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**REGULATING ELECTIONS MADE BY SYNOD**

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(Replacing the Acts referred to in Schedule A of this Act)

No. 2, 1911

AN ACT

TO CONSOLIDATE AND AMEND THE LAWS REGULATING ELECTIONS MADE BY THE SYNOD AND THE MANNER IN WHICH IN CERTAIN CASES VOTES SHALL BE GIVEN AT ELECTIONS AND THE METHOD BY WHICH THE RESULTS OF ELECTIONS SHALL BE ASCERTAINED.

Amendments No. 5, 1972  
No. 2, 1991  
No. 7, 1993  
No. 6, 1995

BE it enacted by the Bishop the Clergy and the Laity of the Anglican Church of Australia within the Diocese of Wangaratta duly met in Synod according to law as follows:-

Amended:  
Act No. 6, 1995

Repeal of Acts

Short Title  
Amended: Acts  
No. 5, 1972  
No. 2, 1991  
No. 7, 1993  
No. 6, 1995

Elections ordered  
by Synod

President in  
Mandate to name  
time etc of Election

Emergent Election  
Inserted:  
No. 5, 1972

1. The Acts mentioned in the Schedule hereto marked A shall be and the same are hereby repealed except as to every operation already effected by or act done under any enactment therein comprised or as to any liability or obligation already acquired or accrued under such enactment.
2. This Act may be cited as "The Regulation of Elections Act 1911 - 1995".
3. Where it has been or shall be determined by any Act or Resolution of this Synod that an election of any person or persons shall be made by Synod the election shall be conducted as hereinafter provided.
4. The President in his Mandate convening the Synod or otherwise shall by notice sent to each member of the Synod specify the election to be made in the Session of Synod convened by his Mandate and shall name a place and a day and shall fix the hours for the Election and the Election shall be made in the place on the day and within the hours so named and fixed by the President.
- 4A Where after the issue of the Bishop's Mandate convening Synod necessity for an Election has arisen or if any notice of Election should have been omitted from the said Mandate or from the notice referred to in the last preceding section it shall be competent for the Synod at any time during the Session by resolution to declare any such Election to be an 'emergent' Election and the President shall thereupon appoint a time and a place for receiving nominations for such emergent Election and also a time for the holding of such Election. In all other respects such emergent Election shall be conducted as far as practicable in conformity with the provisions of this Act.

**REGULATING ELECTIONS MADE BY SYNOD**

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| Form of Nomination  | <p>5. Any five members of Synod may unite in nominating in writing persons duly qualified for election provided that every person nominated shall signify through one of his nominators duly authorised or in writing under his hand to be delivered to the Secretary of Synod with his nomination his assent thereto.</p> <p>Every nomination so made and assented unto shall be delivered to the Secretary of Synod not later than such day and hour as the President in his Mandate convening the Synod or otherwise shall for this purpose name And no nomination paper shall be valid unless these conditions shall have been complied with.</p>   |
| Lists of Nominees   | <p>6. The Secretary shall forthwith cause to be prepared lists of all persons so nominated and the offices for which they are nominated and shall cause such lists to be laid on the table of Synod and exhibited conspicuously in the Synod Chamber until the time of the closing of the Election provided that if any person who has been nominated express in writing addressed to the Secretary his unwillingness to act his name shall be erased by the Secretary from the said lists.</p>   |
| Vacancies to be filled by Bishop in Council<br>Amended:<br>Act No. 6, 1995  | <p>7. If the number of persons nominated for election be not more than the number of persons to be elected the persons nominated shall be declared duly elected and any vacancy or vacancies then existing shall be filled by the Bishop in Council unless other provision be made by the Act or Resolution of Synod determining that the Election shall be made.</p>   |
| Vacancies to be filled by Bishop in Council<br>Inserted:<br>Act No. 6, 1995 | <p>7A. Should any person duly elected or appointed to an office under any act or Resolution of the Synod resign, die, or become incapable of acting due to illness or incapacity or be removed from office due to having ceased, in the opinion of the Bishop in Council, to possess the necessary qualifications for election the vacancy so created may be filled from the supplemental list for such office but failing such a supplemental list by resolution of the Bishop in Council and the person so appointed shall hold office until the next session of the Synod unless other provision be made by the Act or Resolution of Synod determining that the Election to the office shall be made.</p>  |
| Form of Voting Papers   | <p>8. If the number of persons nominated for election exceed the number of persons to be elected the Secretary shall cause voting papers to be prepared in the form or to the effect of the Schedule hereto marked B.</p>   |
| Scrutineers<br>Amended: Acts<br>No. 5, 1972<br>No. 6, 1995                  | <p>9. On the first day of each session of the Synod the President shall appoint from the members of the Synod two scrutineers and shall report the names of those appointed to the Synod.</p>   |
| Regulations as to Voting Papers<br>Amended:<br>No. 5, 1972                  | <p>10. On the day fixed for the Election every member of Synod shall be entitled to receive in person from the Secretary or some person appointed by him to act as his deputy a voting paper in respect of each election to be held and it shall be the duty of the said Secretary or his deputy 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 thereby be deemed to have voted and shall not be entitled to receive any other voting paper unless the voting paper already issued shall be returned to the said Secretary or his deputy in an unusable condition in which case the Secretary or his deputy shall destroy the paper first issued and give a similar one in its stead. Voting papers shall not be issued otherwise than as above provided nor to any persons other than members of the Synod.</p> |

