

# Health Services (Community Health Centre Elections) Regulations 2001

S.R. No. 51/2001

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STATUTORY RULES 2001

S.R. No. 51/2001

*Health Services Act 1988*

**Health Services (Community Health Centre  
Elections) Regulations 2001**

The Governor in Council makes the following Regulations:

Dated: 5 June 2001

Responsible Minister:

JOHN THWAITES  
Minister for Health

HELEN DOYE  
Clerk of the Executive Council

**PART 1—PRELIMINARY**

**1. *Objective***

The objective of these Regulations is to prescribe requirements relating to the—

- (a) conduct of elections for members of boards of community health centres, including provisions for voting at those elections and the counting of the votes; and
- (b) method of determining the next eligible candidate for the purpose of filling casual or extraordinary vacancies in the offices of members.

**2. *Authorising provision***

These Regulations are made under section 158 of the **Health Services Act 1988**.

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**3. Definitions**

In these Regulations—

**"board"** means the board of management of a community health centre;

**"centre"** means community health centre;

**"Electoral Commissioner"**, except in Part 2, includes a person appointed to act for, or to assist, the Electoral Commissioner in the conduct of an election of members to a board or the filling of casual or extraordinary vacancies in respect of that board.

**"the Act"** means the **Health Services Act 1988**.

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**PART 2—ELECTORAL COMMISSIONER**

**4. *Functions of Electoral Commissioner***

- (1) The functions of the Electoral Commissioner under these Regulations are to—
    - (a) appoint one or more persons to act for, or to assist the Electoral Commissioner in the conduct of an election of members to a board or the filling of casual or extraordinary vacancies in respect of that board;
    - (b) obtain the roll of electors from the chief executive officer of the centre;
    - (c) fix the dates for nomination day and polling day;
    - (d) determine questions relating to the validity or regularity of votes.
  - (2) A person appointed under sub-regulation (1)(a) must not be a member of the board, an elector or an employee of the centre.
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**PART 3—PROCEDURE FOR ELECTING MEMBERS TO  
BOARDS**

**5. *Chief executive officer's duties***

If, in any calendar year, the Act requires members to be elected to a board, except an election to fill a casual or extraordinary vacancy, the chief executive officer of the centre must, at least 6 months before the annual general meeting of the centre in that year—

- (a) advise the Electoral Commissioner in writing of the date of the annual general meeting; and
- (b) provide the Electoral Commissioner with the roll of electors of the centre as current at the time of providing the advice referred to in paragraph (a); and
- (c) after the day fixed by the Electoral Commissioner as the day the roll of electors closes for an election, provide the Electoral Commissioner with the final roll of electors for the centre for that election.

**6. *Notice of an election***

- (1) The Electoral Commissioner must give notice of an election in accordance with sub-regulation (2) at least 5 months before the day of the annual general meeting of the centre.
- (2) Notice of the election must be given by—
  - (a) affixing a copy of the notice on any notice board at the centre upon which notices are usually displayed; and
  - (b) publishing the notice in a newspaper circulating generally in the area declared by

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the Secretary under section 45 of the Act to be the area served by the centre; and

- (c) sending a copy of the notice to the postal address of each person on the roll of electors provided to the Electoral Commissioner by the chief executive officer of the centre in accordance with regulation 5(b).

**7. Information in notice**

The notice of an election must specify—

- (a) the day the roll of electors for the centre closes in respect of that election;
- (b) the nomination day, on or before which nomination of candidates for election must be lodged;
- (c) the place where nominations must be lodged;
- (d) a polling day.

**8. Nomination and polling days**

- (1) The nomination day must be at least 4 months before the day of the annual general meeting of the centre.
- (2) The polling day must be at least 3 months before the day of the annual general meeting of the centre.

**9. Method of nominating**

- (1) A person who intends to be a candidate at an election must lodge, or cause to be lodged, a nomination paper with the Electoral Commissioner not later than 12 noon on the nomination day.
- (2) A nomination paper may be lodged either in person by the candidate or by another person, or by sending the paper by post or sending a copy of the paper by facsimile or electronic transmission.
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- (3) The Electoral Commissioner must give a receipt for a nomination to any candidate—
- (a) whose nomination paper is lodged within the time referred to in sub-regulation (1); and
  - (b) who requests a receipt.

