

Western Australia

**Finance Brokers Supervisory Board (Elections)
Regulations 1978**

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Finance Brokers Supervisory Board (Elections) Regulations 1978

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Finance Brokers Supervisory Board (Elections) Regulations 1978

1. Citation

These regulations may be cited as the *Finance Brokers Supervisory Board (Elections) Regulations 1978*¹.

2. Interpretation

In these regulations —

“**member**” means elective member of the Board, and “**deputy member**” has a corresponding meaning;

“**the Act**” means the *Finance Brokers Control Act 1975*; and

“**the Board**” means the Finance Brokers Supervisory Board constituted pursuant to the Act.

3. Elections

- (1) Subject to subregulation (2), an election of persons to hold office as elective members, or elective deputy members, of the Board shall be held as and whenever necessary.
- (2) Where more than one member or deputy member is required to be elected —
 - (a) one election may be held at that time for the election of persons to the respective offices; and

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- (b) each person elected at such an election shall be eligible for appointment to the office for which he has been elected upon that office becoming vacant.
- (3) Prior to or upon a member or deputy member ceasing to hold office, the chairman of the Board shall direct the Returning Officer to issue a notice in the form of Form 1 in the Appendix, to be published in the *Gazette* and in a newspaper circulating generally in the State, appointing a date and time for lodging nominations and a date and time for the closing of the poll to be taken at the election.
- (4) The nomination day appointed by any notice published pursuant to subregulation (3) shall not be less than 30 days after the date upon which the notice is published in the *Gazette*, and the day appointed for the holding of the election and the closing of the poll at such election shall not be less than 14 nor more than 30 days after the nomination day.

[4. *Repealed in Gazette 21 May 1982 p. 1553.*]

5. Nominations

- (1) Nominations of candidates shall be lodged with the Returning Officer in the form of Form 2 in the Appendix, not later than the day and the time appointed for the receipt of nominations by the notice published pursuant to regulation 3.
- (2) Every nomination shall —
 - (a) name the candidate for election, and the office for which he is nominated;
 - (b) be signed by not less than 2 persons eligible to vote.
- (3) If no nominations are received for all or any of the offices in respect of which there is a vacancy, the Returning Officer may extend the time for the receipt of nominations and for the holding of an election in respect of such vacancy or vacancies and, where that time is so extended, the period of time between

the date for the receipt of nominations and the date of the election shall be as provided in regulation 3(4).

- (4) Where a person is nominated as a candidate for election both as a member and as a deputy member at elections to be held on the same day, both nominations are invalid and shall be rejected by the Returning Officer.

6. The voters list

- (1) The Registrar of the Board shall prepare and transmit to the Returning Officer, so as to reach him not later than noon on the day appointed for the receipt of nominations, a list of such of the persons licensed under the Act as were, 14 days prior to that day, eligible to exercise a vote.
- (2) The list prepared and transmitted pursuant to subregulation (1) shall —
 - (a) set out the full names and registered address of each voter included therein, and where that voter is the representative for the purposes of these regulations of a firm or body corporate licensed under the Act, that firm or body corporate; and
 - (b) be certified as being true and correct by the Registrar of the Board.
- (3) Any natural person licensed pursuant to section 27 of the Act is eligible to exercise a vote under these regulations, and shall be included on the list of voters.
- (4) Where a firm licensed pursuant to section 28 or a body corporate licensed pursuant to section 29 of the Act is desirous of exercising a vote under these regulations that firm or body corporate shall from time to time —
 - (a) in the case of a firm, by writing under the hand of the natural person and the seal of the bodies corporate together comprising a majority of the persons constituting that firm; and

- (b) in the case of a body corporate, by writing under the seal of that body corporate,

appoint a representative, being a natural person licensed under the Act who is a person concerned in the management of the business of that firm or body corporate, and on the Registrar of the Board being notified accordingly and satisfied that the appointment was valid and *bona fide* the Registrar shall include the name of that representative on the list of voters as the representative for the time being of the firm or body corporate by which he is appointed and that person shall thereupon be eligible to exercise a vote under these regulations in that capacity.

- (5) The exercise of a right to vote under these regulations is not compulsory.

7. Proceedings after nomination

- (1) Where one candidate only is nominated in relation to any vacancy he shall be declared elected, but if more than one candidate is nominated for the same vacancy, the Returning Officer shall proceed to take a poll.
- (2) Where more than one candidate is nominated for the same vacancy, the Returning Officer shall as soon as practicable after the date fixed for receipt of nominations, send to each person whose name appears on the list furnished to the Returning Officer in accordance with regulation 6 —
 - (a) one ballot paper, in the form of Form 3 in the Appendix, in respect of each election for a member and one ballot paper in respect of each election for a deputy member, initialled or signed by the Returning Officer or by a person authorised in that behalf by the Returning Officer;
 - (b) one counterfoil in the form of Form 4 in the Appendix;
 - (c) one ballot paper envelope in the form approved by the Returning Officer; and

- (d) one envelope addressed to the Returning Officer.
- (3) Each ballot paper, counterfoil, ballot paper envelope and addressed envelope shall be enclosed by the Returning Officer in a covering envelope, which shall be fastened and addressed and forwarded by post or otherwise to the person for whom it is intended.

