
*The Elections Ordinance 1934 (Disputed Elections)
Amending Ordinance 1956.*

No. 31, 1956.

AN ORDINANCE to amend the Elections Ordinance 1934 as amended.

WHEREAS it is expedient to amend The Elections Ordinance 1934 as amended.

Now the Synod of the Diocese of Sydney ordains directs and rules as follows:—

1. In this Ordinance—

“the Principal Ordinance” means The Elections Ordinance 1934 as amended.

2. Clause 9 (b) of the Principal Ordinance is amended by inserting after the word “containing” the words “a statement of the total number of votes both valid and invalid recorded in the ballot and.”

3. The Principal Ordinance is further amended by inserting next after Clause 10 the following new clauses:—

- 10 (A) An application for a recount may be made to the President in connection with any election by any defeated candidate or any five members of Synod eligible to vote at such election.
- 10 (B) Any such application shall be in writing signed by such candidate or members and shall be served within twenty-four hours after the declaration of the election on the Secretaries of Synod or one of them who shall notify the President thereof as early as the business of Synod shall permit.
- 10 (C) Any such application may contain a request that the President appoint as the returning officer at the recount a person other than the person who acted in that capacity at the election in question. The granting of such request shall be in the discretion of the President.
- 10 (D) Forthwith on the due receipt of a formal application the President shall if he is of the opinion that

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an error in the election has been made or that there is any other just and sufficient reason therefor direct that a recount of the votes be made; provided that the President shall not so direct, and a further recount shall not be made, if a recount has already been made or directed in respect of the same election.

- 10 (E) (a) The returning officer shall give at least 24 hours notice of the proposed recount, giving date, time, and place to the defeated candidate or members of Synod who made application therefor and to each other candidate and to the person having custody of the ballot papers.
- (b) The President, the defeated candidate or members of Synod aforesaid and each candidate affected may appoint one scrutineer to be present at the recount.
- 10 (F) (a) The person having the custody of the ballot papers and any other papers used in the election shall produce them to the returning officer on the day fixed for the recount.
- (b) The returning officer shall (in the presence of such of the scrutineers as attend) and with the assistance if necessary of the deputy returning officer cause the ballot papers to be scrutinised and counted (and any other papers used at the election to be inspected as he may deem necessary).
- (c) For the purpose of a recount the returning officer shall perform the duties and exercise the powers of a returning officer at an election hereinbefore set out and such of the provisions of this Ordinance and the regulations made hereunder as relate to the duties and powers of the returning officer shall apply, *mutatis mutandis*, to the recount.
- 10 (G) (a) The returning officer shall, as soon as practicable after the close of the recount, remit a

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report of the result of such recount to the President who shall redeclare the result of the election. The provisions of clauses 9 and 10 of this Ordinance shall apply mutatis mutandis, to the report of the returning officer and the redeclaration of the President under this sub-clause.

- (b) Where the redeclaration following upon the recount results in the election of a candidate other than those previously declared elected the President shall by his declaration cancel the previous declaration in so far as may be necessary to give effect to the redeclaration.
- 10 (H) (a) The persons shown by the redeclaration to have been elected shall, if they have not already taken office forthwith take office, and any person shown to have been wrongly declared elected by the previous declaration shall cease to act in office.
- (b) Any redeclaration hereunder of the result of an election shall have the effect of cancelling any previous declaration.

4. This Ordinance may be cited as "The Elections Ordinance 1934 (Disputed Elections) Amending Ordinance 1956."

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

W. G. HILLIARD, Bishop,
Chairman of Committees.

We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 26th day of Sept., 1956.

S. H. DENMAN. } Secretaries
H. V. ARCHINAL. } of Synod

I assent to this Ordinance.

HOWARD SYDNEY,

Archbishop of Sydney.

26/9/1956