**10. *Form of nomination paper***

A nomination paper must—

- (a) be in writing;
- (b) contain the full name of the centre;
- (c) contain the full name and address of the person nominated as a candidate;
- (d) contain the full name, address and signatures of two other electors who are nominating the person as a candidate;
- (e) contain a signed acceptance by the nominated candidate.

**11. *Withdrawal of nomination***

- (1) A person nominated as a candidate for an election may withdraw from the election by giving notice of withdrawal in writing by a method referred to in regulation 9(2) to the Electoral Commissioner not later than 12 noon on nomination day.
- (2) The name of a person who has withdrawn under sub-regulation (1) must not be included by the Electoral Commissioner on any ballot paper for the election.

**12. *Contested election***

- (1) If more nominations are received than the number of vacancies to be filled, the Electoral Commissioner must conduct an election.



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- (2) The Electoral Commissioner must prepare ballot papers, postal ballot envelopes, ballot paper envelopes and reply paid return envelopes for the election.
  - (3) A ballot paper must contain—
    - (a) the name of the centre;
    - (b) the full name of each candidate who has been nominated for election to the board of that centre, and who has not withdrawn under regulation 11;
    - (c) written advice regarding the method of voting set out in regulation 18.

**13. *Order of names on ballot paper***

- (1) The Electoral Commissioner must determine, by lot, the order in which names of the candidates are to appear on the ballot paper as soon as practicable after the close of nominations.
- (2) The Electoral Commissioner may use a manual or an electronic method to determine the order of appearance of the names of the candidates on the ballot paper.
- (3) The determination of the order of appearance of the names of the candidates must be conducted by the Electoral Commissioner in the presence of—
  - (a) at least one other person; and
  - (b) any candidate, or his or her representative, who wishes to be present.

**14. *Distribution of ballot papers***

At least 14 days before the polling day, the Electoral Commissioner must send to the postal address of each elector a postal ballot envelope containing—

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- (a) voting instructions, including advice that voting is not compulsory;
- (b) a ballot paper;
- (c) a ballot paper envelope;
- (d) a reply paid return envelope addressed to the Electoral Commissioner;
- (e) the candidates' personal statements and indication of preferences (if any) or advice that a candidate has not lodged a personal statement or indication of preferences.

**15. *Candidate's personal statement***

- (1) A candidate may lodge a personal statement for inclusion in the postal ballot envelope.
  - (2) A candidate's personal statement must be—
    - (a) no longer than 150 words; and
    - (b) signed by the candidate; and
    - (c) lodged with the Electoral Commissioner no later than 12 noon on the third day after nomination day.
  - (3) A candidate's personal statement may be lodged either in person by the candidate or by another person, or by sending the statement by post or sending a copy of the statement by facsimile or electronic transmission.
  - (4) A candidate cannot in his or her personal statement refer to another candidate standing for election without the written consent of that other candidate.
  - (5) Any written consent as required under sub-regulation (4) must be lodged or sent together with the candidate's personal statement.
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- (6) The Electoral Commissioner must only print the first 150 words of a candidate's personal statement.
- (7) The Electoral Commissioner may—
- (a) liaise with any candidate with respect to the content or form of his or her personal statement; and
  - (b) amend a candidate's personal statement in accordance with the written authorisation of the candidate or a person duly authorised by a candidate—
- until the day that the candidate's personal statement is printed.
- (8) The Electoral Commissioner must keep a record of all amendments made to a candidate's personal statement.
- (9) The Electoral Commissioner must reject a candidate's personal statement if it contains a reference to any other candidate standing for election without the written consent of that other candidate.
- (10) The Electoral Commissioner may reject a candidate's personal statement if, in the opinion of the Electoral Commissioner, it contains offensive or obscene material or is likely to mislead or deceive an elector in the casting of his or her vote.
- (11) A candidate who lodges a personal statement is responsible for the accuracy and integrity of all statements contained in it.
- (12) The Electoral Commissioner must ensure that a candidate's personal statement remains confidential until distributed to electors.