8. Eligibility to vote

A person who is eligible to vote as a natural person licensed under the Act may also exercise the right to vote as a duly appointed representative of a firm or body corporate where his name appears on the voters list in that capacity.

9. Manner of voting

- (1) Voting at an election shall be by a preferential ballot.
 - (2) An elector who wishes to record his vote —
 - (a) where only 2 persons are candidates in an election —
 - (i) shall mark his ballot paper by writing the numeral “1” opposite the name of the candidate for whom he votes; and
 - (ii) may mark his ballot paper by writing the numeral “2” opposite the name of the other candidate on the ballot paper;
 - (b) where more than 2 persons are candidates in an election, shall mark his ballot paper —
 - (i) by writing the numeral “1” opposite the name of the candidate for whom he votes; and
 - (ii) by writing the numerals “2”, “3”, and so on (as the case requires) opposite the names of the other candidates on the ballot paper,
- so as to indicate the order of his preference,

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and after having marked his ballot paper in the manner prescribed in paragraph (a) or (b), as the case requires, the elector shall —

- (c) enclose the ballot paper alone in the envelope marked “Ballot Paper” and seal the envelope;
- (d) write his name in block letters and sign his name on the counterfoil, and have it witnessed;
- (e) enclose the envelope marked “Ballot Paper” together with the counterfoil in the envelope marked with the address of the Returning Officer; and
- (f) forward the envelope addressed to the Returning Officer to the address of the Returning Officer on the envelope so as to reach that address not later than the day, and the hour thereof, fixed in the notice published pursuant to regulation 3.

[Regulation 9 inserted in Gazette 21 May 1982 p. 1553-4.]

10. Ballot boxes

- (1) The Returning Officer shall place and keep in a locked and sealed ballot box, until the scrutiny, all envelopes purporting to contain ballot papers received by him up to the close of the poll.
- (2) An envelope containing a ballot paper received after the close of the poll shall not be admitted to the scrutiny.

11. Scrutiny of counterfoil

- (1) As soon as practicable after the close of the poll the Returning Officer, in the presence of any scrutineer, shall —
 - (a) produce and open the locked and sealed ballot box wherein the envelopes containing ballot papers and counterfoils have been placed and kept, and open each outer envelope;
 - (b) compare each enclosed counterfoil with the list referred to in regulation 6, and if satisfied that the person named in the counterfoil is entitled to the vote and that the

counterfoil has been completed, signed and witnessed as required by these regulations, strike out the name of that person on the list in the capacity in respect of which the vote was exercised;

- (c) without opening the envelope marked “ballot paper”, deposit it in a locked and sealed ballot box and set aside the counterfoil for safe keeping; and
 - (d) produce and open the locked and sealed ballot box referred to in paragraph (c), and proceed with the count of the votes.
- (2) Where the right of a person to vote is not established or the counterfoil is not signed by the voter and by the witness, the Returning Officer shall replace the counterfoil and the envelope marked “ballot paper” in the outer envelope that he has opened, endorse on that envelope the word, “rejected”, and set it aside for safe keeping.

12. Informal ballot papers

A ballot paper shall be informal —

- (a) if it does not bear the initials or signature of the Returning Officer or a person authorised in that behalf by the Returning Officer;
- (b) if the voter has not marked it in accordance with the directions set out therein; or
- (c) if no mark is indicated on it.

13. Scrutineers

Each candidate may appoint one scrutineer to represent him at the scrutiny and all proceedings at the scrutiny shall be open to the inspection of the scrutineers.

14. Legislative Assembly election procedure

- (1) Where —
 - (a) an election is held for only one office; or

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- (b) an election is held for the offices of member and deputy member simultaneously,

the successful candidate shall be ascertained in accordance with the laws for the time being in force regulating the elections for the Legislative Assembly of the Parliament of the State.

- (2) Where an election is held for the offices of member and deputy member simultaneously, the count for both offices may proceed simultaneously.

[Regulation 14 inserted in Gazette 21 May 1982 p. 1554.]

15. Recount

The Returning Officer may, at any time before the declaration of the poll, if he thinks fit, on his own motion or on the written request of a candidate or a scrutineer for a candidate in an election, order a recount of the votes cast in the election.

[Regulation 15 inserted in Gazette 21 May 1982 p. 1554.]

16. Result of election

- (1) The Returning Officer shall declare the result of an election as soon as practicable and shall, immediately thereafter forward to the Board the name of the successful candidate in the election.
- (2) The Board upon receiving the names of the successful candidate in an election shall forthwith submit the name to the Minister for the appointment of that person to the office to be filled in accordance with section 7 of the Act.

[Regulation 16 inserted in Gazette 21 May 1982 p. 1554.]

