

SOUTH AUSTRALIA

**SOIL CONSERVATION REGULATIONS, 1989**

**REGULATIONS UNDER THE SOIL CONSERVATION ACT, 1939**

*Soil Conservation Regulations, 1989*

being

No. 58 of 1989: *Gaz.* 27 April 1989, p. 1157

2.

PART I

PRELIMINARY

**Citation**

1. These regulations may be cited as the *Soil Conservation Regulations, 1989*.

**Commencement**

2. Part II of these regulations will come into operation on 10 April, 1989.

3.

## PART II

### POLL FOR CONSTITUTION OF SOIL CONSERVATION DISTRICT

#### **Poll**

3. A poll of owners and occupiers of land within a proposed soil conservation district must be conducted by the Minister in accordance with this Part.

#### **Timetable for conducting poll**

4. (1) The Minister must publish in a newspaper circulating throughout the State a notice setting out the timetable for conducting a poll under this Part.

(2) The notice must—

(a) fix a date (being not less than 14 days from publication of the notice) and an hour before which claims for enrolment on the roll for the poll must be received by the Minister;

(b) fix a date on or before which the Minister must distribute voting papers;

and

(c) fix a date (being not less than 21 days nor more than 28 days after the date fixed under paragraph (b)) and an hour for the close of voting.

#### **Roll**

5. (1) The Minister must establish a roll of persons eligible to vote at the poll.

(2) A claim for enrolment on the roll—

(a) must be made to the Minister;

(b) must be lodged with the Minister before the time fixed for that purpose;

(c) must set out the grounds on which the person claims to be eligible to vote;

and

(d) must be signed by the claimant.

(3) A person may be enrolled on the roll without making a claim for enrolment.

#### **Persons eligible to vote**

6. Each person who was an owner or occupier of land within the proposed soil conservation district on the day preceding the day on which notice was published under regulation 4 and is enrolled on the roll established by the Minister under regulation 5 is eligible to vote at the poll.

#### **Voting papers**

7. (1) The Minister must provide each person who is eligible to vote at the poll with a voting paper and an envelope addressed to the Minister for the purpose of returning the voting paper after completion.

4.

(2) A voting paper must set out the terms of the Minister's proposed recommendation to constitute the soil conservation district and provide a means for the voter to indicate whether or not he or she approves the terms of the proposed recommendation.

(3) A voting paper and envelope must be provided to each person eligible to vote at the poll by delivering it to the person, or by sending it by post to the person's last known address, on or before the date fixed for the distribution of voting papers.

#### **Additional information**

8. The Minister may include with voting papers material explaining the effect of constituting the area a soil conservation district.

#### **Voting**

9. A person who wishes to vote—

(a) must indicate by the means provided on the voting paper whether or not he or she approves the terms of the proposed recommendation;

(b) must place the voting paper in the envelope provided and seal the envelope;

(c) must print his or her full name in block letters on the envelope and sign it;

and

(d) must return the envelope to the Minister at the address specified on the envelope.

#### **Informal voting papers**

10. (1) If more than one voting paper is returned under the name of the same person, all, except the first to be returned, must be rejected or, if the Minister does not know which was returned first, all, except the first to be recorded against the name of the person, must be rejected.

(2) If more than one voting paper is returned in an envelope, the voting papers returned in the envelope must not be counted.

(3) A voting paper received by the Minister after the time fixed for the close of voting must not be counted.

#### **Scrutineers**

11. The Minister may permit such scrutineers as he or she thinks fit to be present at the counting of votes.

#### **Declaration of poll**

12. The Minister must, by notice in a newspaper circulating throughout the State, declare the result of the poll.

PART III

ELECTION OF MEMBER OF DISTRICT SOIL CONSERVATION BOARD

**Interpretation**

13. In this Part—

"eligible member", in relation to an election under this Part, means a member of a relevant council who is eligible to vote at the election:

"relevant council", in relation to an election under this Part, means a council of a local government area wholly or partly within the soil conservation district concerned.

**Election of member**

14. The election of a person for nomination as a member of a district soil conservation board by members of relevant councils must be conducted in accordance with this Part.

**Timetable for nominations**

15. The Minister must give to each relevant council a notice fixing a date (being not less than 14 days from the date of the notice) and an hour before which nominations for the election must be received by the Minister.

**Nominations**

16. A nomination for election—

(a) may be made by a relevant council;

(b) must be in writing;

and

(c) must be received by the Minister at or before the time fixed for that purpose under regulation 15.

**Election without ballot**

17. If only one person is nominated, the Minister must, by notice in the *Gazette*, declare the nominated person elected for nomination as a member of the district soil conservation board.

**Election with ballot**

18. If more than one person is nominated, the Minister must request the Electoral Commissioner to conduct a ballot in accordance with these regulations.

