

Act No. 41, 1906.

PARLIAMENTARY
ELECTIONS.

An Act to amend the Parliamentary Electorates and Elections Act, 1902, and the Constitution Act, 1902; to repeal the Parliamentary Elections (Amendment) Act, 1903, and for other purposes. [*Reserved—19th December, 1906.*]

BE it enacted by the King'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:—

PART I.

PRELIMINARY.

Short title and
incorporation.

1. This Act may be cited as the "Parliamentary Elections Act, 1906," and shall be construed with the Parliamentary Electorates and Elections Act, 1902, hereinafter referred to as the Principal Act.

Division of Act.

2. This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY—*ss.* 1–8.

PART II.—MAKING OF LISTS AND ROLLS—*ss.* 9–24.

PART III.—ADDITIONS AND ALTERATIONS—*ss.* 25–42.

PART IV.—NOMINATION AND ELECTION—*ss.* 43–59.

PART V.—RE-ELECTION OF MINISTERS—*s.* 60.

PART VI.—ALLOWANCES TO MEMBERS—*s.* 61.

Repeal.

3. (1) The enactments of the Principal Act, mentioned in Schedule One, and all the enactments of the Parliamentary Elections (Amendment) Act, 1903, are repealed.

(2) The Principal Act is amended in the manner described in Schedule Two.

Definitions.

4. In this Act—

"Minister" means Colonial Secretary.

"Proclaimed" means published by proclamation.

"Proclamation" means proclamation by the Governor in the Gazette.

"Registrar" means registrar of the district.

Divisions abolished.

5. (1) All existing divisions of districts are abolished, and no fresh divisions shall be made.

Electors' rights.

(2) Electors' rights are abolished.

Parliamentary Elections.

6. The Minister may, by notice in the Gazette,—

- (a) appoint a chief polling-place for each district at which the returning officer may preside;
- (b) appoint such other polling-places for each district as he thinks necessary;
- (c) abolish any polling-place;
- (d) establish any polling-place area for any specified polling-place and fix its boundaries;
- (e) alter the boundaries of any polling-place area:

Polling-places.
C'th. Electoral, s. 25.

Provided that no polling-place shall be appointed or abolished, or polling-place area be established or altered, after the issue of the writ and before the time appointed for its return.

7. When—

- (a) a polling-place is appointed or abolished; or
- (b) a polling-place area is established or altered; or
- (c) the boundaries of a district are altered;

Change of electors
from one polling-
place to another.
Ibid., s. 26.

the Minister may, by notice in the Gazette, give such directions as are thereby rendered necessary or expedient for the change of electors from one roll to another, and effect shall be given to those directions in the prescribed manner.

8. (1) The Minister shall appoint an electoral registrar for each district, deputy registrars to keep the parts of the roll for specified polling-places, and such assistant registrars and other officers as may be necessary.

Appointment of
electoral registrars
and officers.
P.A., s. 24.

(2) The registrar shall keep the parts of the roll for the respective polling-places for his district for which no deputy registrars have been appointed.

C'th. Electoral, s. 9.

(3) An assistant registrar shall have the powers of the registrar.

Assistant registrar.

PART II.

MAKING OF LISTS AND ROLLS.

Collection of lists.

9. (1) Lists in the form prescribed of the names of the persons who appear to be entitled to be enrolled for the respective districts shall, as soon as practicable after the commencement of this Act, be prepared by members of the police force authorised by the Inspector-General of Police. Any such list shall be divided according to polling-places.

Collection of lists by
police.

Each such member of the police force shall, before commencing to prepare such list, make the prescribed declaration.

(2)

Parliamentary Elections.

(2) A copy of each part of a list relating to a polling-place shall be forwarded by the member of the police force who has prepared the same to the registrar or deputy registrar who is to keep the part of the roll for such polling-place.

Forms to be filled up by householders.

10. For facilitating the making of any such list, any such member of the police force may request any person in charge, or appearing to be in charge, of any dwelling-house, and who has been supplied with the prescribed form to fill up the same or cause it to be filled up with the name, nationality, and the prescribed particulars of and concerning each person of or above the age of twenty-one years living in such house, so far as he has knowledge or means of knowledge.