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**16. Candidate's indication of preferences**

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- (1) A candidate may lodge a candidate's indication of preferences which contains the candidate's preferred order of voting.
- (2) A candidate's indication of preferences must be—
  - (a) signed by the candidate; and
  - (b) lodged with the Electoral Commissioner no later than 12 noon on the third day after nomination day.
- (3) A candidate's indication of preferences may be lodged either in person by the candidate or by another person or by sending the indication of preferences by post or sending a copy of the indication of preferences by facsimile or electronic transmission.
- (4) A candidate in his or her indication of preferences must—
  - (a) identify each candidate in the form and order in which he or she appears on the ballot paper; and
  - (b) place once only the figures 1, 2, 3, 4 (and so on as the case requires) opposite the names of the candidates so as to indicate his or her preference for them.
- (5) The Electoral Commissioner must reject a candidate's indication of preferences which does not comply with this regulation.
- (6) The Electoral Commissioner must ensure that a candidate's indication of preferences remains confidential until distributed to electors.

***17. Inclusion of candidate's personal statement and indication of preferences***

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- (1) If a candidate lodges a personal statement or indication of preferences the Electoral Commissioner must ensure that—
  - (a) it is included in the postal ballot envelope sent to each elector;
  - (b) it appears in the same order as the names of the candidates on the ballot paper;
  - (c) it is printed in the type, in the form and with the spacing that the Electoral Commissioner considers appropriate in the circumstances.
- (2) If a candidate does not lodge a personal statement or indication of preferences, the Electoral Commissioner must include in the postal ballot envelope sent to each elector advice that the candidate has not lodged a personal statement or indication of preferences.

**18. *Method of voting***

- (1) To record a valid vote, an elector must insert the figure 1 on the ballot paper opposite the name of the candidate who is the elector's first preference.
- (2) An elector must also place the figures 2, 3, 4 and so on opposite the names of the other candidates in order of the elector's preference for those candidates.
- (3) The elector may only use each number once.

**19. *Manner of lodging vote***

After marking the ballot paper, the elector must—

- (a) place the ballot paper in the ballot paper envelope and seal the envelope; and
  - (b) sign his or her name in the place provided on that envelope and include the date on which that signature is made; and
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- (c) place the ballot paper envelope in the reply paid return envelope and seal that envelope; and
- (d) post, or deliver, the reply paid return envelope or cause the envelope to be posted or delivered, to reach the Electoral Commissioner before 4.00 p.m. on polling day.

**20. *Receipt of ballot papers***

The Electoral Commissioner must—

- (a) remove the ballot paper envelope from each reply paid return envelope received before the close of the election; and
- (b) record receipt of the ballot paper envelope on the roll of electors; and
- (c) separate the signed ballot paper envelopes from the unsigned ballot paper envelopes; and
- (d) disallow the unsigned ballot paper envelopes; and
- (e) place each signed ballot paper envelope in a sealed ballot box.

**21. *Scrutineers***

Each candidate at an election is entitled to appoint one scrutineer to be present during the counting of votes.

**22. *Ballot paper envelopes***

As soon as practicable after the close of the election, the Electoral Commissioner, in the presence of any scrutineers that choose to be present, must—

- (a) open the ballot box; and

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- (b) produce all signed ballot paper envelopes received up to the close of the election; and
  - (c) detach and separate the flap containing the elector's details from each ballot paper envelope; and
  - (d) after the flaps have been detached, open each ballot paper envelope and extract the ballot paper; and
  - (e) count the votes.

**23. *Invalid votes***

Any ballot paper which—

- (a) is not enclosed in a ballot paper envelope signed by the elector; or
- (b) is received from a person whose name is not on the roll of electors; or
- (c) does not have a number placed opposite each candidate's name in accordance with regulation 18—

must not be counted.

**24. *Adjournments***

The Electoral Commissioner may from time to time adjourn the counting of votes to a time and place fixed by the Electoral Commissioner and notified to the scrutineers (if any).

**25. *Method of counting votes***

- (1) The Electoral Commissioner must count the votes using the quota preferential method of proportional representation<sup>1</sup> set out in Schedule 1 and—
  - (a) exclude candidates; and
  - (b) record candidates to be elected to the board.

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- (2) The Electoral Commissioner may determine if the votes are to be counted manually or by an electronic method.

**26. *Recounts***

- (1) The Electoral Commissioner may recount the votes at any time before the declaration of the election—
- (a) on the written request of any candidate stating the reasons for the request; or
  - (b) on his or her own motion.
- (2) The Electoral Commissioner must advise all candidates if a recount is to be conducted.

**27. *Disputes***

The Electoral Commissioner may determine any question arising as to the validity or regularity of any vote.

