

No. XVIII.

An Act to amend the "Public Vehicles Regulation Act of 1873," and the "Public Vehicles Regulation Act Amendment Act of 1886," and to provide for the election of the Licensees' and Municipal Commissioners by Ballot, and for other purposes. [7th October, 1890.]

PUBLIC VEHICLES
REGULATION ACT
AMENDMENT
(No. 2).

WHEREAS under the "Public Vehicles Regulation Act Amendment Act of 1886," the persons entitled to vote at elections of a Licensees' Commissioner are limited to such as at the time of voting should have held for not less than three months previous to such elections valid and unexpired licenses under the Principal Act, by reason of which limitation a large number of licensees would be disqualified from voting. And whereas it is expedient to alter the system of voting at all elections, as prescribed by the said first-cited Act, from open voting to voting by ballot, and to amend the said Act in other respects. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. This Act may be cited as the "Public Vehicles Regulation Act Amendment Act of 1890," and in its construction the expression "Principal Act," means the Act thirty-six Victoria number fourteen (the "Public Vehicles Regulation Act of 1873"). And the said Principal Act, as amended by the "Public Vehicles Regulation Amendment Act of 1886;" and this Act, may be collectively cited, for all purposes, as the "Public Vehicles Regulation Acts, 1873-1890."

Short title, &c.

2. So much of the "Public Vehicles Regulation Act of 1873," and so much of the "Public Vehicles Regulation Act Amendment Act of 1886," as is inconsistent with this Act, is hereby repealed.

Repeal section.

3. Every person shall be entitled to vote at elections of a Fourth [herein termed the Licensees'] Commissioner who at the time of voting shall be the holder of a valid and unexpired license granted under the Principal Act, such license not being at the time suspended for misconduct or other cause, provided the name of such person be contained in the Licensees' Roll hereinafter mentioned.

Qualification to vote for Licensees' Commissioners.

4. The persons entitled to vote at elections of a Commissioner (representing the Municipal Councils of the Boroughs and Municipal Districts situated within the Police District of Sydney), hereinafter called a "Municipal Commissioner," shall be the Aldermen named in the Commissioners' Roll hereinafter mentioned, and no other.

Qualification of voters for Municipal Commissioner.

5. The Roll (hereinafter called the Commissioner's Roll) for the election of a Municipal Commissioner shall be made by the Registrar from the names of persons holding the office of Aldermen in all the Municipal Councils of the Boroughs and Municipal Districts as aforesaid, on the fourteenth day of March in each year, and when signed by the said Registrar shall be the Commissioners' Roll, by reference to which the title of any person to vote at such elections shall be finally determined. And for the purpose of making every such Commissioners' Roll, the Council Clerk, or person acting as such, of every such Borough

Municipal Commissioner's Roll.

Public Vehicles Regulation Act Amendment (No. 2).

Council Clerk neglecting to furnish list liable to penalty.

Extraordinary election of Municipal Commissioner.

Person ceasing to hold office of Alderman not entitled to vote.

Time for holding elections and making up rolls.

Vote by ballot.

Deputy Presiding Officer.

Drivers in certain cases to be servants of owners.

Chairman of Board to have casting besides original vote.

Penalty clause.

or Municipal District, shall deliver to the said Registrar, on the fourteenth day of March, in each year, a correct list of the names and addresses of the Aldermen of every such Borough or Municipal District, certified as correct by such Council Clerk or person acting as such. And in the event of any such Council Clerk or person acting as such neglecting to deliver such certified list to the said Registrar on the day aforesaid, or furnishing an incorrect list, he shall be liable to a penalty not exceeding ten pounds, to be recovered in a summary way. Provided that in the event of an extraordinary election of a Municipal Commissioner, after the fourteenth day of April in any year, the name of any Aldermen elected after the fourteenth day of March preceding, shall be added to the Commissioners' Roll on such Alderman producing to the said Registrar a certificate from the Council Clerk, or person acting as such as aforesaid, that such Alderman has been so elected. Provided also that no Alderman named on such roll who has ceased to hold such office shall be entitled to vote.

6. Such elections shall be held not later than the fourteenth day of April in each and every year. And the Licensees' Roll for such elections shall be made up by the Registrar from the names of persons having the qualification firstly prescribed by the third section, who shall have taken out licenses or renewals of licenses on or before the first day of March in each year, and such Roll shall be completed on or before the fourteenth day of March in each year, and when signed by the Registrar shall be the Licensees' Roll, by reference to which the title of any person to vote at such elections shall be finally determined.

7. The mode of voting at every election of Commissioners shall be by ballot, and not by open voting, as prescribed by the last-cited Act; and the rules prescribing the mode of voting at and the conduct of such election shall be those contained in the Schedule hereto, which rules shall be of the same legal effect as if they had been embodied in this Act.

8. For the purpose of any election of a Commissioner or Commissioners under the "Public Vehicles Regulation Acts 1873-1890," the Mayor, by writing under his hand, may nominate any person or persons as his Deputy or Deputies, to exercise all powers and authorities which he himself could exercise as Presiding Officer at such election.

9. No owner of any licensed vehicle shall allow the same to be plied or driven for hire by any person unless in the capacity of servant to such owner.