Additions to list by registrar.

Registrar may add names to list.
C'th. Electoral, 1902, s. 37 (repealed).

11. (1) The registrar may, prior to the printing of copies for exhibition, place on the list for the district the names of any persons qualified to have their names placed on the roll for the district, and may strike off such list the names of deceased persons.

Claims to be placed on list.
Ibid., s. 36 (repealed).

(2) On a claim being made prior to the printing of the list by any person showing that he is entitled to have his name placed on the roll for any district the registrar shall place his name on the list for the district.

Exhibition of list.

Copies of lists exhibited.
C'th Electoral, 1903, s. 34 (repealed).

12. Copies of the list for a district shall be exhibited at all police stations and post offices, and at such other places within the district as the Chief Electoral Officer directs, and shall remain so exhibited for thirty days.

Revision of list.

Constitution of revising courts.
P.A., s. 41.

13. Any stipendiary or police magistrate proclaimed in that behalf shall constitute a revision court. Such court shall sit in open court at a place of petty sessions and shall have the powers and duties conferred and imposed by this Act. The clerk of petty sessions at such place shall be the revision clerk.

Powers of revision courts.
P.A., s. 42.

14. (1) A revision court may adjourn from time to time, and if one hour after the time appointed for the holding of the court the magistrate be not present, the revision clerk may from time to time adjourn such court to another hour or day :

Provided that no such court shall be adjourned for more than three days at a time, until the revision of the lists then before it be completed.

(2) The expenses incurred by such magistrates in the discharge of their duties under this Act shall be defrayed out of moneys to be provided by Parliament.

(3)

Parliamentary Elections.

(3) The revision court shall have the power to hear, receive, and examine evidence, and by summons under the hand of the revision clerk to require all such persons as it thinks fit to appear personally before it, at a time and place to be named in such summons, and to produce to the court all such books and papers in their possession or under their control as may appear necessary. Any person so required who, without sufficient excuse, neglects or refuses to comply with such summons, or, having appeared before the said court, refuses without such excuse to be examined on oath or to take such oath, or, having taken such oath, to answer the questions put to him, may be dealt with as a person refusing or neglecting to appear or to give evidence before a court of petty sessions.

15. A revision court shall sit as soon as conveniently may be after the expiration of the thirty days during which the list for a district has been exhibited, on a day and at a place to be proclaimed, and shall revise such list.

Revision court to revise list.
C'th. Electoral, 1902, s. 38 (repealed).

16. A revision court, in revising the list for a district, shall strike out the names of any person shown—

Powers of revision court.
Ibid. s. 45 (repealed).

- (a) to be dead ;
- (b) not to be qualified to have his name placed on the roll ;
- (c) to be disqualified ;
- (d) not to reside or have his principal place of abode in the district ;

and shall add to the list the names of all persons shown to be qualified to have their names placed on the roll, and generally by correcting mistakes and supplying omissions.

17. The registrar shall give at least twenty-one days' public notice, by advertisement in some newspaper or newspapers circulating in the district, of the times and places fixed for the sittings of the revision court and of the part of the list for specified polling-places to be revised at the respective sittings of the court.

Notice of sitting of court.
Ibid. s. 40 (repealed).
P.A., s. 41 (2).

18. (1) Any person may, by writing, in duplicate, object to any name being placed on the roll for a district on any of the following grounds:—

Objections.
Ibid. s. 41 (repealed).

- (a) that the person named is not qualified to have his name placed on the roll ;
- (b) that the person named does not reside or have his principal place of abode in the district.

(2) Every such objection must be lodged with the registrar at least fourteen days before the date fixed for the sitting of the revision court, and the duplicate copy of such objection shall forthwith be sent to the person whose name has been objected to.

Ibid. s. 42 (repealed).

(3) The registrar shall, at least seven days before the sitting of the court, exhibit at all police stations and post-offices and at such other places within the district as the chief electoral officer directs, a

List to be published.
Ibid. s. 75 (repealed).

Parliamentary Elections.

list in the form of Schedule Three of all objections to be dealt with by the court at its next sitting, and serve personally or by post on the person objected to notice of the objection.

