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*Elections Ordinance 1970*

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No. 50, 1970

AN ORDINANCE to make provision for the nomination of persons to be elected by Synod to serve on committees councils, boards and other bodies and for the conduct of such elections and for purposes connected therewith.

WHEREAS provision has been made in The Elections Ordinance 1934-1965 for the procedures to be followed in the election of persons by Synod to serve on various committees councils boards and other bodies AND WHEREAS it is expedient to repeal such ordinance and to make further provision for election procedures as hereinafter set out NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES RULES AND DIRECTS as follows:—

REPEAL OF PREVIOUS ORDINANCE

1. The Elections Ordinance 1934-1965 is hereby repealed but such repeal shall not affect or invalidate any act performed or appointment election or regulation made under or by virtue of that Ordinance. All persons appointed thereunder and holding office at the passing of this Ordinance shall remain in office as if this Ordinance had been in force at the time they were appointed or elected and they had been appointed or elected thereunder and this Ordinance shall apply to them accordingly. All regulations made and in force under or by virtue of the said Elections Ordinance 1934-1965 shall remain in force as if they had been made under this Ordinance.

RETURNING OFFICER

- 2.- Not less than 28 days prior to the date appointed for the assembling of every ordinary session of Synod the Archbishop-in-Council shall appoint a Returning Officer and a Deputy Returning Officer and shall notify the Secretaries of Synod (hereinafter referred to as "the Secretaries") of such appointments.
3. After nominations have closed it shall be the duty of the Returning Officer to take all necessary steps to conduct the elections and to:—
  - (a) count the votes cast thereat;
  - (b) ascertain and report in writing to the President the result thereof in accordance with this Ordinance; and
  - (c) do such other matters and things in respect of the elections as he is required by this Ordinance to do.
4. In the case of the death of the Returning Officer or of his absence from duty the Deputy Returning Officer shall have and exercise all the powers duties and authorities of the Returning Officer and have and be subject to all the liabilities conferred and imposed by or under this Ordinance upon the Returning Officer and any provisions relating to the Returning Officer shall relate to the Deputy Returning Officer so acting.

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5. In carrying out his duties the Returning Officer may employ with the approval of the President such assistants as he may deem necessary.

### NOTICE OF ELECTIONS

6. The Standing Committee shall not less than 42 days prior to the date appointed for the assembling of every ordinary session of Synod cause to be posted to every member of Synod a printed notice of all elections required by ordinance rule or resolution to take place during that session.

### NOMINATIONS

7. Nominations of persons for such elections shall be delivered to the Secretaries not less than 28 days before the first day of the session ensuing and not later than 4 p.m. on that day. Each nomination shall declare the name and an address and designation sufficient to identify the person nominated and shall declare the position for each such nomination made. An error in an address or designation shall not of itself invalidate a nomination.
8. Every nomination so made shall be signed by the proposer and seconder being members of Synod one of whom shall certify that the person nominated has consented to nomination.
9. Every nomination received by the Secretaries shall be acknowledged by a receipt in a form to be prescribed by regulation made hereunder and recorded in a book kept for that purpose.
10. A list of the names of the persons nominated and the office for which they are nominated shall be delivered to the Returning Officer by the Secretaries.
11. If a retiring member of any committee council or other body to which this Ordinance applies is eligible for re-election it shall be sufficient ground for the proposer or seconder to certify as aforesaid if the Chairman or Secretary of such body shall have certified pursuant to regulations made hereunder that there is good reason to believe that such retiring member is willing to be nominated.

### UNCONTESTED ELECTIONS

12. If the nominations of persons for any of the said elections are not in excess of the number of persons required to be elected the Secretaries shall inform the Returning Officer and the Archbishop who as early as the business of Synod shall permit on the first day of the session shall declare the persons nominated to be duly elected.
13. When owing to casual vacancies or otherwise the persons to be elected shall not all be required to serve the same terms of office and the number nominated shall not exceed the number required then retiring members who have been nominated shall

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be declared elected for the longer terms of office in order of the length of service of each since last being elected to the office; if distinction has to be made between any others it shall be decided by lot in such manner as the President shall direct.

### CONTESTED ELECTIONS

14. If the nominations of persons for any of the said elections are in excess of the number of persons required to be elected a ballot shall be taken as hereinafter provided.
15. Not less than fourteen days prior to the date appointed for the assembling of Synod the Secretaries shall cause to be posted to every member of Synod a list of the names of the persons so nominated their designations and addresses and names of the proposers and seconders and the positions for which they are nominated.
16. The Returning Officer shall provide a ballot box or boxes and a sufficient number of printed ballot papers. Such ballot papers shall be in or to the effect of the form prescribed by regulation made hereunder.
17. The Returning Officer at a place appointed by the Archbishop convenient to the meeting place of Synod shall between the hours of 2 p.m. and 8 p.m. on the first and second days of the session issue to each member of Synod applying to him a ballot paper containing the names of all persons so nominated for office.
18. Votes shall be indicated by placing a cross (X) in the square opposite the name of the candidate or candidates for whom the voter desires to vote. Any voting paper containing more or fewer names marked with a cross than the number of positions to be filled shall be informal.
19. (a) A member of Synod desiring to record his vote shall place his ballot paper in a ballot box provided for that purpose between the hours of 2 p.m. and 9 p.m. on the first and second days of the session.  
(b) If any member satisfies the Returning Officer that he has spoiled his ballot paper by a mistake or accident he may on giving it up receive another ballot paper in its place.
20. Wherever the election to any office is contested the persons whose names appear highest on the list referred to in paragraph (b) of Clause 23 hereof shall be declared by the President to be elected in accordance with the number required to be elected.
21. Except in the cases to which Clause 22 of this Ordinance relates any determination between two or more nominees receiving an equal number of votes shall be made by the Standing Committee.
22. When owing to casual vacancies or otherwise the persons to be elected shall not all be required to serve the same terms of office then:

