

SOUTH AUSTRALIA

**NURSES BOARD (ELECTORAL) REGULATIONS, 1985**

**REGULATIONS UNDER THE NURSES ACT, 1984**

*Nurses Board (Electoral) Regulations, 1985*

being

No. 159 of 1985: *Gaz.* 22 August 1985, p. 540

2.

1. These regulations may be cited as the *Nurses Board (Electoral) Regulations, 1985*.

2. In these regulations, unless the context otherwise requires:

"Act" means the *Nurses Act, 1984*;

"appointed day" in relation to an election, means the date upon which the election is to take place;

"Board" means the Nurses Board;

"candidate" means a person who is eligible to nominate for election;

"closing day" in relation to an election, means the date upon which nomination of candidates closes;

"election" means the manner in which nurses vote for the nomination of nurses for appointment by the Governor as members of the Board pursuant to paragraphs (b) and (c) of subregulation (1) of section 6 of the Act;

"returning officer" in relation to the first election carried out under these regulations, means a person appointed by the Minister, and in relation to any subsequent election means the Registrar;

"voter" means a nurse entitled to vote at an election conducted in accordance with these regulations.

3. Pursuant to and for the purposes of paragraphs (b) and (c) of subregulation (1) of section 6 of the Act the manner in which nurses vote for the nomination of nurses to be appointed by the Governor as members of the Board is prescribed by these regulations.

4. (1) Subject to subregulation (2) of this regulation, the Board shall fix the appointed day and the closing day for an election.

(2) In relation to the first election carried out under these regulations, the returning officer appointed for that election shall fix the appointed day and the closing day.

5. An election shall be conducted by the returning officer.

6. (1) At least 21 days before the appointed day the returning officer shall cause an advertisement relating to an election to be inserted in a newspaper that circulates daily within the Metropolitan Area of the City of Adelaide.

(2) Such advertisement must contain:

(a) the date of the appointed day;

(b) the number of vacancies to be filled;

(c) a call for nominations for the vacancies to be filled;

3.

(d) details as to how a nomination is to be made; and

(e) the closing day.

7. The returning officer shall prepare a sufficient number of nomination forms to enable an election to take place and such forms must be available on the date the advertisement relating to the election first appears in a newspaper.

8. (1) A nomination form for candidates in an election of a psychiatric nurse shall be in accordance with Form 1 in the First Schedule.

(2) A nomination form for candidates in an election of a mental deficiency nurse shall be in accordance with Form 2 in the First Schedule.

9. (1) A nomination form must be completed in accordance with the instructions contained on the form and be signed in the appropriate place by each of the two nominating nurses and the candidate being nominated respectively.

(2) Each candidate who nominates for election to a vacancy in an election shall:

(a) make a declaration on the nomination form that he is qualified to be elected in the election; and

(b) signify his consent by signing the nomination form.

10. A nomination form is invalid if it is not:

(a) completed in accordance with the instructions contained in the form;

(b) signed in accordance with regulations 9 and 10 of these regulations; and

(c) received by the returning officer before 5.00 p.m. on the closing day.

11. (1) Subject to subregulation (3) of this regulation, a candidate who is a psychiatric nurse may withdraw his nomination by notice in writing in the form of Form 1 in the Second Schedule.

(2) Subject to subregulation (3) of this regulation, a candidate who is a mental deficiency nurse may withdraw his nomination by notice in writing in the form of Form 2 in the Second Schedule.

(3) In order to be a valid withdrawal such notice must be forwarded to the returning officer so as to reach him before 12 noon on the day before the closing day.

12. (1) If no more than the required number of candidates nominate for an election the returning officer shall declare those candidates to be nominated for appointment to the Board.

(2) Where the returning officer makes a declaration under subregulation (1) of this regulation, he shall insert a notice in a newspaper that circulates daily within the Metropolitan Area of the City of Adelaide, such notice to be inserted within 7 days of the date of the declaration and to contain:

4.

- (a) the date of the declaration; and
- (b) the name of each person nominated.

13. (1) If no candidates for either the office of psychiatric nurse member or the office of mental deficiency nurse member are nominated by 5.00 p.m. on the closing day, the returning officer may extend the period for nominations for the office of psychiatric nurse member or the office of mental deficiency nurse member, as the case may be, to a day subsequent to the closing day but no later than 7 days before the appointed day (hereinafter called the "extended closing day").

