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TAXI-CARS (CO-ORDINATION AND CONTROL) ACT, 1963-1977

TAXI CONTROL BOARD
(ELECTIONS) REGULATIONS, 1964

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT, 1963-1977.

Transport Commission,
Nedlands, 17th March, 1978.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Taxi-cars (Co-ordination and Control) Act, 1963-1977 has been pleased to make the regulations set forth in the Schedule below.

D. J. DYSON,
Commissioner.

Schedule.

REGULATIONS.

1. In these regulations the Taxi Control Board (Elections) Regulations, 1964, published in the *Government Gazette* on the 28th February, 1964 and amended by notices so published from time to time thereafter are referred to as the principal regulations.
2. Subregulation (1) of regulation 5 of the principal regulations is revoked and the following subregulation substituted—
 - (1) For the purpose of the election to be held with respect to the vacancies arising in the office of member of the Board on the 6th May, 1978 the returning officer shall fix a day to be the nomination day and cause a notice in the form of Form 1 in the Schedule to these regulations to be published in the *Government Gazette* and in a daily newspaper circulating in the metropolitan area and in every control area.
3. Subregulation (1) of regulation 6 of the principal regulations is amended—
 - (a) by adding after the passage "member," in line five the passage "not being a casual vacancy to which subsection (3a) of section 6 of the Act applies,"; and
 - (b) by adding after subregulation (2) the following subregulation—
 - (3) A notice published pursuant to subregulation (1) of this regulation shall specify the nature of the vacancy in the office to be filled so that the persons chosen to represent the interests of taxi-car owners and operators on the Board under paragraph (c) of subsection (4) of section 5 of the Act will conform to the provisions of paragraph (e) of subsection (4a) of section 5 of the Act.
4. Regulation 8 of the principal regulations is amended by deleting the expression "(b)" in line five and substituting the expression "(d)".
5. Subregulation (1) of regulation 9 of the principal regulations is amended by deleting the expression "(b)" in line six and substituting the expression "(d)".
6. Regulation 10 of the principal regulations is amended by adding after paragraph (a) of subregulation (1) the following paragraph—
 - (aa) sets out the eligibility of the candidate for the nomination made;
7. Regulation 12 of the principal regulations is revoked and the following regulation substituted—
 12. Subject to the Act and these regulations, where only one candidate is duly nominated for an office of member to be filled by election the name of the candidate so nominated shall be submitted to the Minister for appointment.
8. Regulation 13 of the principal regulations is amended by adding after the word "the" in line three of paragraph (a) the words "metropolitan area and every".
9. Regulation 15 of the principal regulations is amended by adding after the word "two" in line one of paragraph (c) of subregulation (1) the words "or more".
10. Regulation 16 of the principal regulations is amended by deleting the words "a scrutineer" in line two of subregulation (3) and substituting the words "any scrutineer who may be present".
11. Regulation 17 of the principal regulations is revoked and the following regulation substituted—
 17. (1) A candidate shall not be appointed to the Board if his appointment thereto will not comply with the provisions of paragraph (e) of subsection (4a) of section 5 of the Act.
 - (2) Where in any election of a member of the Board for the purposes of paragraph (c) of subsection (4) of section 5 of the Act a candidate cannot be appointed to the Board by reason of the provisions referred to in subregulation (1) of this regulation the candidate who receives the next greatest number of votes whose appointment will conform to those provisions shall be nominated for appointment.
 - (3) Where only one candidate is to be elected the successful candidate shall be ascertained in accordance with the provisions of the law for the time being regulating elections for the Legislative Assembly of the State, as far as they can with necessary adaptations, be made applicable.

(4) Where two or more candidates are to be elected the following provisions apply—

- (a) the count of votes shall proceed as provided by subregulation (3) of this regulation until one candidate has received an absolute majority and the name of the person who receives such a majority shall be placed first on a list of persons for appointment to the Board (hereinafter referred to as "the list");
- (b) the ballot papers shall again be brought into operation and sorted according to the first preference votes of the remaining candidates and the second preferences of the candidate whose name has been placed on the list shall be added to their first preference votes;
- (c) the count shall then proceed in the manner provided by subregulation (3) of this regulation in order to determine which of the remaining candidates has received an absolute majority on that count and the name of that candidate shall be placed second on the list;
- (d) the count shall then proceed in a similar manner for each of the remaining candidates but on each further count the third, fourth or next consecutive preference, as the case may be, of the candidates whose names have been entered on the list shall be added to the first preference votes received by the remaining candidates; and
- (e) the names of all the candidates shall be placed on the list in the order in which they receive an absolute majority on the counts so undertaken.

(4) Where on any count two or more candidates have received the same number of votes the returning officer shall determine by lot which candidate's preference votes shall be first distributed.

(5) On completion of the counting of votes the list shall be submitted to the Minister for the purposes of appointing the members to the Board in accordance with the provisions of the Act.

12. The Schedule to the principal regulations is amended—

(a) by deleting Form 1 and substituting the following form—

Form 1.

Taxi-cars (Co-ordination and Control) Act, 1963.

Taxi Control Board (Elections) Regulations, 1964.

(Reg. 5).

NOTICE OF ELECTION.

NOTICE is hereby given pursuant to regulation 5 of the Taxi Control Board (Elections) Regulations, 1964 that pursuant to paragraph (b) of subsection (4a) of section 5 of the Act an election will be held on the at the office of the State Chief Electoral Officer, Perth, closing at o'clock on that day.

Nominations of candidates are required to be made for the following vacancies—

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

and must be sent to the State Chief Electoral Officer so as to reach him not later than noon on the day of 19.....

.....
Returning Officer.

(b) as to Form 2—

(i) by deleting the expression "(b)" in line eight and substituting the expression "(d)";

(ii) by deleting the passage "nomination." at the end of paragraph (b) and substituting the passage—
nomination; and

(c) am a *

and

(iii) by adding at the end of the Form the following passage—

"*State whether the candidate being nominated is an owner, a full time registered driver who is not also an owner, and if owner whether actively engaged on the road in the operation of a taxi-car."

(c) as to Form 3, by adding after the word "two" in line one of paragraph (3) the words "or more".