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- (a) The persons receiving the greater number of votes shall be elected for the longer terms of office.
  - (b) When there is an equality of votes for any but the last position then a retiring member if any shall be declared elected for the longer term of office in preference to a person who is not a retiring member or to a retiring member whose previous term of office was shorter otherwise it shall be determined by lot in such manner as the President shall determine.
  - (c) When there is an equality of votes for the last place then it shall be referred to the Standing Committee for determination.
23. As soon as practicable after the ballot closes the Returning Officer shall:—
- (a) Ascertain the result of the election in accordance with this Ordinance and the regulations made hereunder.
  - (b) Remit to the President a report containing a statement of the total number of votes both valid and invalid recorded in the ballot and complete lists of the names of the nominees for each office with the number of votes recorded for each such nominee; the names on such lists to be arranged in the order of the number of votes recorded beginning with the highest.
24. As soon as convenient after receiving the report of the Returning Officer the President shall:—
- (a) Declare to be elected the persons ascertained to be elected.
  - (b) Cause to be posted up in a place where it may be readily inspected by members of Synod a copy of the Returning Officer's Report referred to in paragraph (b) of Clause 23 hereof.

### PROVISIONS FOR RECOUNT

25. 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.
26. Any such application shall be in writing signed by such candidate or members and within twenty-four hours after the declaration of the election shall be served on the Secretaries or one of them who shall notify the President thereof as early as the business of Synod shall permit.
27. 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.
28. Forthwith on the due receipt of any such application the President shall if he is of the opinion that 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

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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.

29. The Returning Officer for such recount 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.
30. The President the defeated candidate or members of Synod aforesaid and each candidate affected may appoint one scrutineer to be present at the recount.
31. The person having the custody of the ballot papers and any other papers used in the election shall produce them to such Returning Officer on the day fixed for the recount.
32. Such Returning Officer in the presence of such of the scrutineers as attend and with the assistance if necessary of the Deputy Returning Officer shall cause the ballot papers to be scrutinised and counted. He may also cause any other papers used at the election to be inspected as he may deem necessary.
33. For the purpose of a recount the Returning Officer appointed 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.
34. Such Returning Officer shall, as soon as practicable after the close of the recount submit a report of the result of such recount to the President who shall redeclare the result of the election. The provisions of Clauses 23 and 24 of this Ordinance shall apply *mutatis mutandis* to the report of such Returning Officer and the redeclaration of the President under this paragraph.
35. Where the redeclaration following upon the recount results in the election of a candidate other than those previously declared elected or any of them the President shall by his declaration cancel the previous declaration insofar as may be necessary to give effect to the redeclaration.
36. (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 to the extent of any inconsistency with such redeclaration.

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### POWER TO MAKE REGULATIONS

37. The Archbishop-in-Council shall have power to make regulations for giving effect to and carrying out the provisions of this Ordinance. Such regulations may make provision for any matter or act not otherwise provided for in this Ordinance and which may be necessary in order to enable an election to be made effectively.

### GENERAL

38. In the case of any election under the provisions of this Ordinance where by ordinance or resolution of the Synod or in the opinion of the Archbishop-in-Council it is impossible or impracticable to conduct a ballot during a session of Synod the Archbishop shall so certify in writing and shall then direct that a postal ballot be held in accordance with regulations made pursuant to this Ordinance.
39. This Ordinance shall not apply to the election of the Committee for the Order of Business and of the Committee of Elections and Qualifications.
40. If any election required by ordinance rule or regulation to take place under this Ordinance during the session shall not take place then the same shall take place in such manner as the Synod shall by resolution provide and this failing the same shall be made by the Standing Committee provided that any person so elected by the Standing Committee shall hold office only until the next succeeding session of the Synod.
41. In any case where the President shall be satisfied that for any reason an election has not been conducted in accordance with the requirements of this Ordinance and that the irregularity or irregularities may have affected the result of such election he may certify accordingly and direct that a new election or a new ballot shall take place as he shall think fit; provided that the President shall not so certify and direct after a period of one week shall have elapsed from the declaration or re-declaration of the election.

### SHORT TITLE

42. This Ordinance may be cited as the "Elections Ordinance 1970".

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

ATHOL RICHARDSON,  
Chairman of Committees.

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We certify that this Ordinance was passed by the Synod of the Diocese of Sydney this 15th day of October, 1970.

W. L. J. HUTCHISON,  
K. N. SHELLEY,  
Secretaries of Synod.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

15/10/1970.