

Western Australia

Government Employees Superannuation (Board Elections) Regulations 1988

As at 31 Mar 1988

Version 00-a0-02

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Government Employees Superannuation (Board Elections) Regulations 1988

CONTENTS

1.	Citation	1
2.	Interpretation	1
3.	Conduct of elections	1
4.	Vacancies	2
5.	Time for holding elections	2
6.	Voting entitlement	2
7.	Preliminary procedure	3
8.	Age of candidates	3
9.	Form of nomination	4
10.	Period for lodging nominations	4
11.	Declaration of result where no election held	4
12.	Procedure where insufficient candidates nominated	4
13.	Procedure where an election is necessary	5
14.	Order of candidates on ballot paper	5
15.	Form of ballot paper	5
16.	Issue of ballot papers	5
17.	Casting a vote	6
18.	Issue of duplicate ballot paper	6
19.	Close of ballot	6
20.	Ballot paper to be placed in ballot box	7
21.	Scrutineers	7
22.	Ascertaining result of election	7
23.	Notice of result of election	8

**Government Employees Superannuation (Board Elections) Regulations
1988**

24.	Preservation of ballot papers	8
25.	Disputes	8
26.	Costs of an election	8

NOTES

Government Employees Superannuation (Board Elections) Regulations 1988

1. Citation

These regulations may be cited as the *Government Employees Superannuation (Board Elections) Regulations 1988*.

2. Interpretation

In these regulations unless the contrary intention appears —

“**Council**” means the body known as the Trades and Labor Council of Western Australia;

“**elected member**” means a member of the Board elected in accordance with section 5 (3) (c) of the Act;

“**organization**” means an organization of employees registered pursuant to the *Conciliation and Arbitration Act 1904* of the Commonwealth or the *Industrial Relations Act 1979*;

“**Registrar**” shall have the same meaning as in the *Industrial Relations Act 1979*;

“**returning officer**” means the person appointed under regulation 3 (2).

3. Conduct of elections

- (1) Elections for the purposes of section 5 (3) (c) of the Act shall be conducted by the Council.

r. 4

- (2) The Council shall appoint a returning officer who shall be responsible for the conduct of elections in accordance with these regulations.

4. Vacancies

The Board shall notify the Council —

- (a) at least six months before the expiry of the term of office of an existing elected member; or
- (b) as soon as practicable in the event of an office of elected member becoming vacant before an election is held,

that a vacancy has occurred or is about to occur and request that an election for an elected member be held.

5. Time for holding elections

- (1) The first election for elected members shall be held as soon as practicable after the commencement of these regulations.
- (2) After the first election, the elections for elected members shall be held in accordance with clauses 2 and 4 of Schedule 2 of the Act.

6. Voting entitlement

- (1) An organization whose membership includes employees who are eligible to become members of the Fund may cast votes in an election.
- (2) The number of votes which an organization may cast in an election shall represent the number of employees who are eligible to become members of the Fund and who qualify for membership of that organization as determined by the Registrar, from the public sector employment statistics of the State, after consultation with the Office of Industrial Relations and the Council.

- (3) The Registrar shall, during the period in which nominations may be lodged, notify the returning officer of the number of votes each organization is entitled to cast in an election.

7. Preliminary procedure

The returning officer shall, not less than 14 days and not more than 21 days before the date of commencement of the period for lodging nominations of candidates for an election for an office of elected member —

- (a) notify the Registrar of the forthcoming election and request the details of the number of votes each organization is entitled to cast in the election; and
- (b) cause to be published at least once in a newspaper circulating throughout the State a notice setting out —
 - (i) the number of vacancies of office of elected member;
 - (ii) the term of office;
 - (iii) the form in which nominations are to be made;
 - (iv) the place for lodging nominations with the returning officer;
 - (v) the times and dates of the commencement and close of the period for lodging nominations;
 - (vi) the eligibility requirements for election,and inviting the nomination of persons who are eligible to accept office as an elected member.

8. Age of candidates

A person who has attained the age of 65 years or who will attain that age prior to the expiration of the term of office in question, is not eligible to be elected.

r. 9

9. Form of nomination

- (1) The nomination of a person as a candidate for an election for an office of elected member shall —
 - (a) be in writing;
 - (b) contain a statement signed by the candidate that he is eligible in accordance with regulation 8 and is willing to accept and act in the office of elected member; and
 - (c) be signed by five members of the Fund.
- (2) The returning officer shall verify with the Board that the persons referred to in subregulation (1) (c) are members of the Fund and if any person is not a member of the Fund the returning officer shall reject the nomination and advise the person nominated as soon as possible.
- (3) A person nominated as a candidate may by notice signed by him and lodged with the returning officer before the close of the period for lodging nominations, withdraw his consent to the nomination and that person shall thereupon be deemed not to have been nominated.

10. Period for lodging nominations

Nominations may be lodged within 14 days from the commencement of the period for lodging nominations specified in the notice referred to in regulation 7 (b).

