

South Australia

State Theatre Company of South Australia Regulations 1994

under the *State Theatre Company of South Australia Act 1972*

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Legislative history

1—Short title

These regulations may be cited as the *State Theatre Company of South Australia Regulations 1994*.

2—Commencement

These regulations will come into operation on 1 September 1994.

3—Revocation

All regulations previously made under the *State Theatre Company of South Australia Act 1972* are revoked.

4—Interpretation

In these regulations, unless the contrary intention appears—

the Act means the *State Theatre Company of South Australia Act 1972*;

election includes a by-election;

employee governor means the governor referred to in section 6(2)(c) of the Act;
the secretary means the secretary to the Board appointed under section 22 of the Act;
subscriber governor means a governor referred to in section 6(2)(b) of the Act.

5—Rolls of subscribers and employees

- (1) The secretary must continue to maintain—
 - (a) the roll of subscribers to the Company;
 - (b) the roll of employees of the Company.
- (2) The secretary must enter on the roll of subscribers the name and address of any person—
 - (a) who applies in writing to the secretary to be enrolled as a subscriber and pays the annual subscription fee fixed by the Board; or
 - (b) who, in the opinion of the Board, has given distinguished and outstanding service to the Company and is nominated by the Board as an honorary subscriber.
- (3) A person may not be enrolled on the roll of subscribers unless he or she is of or above the age of 18 years.
- (4) The secretary must enter on the roll of employees the names and addresses of all employees of the Company.
- (5) The secretary must remove from the roll of subscribers the name and address of any person (not being an honorary subscriber) who refuses or fails to pay the annual subscription fee.
- (6) Where a subscriber—
 - (a) changes his or her name or address; or
 - (b) wishes to cancel his or her subscription,the subscriber must notify the secretary in writing of that fact.
- (7) The secretary must, on receipt of a notice referred to in subregulation (6), vary the roll of subscribers accordingly.
- (8) The secretary must remove from the roll of employees the name and address of any person who ceases to be an employee of the Company.
- (9) The roll of subscribers must be made available at the Board's offices for inspection by subscribers during ordinary office hours.
- (10) The roll of employees must be made available at the Board's offices for inspection by employees during ordinary office hours.

6—Requirement for holding of election

An election must be conducted by the secretary whenever required under section 6 of the Act.

7—Nominations

- (1) Where it is necessary to hold an election for subscriber governors, the secretary must, by notice published in a daily newspaper circulating throughout the State, call for the nomination of candidates for the election.
- (2) Where it is necessary to hold an election for an employee governor, the secretary must, by notice affixed in a prominent place in a part of the Company's premises to which all employees of the Company have access, call for the nomination of candidates for the election.
- (3) A notice under subregulation (1) or (2) must specify—
 - (a) the number of candidates required to be elected; and
 - (b) the date and hour by which nominations must be received by the secretary.
- (4) The date for the closure of nominations must be—
 - (a) in the case of an election of subscriber governors—at least 14 days after the date of publication of the notice under subregulation (1);
 - (b) in the case of an election of an employee governor—at least 14 days after the date of the posting of the notice under subregulation (2).
- (5) A nomination of a candidate for election must be—
 - (a) in writing; and
 - (b) contain a statement, signed by the candidate, to the effect that he or she consents to stand as a candidate in the election; and
 - (c) signed by—
 - (i) in the case of a nomination for election as a subscriber governor—at least three subscribers other than the candidate;
 - (ii) in the case of a nomination for election as an employee governor—at least two employees other than the candidate; and
 - (d) delivered to the secretary not later than the date and hour specified in the notice for the closure of nominations.
- (6) A nomination is invalid if it is not made in accordance with this regulation.

8—Method of election of candidates

- (1) If the number of candidates nominated is not greater than the number of subscribers or employees required to be elected, the secretary must declare the candidate or candidates duly elected.
- (2) A declaration under subregulation (1) must be made forthwith after the closure of nominations.
- (3) The secretary must, as soon as practicable after the making of a declaration under this regulation, notify in writing each successful candidate of his or her election.
- (4) If the number of candidates nominated is greater than the number of subscribers or employees required to be elected, the secretary must cause ballot papers to be prepared for an election.

9—Closure of rolls

- (1) Where an election is to be held, the secretary must—
 - (a) in the case of an election of subscriber governors—close the roll of subscribers seven days after the day on which a notice under regulation 7(1) is published; or
 - (b) in the case of an election of an employee governor—close the roll of employees seven days after the day on which a notice under regulation 7(2) is posted,until the completion of the election.
- (2) The secretary must ensure that the roll of subscribers or employees, as the case may require, has been made up in accordance with regulation 5 at the date of the close of the roll.

10—Ballot papers

Ballot papers must be in a form determined by the secretary.

11—Provision of ballot papers

- (1) Where an election of subscriber governors is to be held, the secretary must provide each subscriber recorded on the roll of subscribers at the close of the roll with a ballot paper and envelopes by posting them to the subscriber at his or her address last recorded in the roll.
- (2) Where an election of an employee governor is to be held, the secretary must provide each employee recorded on the roll of employees at the close of the roll with a ballot paper and envelopes by posting them to the employee at his or her address last recorded in the roll.
- (3) Where a ballot paper is provided to a subscriber or employee, that person must also be provided with—
 - (a) an unmarked envelope suitable for holding the ballot paper; and
 - (b) a second envelope suitable for holding the first envelope, addressed to the secretary and bearing on the side on which the address is written the words "ballot paper" and a place for the signature of the subscriber or employee.
- (4) Every ballot paper must be initialled by the secretary.