(2) A notice of the fixing of an extended closing day shall be published at least once in a newspaper that circulates daily within the Metropolitan Area of the City of Adelaide and shall:

- (a) state the date of the appointed day;
- (b) state the number of vacancies to be filled at the election;
- (c) state that an insufficient number of candidates have been nominated for the election;
- (d) state the number of vacancies for which candidates remain to be nominated;
- (e) call the further nominations for the remaining vacancies to be filled at the election;
- (f) state that nurses may obtain nomination forms for candidates in this election by written or personal application to the returning officer at the office of the Board;
- (g) state the date of the extended closing day.

14. Where the number of persons nominated is greater than the required number of candidates to be nominated, the returning officer shall hold an election.

15. These regulations shall apply, (in the absence of express provisions to the contrary), *mutatis mutandis*, to nominations for an election where the closing day has been extended pursuant to regulation 13 as if the nominations received by the returning officer during the extended period for nomination were received during the initial period of nomination.

16. (1) For the purposes of an election the returning officer shall prepare voting papers.

(2) Voting papers must be prepared as soon as is reasonably practicable after the closing day.

(3) Each voting paper must have written on it:

- (a) the number of vacancies to be filled;
- (b) a list in alphabetical order containing the full name of each candidate, the order being determined by the first letter of the surname; and
- (c) alongside the name of each candidate a square the interior of which is blank.

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17. (1) At least 10 days before the appointed day the returning officer shall serve by post on every voter:

- (a) a voting paper;
- (b) a statement in writing setting out:
  - (i) the manner in which the votes will be counted at the election;
  - (ii) instructions for the completion of the voting paper; and
  - (iii) the manner in which the voting paper is to be returned;
- (c) two envelopes, one being plain and the other having written on the front the name and address of the returning officer and spaces on the flap for the voter to insert his name, address and signature.

(2) The printed envelope must be large enough to contain the plain envelope and the voting paper.

18. A voter intending to vote at an election must:

- (a) mark the voting paper with the letter "x" in the square alongside the name of the candidate for whom he wishes to vote;
- (b) place the voting paper in the plain envelope;
- (c) place the plain envelope containing the voting paper in the printed envelope;
- (d) write his name, address and signature on the printed envelope in the spaces provided on the flap; and
- (e) serve the envelope on the returning officer.

19. Voting papers that are not received by the returning officer by 5.00 p.m. on the appointed day shall not be valid.

20. Voting at an election shall be on a first past the post basis.

21. The result of an election shall be ascertained by scrutiny.

22. Each candidate may appoint a nurse to be a scrutineer, by notice in writing served on the returning officer by post so as to reach him before 5.00 p.m. on the appointed day.

23. Where a candidate does not appoint a scrutineer, the returning officer may appoint a nurse who is neither a candidate nor a scrutineer to be a scrutineer for that candidate.

24. No more than one scrutineer shall be appointed for each candidate.

25. A candidate may not be a scrutineer nor may he be present at the scrutiny.

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26. As soon as practicable after 5.00 p.m. on the appointed day, the returning officer and all scrutineers shall meet in the presence of each other at the offices of the Board in order to conduct the scrutiny.

27. At the scrutiny, the returning officer assisted by each of the scrutineers shall:

- (a) examine the details on each printed envelope;
- (b) satisfy himself that each person who has voted is entitled to vote and has voted only once;
- (c) open each printed envelope and remove the plain envelope from the printed envelope; and
- (d) place the plain envelopes together.

28. When all the printed envelopes have been opened and the plain envelopes have been placed together, the returning officer assisted by the scrutineers shall:

- (a) open each plain envelope and remove the voting paper;
- (b) examine each voting paper and ascertain whether or not it represents a formal vote;
- (c) number each formal voting paper in the space at the top left hand corner;
- (d) count the number of voting papers that represent a valid vote and place them together;
- (e) count the number of voting papers that do not represent a valid vote and place them together;
- (f) count the formal votes.

29. When the scrutiny has been completed, the returning officer shall declare the result of the election.

30. Within 7 days of the declaration of the result of an election, the returning officer shall insert a notice in a newspaper that circulates daily within the Metropolitan Area of the City of Adelaide, such notice to contain the name of each person elected.

31. In the event that any two or more candidates receive an equal number of votes, the returning officer shall call another election within 28 days of the scrutiny.

THE FIRST SCHEDULE  
FORM 1  
Nurses Act, 1984

Nomination of a psychiatric nurse as a candidate for election as a nominee for appointment to the Nurses Board.