**28. *Declaration of election***

The Electoral Commissioner must declare the results of an election at least 3 months before the day on which the annual general meeting of the centre is to be held.

**29. *Custody and destruction of election papers***

The Electoral Commissioner must ensure the safe custody of all materials used in an election for 3 years from the day of holding the annual general meeting of the centre for which the election was conducted.

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**PART 4—DETERMINING THE NEXT ELIGIBLE  
CANDIDATE**

**30. *Casual or extraordinary vacancies***

- (1) If a vacancy arises in—
- (a) an elected office other than by expiry of the member's term; or
  - (b) the office of a person co-opted in accordance with section 49 of the Act to fill an elected office—

the Electoral Commissioner, on the written request of the chief executive officer of the centre, must ascertain the next person eligible to be elected to the vacant office in accordance with Schedule 2.

- (2) If there is no person next eligible to be elected to the vacant office the Electoral Commissioner must conduct any election permitted or required by the Act to fill that vacant office in accordance with Part 3.
- (3) Despite sub-regulation (2), the Electoral Commissioner is not required to comply with any requirements as to time in Part 3 if the Electoral Commissioner is satisfied that it is necessary to dispense with those requirements in order to conduct the election to fill the vacancy as expeditiously as is practicable and appropriate in the circumstances.
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**PART 5—TRANSITIONAL**

**31. *General elections conducted in 2001***

Despite regulation 5, the chief executive officer of a centre, in relation to the conduct of an election in 2001, is deemed to have complied with that regulation if the officer provides the information required by that regulation immediately after the commencement of these Regulations.

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## **SCHEDULES**

### **SCHEDULE 1**

Regulation 25

#### **CONDUCT OF AN ELECTION BY THE QUOTA PREFERENTIAL METHOD OF PROPORTIONAL REPRESENTATION**

##### **1. *The quota***

- (1) The number of first preferences indicated for each candidate must be counted and recorded and all voting papers which contain no other clear indication of a first preference must be rejected as informal.
- (2) The aggregate value of the first preference, expressed as the number of whole votes, or as the number of thousandths of a vote, must be divided by the number exceeding by one the number of vacancies to be filled and the whole number next above the quotient or result is the quota, and throughout the counting, values are to be recorded in whole votes or thousandths of a vote according to the manner in which the aggregate value of the first preferences was expressed.

##### **2. *Surpluses arising from counting of first preferences***

- (1) Any candidate who has a number of first preferences of value equal to or greater than the quota must be recorded as elected.
- (2) If the value of the first preferences recorded for any candidate is equal to the quota, the whole of the voting papers on which a first preference is indicated for him or her must be set aside as finally dealt with.
- (3) If the value of the first preferences recorded for any candidate is greater than the quota, then, except if clause 3 is applied, the surplus over the quota must be transferred to the other candidates not yet recorded as elected as follows—
  - (a) the voting papers with first preference indicated for the elected candidate must be re-examined and for each unelected candidate the number of these voting papers on which he or she is indicated as preferred to

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any other unelected candidate must be counted and recorded;

- (b) if the total value of the voting papers recorded according to paragraph (a) is greater than the surplus, the surplus must be divided by the number of these voting papers and the result is the transfer value, provided that if the values are being recorded in thousandths of a vote any fraction in the result may be discarded.
- (c) the number of voting papers recorded for each unelected candidate according to paragraph (a) must be multiplied by the transfer value and in each case the whole number remaining after any fraction in the result is discarded, must be credited to the unelected candidate and added to the value previously recorded for him or her.
- (d) if more than one candidate has a surplus, the surpluses must be transferred in order of size, beginning with the largest, and, if two or more surpluses are equal, the Electoral Commissioner must decide by lot which surplus is transferred first.

**3. *Optional deferment of transfer of surplus***

Despite clause 2, if the Electoral Commissioner so determines, the transfer of a surplus may be deferred if that surplus together with every other surplus not transferred is less than the difference between the quota and the highest progress total of any unelected candidate and is also less than the difference between the lowest progress total and the progress total next above it.

