

South Australia

Dental Practice (Electoral) Regulations 2001

under the *Dental Practice Act 2001*

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Legislative history

1—Short title

These regulations may be cited as the *Dental Practice (Electoral) Regulations 2001*.

2—Commencement

These regulations will come into operation on the day on which section 91 of the *Dental Practice Act 2001* comes into operation.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Dental Practice Act 2001*;

Board means—

- (a) in the case of an election to be held under these regulations before the Act comes into operation—the Board as constituted under the *Dentists Act 1984*;
- (b) in any other case—the Board as constituted under the Act;

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;

Registrar means—

- (a) in the case of an election to be held under these regulations before the Act comes into operation—the person holding the office of registrar under the *Dentists Act 1984*;
- (b) in any other case—the person holding the office of Registrar of the Board under the Act;

voter means a person entitled to vote at an election conducted under these regulations.

- (2) The close of voting for an election is 9.30 a.m. on polling day.

4—Election to be conducted by Registrar

An election for the purposes of section 6(1)(a)(ii) of the Act will be conducted by the Registrar in accordance with these regulations.

5—Appointment of closing day and polling day

- (1) The Registrar 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 Registrar must cause a notice to be given to each registered dentist setting out—
 - (a) the day fixed as polling day; and
 - (b) the number of vacancies to be filled; and
 - (c) an invitation for nominations for the vacancies to be filled; and
 - (d) details about how a nomination may be made; and
 - (e) the day fixed as closing day.

6—Registrar to prepare a roll

- (1) The Registrar is responsible for the preparation of a voters roll for the purposes of an election.
- (2) The voters roll to be used in a particular election must reflect entitlements to vote as they exist at 5 p.m. on the third business day after the day on which the notices were given under regulation 5.

7—Nomination

- (1) The Registrar must prepare a nomination form for the purposes of an election in a form approved by the Board.
- (2) A person who is eligible to be a candidate for an election under these regulations may be nominated by completing a nomination form.
- (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 Board may require.
- (6) A nomination must be lodged with the Registrar 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 Registrar by 12 noon on closing day.
- (8) A dispute as to the validity of a nomination will be determined summarily by the Registrar.
- (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 Registrar, withdraw the nomination.
- (10) If, after nominations have closed, it appears that no candidates have been nominated or that the number of candidates nominated is less than the number of persons required to be elected—
 - (a) the Registrar must extend the period for nominations for the vacancy or vacancies, or the remaining vacancy or vacancies, by a period (not exceeding 14 days) determined by the Registrar and may fix a new day as polling day; and
 - (b) the Registrar must cause a notice to be given to each registered dentist setting out—
 - (i) the day fixed as polling day; and
 - (ii) the number of vacancies to be filled; and
 - (iii) an invitation for nominations for those vacancies; and
 - (iv) details about how a nomination may be made; and
 - (v) 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.

8—Uncontested and contested elections

- (1) If, after nominations have closed, it appears that the number of candidates nominated to contest the election equals the number of persons required to be elected, the Registrar must declare the nominated candidate or candidates elected.
- (2) If the Registrar makes a declaration under subregulation (1), the Registrar must cause a written notice of the declaration to be given to the Minister and to all registered dentists.

- (3) If the number of candidates nominated exceeds the required number of candidates, an election will be held in accordance with these regulations to fill the relevant vacancies.

9—Preparation of ballot papers

- (1) If an election is to be held, the Registrar 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, one under the other, in an order determined by the Registrar by lot.
- (4) A square must be placed to the left of each name appearing on the ballot paper.
- (5) A ballot paper will otherwise be in a form approved by the Board.

10—Issue of voting papers

- (1) The Registrar must, at least 14 days before polling day for an election, send by post to each voter—
 - (a) a ballot paper initialled by the Registrar; 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 Board 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 Registrar and bearing a declaration in a form approved by the Board, 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 Registrar (by post or personally) not later than the close of voting on polling day.
- (3) If the Registrar 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 Registrar 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 registered dentist on the voters roll is only entitled to receive one ballot paper and exercise one vote in an election under these regulations.

11—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 or candidates of his or her preference (but the number of candidates for whom the person votes must not exceed the number of vacancies to be filled).
- (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.

12—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 Registrar personally or by post.

13—Counting of votes

- (1) The Registrar will, as soon as practicable after the close of voting for an election, with the assistance of a person nominated by the Registrar and approved by the Board, 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 Registrar 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—
 - (a) if the number of candidates required to be elected is one—the candidate who received the highest number of votes is elected;
 - (b) if the number of candidates required to be elected is two—the candidates who received the highest and second highest number of votes are elected.
- (4) In the event that two or more candidates have an equal number of votes and one or more of them must be excluded, the Registrar must determine by lot which candidate, or candidates, is or are to be excluded.
- (5) The Registrar will give written notice of the results of an election to the Minister and to all registered dentists.

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 *Dental Practice (Electoral) Regulations 2001* were revoked by Sch 2 of the *Dental Practice (Election) Regulations 2007* on 24.5.2007.

Principal regulations

Year	No	Reference	Commencement
2001	258	<i>Gazette 13.12.2001 p5406</i>	13.12.2001: r 2