

ELECTIONS ACT 1997'

Be It Enacted by the Bishop, the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Bendigo duly met in Synod according to law as follows :-

1. This Act may be cited as the "Elections Act 1997".
2. The Regulation of Elections Act 1933 is hereby repealed except as to every operation already effected or any act done or any right, title, obligation or liability already acquired or accrued under that Act.
3. Where it has been or shall be determined by any regulation, Act or resolution of the Synod that an election of any person or persons shall be made by Synod the election shall be conducted in accordance with the provisions of this Act.
4. Upon the first day of the first session of each Synod the President shall place upon the table of the Synod a list of names, not exceeding five, of members chosen by him as an Elections Committee and shall designate one of the five to be the chairman of that Committee.
5. There shall be referred to the Elections Committee:
 - (a) all questions relating to or incidental to the election specified in the mandate to be made at any of the sessions of that synod; and
 - (b) all questions relating to or incidental to the entitlement of any person to be a member of Synod.
6.
 - (1) The Elections Committee shall not transact any business unless at least three members thereof shall be present.
 - (2) The Committee shall advise the President of any procedural matters which arise consequently upon its determinations.
 - (3) The determination of the Committee on all questions referred to it shall be final.
7. By notice sent to each member of the Synod the President in his mandate convening the Synod or otherwise:
 - (a) shall specify the elections to be made in the session of Synod convened by his mandate;
 - (b) shall name a place and a day for those elections; and
 - (c) shall fix the hours on that day for the elections

and the elections shall be made at the place on the day and within the hours so named and fixed.

8. (1) The nomination for election of a duly qualified person shall be made in writing in the form prescribed by the Secretary by any two members of Synod and the person so nominated shall indicate in writing on the nomination form assent to such nomination.
- (2) The completed nomination form shall be delivered to the Secretary of Synod not later than 14 clear days before the date named in the mandate convening Synod as the date on which members of Synod are summoned to attend.
- (3) Unless these conditions have been complied with, no nomination paper shall be valid.
9. (1) The Secretary shall forthwith cause to be prepared lists of all persons so nominated and the offices for which they are nominated.
- (2) Not later than 7 clear days before the date on which members are summoned to attend the Secretary shall forward to each member of Synod a list of the office or offices for which members have been nominated.
- (3) If any person who has been nominated expresses in writing addressed to the Secretary an unwillingness to act, the name of that person shall be erased by the Secretary from the appropriate list.
- (4) If any person asserts that he or she had been nominated for an office and such nomination is not recorded on the list referred to in sub-section (2) hereof and if that person establishes to the satisfaction of the Secretary the fact of nomination to that office, the name of that person shall be added to the appropriate list.
- (5) If the Secretary is not satisfied with the validity of any nomination as referred to in the preceding sub-section and if the person asserting nomination is aggrieved by that decision the matter shall be referred to the Elections Committee whose decision shall be binding upon the Secretary and the aggrieved person.
- (6) The Secretary shall cause the lists of all persons so nominated and the offices for which they have been nominated to be provided to members of Synod, to be laid on the table of Synod and to be exhibited conspicuously in the Synod chamber until the time of the closing of the election.

10. If the number of persons nominated for election does not exceed the number of persons to be elected, the person or persons nominated shall be declared duly elected and any vacancy or vacancies then existing shall be filled by the Council of the Diocese unless other provisions be made by the Act or resolution of Synod authorising the election.
11. If the number or persons nominated for election exceeds the number of persons to be elected, the Secretary shall first determine by lot the order in which the names of the nominees are to be listed on the voting paper and secondly cause voting papers to be prepared in the form or to the effect of the First Schedule hereto.
12. Two or more scrutineers shall be appointed by the Synod Committee to assist the Secretary in taking the votes at the said election.
13. On the day and within the hours specified in the Bishop's mandate fixed for the election every member of Synod shall be entitled to receive in person from the Secretary or a scrutineer a voting paper for the election and it shall be the duty of the Secretary and the scrutineers before so issuing any voting paper to initial it and keep a record of the name of the person to whom it has been issued and such person shall not be entitled to receive any other voting paper unless the Secretary is satisfied before the ballot paper is deposited in the ballot box that it has been spoilt by mistake or accident in which case upon giving it up the person may receive a new ballot paper and the spoilt paper shall there and then be cancelled.
14. The voter shall indicate the order of preference by affixing to the name of each candidate a numeral. The numeral 1 shall signify the candidate who stands first in the order of preference, the numeral 2 the candidate who stands second in the order of preference and so on until a numeral is placed against the name of every candidate on the voting paper.
15. Any voting paper not initialled by the Secretary or a scrutineer or not completed in accordance with the provisions of the preceding section shall be deemed invalid.
16. Every voter having received the voting papers as aforesaid shall forthwith and without leaving the place of election fill in the same in accordance with the provisions of this Act and deposit it in a ballot box to be provided by the Secretary.
17. Any member of Synod who, to the satisfaction of the President, is under the necessity of leaving Synod before the hour fixed for the opening of the poll but after nominations have closed may receive voting papers and shall deliver them to the Secretary who shall upon the opening of the poll deposit the said papers in the ballot box.

