

1994—No. 454

**SYDNEY CRICKET AND SPORTS GROUND ACT 1978—  
BY-LAW**

(Sydney Cricket and Sports Ground (Elections) By-law 1994)

NEW SOUTH WALES



*[Published in Gazette No. 108 of 26 August 1994]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Sydney Cricket and Sports Ground Act 1978, has been pleased to make the By-law set forth hereunder.

C. J. Downy  
Minister for Sport, Recreation and Racing.

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**Citation**

1. This By-law may be cited as the Sydney Cricket and Sports Ground (Elections) By-law 1994.

**Commencement**

2. This By-law commences on 1 September 1994.

**Definitions**

3. In this By-law:

“**election**” means an election, under section 6 (2) of the Act, of persons to be appointed as members of the Trust;

“**member of the Sydney Cricket Ground**” means a member of the Sydney Cricket Ground other than a junior or honorary member;

“**the Act**” means the Sydney Cricket and Sports Ground Act 1978;

“**Trust**” means the Sydney Cricket and Sports Ground Trust constituted by the Act.

**Conduct of election**

4. An election is to be carried out in accordance with this By-law.

**Returning Officer**

5. (1) The Trust is, by instrument in writing, to appoint a person as Returning Officer for the purposes of this By-law.

(2) The person occupying the office of Electoral Commissioner for New South Wales or his or her delegate may, if he or she consents, be appointed as Returning Officer.

**Notification of polling day and invitation of nominations**

6. (1) The Returning Officer, on advice from the Trust, is to notify an election by causing to be published in the Gazette and in at least 1 newspaper published and circulated generally throughout New South Wales a notification that:

- (a) fixes the polling day for the election;
- (b) invites nominations from members of the Sydney Cricket Ground to fill the vacancies for elected members of the Trust; and
- (c) fixes a time and date for the close of nominations for that election, being a date:
  - (i) not less than 21 days after the date of publication of the notification; and
  - (ii) at least 30 days prior to the polling day for the election.

(2) The notification of an election must be published at least 60 days before the polling day for the election to which it relates.

(3) The Returning Officer may, by notification in the same manner as the notification of an election, fix a later time and date for the close of nominations for an election than those fixed by a previous notification in relation to the election.

**Nominations**

7. (1) A nomination must be in writing and set out the following particulars:

- (a) the full name of the candidate nominated;
- (b) the residential address of the candidate;
- (c) the date of birth of the candidate;
- (d) the membership medal number of the candidate;

- (e) an endorsement of that candidate's consent to his or her nomination;
- (f) the full names, residential addresses, membership medal numbers and signatures of at least 6 nominators, being members of the Sydney Cricket Ground, not including the candidate.

(2) A candidate may withdraw his or her nomination for an election by notification in writing delivered to the Returning Officer at any time before the close of nominations for the election.

(3) A member of the Sydney Cricket Ground may nominate not more than 2 candidates.

#### **Candidate information sheet**

8. (1) A candidate at an election may, at any time before the close of nominations, submit to the Returning Officer a statutory declaration in or to the effect of the form in Schedule 1 containing information intended for inclusion in a candidate information sheet.

(2) If, by the close of nominations, there is a greater number of persons nominated as candidates than is required for election, the Returning Officer is to draw up a candidate information sheet consisting of the information in the statutory declarations submitted by candidates pursuant to subclause (1).

(3) If the Returning Officer considers that the information contained in a candidate's statutory declaration:

- (a) is not, in the Returning Officer's opinion, appropriate for inclusion in a candidate information sheet; or
- (b) is misleading in any material particular; or
- (c) is of a length greater than that permitted by the form in Schedule 1,

the Returning Officer may, in drawing up the candidate information sheet pursuant to subclause (2), omit the information, omit or rectify the particular or reduce the length of the information, as appropriate.

#### **Close of nominations and taking of poll**

9. (1) If, after the close of nominations, there is not a greater number of persons nominated than are required for election the Returning Officer is to declare those persons duly elected.

(2) If, after the close of nominations, the number of persons nominated is greater than the number required for election, a poll is to be taken.

(3) If a poll is necessary, the Secretary of the Trust or his or her delegate is to certify a copy of the roll of all members of the Sydney Cricket Ground and provide that copy to the Returning Officer.

(4) The copy of the roll is to be available for inspection by members of the Sydney Cricket Ground on request.

(5) If any candidate dies after the date for the close of nominations and before the polling date, the election is taken to have wholly failed and the Returning Officer is to proceed to notify a fresh election in accordance with clause 6.

#### **Ballot and issuing of ballot-papers**

**10. (1)** When a poll is to be taken, the Returning Officer is to:

- (a) hold a ballot, in the manner prescribed for the purposes of section 82A of the Parliamentary Electorates and Elections Act 1912, to determine the order in which the candidates' names are to be entered on the ballot-paper; and
- (b) cause ballot-papers to be printed in the manner required by section 83 of the Parliamentary Electorates and Elections Act 1912.

(2) The ballot-papers are to include directions as to the completing and returning of the ballot-papers. In entering the names of candidates on the ballot-papers, it is sufficient, in respect of given names after the first given name, to show initials only.

(3) The Returning Officer must, not later than 20 days before the date fixed for a poll, post to the last address known to the Returning Officer of each member of the Sydney Cricket Ground a ballot-paper printed in accordance with this clause and initialled by the Returning Officer, together with an envelope addressed to the Returning Officer.

(4) An envelope provided pursuant to subclause (3) must contain on the rear flap spaces for the insertion of a voter's name, address, signature and membership medal number.

