

HE307

HOSPITALS ACT 1927

HOSPITALS (ADMINISTRATION OF PUBLIC HOSPITALS)
AMENDMENT REGULATIONS 1992

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

Citation

1. These regulations may be cited as the *Hospitals (Administration of Public Hospitals) Amendment Regulations 1992*.

Principal regulations

2. In these regulations the *Hospitals (Administration of Public Hospitals) Regulations 1940** are referred to as the principal regulations.

[* Reprinted in the Gazette of 2 January 1960 at pp. 215-24.
For amendments to 14 August 1992 see 1991 Index to Legislation of Western Australia pp. 379-80.]

Regulation 3A inserted

3. After regulation 3 of the principal regulations the following regulation is inserted —

“ Returning Officer

3A. (1) Subject to regulations 4 (aa) and 5 (aa), the secretary of a board of management shall perform the functions of the Returning Officer under regulation 4 or 5 in relation to an election or ballot involving that board.

(2) Subject to regulation 8 (aa), the chairman of a board of management shall perform the functions of the Returning Officer under regulation 8 in relation to a ballot involving that board.

”.

Regulation 4 amended

4. Regulation 4 of the principal regulations is amended —

- (a) by inserting before paragraph (a) the following paragraph —

“ (aa) The Minister may direct that the Returning Officer for every aspect of the nominating process shall be the Electoral Commissioner appointed under the *Electoral Act 1907*, or such other officer holding an appointment under that Act appointed by the Electoral Commissioner by notice to the Minister.

”;

- (b) in paragraph (a) by inserting after “board shall” the following —

“ direct the Returning Officer to ”;

- (c) in paragraph (i) (v) by deleting “secretary of the board” and substituting the following —

“ Returning Officer ”;

- (d) by deleting paragraph (i) (vi) and substituting the following —

“ (vi) the manner of voting shall be by preferential ballot;

- (via) for the purpose of casting his vote at an election where only one candidate is to be elected and there are not more than 2 candidates —
 - (I) the elector shall mark his ballot paper by writing the numeral "1" opposite the name of the candidate for whom he votes; and
 - (II) the elector may mark his ballot paper by writing the numeral "2" opposite the name of the other candidate on the ballot paper, so as to indicate the order of his preference;
- (vib) for the purpose of casting his vote at an election where only one candidate is to be elected and there are more than 2 candidates, the elector 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;
- (vic) for the purpose of casting his vote at an election where 2 or more candidates are to be elected, the elector shall mark his ballot paper —
 - (I) mark his ballot paper by writing the numeral "1" opposite the name of the candidate for whom he votes as his first preference;
 - (II) mark his ballot paper by writing the numeral "2" opposite the name of the candidate for whom he votes as his second preference; and
 - (III) give contingent votes for all the remaining candidates by writing the numerals "3", "4" and so on (as the case requires) opposite the names of the other candidates on the ballot paper so as to indicate by numerical sequence the order of his preference; ";
- (e) in paragraph (i) (ix) by deleting "secretary of the board of management aforesaid" and substituting the following —
 - " Returning Officer ";
- (f) by deleting paragraph (i) (xi) and substituting the following —
 - " (xi) A ballot paper shall be informal —
 - (I) if the initials of the Returning Officer are not endorsed on the back of the ballot paper;
 - (II) if the voter has not marked it as prescribed by these regulations;
 - (III) if it has upon it any mark or writing not authorized by these regulations which, in the opinion of the Returning Officer, will enable any person to identify the elector;
 - (IV) if it does not indicate the elector's vote or, if there are more than 2 candidates, it is

not marked so as effectively to indicate the elector's preference as regards all candidates; or

(V) if it is not marked.

”;

(g) by deleting paragraph (i) (xii);

(h) by deleting paragraph (j) and substituting the following paragraphs —

“ (j) Where only one candidate is to be elected, the successful candidate shall be ascertained in accordance with the method, prescribed under the *Electoral Act 1907*, for the counting of votes taken at an election of members of the Legislative Assembly.

