by the *Energy Corporations (Transitional and Consequential Provisions) Act 1994* s. 34 (No. 89 of 1994) as at 1 Jan 1995 (see s. 2(2) and *Gazette* 23 Dec 1994 p. 7069).

Western Australia

State Energy Commission Appeal Board Regulations

Contents

38.	Returning Officer	1
39.	Preparation of rolls	1
40.	Entitlement to be enrolled	2
41.	Objections	2
42.	Invitation for nominations	2
43.	Notice to be displayed	3
44.	Nominations	3
45.	Entitlement to vote	4
46.	Election of unopposed nominee	4
47.	Appointment of scrutineers	4
48.	Preparation for election	4
49.	Preparation of ballot papers	4
50.	Method of voting	5
51.	Voting	5
52.	Voting not compulsory	6
53.	Counting of votes	6
54.	Determination of results	6
55.	Ballot papers to be retained	6
56.	Equality of votes	7
57.	Application of <i>Electoral Act 1907</i>	7
58.	Form of appeal	7
59.	Hearing to be fixed	7
60.	Parties to be notified of hearing	7
61.	Witnesses	8
62.	Witnesses may be summonsed	8
63.	Witnesses' expenses	8
64.	Witness fees for employees	9

State Energy Commission Appeal Board Regulations

Contents

65.	Witness fees for other witnesses	9
66.	Travelling expenses	9
67.	Evidence may be taken by magistrate	9
68.	Fees for Returning Officers	10
69.	Fees for Board members	10

Schedule

Notes

	Compilation table	15
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STATE ELECTRICITY COMMISSION ACT 1945

State Energy Commission Appeal Board Regulations

The regulations made under the *State Electricity Commission Act 1945* (as amended), and published in the *Government Gazette* on the 16th day of January, 1953, and the 25th day of June, 1954, are amended by adding the following regulations: —

38. Returning Officer

The Returning Officer for the elections of the Members, Deputies or Substitutes to the Appeal Board, shall be the State Chief Electoral Officer appointed under the *Electoral Act 1907*; provided however that the State Chief Electoral Officer may in writing under his hand appoint a deputy to be the Returning Officer within the meaning of these Regulations.

39. Preparation of rolls

At least 21 days before each election the Commission shall cause to be prepared two lists of voters which shall be —

- (a) a list of employees on the salaried staff of the Commission, and
- (b) a list of employees on the wages staff of the Commission.

A copy of each list shall be sent by the Commission to the Returning Officer.

40. Entitlement to be enrolled

The lists shall —

- (a) include as nearly as possible the names of all employees in the respective sections employed on the 28th day before the election, and
- (b) be available for inspection at the Head Office of the Commission in Perth by any employee of the Commission at any reasonable time between the 21st day and the 14th day before the election.

If any employee wishes to object to the inclusion of any name in either list, or to the exclusion or omission of any name from either list he shall send particulars of such objection to the Secretary of the Commission whose decision thereon shall be final. The Secretary of the Commission shall advise the Returning Officer of the decision made on every objection and the Returning Officer shall amend the lists accordingly.

41. Objections

An objection under the preceding regulation shall not be entertained unless it reaches the Secretary of the Commission not later than noon on the day before the closing of the lists which shall take place on the 14th day before the election. The lists when closed shall remain closed until after the election and only those employees whose names appear on the lists as amended pursuant to these Regulations shall be entitled to vote.

42. Invitation for nominations

As soon as practicable after the Returning Officer has been notified by the Secretary of the Commission that there is a vacancy in the membership of the Board caused by the occurrence of one of the events referred to in Section 36 (3) (e) of the *State Electricity Commission Act 1945*, he shall invite nominations for such vacancy and the provisions relating to the publication of notices calling for nominations and the conduct

of elections generally prescribed for ordinary elections shall be followed.

43. Notice to be displayed

At least four weeks prior to an ordinary election the Returning Officer shall cause a notice to be published on each of the notice boards of the commission notifying that nominations are being called for the positions of member, deputy and substitute for each of the two sections, and such notice shall set out the day appointed by the Returning Officer for the receipt of nominations which shall not be later than 21 days before the date fixed for the election.

