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Statutory Rules 1996 No.

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ATSIC (Regional Councils—Election of Officeholders) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Aboriginal and Torres Strait Islander Commission Act 1989*.

Dated 1996.

6 November

 WILLIAM DRYNE
Governor-General

By His Excellency's Command,

JOHN HERRON

Minister for Aboriginal and Torres Strait Islander Affairs

1. Amendment

1.1 The ATSIC (Regional Councils—Election of Officeholders) Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

2. Regulation 4 (Interpretation)**2.1 Definition of “returning officer”:**

Omit paragraph (b), substitute:

“(b) in relation to an election for the alternate Deputy Chairperson of a Regional Council, means:

- (i) the Regional Manager for the region for which the Regional Council is established; or
- (ii) a person nominated by the Regional Manager by instrument in writing;”.

3. Regulation 7 (Calling for nominations)**3.1 Omit the regulation, substitute:****Calling for nominations**

“7. (1) Within 7 days after the declaration of all the polls under rule 101 of the Regional Council Election Rules for a region, the Commission must give the Australian Electoral Commission a list of members of the Regional Council and their last known postal addresses.

“(2) At least 7 days before the first meeting of a Regional Council after it is elected, a returning officer must send to each member of the Regional Council:

- (a) a list of the names of the members of the Regional Council; and
- (b) an approved form for the nomination of a candidate for:
 - (i) the office of Chairperson or Deputy Chairperson; or
 - (ii) the office of alternate Deputy Chairperson.”.

4. Regulation 13 (Polling procedure)**4.1 Add at the end of the regulation:**

“(3) Immediately after giving a member his or her ballot-paper, the returning officer must mark off that member’s name on a list of members of the Regional Council.”.

5. Regulation 16 (Conduct of the count)

5.1 Omit the regulation, substitute:

Conduct of the count

“16. As soon as practicable after:

- (a) the end of the period specified in subregulation 14 (3); or
- (b) all voters have cast their votes;

whichever occurs first, the returning officer must, in the presence of the voters and scrutineers who attend:

- (c) open the ballot-box; and
- (d) take out the ballot-papers; and
- (e) deal with the ballot-papers in accordance with the Schedule.”.

6. Regulation 21 (Election of new Chairperson or Deputy Chairperson)

6.1 Omit “The election”, substitute “Subject to subregulation (2), the election”.

6.2 Add at the end of the regulation:

“(2) If the Deputy Chairperson of a Regional Council is elected to fill a vacancy in the position of Chairperson of the Regional Council, Part 2 has effect for the election of a new Deputy Chairperson as if:

- (a) regulation 7 were omitted and the following regulation substituted:

Calling for nominations: Deputy Chairperson vacancy

‘7. As soon as a vacancy occurs in the position of Deputy Chairperson of a Regional Council, the returning officer must call for nominations to fill that position.’; and

- (b) subregulation 8 (2) were omitted and the following subregulation substituted:

‘(2) A nomination must be given to the returning officer not more than 15 minutes after the calling of nominations.’.”.

7. Regulation 22 (Election of new alternate Deputy Chairperson)

7.1 Subregulation 22 (2):

Omit “The election”, substitute “Subject to subregulation (3), the election”.

7.2 Add at the end of the regulation:

“(3) If the alternate Deputy Chairperson of a Regional Council is elected to fill a vacancy in the position of Chairperson or Deputy Chairperson of the Regional Council, Part 2 has effect for the election of a new alternate Deputy Chairperson as if:

- (a) regulation 7 were omitted and the following regulation substituted:

Calling for nominations: alternate Deputy Chairperson vacancy

‘7. As soon as a vacancy occurs in the position of alternate Deputy Chairperson of a Regional Council, the returning officer must call for nominations to fill that position.’; and

- (b) subregulation 8 (2) were omitted and the following subregulation substituted:

‘(2) A nomination must be given to the returning officer not more than 15 minutes after the calling of nominations.’.”.

8. Regulation 23 (Recording of result of election)

8.1 Paragraph 23 (b):

Omit “paragraph 17 (1) (a).”, substitute “paragraph 18 (1) (a).”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on
2. Statutory Rules 1993 No. 379 as amended by 1994 No. 390.

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