**Timetable for ballot**

19. The Electoral Commissioner must give to each relevant council, a notice fixing—

(a) a date on or before which the Commissioner is to distribute ballot papers;

and

(b) a date (being not less than 21 days nor more than 28 days after the date fixed under paragraph (a)) and an hour for the close of voting.

**Members eligible to vote**

20. (1) Persons who were members of a relevant council on the day preceding the day on which notice was given to the council by the Minister under regulation 15 are eligible to vote at the election.

(2) Each relevant council must, within 7 days after receiving notice from the Electoral Commissioner under regulation 19, give the Commissioner a list of the names and postal addresses of the members of the council who are eligible to vote at the election.

**Ballot papers**

21. (1) The Electoral Commissioner must provide each eligible member with a ballot paper and an envelope addressed to the Commissioner for the purpose of returning the ballot paper after completion.

(2) The names of the candidates must appear on the ballot papers in a vertical list in an order determined by the Electoral Commissioner by lot.

(3) If ballot papers are not printed on watermarked paper they must be initialled by the Electoral Commissioner or by a person authorized for that purpose by the Commissioner.

(4) The Electoral Commissioner may provide an eligible member with a ballot paper and return envelope—

(a) by posting the ballot paper and return envelope to the member at the address provided by the council in respect of that member;

or

(b) by giving the ballot paper and return envelope to the chief executive officer of the council to give to the member,

on or before the day fixed for the distribution of ballot papers.

**Electoral material to be provided with ballot papers**

22. (1) Subject to this regulation, the Electoral Commissioner must include with ballot papers provided to eligible members material provided by the candidate under subregulation (2) promoting the candidate's election.

(2) Promotional material must be provided to the Minister at or before the time fixed under regulation 15 for the receipt of nominations and, if a ballot is to be conducted by the Electoral Commissioner, the Minister must forward any material that is so provided to the Commissioner.

(3) The material must not include more than 200 words nor more than one photograph and may be printed by the Electoral Commissioner in such form as he or she thinks fit for the purpose of distributing to eligible members.

**Voting**

23. (1) An eligible member who wishes to vote—

(a) must indicate on the ballot paper the candidate to whom the member gives his or her first preference and the member may indicate the order of his or her preference for all or any of the other candidates;

(b) must place the ballot paper in the envelope provided and seal the envelope;

(c) must print his or her full name in block letters on the envelope and sign it;

and

(d) must return the envelope to the Electoral Commissioner before the time fixed for the close of voting.

(2) A voter—

(a) must indicate his or her first preference for a candidate by placing a number 1 in the square opposite the name of the candidate on the ballot paper;

and

(b) must indicate his or her preference for other candidates by placing consecutive numbers (commencing with the number 2) in the squares opposite the names of the candidates on the ballot paper.

(3) For the purposes of these regulations, if a voter places a tick or a cross on a ballot paper, the tick or cross is to be regarded as equivalent to the number 1.

**Informal ballot papers**

24. (1) If more than one ballot paper is returned under the name of the same member, all, except the first to be returned, must be rejected or, if the Electoral Commissioner does not know which was returned first, all, except the first to be recorded against the name of the member, must be rejected.

(2) If more than one ballot paper is returned in an envelope, the ballot papers returned in that envelope must not be counted.

(3) A ballot paper received by the Electoral Commissioner after the time fixed for the close of voting must not be counted.

(4) A ballot paper that contains any mark that enables the voter to be identified must not be counted.

**Counting of votes**

25. The following provisions apply to the counting of votes:

(a) first preferences must be counted and the candidate with the largest number of first preference votes, if that number constitutes an absolute majority of first preference votes, wins the election;



8.

- (b) if no candidate has an absolute majority of first preference votes—
- (i) the candidate who has received the fewest first preference votes must be excluded and each ballot paper counted to the excluded candidate must be counted to the candidate (if any) next in order of the voter's preference;
  - (ii) if no candidate then has an absolute majority of votes remaining in the count, the process of excluding the candidate with the fewest votes and counting each of that candidate's ballot papers to the unexcluded candidate next in order of the voter's preference, must be repeated until one candidate has received an absolute majority of votes remaining in the count;
- and
- (iii) the candidate with an absolute majority of votes remaining in the count wins the election;
- (c) if two or more candidates have an equal number of votes at any stage of the count and one must be excluded or, on the final count, the winner determined, the Electoral Commissioner must determine the question by lot.

#### **Scrutineers**

26. (1) Subject to subregulation (2), the Electoral Commissioner may permit such scrutineers as he or she thinks fit to be present at the counting of votes.

(2) A candidate in the election must not be a scrutineer.

#### **Declaration of election**

27. The Electoral Commissioner must inform the Minister of the result of the election and the Minister must, by notice in the *Gazette*, declare the winning candidate elected for nomination as a member of the district soil conservation board.