

Water (Elections) Act 1992

No. 12 of 1992

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Victoria

No. 12 of 1992

Water (Elections) Act 1992

[Assented to 2 June 1992]

The Parliament of Victoria enacts as follows:

1. *Purpose*

The purpose of this Act is to make miscellaneous amendments to the **Water Act 1989** to facilitate the holding of elections of members of Authorities.

2. *Commencement*

- (1) This Act (except section 7 (3)) comes into operation on the day on which it receives the Royal Assent.
- (2) Section 7 (3) must be taken to have come into operation on 1 November 1990.

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No. 80/1989.
Subsequently
amended by
Nos. 13/1990,
25/1991 and
48/1991.

3. *Principal Act*

In this Act, the **Water Act 1989** is referred to as the **Principal Act**.

4. *Definition*

In section 3 (1) of the Principal Act after the definition of “domestic and stock use” insert—

‘ **“Election”** includes an election to fill an extraordinary vacancy.’

5. *Regulations*

For section 87 (7) of the Principal Act substitute—

“(7) The Governor in Council may make regulations for or with respect to the holding of elections for, and the filling of vacancies in, the offices of members including, but not limited to, regulations for or with respect to—

- (a) enrolment for and voting at elections;
- (b) the compilation of voters’ rolls;
- (c) the provision by an Authority of a copy of a voters’ roll on payment of a fee of a specified amount;
- (d) the date on which ordinary elections are to be held;
- (e) the calling of nominations;
- (f) requiring a refundable nomination fee of a specified amount to be paid by candidates;
- (g) providing for pre-poll voting in person;
- (h) providing for postal voting;
- (i) providing for the registration of how-to-vote cards with the returning officer;
- (j) prohibiting the printing, publishing, handing out, distribution or otherwise making available of a how-to-vote card that was required to be

- registered with the returning officer but was not;
- (k) the maintenance of order at polling places and the removal of persons from them;
 - (l) providing for preferential voting at elections;
 - (m) the counting of votes;
 - (n) the method of determining the result of an election;
 - (o) the holding of an inquiry into an election at the request of any person or persons who dispute its validity or are dissatisfied with its conduct;
 - (p) requiring a fee of a specified amount to be paid by any person or persons who request the holding of an inquiry into an election;
 - (q) generally, all matters necessary for the proper conduct of elections.
- (8) Without limiting section 324, regulations made under sub-section (7) may include regulations based on the provisions contained in Divisions 15 (voting by post) and 21 (compulsory voting at elections) of Part V of **The Constitution Act Amendment Act 1958** and in any regulations made under those Divisions with any alterations and adaptations that, in the opinion of the Governor in Council, are necessary.
- (9) Regulations made under sub-section (7) must not provide for election by the quota-preferential or any other method of proportional representation.”.

6. Eligibility for election

In clause 8 of Schedule 1 to the Principal Act—

- (a) in sub-clause (1) after “election” insert “at an ordinary election”;
- (b) after sub-clause (1) insert—
 - “(1A) At an election to fill an extraordinary vacancy a person who is, or since the preparation of the last voters’ roll has become entitled to be, enrolled on the voters’ roll for an Authority is, subject to

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sub-clause (2), eligible for election as a member of the Authority.”.

7. Statute law revision

- (1) In clause 1 (2) of Schedule 1 to the Principal Act for “annual” substitute “ordinary”.
- (2) In clause 7 (6) of Schedule 1 to the Principal Act for “prescribed” substitute “referred to in sub-clause (1)”.
- (3) In item 37 of Schedule 13 to the Principal Act for “1983” substitute “1982”.



NOTES

1. *Minister's second reading speech—*
Legislative Assembly: 24 October 1991
Legislative Council: 19 November 1991
2. The long title for the **Bill** for this Act was “A **Bill** to amend the **Water Act 1989** with respect to elections of members of Authorities and for other purposes.”.
3. Section headings appear in bold italics and are not part of the Act. (See Interpretation of Legislation Act 1984.)