11. Declaration of result where no election held

Where on expiry of the period for lodging nominations the number of candidates is equal to or less than the number of vacancies the returning officer shall declare those candidates elected members.

12. Procedure where insufficient candidates nominated

Where on expiry of the period for lodging nominations there are less candidates than the number of vacancies the returning

officer shall inform the Minister of that fact and the remaining vacancies shall be casual vacancies for the purpose of the Act.

13. Procedure where an election is necessary

Where on expiry of the period for lodging nominations the number of candidates is greater than the number of vacancies the returning officer shall prepare for, conduct and ascertain the result of an election to fill the vacancies.

14. Order of candidates on ballot paper

The returning officer shall draw lots to determine the order in which the candidates' names shall be placed on the ballot paper.

15. Form of ballot paper

The returning officer shall include on the ballot paper information and instructions to the person casting the vote with respect to the following matters and substantially in accordance with the following form —

- (a) the title of the office to which the election relates;
- (b) the name of the organization eligible to exercise the vote;
- (c) the number of votes the relevant organization is entitled to cast;
- (d) how to mark the ballot paper;
- (e) the time and date of the close of the ballot;
- (f) the place to which the ballot paper shall be returned;
- (g) the means by which the ballot paper shall be lodged with the returning officer.

16. Issue of ballot papers

Within 14 days of the close of the period for lodging nominations the returning officer shall prepare, initial and deliver, either by hand or post, to the secretary, or like officer,

r. 17

of each of the organizations eligible to vote in the election a ballot paper showing the names of each of the candidates and any other prescribed information.

17. Casting a vote

- (1) A vote shall be cast by marking the numeral “1” against the name of the candidate who is the first preference of the organization for election, the numeral “2” against the name of the candidate who is the second preference and so on until a numeral of that continuing sequence is marked against the name of each candidate on the ballot paper.
- (2) A ballot paper shall be deemed to have been correctly marked if the numerals in the required sequence commencing with “1” are marked against the names of all the candidates but one, in which case the candidate against whose name a numeral is not marked shall be deemed to rank last in the organization’s order of preference.
- (3) An organization shall exercise a vote on only one ballot paper.
- (4) After marking the ballot paper in accordance with subregulation (1), the person casting the vote shall deliver the ballot paper to the returning officer in accordance with regulation 15 (e), (f) and (g).

18. Issue of duplicate ballot paper

Where, on application before the time of the close of the ballot in an election, the returning officer is satisfied that a ballot paper issued to an organization has not been received or has been lost, destroyed or spoilt, he shall issue to that organization a duplicate ballot paper.

19. Close of ballot

A ballot paper shall be lodged with the returning officer within 28 days from the close of the period for lodging nominations.

20. Ballot paper to be placed in ballot box

On receipt of a ballot paper the returning officer shall place it in a ballot box provided for the purpose until the close of the ballot.

21. Scrutineers

- (1) Each candidate nominated for election may, by written notice given to the returning officer not less than seven days before the close of the ballot, appoint to be a scrutineer in respect of that election, a person other than a candidate and may by notice in like manner appoint another person to carry out the functions of scrutineer where the firstmentioned person does not carry out those functions.
- (2) A scrutineer appointed by a candidate may be present while the returning officer is ascertaining the result of the election and may direct the attention of the returning officer to any irregularity concerning the issue of the ballot papers, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of a vote.

22. Ascertaining result of election

- (1) As soon as practicable after the close of the ballot, the returning officer shall in the presence of such candidates and scrutineers, if any are in attendance, open the ballot box, examine and count the ballot papers and ascertain and declare the result of the election.
- (2) The count shall be conducted by the returning officer in accordance with Schedules 1 and 2 of the *Electoral Act 1907* as in force at the commencement of these regulations.
- (3) Where a ballot paper —
 - (a) does not bear the initial of the returning officer; or
 - (b) is not marked in accordance with these regulations,the returning officer shall reject the ballot paper.

r. 23

23. Notice of result of election

- (1) Within seven days of the declaration of the result of an election the returning officer shall notify the Minister of the name of the person elected and signify that the election has been conducted in accordance with the regulations.
- (2) The Minister shall cause notice of the election of an elected member to be published in the *Government Gazette*.

24. Preservation of ballot papers

The returning officer shall ensure the preservation in safe custody of the Council of all nomination papers and ballot papers received by him in the course of the conduct of the election for a period of 12 months after the date of the election.

25. Disputes

A person wishing to dispute the manner of the conduct or the result of an election shall do so in writing to the Minister within one month of the notice in the *Government Gazette* of the election of an elected member and the determination of any such dispute by the Minister shall be final and conclusive.

26. Costs of an election

The Board may pay out of the Fund reasonable costs incurred by the Council in the conduct of an election under these regulations.

Notes

- ^{1.} This is a compilation of the *Government Employees Superannuation (Board Elections) Regulations 1988* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Government Employees Superannuation (Board Elections) Regulations 1988</i>	31 Mar 1988 pp.978-80	31 Mar 1988