44. Nominations

Separate written nominations shall be made on Form "A" in the schedule hereto for the positions of member, deputy and substitute respectively. The nominations shall be signed by not less than three employees on the salaried staff of the Commission for nominations for candidates for the positions representing the salaried staff and by not less than three employees on the wages staff of the Commission for nominations for candidates for the position representing the wages employees. The nomination forms must reach the Returning Officer not later than noon on the day fixed by the Returning Officer for the receipt of nominations. Each nomination must be endorsed by the candidate to signify his willingness, if elected, to act in the position or positions for which he has been nominated. If no nomination for any one vacant position is received before the prescribed time, the Returning Officer may extend the time for the receipt of nominations for such position for such period as he shall think fit.

45. Entitlement to vote

Every employee whose name is recorded on a list for a section shall be entitled to vote for the election of duly nominated members of that section to serve in each of the three capacities, viz. member, deputy and substitute.

46. Election of unopposed nominee

If only one nomination is received for the position of member, deputy or substitute in any section, the person nominated shall be declared elected.

47. Appointment of scrutineers

When there is more than one nomination for any position a ballot shall be taken. The Commission shall appoint two scrutineers for each election, of whom one shall be a salaried officer and the other a wages employee. The Secretary of the Commission shall notify the Returning Officer of the names of the scrutineers so appointed.

48. Preparation for election

When a ballot becomes necessary in accordance with Regulation 47 of these regulations, the Returning Officer shall, on receipt of nominations —

- (a) cause the names of the candidates to be published as soon as possible in a notice on all notice boards of the Commission;
- (b) appoint and publish in such notification the date and hour of the day at which the poll shall close; and
- (c) publish in such notification or in a later such notification the names of the scrutineers appointed.

49. Preparation of ballot papers

Forthwith after the date for receipt of nominations the Returning Officer shall cause ballot papers and counterfoils to be printed

in Forms “B” and “C” respectively in the schedule hereto; the ballot papers are to show a list of persons validly nominated for each of the two sections in alphabetical order of their surnames. The full Christian name of each candidate, and the section for which he is nominated shall also be shown on the ballot paper.

The Returning Officer, as soon as practicable after the list of voters has closed shall forward to each person entitled to vote —

- (a) one ballot paper for the section for which he is entitled to vote,
- (b) one counterfoil,
- (c) one ballot paper envelope, and
- (d) one envelope addressed to the Returning Officer.

The voter’s name must not appear on the ballot paper.

50. Method of voting

Envelopes containing ballot papers and counterfoils may be delivered or sent by post to the Returning Officer or may be deposited in a locked and sealed ballot box provided by the Returning Officer at such centres as are approved by him. The Returning Officer shall appoint a person at each such centre in whose custody the box is to be retained and such person shall lock and seal the inner lid of the box before the insertion of any ballot papers. At the close of the poll this person shall lock and seal the outer lid of the ballot box and forthwith forward it to the Returning Officer.

51. Voting

The only ballot papers which shall be counted by the Returning Officer shall be —

- (a) those delivered to him or received by him by post prior to the closing of the poll, and

- (b) those deposited in the locked and sealed ballot boxes provided for the receipt of ballot papers at the centres approved by the Returning Officer.

52. Voting not compulsory

No employee shall be compelled to vote.

53. Counting of votes

As soon after the closing of the poll as may be practicable, the Returning Officer shall, in the presence of the scrutineers, proceed to ascertain and declare the results of the poll. The results of the poll shall be published in the *Government Gazette* and a notice placed on all notice boards of the Commission.

54. Determination of results

Should a candidate be nominated for, and receive the largest number of votes for two or more positions, he shall be declared elected to the higher or highest of such positions. For the purposes of this regulation the order of such positions from the highest to the lowest shall be (1) member (2) deputy, (3) substitute. In such cases the candidate receiving the next largest number of votes shall be deemed to be elected for the next lower position, provided that the Returning Officer shall, in order to determine the result of the election to such lower position, make a recount of the ballot papers. At such recount the name of the candidate who has been elected to the higher position and the preferences recorded in his favour shall be disregarded, and wherever his name has received first preference, the second preference shall be reckoned as first preference, and so on through the count with the various preferences.

55. Ballot papers to be retained

The ballot papers after being counted shall be enclosed in a sealed packet and retained by the Returning Officer. The packet shall not be opened unless a scrutiny is demanded when such scrutiny shall be conducted by the Returning Officer and the

two scrutineers. The Returning Officer shall retain the ballot papers in his custody for 28 days after the date of publication of the result of the poll in the *Government Gazette*, and shall then destroy them. Any application for scrutiny must be made in writing to the Returning Officer within 14 days after the publication of the result of the poll in the *Government Gazette* by not less than seven voters in the section concerned.

