

South Australia

Ambulance Services (Elections) Regulations 2006

under the *Ambulance Services Act 1992*

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Legislative history

1—Short title

These regulations may be cited as the *Ambulance Services (Elections) Regulations 2006*.

2—Commencement

These regulations will come into operation on the day on which the *Ambulance Services (SA Ambulance Service Inc) Amendment Act 2005* comes into operation.

3—Interpretation

In these regulations—

Act means the *Ambulance Services Act 1992*;

business day means any day other than a Saturday, Sunday or public holiday;

closing day, in relation to an election, means the day on which nomination of candidates for the election closes;

polling day, in relation to an election, means the day on which voting for the election closes;

returning officer—see regulation 4;

voter means an employee of SAAS entitled to vote at an election conducted under these regulations.

4—Returning officer

- (1) The returning officer for an election under these regulations will be a person appointed by the Ambulance Board.
- (2) The Ambulance Board may appoint the Electoral Commissioner or any other person (other than an employee of SAAS) to be the returning officer for an election.

5—Election to be conducted by returning officer

- (1) An election for the purposes of section 11A(2)(e) of the Act will be conducted by the returning officer in accordance with these regulations.
- (2) The Ambulance Board is responsible for the costs and expenses incurred by the returning officer in conducting an election.

6—Appointment of closing day and polling day

- (1) The returning officer will fix—
 - (a) a day as closing day for an election; and
 - (b) a day as polling day for an election.
- (2) At least 14 days before the closing day for an election, the returning officer must cause a notice to be given to each employee of SAAS setting out—
 - (a) the day fixed as polling day; and
 - (b) an invitation for nominations for the vacancy on the Ambulance Board to be filled; and
 - (c) details about how a nomination may be made; and
 - (d) the day fixed as closing day.

7—Chief executive officer of SAAS to prepare roll

- (1) The chief executive officer of SAAS is responsible for the preparation of a voters roll for the purposes of an election.

Note—

Each employee of SAAS at the time the voters roll is prepared is entitled to vote.

- (2) The voters roll to be used in a particular election must reflect entitlements to vote as they exist at 5 pm on the third business day after the day on which the advertisement relating to the election is published.
- (3) The chief executive officer of SAAS must supply the returning officer with sufficient copies of the voters roll, certified by the chief executive officer, for use at an election.
- (4) The voters roll may be supplied to the returning officer in electronic form, or in another manner agreed between the chief executive officer of SAAS and the returning officer.

8—Nomination

- (1) The returning officer must prepare a nomination form for the purposes of an election (in a form determined by the returning officer).

- (2) A person who is eligible to be a candidate for an election under these regulations may be nominated by completing a nomination form.

Note—

Each employee of SAAS who is entitled to vote at an election is eligible to be a candidate for the election.

- (3) A nomination must be made by 2 persons who are entitled to vote at the election.
- (4) A candidate for election must—
- (a) make a declaration on the nomination form that he or she is eligible to be elected at the election; and
 - (b) signify his or her consent by signing the nomination form.
- (5) A nomination must be accompanied by such information (if any) about the nominee as the returning officer may require.
- (6) A nomination must be lodged with the returning officer no later than 12 noon on closing day.
- (7) A nomination is invalid if—
- (a) the nomination is not made by the use of the nomination form prepared in accordance with this regulation; or
 - (b) the nomination form is not completed—
 - (i) in accordance with the instructions contained in the form; or
 - (ii) in accordance with the requirements of this regulation; or
 - (c) the nomination form and any other required information are not received by the returning officer by 12 noon on closing day.
- (8) A dispute as to the validity of a nomination will be determined summarily by the returning officer.
- (9) A nominated candidate may at any time before the close of nominations, by notice in writing signed by the candidate and given to the returning officer, withdraw the nomination.
- (10) If, after nominations have closed, it appears that no candidates have been nominated—
- (a) the returning officer must extend the period for nominations for the vacancy by a period (not exceeding 14 days) determined by the returning officer and may fix a new day as polling day; and
 - (b) the returning officer must cause a notice to be given to each voter setting out—
 - (i) the day fixed as polling day; and
 - (ii) an invitation for nominations for the vacancy on the Ambulance Board to be filled; and
 - (iii) details about how a nomination may be made; and
 - (iv) the day by which nominations must be received.
- (11) These regulations will then apply in the same manner as they applied (or would have applied) to any earlier nominations.