17. Secret ballot

The Returning Officer shall take such steps as are necessary for the purpose of ensuring the secrecy of the ballot, the safe custody of ballot papers and for the prevention of any irregularity in the conduct of the election.

[Regulation 17 inserted in Gazette 21 May 1982 p. 1554.]

18. Conduct and costs of election

- (1) The Returning Officer may appoint such persons as are necessary to conduct an election.
- (2) All costs, charges and expenses incurred by the Returning Officer or by officers employed by him, in connection with the conduct of any election under these regulations or in connection with any matters incidental thereto, as certified in writing by the Returning Officer under his hand and communicated by him to the Board, shall be paid in accordance with section 7(5) of the Act and the board may have the accounts of the Returning Officer audited by the Auditor General whose decision thereon shall be final.
- (3) The Returning Officer shall be paid, for the conduct of the poll and scrutiny thereof an amount equal to 20% of the fee prescribed from time to time in the regulations made under the *Electoral Act 1907* for a returning officer for a contested election for the Legislative Assembly at a State parliamentary election, and an officer appointed under subregulation (1), shall, while engaged on the scrutiny and count of votes, be paid for his services at the rate of the fees prescribed from time to time in those regulations, for similar duties for Presiding Officers.

[Regulation 18 inserted in Gazette 21 May 1982 p. 1554.]

Appendix

Appendix

Form 1

Western Australia
Finance Brokers Control Act 1975
NOTICE OF ELECTION
(Regulation 3)

NOTICE is hereby given an election of the elective members and deputy members of the Finance Brokers Supervisory Board, as constituted under section 7 of the *Finance Brokers Control Act 1975*, will take place at

.....
....., Perth, on the
day of20....., closing at.....
..... o'clock in the noon on such date.

The vacancies in the membership of the Board to be filled at such election are those specified hereunder:

Nominations of candidates shall be made in accordance with the *Finance Brokers Supervisory Board (Elections) Regulations 1978* and must be received by the Returning Officer at his office not later than o'clock in thenoon.

Dated this.....day of, 20.....

.....
Returning Officer.

Form 2

Western Australia
Finance Brokers Control Act 1975
NOMINATIONS
(Regulation 5)

To the Returning Officer,
PERTH.

We the undersigned persons eligible to vote at the election of an elective member or a deputy member of the Finance Brokers Supervisory Board, do hereby nominate —

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

for election as a member (or deputy member) of the Board
(Strike out whichever is inapplicable).

Dated this day of, 20.....

Signature of Nominator	Name and address of Nominator	Firm or body corporate of which Nominator is the representative (if any)

(To be signed by not less than TWO persons eligible to vote for the nominee).

I,
of
hereby consent to the above nomination and to act, if elected, in the capacity abovementioned.

Dated thisday of, 20.....

Signature

NOTE: A person may not be nominated as a candidate for both member and deputy member at the same election — Reg. 5(4).

Received the above nomination this.....
day of....., 20....., at
o'clock in the noon.

.....
Returning Officer.

Appendix

Form 3

Western Australia
Finance Brokers Control Act 1975
BALLOT PAPER
(Regulation 7)

ELECTION of an Elective Member (or Deputy Member) to the Finance Brokers Supervisory Board.

.....
Returning Officer's Initials.

Directions to Voter

The voter must mark his vote on his ballot paper by placing the numeral 1 in the square opposite the name of the candidate for whom he votes at his first preference and must give contingent votes for all the remaining candidates by placing the numerals 2, 3, 4 (and so on as the case requires) opposite their names, so as to indicate the order of his preference for them.

The voter must then fold the ballot paper and enclose it in the envelope marked "Ballot Paper".

The voter must complete the counterfoil; obtain the signature of a witness to his own signature thereon and enclose the counterfoil with the envelope marked "Ballot Paper" in the addressed envelope provided for the purpose and forward it to the Returning Officer, Perth, so as to reach him not later than o'clock in the noon on the day of 20.....

Full names of Candidates	Votes
.....
.....
.....

Note: Separate Ballot Papers should be used for the election of persons as —
(a) members; and
(b) deputy members.

Form 4

Western Australia
Finance Brokers Control Act 1975
COUNTERFOIL
(Regulation 7)

Date of close of poll:

ELECTION of an Elective Member (or a Deputy Member) to the Finance
Brokers Supervisory Board.

Name of Voter:

Name of firm or body corporate
of which the voter is the
representative (if any):

Usual Signature:

Witness to Signature:

Address of Witness:

Notes

¹ This is a compilation of the *Finance Brokers Supervisory Board (Elections) Regulations 1978* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Finance Brokers Supervisory Board (Elections) Regulations 1978</i>	5 May 1978 p. 1381-5	5 May 1978
<i>Finance Brokers Supervisory Board (Elections) Amendment Regulations 1982</i>	21 May 1982 p. 1553-6	21 May 1982
Reprint of the <i>Finance Brokers Supervisory Board (Elections) Regulations 1978</i> as at 21 Dec 2001 (includes amendments listed above)		