56. Equality of votes

Whenever there is an equality of votes, the Returning Officer shall himself record a casting vote. Any candidate may, before the casting vote is given, withdraw from the election.

57. Application of *Electoral Act 1907*

In all matters not herein provided for, the provisions of the *Electoral Act, 1907*, in connection with Parliamentary elections shall be followed so far as they are or can with necessary adaptations be made applicable to the election of persons to serve on the Board.

58. Form of appeal

Every notice for appeal to the Appeal Board shall be in Form "D" of the schedule hereto and shall be addressed to and lodged with secretary of the Commission.

59. Hearing to be fixed

The secretary of the Commission shall forward such notice to the chairman of the Appeal Board who, if such notice discloses a ground of appeal under section 36 of the *State Electricity Commission Act 1945*, shall fix a time and place for the hearing.

60. Parties to be notified of hearing

The secretary of the Commission shall cause notice of the time and place of the hearing to be given to members of the Board

and to the appellant, and shall direct where necessary that arrangements be made to allow the appellant to attend the hearing.

61. Witnesses

The attendance of the appellant and his witnesses shall in the first instance and until the Board otherwise directs be at the appellant's cost. An appellant and witness who are employees of the Commission and who have been summoned to attend the hearing by the appellant shall for such purpose be granted leave of absence by the Commission and such leave shall (unless the Board otherwise directs) be without pay.

62. Witnesses may be summonsed

The chairman of the Board may at the request of the appellant or of the Commission issue a summons requiring the attendance of a witness at the hearing of any appeal. Such summons shall be served upon a witness not less than three clear days before the date of the hearing of the appeal. The appellant shall advise the secretary of the Commission forthwith of the issue by him of a witness summons addressed to an employee of the Commission. The secretary shall thereupon direct that if the witness summons is served on the employee, arrangements shall be made to allow the witness to attend the hearing.

63. Witnesses' expenses

Travelling expenses to be paid or tendered to a witness under section 36 subsection 7 (a) of the *State Electricity Commission Act 1945*, shall be —

- (a) an amount equal to the return fare by any system of public transport operating between the district in which the witness lives and the place of hearing of the appeal; or where there is no system of public transport operating between the district in which the witness lives and the district of the hearing of the appeal, mileage at the rate of 1s. per mile one way; and

- (b) an amount of 6s. for each meal and 10s. for each bed which the witness would ordinarily be expected to purchase or engage respectively during the time of travelling to and from the hearing of the appeal, and during the hearing of the appeal.

64. Witness fees for employees

The fees for a witness who is an employee of the Commission shall be the ordinary salary or wages which would have been payable to the witness by the Commission for the period during which he was necessarily absent from his duties while travelling to and from the Appeal Board, and attending the hearing of the appeal.

65. Witness fees for other witnesses

The fees for a witness who is not an employee of the Commission shall be at the same scale as such witness would have received if he had attended a hearing in a Court of Petty Sessions instead of the hearing of the appeal.

66. Travelling expenses

Travelling expenses payable to a witness shall be at the rate set out in Regulation 64 of these regulations, provided however that in special circumstances the Board may decide that such rate shall not apply and may fix the expenses on a scale considered by the Board to be reasonable and applicable to the special circumstances involved.

67. Evidence may be taken by magistrate

The Board may order that the evidence of witnesses who are resident more than 20 miles from the place of the sitting of the Board be taken before a Resident or Stipendiary Magistrate, or if the witness is outside the State of Western Australia, before a person holding a position as nearly as possible equivalent to that of a Resident Magistrate. The person before whom the evidence

is taken shall as soon as possible transmit a copy of the evidence of the witness to the chairman of the Board who shall supply a copy of the evidence to the Commission and to the appellant.

68. Fees for Returning Officers

Officers appointed by the Returning Officer to assist in the issue of ballot papers and the scrutiny and count of votes shall be paid the fee prescribed in the regulations under the *Electoral Act 1907*, and the Returning Officer shall be paid 20 per cent. of the fee prescribed for a Returning Officer under the said regulations.

[Regulation 68 amended by Gazette 27 August 1971 p.3197.]

69. Fees for Board members

The chairman of the Board shall be entitled for his services as chairman to be paid by the Commission such allowances and expenses as the Governor may approve and the members of the Board shall be entitled for their services as members to be paid by the Commission such allowances and expenses as the Minister may approve.

Schedule

Form "A"

The State Electricity Commission of Western Australia
The State Electricity Commission Act 1945

APPEAL BOARD

**Nomination paper for election of Member, Deputy, or Substitute
of the State Electricity Commission Appeal Board**

To Returning Officer under the above Act and Regulations, Perth.