**4. *Surpluses arising from transfer***

- (1) If the progress total of a candidate is raised up to or above the quota by the transfer of a surplus, he or she must be recorded as elected and no other voting papers must be allotted to him or her after this transfer is completed.
  - (2) If the progress total of a candidate is raised up to but not above the quota by the transfer of a surplus, the whole of the voting papers allotted to him or her must be set aside as finally dealt with.
  - (3) If the progress total of a candidate is raised above the quota by the transfer of a surplus, then, except if clause 3 is
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applied, his or her surplus must be transferred to the unelected candidates as follows—

- (a) the voting papers allotted to the elected candidate in the last transfer must be re-examined and, for each unelected candidate, the number of these voting papers on which he or she is indicated as preferred to any other unelected candidate must be counted and recorded;
- (b) if the total value of the voting papers recorded according to paragraph (a) is greater than the surplus, the surplus must be divided by the number of these voting papers and the result is the transfer value, provided that if the values are being recorded in thousandths of a vote any fraction in the result may be discarded;
- (c) if the total value of the voting papers recorded for each unelected candidate according to paragraph (a) is less than or equal to the surplus, the transfer value is the value at which the voting papers were allotted to the elected candidate;
- (d) the number of voting papers recorded for each unelected candidate according to paragraph (a) must be multiplied by the transfer value and in each case the whole number remaining after any fraction in the result is discarded must be credited to the unelected candidate and added to his or her progress total;
- (e) if more than one candidate has a surplus, the surpluses must be transferred in order of size, beginning with the largest, provided that no surplus is transferred before a surplus that arose earlier in the counting whether larger or not and if two or more surpluses arising from the same transfer are equal, the surplus of the candidate whose progress total was highest when they last had unequal totals must be transferred first, and if the progress totals were never unequal, the Electoral Commissioner must decide by lot which surplus is transferred first.

**5. Exclusions**

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- (1) If, after the transfer of all surpluses except any deferred according to clause 3, any vacancies remain unfilled, the candidate whose progress total is lowest must be excluded, and all voting papers allotted to him or her distributed, each continuing unelected candidate being allotted those papers on which he or she is indicated as preferred to any other continuing candidate and credited with their value.
  - (2) The voting papers with first preference indicated for the excluded candidate must be first allotted, each at its full value.
  - (3) The other voting papers of the excluded candidate must then be allotted in the order of the transfers in which, and with the values at which, they were allotted to him or her.
  - (4) Each allotment of voting papers according to paragraphs (b), (c) and (d) of clause 4 must be regarded as a separate transfer in the application of clause 6(1).
  - (5) If it becomes necessary to exclude a candidate and two or more candidates have equal progress totals lower than any other progress total, the one whose progress total was lowest when they last had unequal totals must be excluded first and, if their progress totals were never unequal, the Electoral Commissioner must decide by lot which candidate is excluded first.

**6. *Surpluses arising from exclusion***

- (1) If the progress total of a candidate is raised up to or above the quota by any transfer of the voting papers of an excluded candidate, he or she must be recorded as elected, and no other voting papers are to be allotted to him or her after this transfer is completed.
- (2) If the progress total of a candidate is raised up to but not above the quota by any such transfer, the whole of the voting papers allotted to him or her must be set aside as finally dealt with.
- (3) If the progress total of a candidate is raised above the quota by any such transfer then, except if clause 3 is applied, his or her surplus must be transferred to the continuing candidates in the manner specified in clause 4(3), but this surplus must not be transferred until all voting papers of the excluded candidate have been allotted.

**7. *Completion of counting***

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The process of excluding the candidate with the lowest progress total and allotting his or her voting papers and crediting their value to continuing candidates must be repeated and any surplus, except if clause 3 is applied, transferred, until all vacancies are filled or until the number remaining unfilled is equal to the number of continuing candidates, in which case these continuing candidates must be recorded as elected.

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**SCHEDULE 2**

Regulation 30

**METHOD FOR DETERMINING THE NEXT ELIGIBLE  
CANDIDATE FOR FILLING CASUAL OR EXTRAORDINARY  
VACANCIES**

**1. Definitions**

In this Schedule—

**"eligible candidate"** means a person who—

- (a) was a candidate at the relevant election; and
- (b) did not withdraw or retire from, and was not elected at, that election and is still eligible to be elected as a member of a board;

**"relevant election"** means the election at which the vacating member of the board was elected;

**"vacating member of the board"** means the person whose departure created the casual or extraordinary vacancy.

**2. Invitation to participate**

- (1) Within 14 days after being notified in writing by the chief executive officer of a centre that a casual or extraordinary vacancy exists or will exist in the board due to a casual or extraordinary vacancy in an elected office, the Electoral Commissioner—
    - (a) must publish a public notice inviting eligible candidates to participate in a count back of votes; and
    - (b) must write to each eligible candidate whose current address is known to the Commissioner inviting the candidate to participate in a count back of votes.
  - (2) A person who wishes to participate in a count back of votes must give the Electoral Commissioner a signed notice that—
    - (a) states that wish; and
    - (b) declares that he or she is an eligible candidate; and
    - (c) contains any other details required by the Electoral Commissioner—
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before 4 p.m. on the 14th day after the date of the notice or written invitation.