18. (1) As soon as convenient after the closing of the poll the Secretary shall in the presence of, and with the assistance of, the scrutineers proceed to ascertain and record the votes in accordance with the rules set out in the Second Schedule hereto and report in writing to the President the result of the election.
- (2) Save and except where the scrutineers are required to ascertain the order of supplementary members of any office, the names of those elected to any office shall be reported in alphabetical order.
19. If the Synod is still sitting, the President shall declare the result of the elections and if the Synod is not still sitting the results shall be forwarded by the Secretary to each member as soon as practicable.
20. (1) In the event of the scrutineers reporting that two or more candidates have received an equal number of votes the President shall cause the Registrar of the Diocese to forward to every member of the Synod within a time period fixed by the President a voting paper in the form specified in the First Schedule hereto specifying a date and a time (to be fixed by the President) within which such voting paper shall be duly completed and returned to the Registrar.
- (2) The result of the voting in such case shall be ascertained by the Registrar in the manner prescribed by this Act or as near thereto as circumstances may permit.
- (3) In every case the Registrar shall report in writing to the President the result of such vote and in the event of there being again an equality of votes the President shall determine by a casting vote on whom the election shall fall.
- (4) In all cases regulated by this section the Registrar shall advise each member of Synod in writing of the result of such election.
21. (1) Where it has been or is subsequently enacted that a certain number of persons shall be elected to any office or offices and that other persons shall at the same time be elected and placed on a supplementary list in order that from such list vacancies amongst the members primarily elected may be filled, the election shall proceed in the manner prescribed with no distinction being made in the manner of recording votes for the persons to be primarily elected and those to be placed on the supplementary list.

- (2) The required number of persons whom the scrutineers report to be entitled to election shall be duly declared elected to the said office or offices and the required number of persons whom the scrutineers report to be next in order entitled to election shall be placed in that order on the supplementary list.
 - (3) The event that a primary member of a committee, board or other organisation to which he or she has been elected is unable or unwilling to be or continue to be a member for any reason whatsoever, the vacancy so created shall be filled by a supplementary member chosen in the order in which supplementary members were elected.
 - (4) Any supplementary member who becomes a member of a committee, board or other organisation pursuant to the provisions of the preceding sub-section shall be and remain a member for the unexpired portion of the period for which the original member was elected.
22. Save as provided in sections 21(3) and 21(4), unless the regulation, Act or resolution which required the election provides otherwise -
 - (1) If any member of a committee, board or other organisation elected pursuant to the provisions of this Act is unable or unwilling to be or to continue as a member for any reason whatsoever the vacancy so created shall be filled by the Council of the Diocese.
 - (2) Any person appointed by the Council of the Diocese pursuant to the provisions of the preceding sub-section shall be and remain a member until the next session of the Synod.
23. The Secretary upon the report to the President of an election shall forthwith place in separate packets all the used and the rejected voting papers and transmit the same to the Registrar who shall safely and secretly keep them for fourteen days and unless they be required to be produced before the Elections Committee shall immediately thereafter cause them to be destroyed without being opened.
24. When an Act or resolution of this Synod directs that any election shall be made by Synod, if such election is not made the persons, if any, who immediately prior to the time for making such election held such office shall continue to hold the same until their successors shall have been duly appointed.
25. Wheresoever the title "Secretary" occurs in this Act it shall be held to include when and as necessary any person appointed as a deputy secretary.

26. This Act shall come into operation on the day immediately following the last day of the third ordinary session of the Thirty-second Synod.

FIRST SCHEDULE

Voting paper for the election of a member of
the House of Clergy
or
the House of Laity
or
the Synod
to be (here describe the office or position to be filled)

INSTRUCTIONS TO VOTERS

The voter is to write the numeral 1 opposite the name of the candidate of first choice, the numeral 2 opposite the name of the candidate of second choice, and so on until a numeral is placed against the name of every candidate on the voting paper.

VOTING PAPER

NUMERICAL ORDER OF VOTER'S PREFERENCE	Names of candidates to be inserted

SECOND SCHEDULE

Directions to Secretary and scrutineers.

- (1) On the first count the total of primary votes recorded for each candidate is listed.
- (2) Exclude the candidate receiving the lowest number of primary votes and allot the second preferences of that candidate to the remaining candidates.
- (3) Should there be two or more candidates receiving an equal amount of the lowest primary votes, lots shall be drawn to determine which of those candidates shall be considered to be the candidate whose second preferences are to be distributed.
- (4) Continue to exclude candidates and allot preferences until the required number of candidates is elected.
- (5) On all counts record the votes and ensure that they total the original number of votes lodged.