**REGULATING ELECTIONS MADE BY SYNOD**

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| <p>Non-preferential<br/>Voting<br/>Amended:<br/>No. 5, 1972</p>  | <p>11.</p> | <p>The voter shall mark a cross opposite the name of each candidate appearing on the ballot paper for whom he desires to vote Provided that he shall vote for not more than the number of candidates required to be elected.</p>   |
| <p>Invalid Voting<br/>Papers</p>   | <p>12.</p> | <p>Any voting paper not initialled by the Secretary or his deputy or not filled up in accordance with the provisions of this Act shall be deemed to be invalid and shall be void and of no effect.</p>   |
| <p>Recording of Votes</p>  | <p>13.</p> | <p>On the day and within the hours fixed for the Election and in the place named therefor each voter shall deposit his voting paper in a ballot-box to be provided by the Secretary or his deputy. Provided that any member who may be under the necessity of leaving Synod before the hour fixed for the opening of the poll may give his voting paper into the hands of the Secretary or his deputy who shall upon the opening of the poll deposit the said paper in the ballot-box.</p>   |
| <p>Rules for<br/>Scrutineers and<br/>declaration of<br/>result.<br/>Amended:<br/>No. 5, 1972<br/>No. 7, 1993</p> | <p>14.</p> | <p>As soon as convenient after the closing of the poll the Scrutineers shall proceed to count the votes recorded for each candidate and shall prepare and certify a list containing the names of candidates in every ballot and the number of votes recorded for every candidate and report the same to the President who shall forthwith declare the result of the Election to Synod if the same be still sitting; should Synod be not then in session such declaration shall be made in writing addressed to each member of that Synod".</p>   |
| <p>Equality of Votes<br/>Amended:<br/>No. 5, 1972</p>  | <p>15.</p> | <p>Where at any Election two or more candidates have received an equal number of votes the Scrutineers shall report the result to the President who shall thereupon give his casting vote.</p>   |
| <p>Supplemental Lists<br/>of persons elected<br/>Amended: Acts<br/>No. 2, 1991<br/>No. 6, 1995</p>               | <p>16.</p> | <p>Where it has been or shall hereafter be enacted that a certain number of persons shall be elected to any office or offices and that other persons shall be elected at the same time and placed on a supplemental list in order that from such list vacancies amongst the members primarily elected may be filled nominations shall be received and an election held for those to be placed on the supplemental list separate from the nominations to be received and an election to be held for those to be elected as primaries unless other provision be made by the Act or Resolution of the Synod determining that an election for persons to be placed on a supplemental list shall be made the names of the persons on such list shall be recorded according to the number of votes each on election or if elected unopposed the order shall be determined by lot and to determine who from the supplemental list is to fill the vacancy the name shall be the one in accordance with the recorded order of the names on the supplemental list.</p> |
| <p>Questions affecting<br/>validity of Election</p>  | <p>17.</p> | <p>All questions affecting the validity of any Election held under this Act shall be referred to the Elections Committee appointed under the provisions of Act No. 4, 1904 Provided that no question as to the validity of an election shall be raised after seven days subsequent to the report thereof.</p>  |
| <p>Custody and<br/>Destruction of<br/>Voting Papers</p>  | <p>18.</p> | <p>The Secretary or his deputy upon the report of an Election to the President 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.</p>  |

**REGULATING ELECTIONS MADE BY SYNOD**

Continuance in office until elections of Successors

- 19. When any Act or Resolution of this Synod directs that any election shall be made by Synod if such Election be not duly made the persons if any who immediately previous to the time for making such Election held such office shall continue to hold the same until their successors shall have been duly appointed.

SCHEDULE A

Act No. 3, 1890 of the Diocese of Melbourne

Acts No. 2, 1903; No. 3, 1904; and No. 1, 1907 of the Diocese of Wangaratta

SCHEDULE B

VOTING PAPER FOR THE ELECTION OF

\_\_\_\_\_ Clerk(s)

\_\_\_\_\_ Lay member(s) of Synod

\_\_\_\_\_ Member(s) of Synod

\_\_\_\_\_ Person(s)

for \_\_\_\_\_  
(here describe the office or position to be filled)

Amended:  
No. 5, 1972

Mark cross here	Names of Candidates in Alphabetical Order

Instructions to Voters

- (a) Mark a cross against the name of each candidate for whom you desire to vote.
- (b) You must not vote for more than the number of candidates required to be elected.

Passed: 15th August 1911  
Assented to: 23rd August 1911

Act Amended by Act No. 5, 1972

Passed: 7th August 1972  
Assented to: 2nd October 1972

**REGULATING ELECTIONS MADE BY SYNOD**

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Act Amended by Act No. 2, 1991

Passed: 7th September 1991  
Assented to: 7th September 1991

Act Amended by Act No. 7, 1993

Passed: 26th August 1993  
Assented to: 15th September 1993

Act Amended by Act No. 6, 1995

Passed: 1st September 1995  
Assented to: 4th October 1995