12—Voting

- (1) A person who wishes to vote at an election must—
 - (a) indicate—
 - (i) his or her first preference for a candidate by placing the number 1 in the square opposite the name of the candidate on the ballot paper; and
 - (ii) his or her preference for the other candidates by placing consecutive numbers (commencing with the number 2) in the squares opposite the names of the candidates on the ballot paper; and

- (b) place the ballot paper in the unmarked envelope provided, place the envelope inside the second envelope addressed to the secretary, seal the second envelope and sign it; and
 - (c) return the envelope to the secretary not later than the date and hour fixed by the secretary and specified on the ballot paper.
- (2) A ballot paper is invalid if it is received by the secretary after the date and hour specified for its return.

13—Informal ballot papers

A ballot paper is informal if—

- (a) it is not authenticated by the initials of the secretary; or
- (b) it has not been completed in accordance with regulation 12; or
- (c) it has on it any mark or writing by which the voter can be identified.

14—Scrutineers

- (1) Each candidate for election may, by instrument in writing, appoint one scrutineer to be present when the votes at an election are counted.
- (2) A candidate for election is not eligible to be appointed as a scrutineer for the purposes of that election.
- (3) The secretary must notify a scrutineer appointed under subregulation (1) of the time and place at which the votes are to be counted.

15—Counting of votes

- (1) Votes must be counted by the secretary in the presence of any scrutineers appointed under regulation 14 who seek to be present.
- (2) The following provisions apply to the counting of votes at an election:
 - (a) the secretary must open all the unmarked envelopes, extract the ballot papers, reject all ballot papers that are informal and count the number of ballot papers remaining;
 - (b) the secretary must conduct the count for an election in which only one vacancy is to be filled, or for the filling of the first vacancy in an election, as follows:
 - (i) the secretary must count to each candidate the ballot papers indicating a first preference vote for that candidate and, if the candidate with the largest number of ballot papers counted to him or her has an absolute majority, declare that candidate to be elected;
 - (ii) if no candidate has an absolute majority on the first count, the secretary must exclude the candidate with the fewest ballot papers counted to him or her from the count and count each of the excluded candidate's ballot papers to a continuing candidate according to the next preference indicated on the ballot paper;

- (iii) if a candidate then has an absolute majority, the secretary must declare that candidate to be elected, but, if not, the secretary must repeat the process of excluding the candidate with the fewest ballot papers from the count and counting each of the excluded candidate's ballot papers to a continuing candidate according to the next preference indicated on the ballot paper until a candidate has an absolute majority;
 - (iv) the secretary must, when an absolute majority of the ballot papers is counted to a candidate, declare that candidate to be elected;
- (c) the secretary must conduct the count for the filling of the second vacancy in an election as follows:
- (i) the secretary must count to each candidate (other than the elected candidate) each ballot paper indicating a first preference vote for that candidate and count each ballot paper indicating a first preference vote for the elected candidate to another candidate according to the next preference indicated on the ballot paper;
 - (ii) if the candidate with the largest number of ballot papers counted to him or her has an absolute majority, the secretary must declare that candidate to be elected, but, if not, the secretary must proceed with the count as provided by paragraph (b)(ii) and (iii) and, when an absolute majority of the ballot papers is counted to a candidate, declare that candidate to be elected.
- (3) For the purposes of subregulation (2)—
- (a) a reference to an absolute majority is a reference to more than one-half of the ballot papers other than those that have been rejected as informal;
 - (b) a reference to a continuing candidate is a reference to a candidate—
 - (i) who has not been excluded from the count; and
 - (ii) in relation to a count for the filling of a second vacancy, who has not been declared to be elected on the count for the filling of the first vacancy;
 - (c) where at any stage of the count two or more candidates have an equal number of ballot papers counted to them and one is required to be excluded from the count, the secretary must decide, by lot, which of them is to be excluded;
 - (d) where two candidates remain in the count but have an equal number of ballot papers counted to them, the secretary must decide, by lot, which of them is to be elected.
- (4) The secretary may not vote in an election.

16—Notice of election results

The secretary must, as soon as practicable after the counting of votes is completed—

- (a) notify the Board; and
- (b) cause a notice setting out the results of the election—

- (i) in the case of an election of subscriber governors—to be published in a daily newspaper circulating throughout the State;
- (ii) in the case of an election of an employee governor—to be affixed in a prominent place in a part of the Company's premises to which all employees of the Company have access.

17—Validity of elections

An election is not invalid by reason only of minor non-compliance with, or a minor breach of, these regulations unless the result of the election was affected by the non-compliance or breach.

18—Subscription fees

- (1) The Board may, by notice published in a daily newspaper circulating throughout the State—
 - (a) fix annual subscription fees to be paid by subscribers;
 - (b) fix the mode and time of payment of those fees.
- (2) A notice under subregulation (1) may fix different fees for different classes of subscriptions.
- (3) A notice under subregulation (1) may be varied but the Board cannot alter the amount of a subscription fee, or the mode or time for its payment, after the commencement of the period of 12 months to which the fee relates.

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 *State Theatre Company of South Australia Regulations 1994* were revoked by Sch 1 of the *State Theatre Company of South Australia Regulations 2006* on 30.3.2007.

Principal regulations

Year	No	Reference	Commencement
1994	150	<i>Gazette 1.9.1994 p668</i>	1.9.1994: r 2