1. We, the undersigned, being employees of the State Electricity Commission of Western Australia, duly qualified to vote at the election for which this nomination is made, hereby nominateof the salaries/wages* section of The State Electricity Commission as a candidate for the position of for the salaries/wages* section, now vacant.

Dated this day of195.....

*Delete the word not required.

Names in Full

(Not less than three employees)

Signature

.....
.....
.....

2. I, the undersigned, hereby agree, if elected, to act in the capacity above mentioned on the State Electricity Commission Appeal Board.

Dated this day of 195.....

Signature

Section of Commission

Received by me this day of 19.....

at o'clock in the noon.

.....
Returning Officer

- Note. —
- 1.: Nomination forms may be written or typed in the form as above.
 - 2.: Separate nomination papers must be lodged for each vacancy.

Form "B"

The State Electricity Commission of Western Australia
The State Electricity Commission Act 1945

APPEAL BOARD BALLOT PAPER

For the election of a Member, Deputy or Substitute to serve on the Appeal Board constituted under the Act abovenamed for the section specified hereunder: —

.....Section

.....
Initials of Returning Officer.

Candidates for Election

(The full names of the candidates to be here stated in alphabetical order of surnames.)

Do not vote until you have carefully read the directions on the back hereof.

Directions

When there are only two candidates the voter shall mark the ballot paper by placing the numeral 1 opposite the name of the candidate for whom he votes.

Where there are more than two candidates the voter must indicate his preferences by placing the numerals 1, 2, 3, etc. opposite the candidates' names in the order of his choice.

The voter's name must not appear on this paper.

When complete, this paper must be enclosed and sealed in the accompanying envelope marked "ballot paper" and such sealed envelope and counterfoil, folded separately, must be enclosed and sealed in the other accompanying envelope addressed to the Returning Officer, c/o. The State Chief Electoral Officer, State Electoral Department, Perth, and be sent forthwith by prepaid post so as to reach the Returning Officer not later than or be placed in a ballot box provided for the purpose of receiving the envelope.

No employee is compelled to vote, but if he does not intend to vote he should at once destroy his ballot paper.

Any voter who fails to comply with these directions renders his vote invalid.

FORM "C"

The State Electricity Commission of Western Australia

The State Electricity Commission Act 1945

APPEAL BOARD

Election of

Counterfoil

Date of close of the poll

Surname and full Christian names of the voter

.....

Usual signature of voter

Official address (section of Commission).....

.....

Witness to voter's signature

Address of Witness

Note. — This counterfoil must be folded separately and the ballot paper must be enclosed and sealed in the accompanying envelope marked "ballot paper," and both the counterfoil and the sealed envelope containing the ballot paper must be enclosed and sealed in the other accompanying envelope addressed to the Returning Officer, c/o. The State Chief Electoral Officer, State Electoral Department, Perth, and be forthwith sent by prepaid post to the Returning Officer, or be placed in a ballot box provided for the purpose of receiving the envelope.

FORM "D"

The State Electricity Commission of Western Australia

The State Electricity Commission Act 1945

APPEAL BOARD — NOTICE OF APPEAL

To the Secretary, State Electricity Commission.

I, of
employed (or lately employed) by The State Electricity Commission at.....
..... as and having

State Energy Commission Appeal Board Regulations
Schedule

been continuously employed by the Commission for not less than one year, do hereby appeal against a decision of

(1).....
whereby I was (2).....
for an offence alleged to have been committed by me, namely (state particulars)
.....
.....

I have read and understand the provisions of the Act and the Regulations thereunder relating to appeals.

Signature

Address

.....

Date

Received by the Secretary of the State Electricity Commission the
day of 19.....; transmitted to the Chairman of the
Appeal Board theday of 19.....

- (1) Appellant to insert title of officer against whose decision he appeals.
- (2) Appellant to insert "fined", "reduced to a lower class or grade", or "dismissed" as the case may be.

Notes

- ^{1.} This is a compilation of the *State Energy Commission Appeal Board Regulations* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>State Energy Commission Appeal Board Regulations</i>	3 Augst 1956 pp.1934-9	3 Aug 1956
	27 Aug 1971 p.3197	27 Aug 1971

These regulations were repealed by the *Energy Corporations (Transitional and Consequential Provisions) Act 1994 s. 34 (No. 89 of 1994) as at 1 Jan 1995 (see s. 2(2) and Gazette 23 Dec 1994 p. 7069)*