(5) A member of the Sydney Cricket Ground who has been forwarded a ballot-paper and an envelope under subclause (3) and who wishes to vote may complete the ballot-paper in accordance with the directions printed on the ballot-paper and send or deliver to the Returning Officer the ballot-paper enclosed and sealed in the envelope addressed to the Returning Officer.

(6) The voting rights of a corporate member of the Sydney Cricket Ground may be exercised by a person authorised by the corporate member to vote on its behalf.

(7) A duly completed ballot-paper deposited in a sealed ballot-box provided for the purpose at the office of the Trust is taken to have been sent or delivered to the Returning Officer.

(8) The Returning Officer may, on written application made to the Returning Officer, and if satisfied that a ballot-paper has been lost or destroyed, supply a duplicate ballot-paper to the person to whom the lost or destroyed ballot-paper was issued.

(9) An election is not invalid merely because:

- (a) a person whose name is on the roll referred to in clause 9 did not receive a ballot-paper; or
- (b) the Returning Officer did not receive a ballot-paper sent to the Returning Officer.

#### **Inspection of envelopes**

**11. (1)** The Returning Officer must, as soon as practicable after receiving an envelope purporting to contain a ballot-paper, examine the envelope for the purpose of deciding whether to accept or reject the envelope.

(2) The Returning Officer must reject an envelope purporting to contain a ballot-paper issued in respect of an election if:

- (a) the envelope does not have legibly marked on its rear flap the name, address, signature and membership medal number that appear to the Returning Officer to be those of a member of the Sydney Cricket Ground; or
- (b) the envelope is not sealed; or
- (c) the envelope is not received by the Returning Officer at or before the time stated on ballot-papers issued in respect of the election as the time at or before which the envelope must be so received; or
- (d) the envelope was forwarded by mail without the correct postage having been paid.

#### **Counting of ballot-papers; scrutineers**

**12. (1)** On the day fixed for the poll, the Returning Officer is to:

- (a) open all the envelopes received (except those envelopes rejected under clause 11) and extract the ballot-papers and, without unfolding them, place the ballot-papers in a ballot-box; and
- (b) mix the ballot-papers and draw the ballot-papers at random; and
- (c) unfold those ballot-papers and count, in accordance with clause 13, the votes recorded on the ballot-papers.

(2) The Returning Officer is to determine the formality or informality of a ballot-paper in accordance with the provisions of sections 122 and 122A of the Parliamentary Electorates and Elections Act 1912.

(3) A ballot paper is informal:

- (a) in an election for the purpose of electing 2 candidates—**if** does not have votes for 2 or more candidates indicated on it; or
- (b) in an election for the purpose of electing 1 candidate—**if** does not have a vote for 1 or more candidates indicated on it.

(4) The determination by the Returning Officer of the formality or informality of a ballot paper or vote is final.

(5) Each candidate may appoint, in writing, a scrutineer to represent that candidate. The scrutineer may be present during the examination, opening and counting of votes by the Returning Officer.

#### **Multi-preferential system**

13. (1) Ballot-papers are to be counted by the Returning Officer:

- (a) in an election for the purpose of electing 2 candidates—according to a multi-preferential system in which preferences 1 and 2 are regarded as primary votes and the remaining recorded preferences are regarded as secondary votes; or
- (b) in an election for the purpose of electing 1 candidate—according to an optional preferential system.

(2) All preferences recorded on the ballot-papers are fully transferable.

(3) A determination by the Returning Officer relating to the manner in which an election is to be conducted is final.

#### **Advice of election result**

14. The Returning Officer is to advise the Secretary of the Trust and the Minister of the result of the election within 7 days after the polling day.

#### **Offence**

15. A person must not post up, exhibit or distribute on any scheduled lands any material in support of the candidature of any person at an election.

Maximum penalty: 1 penalty unit.

**Repeal**

**16. (1)** The Sydney Cricket and Sports Ground (Elections) By-law 1978 is repealed.

**(2)** Any act, matter or thing that, immediately before the repeal of the Sydney Cricket and Sports Ground (Elections) By-law 1978, had effect under that By-law is taken to have effect under this By-law.

**SCHEDULE 1**

(Cl.8)

**Statutory Declaration in Support of Candidature for Election to the Sydney Cricket and Sports Ground Trust**

I, ..... of .....  
(full name) (residential address)

solemnly and sincerely declare that:

- 1. My date of birth is .....
- 2. I am \*employed by .....  
(Employer)  
\*self employed as .....  
(present position)
- 3. I hold the following qualifications .....  
.....  
(trade, academic or professional qualifications)
- 4. I am a member of the following organisations:  
.....  
.....  
.....
- 5. I hold the following offices (other than employment):  
.....  
.....
- 6. Information relevant to candidature (not more than 4 type-written lines):  
.....  
.....  
.....  
.....

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at ..... this .....  
 day of ..... 19.....  
 before me:

.....  
 (Justice of the Peace) (candidate's ..... signature)

\* Delete whichever is inapplicable.

### NOTES

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#### EXPLANATORY NOTE

The object of this By-law is to repeal and remake, with minor changes of a formal nature, the provisions of the Sydney Cricket and Sports Ground (Elections) By-law 1978 under the Sydney Cricket and Sports Ground Act 1978.

The new By-law deals with the election of 2 members of the 15 member Sydney Cricket and Sports Ground Trust (from among the members of the Sydney Cricket Ground), including the following matters:

- (a) the appointment of a Returning Officer for an election (clause 5);
- (b) the notification of polling days and invitations for nominations (clause 6);