9—Uncontested and contested elections

- (1) If, after nominations have closed, it appears that there is only 1 candidate nominated, the returning officer must declare the nominated candidate elected.
- (2) If the returning officer makes a declaration under subregulation (1), the returning officer must cause a written notice of the declaration to be given to the Minister and to all employees of SAAS.
- (3) If a number of candidates are duly nominated who are eligible for appointment, an election will be held in accordance with these regulations.

10—Preparation of ballot papers

- (1) If an election is to be held, the returning officer must prepare a ballot paper showing the names of all candidates for election.
- (2) The ballot paper must be prepared as soon as is reasonably practicable after the closing day for the election.
- (3) The names of the candidates must be arranged on the ballot paper, 1 under the other, in an order determined by the returning officer by lot.
- (4) A square must be placed to the left of each name appearing on the ballot paper.

11—Issue of voting papers

- (1) The returning officer must, at least 14 days before polling day for an election, send by post to each voter—
 - (a) a ballot paper initialled by the returning officer; and
 - (b) a statement in writing setting out—
 - (i) instructions for the completion of the ballot paper; and
 - (ii) the manner in which the ballot paper is to be returned; and
 - (c) if the returning officer has so determined, written information about the candidates; and
 - (d) an unmarked opaque inner envelope; and
 - (e) a stamped, pre-paid or reply paid outer envelope addressed to the returning officer and bearing a declaration to be completed by the voter, declaring that the ballot paper contained in the envelope contains his or her vote and that he or she has not already voted at the election.
- (2) If a person to whom voting papers are issued desires to vote at the relevant election, the following procedures must be followed:
 - (a) the voter must mark his or her vote in the manner prescribed by these regulations on the ballot paper supplied;
 - (b) the voter must then fold the ballot paper, place the folded ballot paper in the inner envelope and seal the envelope;
 - (c) the voter must then place that envelope in the outer envelope and seal the outer envelope;
 - (d) the voter must then ensure that the declaration on the outer envelope is completed and signed by the voter;

- (e) that envelope must then be delivered to the returning officer (by post or personally) not later than the close of voting on polling day.
- (3) If the returning officer is satisfied that voting papers issued to a voter—
 - (a) have not been received by the voter; or
 - (b) have been lost; or
 - (c) have been inadvertently spoiled,the returning officer may issue fresh voting papers to the voter before the close of voting.
- (4) The issue of fresh voting papers under subregulation (3) automatically cancels the original voting papers.
- (5) Subject to the operation of subregulation (3), each employee of SAAS on the voters roll is only entitled to receive 1 ballot paper and exercise 1 vote in an election under these regulations.

12—Method of voting

- (1) To make a formal vote at an election, a person must place a cross or a tick next to the name of the candidate of his or her preference.
- (2) A ballot paper is not informal by reason of non-compliance with subregulation (1) if the voter's intention is clearly indicated on the ballot paper.

13—Scrutineers

- (1) Each candidate at an election may act as a scrutineer, or appoint another person to be a scrutineer, for the purposes of the election.
- (2) The appointment of a scrutineer must be made by notice in writing served on the returning officer personally or by post.

14—Counting of votes

- (1) The returning officer will, as soon as practicable after the close of voting for an election, with the assistance of a person nominated by the returning officer, and in the presence of any scrutineers who may be present, ensure that all voting papers returned for the purposes of the election are dealt with in accordance with this regulation.
- (2) The returning officer will—
 - (a) examine the declaration on each envelope validly returned under these regulations and determine which votes are to be accepted for further scrutiny; and
 - (b) remove the inner envelopes from envelopes accepted under paragraph (a); and
 - (c) rearrange the inner envelopes so that the anonymity of voters is maintained; and
 - (d) remove the ballot papers from those envelopes; and
 - (e) examine the ballot papers and reject any informal ballot papers; and

- (f) arrange all unrejected ballot papers into appropriate parcels, or place them in a ballot box, for counting; and
 - (g) cause those ballot papers to be counted.
- (3) After the counting of ballot papers has been completed, the candidate who received the highest number of votes is elected.
- (4) In the event that 2 or more candidates have an equal number of votes and 1 or more of them must be excluded, the returning officer must determine by lot which candidate, or candidates, is or are to be excluded.
- (5) The returning officer will give written notice of the results of an election to the Minister and to all employees of SAAS.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Ambulance Services (Elections) Regulations 2006* were revoked by Sch 3 cl 1(c) of the *Health Care Regulations 2008* on 1.7.2008.

Principal regulations

Year	No	Reference	Commencement
2006	29	<i>Gazette 16.2.2006 p594</i>	17.2.2006: r 2