We (1) ..... of (2) ..... and (1) .....  
..... of (2) ..... registered psychiatric nurses

DO HEREBY NOMINATE (3) ..... of (4) .....  
as a candidate for election as a nominee for appointment as a member of the Nurses Board pursuant to the Nurses Act, 1984, to serve on the Board as from .....  
..... next following, such election to be held in the prescribed manner on (5) ..... 19 ..

(6) ..... NOMINATING MENTAL DEFICIENCY NURSE  
(6) ..... NOMINATING MENTAL DEFICIENCY NURSE

I, (7) ..... of (8) ..... the abovenamed candidate do hereby:

- (a) Declare that I am duly qualified to be a candidate in the abovementioned election; and
- (b) Consent to my nomination as such candidate.

(9) ..... CANDIDATE

Dated (10) ..... 19 ..

The abovementioned election is to be held for the purpose of choosing a psychiatric nurse for appointment to the Nurses Board pursuant to the Act.

The date of the closing day for nominations is ..... 19 ..

....., *Returning Officer*

- NOTE:
1. The full name of each nominating psychiatric nurse to be inserted here.
  2. The full address of each nominating psychiatric nurse to be inserted here.
  3. The full name of the candidate to be inserted here.
  4. The full address of the candidate to be inserted here.
  5. The date of the election with respect to which the nomination is made to be inserted here.
  6. Each nominating psychiatric nurse to place his signature here.
  7. The candidate to insert his full name here.
  8. The candidate to insert his full address here.
  9. The candidate to place his signature here.
  10. The candidate to insert the date of his declaration and consent here.



THE FIRST SCHEDULE  
FORM 2  
Nurses Act, 1984

*Nomination of a mental deficiency nurse as a candidate for election as a nominee for appointment to the Nurses Board.*

We (1) ..... of (2) ..... and (1) .....  
..... of (2) ..... registered mental deficiency nurses

DO HEREBY NOMINATE (3) ..... of (4) .....

as a candidate for election as a nominee for appointment as a member of the Nurses Board pursuant to the Nurses Act, 1984, to serve on the Board as from .....  
..... next following, such election to be held in the prescribed manner on (5) ..... 19 ..

(6) ..... NOMINATING PSYCHIATRIC NURSE  
(6) ..... NOMINATING PSYCHIATRIC NURSE

I, (7) ..... of (8) ..... the abovenamed candidate do hereby:

- (a) Declare that I am duly qualified to be a candidate in the abovementioned election; and
- (b) Consent to my nomination as such candidate.

(9) ..... CANDIDATE

Dated (10) ..... 19 ..

The abovementioned election is to be held for the purpose of choosing a mental deficiency nurse for appointment to the Nurses Board pursuant to the Act.

The date of the closing day for nominations is ..... 19 ..

....., *Returning Officer*

- NOTE:
1. The full name of each nominating mental deficiency nurse to be inserted here.
  2. The full address of each nominating mental deficiency nurse to be inserted here.
  3. The full name of the candidate to be inserted here.
  4. The full address of the candidate to be inserted here.
  5. The date of the election with respect to which the nomination is made to be inserted here.
  6. Each nominating mental deficiency nurse to place his signature here.
  7. The candidate to insert his full name here.
  8. The candidate to insert his full address here.
  9. The candidate to place his signature here.
  10. The candidate to insert the date of his declaration and consent here.

THE SECOND SCHEDULE  
FORM 1  
*Nurses Act, 1984*

*Withdrawal of Nomination for Psychiatric Nurse*

I, the undersigned, having been nominated as a candidate for election for appointment as a psychiatric nurse of the Nurses Board pursuant to the *Nurses Act, 1984*, at the election to be held in the prescribed manner do hereby withdraw such nomination and retire from being such candidate.

(1) ..... CANDIDATE

(2) ..... ADDRESS

DATED (3) ..... 19 ..

- NOTE: 1. The candidate to place his signature here.  
2. The candidate to insert his full address here.  
3. The candidate to insert the date of the withdrawal of nomination here.

THE SECOND SCHEDULE  
FORM 2  
*Nurses Act, 1984*

*Withdrawal of Nomination for Mental Deficiency Nurse*

I, the undersigned, having been nominated as a candidate for election for appointment as a mental deficiency nurse of the Nurses Board pursuant to the *Nurses Act, 1984*, at the election to be held in the prescribed manner do hereby withdraw such nomination and retire from being such candidate.

(1) ..... CANDIDATE

(2) ..... ADDRESS

DATED (3) ..... 19 ..

- NOTE: 1. The candidate to place his signature here.  
2. The candidate to insert his full address here.  
3. The candidate to insert the date of the withdrawal of nomination here.