**3. Procedure if no eligible candidates wish to participate in count back**

If there is no eligible candidate who has given the Electoral Commissioner a notice required by clause 2(2) within the time required by that clause, an election must be held to fill the casual or extraordinary vacancy.

**4. Procedure if there is only one eligible candidate**

If only one eligible candidate gives the Electoral Commissioner the notice required by clause 2(2) within the time required by that clause, the Electoral Commissioner must declare that candidate to be elected.

**5. Procedure if there is more than one eligible candidate**

- (1) If more than one eligible candidate gives the Electoral Commissioner the notice required by clause 2(2) within the time required by that clause, the Electoral Commissioner must—
  - (a) fix a place, date and time for a count back of votes in accordance with Part 2 of this Schedule; and
  - (b) notify in writing each participating eligible candidate of the place, date and time; and
  - (c) give public notice of the fact that a count back of votes will occur, the names and addresses of the participating eligible candidates and the place, date and time at or on which the count back will occur.
- (2) The date fixed for the count back must be the date that is, in the opinion of the Electoral Commissioner, the first date on which it will be practicable to conduct a count back in accordance with these Regulations.

**6. Other procedural matters**

- (1) An eligible candidate who has given the notice required by clause 2(2) may withdraw the notice before 4 p.m. on the day before the date fixed for the count back of votes.
  - (2) A notice of withdrawal must be signed by the candidate.
  - (3) If an eligible candidate who has given the notice required by clause 2(2) dies before the count back of votes is completed, the notice becomes void.
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**7. Count back may be conducted using existing electronic database**

- (1) This clause applies if a copy of all valid ballot papers cast at a relevant election exists in an electronic form.
- (2) The Electoral Commissioner may conduct a count back of votes by using the electronic form of the ballot papers if he or she certifies in writing that he or she is satisfied, after conducting any tests that he or she considers to be appropriate, that the electronic form of the ballot papers is an accurate copy of all the valid ballot papers that were cast at the relevant election.

**8. Retrieval and opening of ballot papers**

- (1) This clause applies if clause 7 does not apply.
- (2) The Electoral Commissioner must retrieve the valid ballot papers of the relevant election that are kept by the Electoral Commissioner in accordance with regulation 29.
- (3) The Electoral Commissioner must open the ballot papers at the place and time, and on the date, fixed for the countback of votes under clause 5.
- (4) If any scrutineers are present for the countback and have indicated that they wish to observe the opening of ballot papers, the ballot papers must be opened in the presence of those scrutineers.

**9. Relevant ballot papers to be ascertained**

The following ballot papers must be brought together—

- (a) if the vacating member of the board obtained a quota on first preferences, all the ballot papers on which those preferences are marked; or
  - (b) if the vacating member of the board was elected after a transfer or transfers of ballot papers—
    - (i) all the ballot papers counted to the vacating member of the board at the time that he or she was elected; and
    - (ii) if the vacating member of the board was elected following the exclusion of a candidate, because the remaining number of unfilled vacancies was equal to the number of continuing candidates, all of the ballot papers that—
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- (A) were not transferred to the vacating member of the board from the excluded candidate or candidates because it was unnecessary; and
  - (B) showed a next available preference for the vacating member of the board.