10. The chairman at all meetings of the Board of Commissioners shall, in case of an equality of votes, have a casting vote besides his original vote.

11. Any person guilty of a breach of any of the provisions of this Act shall be liable to a penalty not exceeding ten pounds.

SCHEDULE.

Rules for the conduct of Elections.

1. Every candidate must, at least ten days before the day of election, be nominated in writing by at least two qualified voters, and such writing must be delivered to the Presiding Officer or the Registrar at the "Metropolitan Transit Office" within the like period of ten days.

2. The place or places, and time for holding the election, shall be notified by the Presiding Officer in some newspaper published in Sydney, and also in the *Government Gazette*, at least seven days before the day of election.

Public Vehicles Regulation Act Amendment (No. 2).

3. If only one candidate is nominated, the Presiding Officer shall declare him elected, but if more than one candidate is nominated, the Presiding Officer shall notify in some newspaper published in Sydney and in the *Government Gazette*, the names of the candidates, the day of taking the poll, and the polling-place or polling-places, but any candidate may any time before the polling day withdraw his candidature.

4. The voting shall commence at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day.

5. The Presiding Officer may appoint such Polling-clerks as may be required for taking the poll, and may make and enforce all necessary regulations, and provide proper and convenient rooms or booths for polling.

6. Every candidate, or in his absence any one of the voters by whom he has been nominated, may appoint one person at each polling-place to be Scrutineer.

7. The Presiding Officer shall have power and authority to maintain and enforce order and keep the peace at the election or polling held by him, and for that purpose and without any other authority to cause to be arrested and taken before a Justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions hereinafter mentioned, or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once, or wilfully entering or remaining in a polling-room or compartment, or who shall cause a disturbance. Also to cause any person to be removed who shall obstruct the approaches to any polling-room, or shall conduct himself in a disorderly manner. And all constables and peace officers shall aid and assist such Presiding Officer in the performance of his duties.

8. At every polling-place there shall be provided and set apart a separate ballot-room or compartment into or in which no person may enter or remain except voters while preparing their ballot-papers as hereinafter provided, but no longer, and the Polling-clerk shall cause pencils, or pens, ink, and blotting-paper to be placed in the said room or compartment.

9. Before and in time for each and every election by ballot each Presiding Officer shall cause to be printed or written a sufficient number of ballot-papers, to be initialled by him on the back thereof, which shall be available at each polling-place.

10. At the election of a Municipal Commissioner and Licensees' Commissioner the Presiding Officer or Officers shall provide for each polling-place separate ballot-boxes, the fronts of which shall be of glass, and on the top of which there shall be an opening sufficient to receive the ballot-papers folded as hereinafter mentioned. And such box being previously locked by each Presiding Officer with a key which shall be kept by himself, and of which it shall be unlawful for any other person to possess a counterpart, shall be placed on a table before each Presiding Officer. And every voter, on applying in person, shall receive one of the ballot-papers signed as aforesaid, and shall in the ballot-room aforesaid, without leaving the same, strike through the names of all persons named in such ballot-paper, except the name of the person for whom he intends to vote, and shall then fold up the paper so as to conceal the interior, and shall then return to the polling-table and there openly in the presence of the Presiding Officer, Poll-clerk, and Scrutineers deposit such ballot-paper in the ballot-box. Provided that in the case of any elector who is blind, or cannot read, the Presiding Officer shall, in the presence of such Scrutineers as may then be in attendance, strike through upon such ballot-paper the names of all persons so nominated except such as the voter shall declare his intention of voting for. Provided also that before any ballot-paper shall be deposited in the box the Presiding Officer or Poll-clerk shall, upon a certified copy of the electoral roll, write his initials against the name of the person then voting, which initial shall be *primâ facie* evidence of the identity of such voter with the person whose name shall be so initialled on such roll, and of the fact of his having voted at such election.

11. If any voter shall on his ballot-paper leave any two names not struck out, the vote given on and by such paper shall be void and of no effect.

12. The Presiding Officer shall give a vote only in the case of any two or more candidates polling an equal number of votes, and in that case he shall declare in writing which candidate shall be declared elected.

13. No inquiry shall be permitted to be put to any person applying to vote, except by the Presiding Officer at the request of a Scrutineer, and such inquiry shall be limited to the questions following:—

- (i) Are you the person whose name appears as A.B., number —, in the "Licensees'" or "Municipal" Roll (as the case may be)?
- (ii) Are you still an Alderman or a Licensee (as the case may be)?
- (iii) Have you already voted at the present election?

No person who shall refuse to answer the first and second of such questions in the affirmative, and the third in the negative, shall be permitted to vote. And all persons making false answers to such questions, or to either of them, shall be deemed guilty of perjury, and shall be dealt with accordingly.

Consolidated Revenue Fund.

14. The Presiding Officer, or one of his Deputies, shall, immediately on the close of the poll, in the presence of the Scrutineers, open the ballot-boxes and examine the voting papers, and thereby ascertain the result of the election, and he shall then publicly announce the state of the poll. Provided that if it shall be found impossible to examine the ballot-papers and ascertain the result of the election on the same day that the poll has been taken, he may adjourn such examination until some hour on the next following day. And such ballot-boxes and sealed up documents shall remain until the time of such examination in the custody of the Presiding Officer, or in such custody as he may appoint.