(ja) Where 2 or more candidates are to be elected, the following provisions apply —

(I) the count of votes shall proceed as provided by paragraph (j) 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 (“the list”) for appointment to the Board;

(II) 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;

(III) the count shall then proceed in the manner provided by paragraph (j) 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;

(IV) until all the vacancies have been filled, 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

(V) until all the vacancies have been filled, the names of the candidates shall be placed on the list in the order in which they receive an absolute majority on the counts so undertaken.

(jb) Where on any count 2 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.

”;

and

(i) in paragraph (l) by deleting “the secretary of the board of management of a public hospital” and substituting the following —

“ a Returning Officer ”.

Regulation 5 amended**5. Regulation 5 of the principal regulations is amended —**

- (a) by inserting before paragraph (a) the following paragraph —
 - “ (aa) The Minister may direct that the Returning Officer for every aspect of the nomination process shall be the Electoral Commissioner appointed under the *Electoral Act 1907*, or such other officer holding an appointment under that Act appointed by the Electoral Commissioner by notice to the Minister. ”;
- (b) in paragraph (a) by inserting after “board shall” the following —
 - “ direct the Returning Officer to ”;
- (c) by deleting paragraph (i) and substituting the following paragraph —
 - “ (i) Regulations 4 (i), 4 (j), 4 (ja) and 4 (jb) apply, with such modifications as are necessary, to the election mentioned in paragraph (h). ”;
- (d) by deleting paragraph (j); and
- (e) in paragraph (l) by deleting “the secretary of the board of management of a public hospital” and substituting the following —
 - “ a Returning Officer ”.

Regulation 8 amended**6. Regulation 8 of the principal regulations is amended —**

- (a) by inserting before paragraph (a) the following paragraph —
 - “ (aa) The Minister may direct that the Returning Officer for every aspect of the ballot process under this regulation shall be the Electoral Commissioner appointed under the *Electoral Act 1907*, or such other officer holding an appointment under that Act appointed by the Electoral Commissioner by notice to the Minister. ”;
- (b) in paragraph (a) by deleting “chairman of the said board” and substituting the following —
 - “ Returning Officer ”;
- (c) in paragraph (c) by deleting “chairman of the meeting” and substituting the following —
 - “ Returning Officer ”;
- (d) in paragraph (e) by deleting “chairman” and substituting the following —
 - “ Returning Officer ”;
- (e) in paragraph (f) by deleting “chairman” and substituting the following —
 - “ Returning Officer ”;
- (f) in paragraph (g) by deleting “then, according to the number of candidates required to be nominated for the appointment, the candidates receiving the highest number of votes shall be deemed to have been elected in the order of the number of votes which they have received respectively.” and substituting the following —

“ , regulations 4 (i), 4 (j), 4 (ja) and 4 (jb) apply, with such modifications as are necessary, to the method by which the ballot is held and the successful candidate or candidates are determined. ”;

and

(g) in paragraph (h) by deleting “chairman of the board” and substituting the following —

“ Returning Officer ”.

References to “Returning Officer” substituted

7. (1) The principal regulations are amended by deleting “secretary” wherever it occurs in the provisions referred to in the Table to this subregulation and substituting in each case the following —

“ Returning Officer ”.

TABLE

regulation 4 (i) (i)	regulation 4 (i) (iv) twice
regulation 4 (i) (iii) twice	regulation 4 (i) (x) three times

(2) The principal regulations are amended by deleting “secretary of the board of management of the public hospital” wherever it occurs in the provisions referred to in the Table to this subregulation and substituting in each case the following —

“ Returning Officer ”.

TABLE

regulation 4 (e)	regulation 5 (e)
regulation 4 (g)	regulation 5 (g)
regulation 4 (i) (vii)	regulation 5 (k)
regulation 4 (k)	

(3) The principal regulations are amended by deleting “secretary of the said board” wherever it occurs in the provisions referred to in the Table to this subregulation and substituting in each case the following —

“ Returning Officer ”.

TABLE

regulation 4 (g)	regulation 5 (g)
regulation 4 (h)	regulation 5 (h)

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.