**10. *Votes to be transferred from vacating member of the board to eligible candidates***

- (1) Those ballot papers must then be transferred to the participating eligible candidates in accordance with the next available preference shown on the ballot papers, at their respective transfer values, beginning with the ballot papers with the highest transfer value and ending with the ballot papers with the lowest transfer value, and must be transferred as follows—
    - (a) the total number of ballot papers of a particular transfer value that show the next available preference for a particular participating eligible candidate must be multiplied by that transfer value; and
    - (b) the number obtained under paragraph (a) (disregarding any fraction) must be credited as votes to that candidate; and
    - (c) all those ballot papers must be transferred to that candidate.
  - (2) The transfer value of a ballot paper is—
    - (a) in the case of a ballot paper received by the vacating member of the board as a first preference—1;
    - (b) in the case of a ballot paper received by the vacating member of the board after the count of first preferences, but before the transfer at which she or he was elected—the transfer value at which it was received by the vacating member of the board;
    - (c) in the case of a ballot paper received by the vacating member of the board at the transfer at which he or she was elected—the number obtained by dividing the number of votes by which the vacating member of the board, immediately before that transfer, was short of the quota, by the number of ballot papers transferred to the vacating member of the board at that transfer.
  - (3) For the purposes of this clause—
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- (a) a preference expressed for one of the following people is to be disregarded—
  - (i) the vacating member of the board; or
  - (ii) a person elected at the relevant election or at a count back of votes; or
  - (iii) a person who is not participating in the count back of votes; and
- (b) a preference that has been disregarded is to be taken to be substituted for the next available preference on the ballot paper that is not for a person listed in paragraph (a)(i), (ii) or (iii); and
- (c) a first preference for a participating eligible candidate who was excluded at the relevant election that appears on a ballot paper that was transferred to the vacating member of the board is to be counted for that candidate.

**11. *Count back to be stopped if absolute majority obtained***

- (1) After the transfers required by clause 10 have been completed, if a participating eligible candidate has an absolute majority the Electoral Commissioner must declare that candidate to be elected.
- (2) For the purposes of this clause, a candidate has an absolute majority if the number of votes credited to that candidate is more than 50% of the total number of votes credited to all the participating eligible candidates after the transfers.

**12. *Next stage (if necessary)***

- (1) If no participating eligible candidate has an absolute majority of votes, the participating eligible candidate with the fewest votes must be excluded.
  - (2) The excluded candidate's ballot papers must be transferred to the continuing participating eligible candidates in accordance with the preferences shown on those ballot papers, at their respective transfer values, beginning with the ballot papers with the highest transfer value and ending with those with the lowest transfer value, as follows—
    - (a) the total number of ballot papers received by the excluded candidate at a particular transfer value and expressing the next available preference for a particular continuing eligible candidate must be multiplied by that transfer value; and
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- (b) the number obtained under paragraph (a) (disregarding any fraction) must be added to the number of votes of that continuing candidate; and
  - (c) all those ballot papers must be transferred to that continuing candidate.
- (3) The transfer value of a ballot paper for the purposes of this clause is the same as the transfer value set out in clause 10(2).
  - (4) After doing this in respect of each continuing participating eligible candidate, if a candidate has an absolute majority the Electoral Commissioner must declare that candidate to be elected.
  - (5) For the purposes of this clause, a candidate has an absolute majority if the number of votes credited to that candidate is more than 50% of the total number of votes credited to all the continuing participating eligible candidates after the transfers and additions required by sub-clause (2).

**13. *Process if vote equal***

- (1) If—
  - (a) a participating eligible candidate must be excluded; and
  - (b) 2 or more of the continuing participating eligible candidates having the fewest votes have an equal number of votes after the process referred to in clause 10 or clause 12—

the candidate who had the fewest votes at the last count or transfer at which they had an unequal number of votes is to be excluded.

- (2) If there is no stage at which the 2 or more continuing participating eligible candidates had an unequal number of votes, the Electoral Commissioner must decide by lot which candidate is to be excluded.

**14. *Final stage (if necessary)***

- (1) If no participating eligible candidate has an absolute majority of votes the process described in clause 12 must be repeated until—
  - (a) a participating eligible candidate receives an absolute majority within the meaning of clause 12(5); or

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- (b) there are only 2 continuing participating eligible candidates, neither of whom has an absolute majority of votes.
  - (2) If sub-clause (1)(b) applies, the Electoral Commissioner must declare to be elected the candidate who had the most votes at the last count or transfer at which the 2 candidates had an unequal number of votes.
  - (3) If there is no stage at which the 2 candidates had an unequal number of votes, the Electoral Commissioner must decide by lot which candidate is to be elected.
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**Endnotes**

**ENDNOTES**

- <sup>1</sup> Reg. 25(1): Schedule 1 is an adaptation of the Rules of the Proportional Representation Society of Australia for Conducting Elections by the Quota-Preferential Method set out in the third edition of the Proportional Representation Manual published by the Society in 1977.