Hearing before court.
Cth. Electoral, 1902,
s. 46 (repealed).

19. (1) The objector and the person whose name is objected to may appear before the revision court, and shall be heard. If the objector or his agent do not appear, the objection shall be deemed to be invalid.

Ibid., s. 74 (repealed).

(2) If any objection is not established, the court may award to the person whose name is objected to a reasonable sum not exceeding five pounds for costs, and such person may recover the sum so awarded in any court of competent jurisdiction as a debt due to him by the objector.

The roll.

The roll constituted.
Ibid., s. 49 (repealed).

20. (1) When the revision of the list for a district is completed, the revised list shall be the roll for the district.

Ibid., s. 29.

(2) The rolls may be in the form of Schedule Four, or in the prescribed form, and shall describe the surname, christian name, sex, place of residence, and occupation of each elector, and shall contain such other particulars as are prescribed.

Arrangement of
parts of roll.
Ibid., 51 s. (repealed).

21. Each part of a roll relating to a polling-place shall be kept separately, and the surname of the electors on each such part of the roll shall be arranged in alphabetical order according to the first letter of each name.

Supplemental rolls.
Ibid., s. 34.

22. Supplemental rolls, setting out additions since the last print, shall also be kept, and, wherever practicable, printed immediately previous to a general election, and at such other times as the Minister directs.

A supplemental roll shall be deemed to be part of the roll for the district to which it relates.

Printing of rolls.
Ibid., ss. 33-35.

23. (1) Rolls shall be printed whenever the Minister so directs.

Rolls open to public
inspection.

(2) The last printed copies of the roll and of the supplemental rolls for each district shall be open for public inspection at the office of the registrar and at the offices of each deputy registrar for the district without fee, and shall be obtainable thereat and at the office of the Government Printer and at such other places as the Minister may fix, at the prices prescribed.

New rolls.
Ibid., s. 32.

24. A new roll for any district or new rolls for all districts shall be prepared whenever directed by proclamation.

Parliamentary Elections.

PART III.

ADDITIONS AND ALTERATIONS.

Additions and transfers to rolls.

25. New names may be added to a roll pursuant to—

- (a) claims;
- (b) applications to transfer;
- (c) lists prepared by direction of the Inspector-General of Police.

Addition of new names.
C'th. Electoral, 1902, s. 55.

26. (1) A claim may be in the form of Schedule Five, and shall be signed by the claimant in presence of, and witnessed by, an elector, and shall be sent to the registrar or to the deputy registrar keeping the part of the roll for the polling-place where the claimant desires to vote.

Forms of claims.
Ibid. s. 56.

(2) If the claim is in order, the registrar receiving the claim shall, pursuant thereto, enter the claimant's name and the particulars relating to him on the roll, and shall file the claim; but before entering the name on the roll, he shall, unless he thinks such course unnecessary, refer the claim to the officer in charge of the police within the district.

Registration of claims.
Ibid. s. 57.

27. (1) Any elector whose name is on the roll for any district and who has resided in any other district for one month may transfer his name to the roll for the district in which he resides.

Transfer to another district.
Ibid. s. 58.

(2) Every transfer shall be made by application to transfer in the form of Schedule Six, and shall be signed by the elector in the presence of, and witnessed by, an elector, and sent to the registrar or deputy registrar keeping the part of the roll to which the elector's name is to be transferred.

Form and method of transfer.
Ibid. ss. 59 and 60.

(3) The registrar receiving such application shall note thereon the date of its receipt by him, and shall file it in his office, and shall register it by placing the elector's name on the roll for the district, and shall give notice of the transfer to the registrar or deputy registrar keeping the part of the roll from which the elector's name has been transferred, who shall thereupon remove the elector's name from the roll.

Registration of transfer.
Ibid. s. 61.

28. Lists of names prepared by direction of the Inspector-General of Police shall be forwarded to the registrar, and such names may be added by the registrar or deputy registrar to the roll for the district.

Lists prepared by police.

Change of polling-place.

29. (1) Any elector whose name is on a polling-place roll may make application in the prescribed form to be changed to another polling-place roll for the same district.

Change to another polling-place roll.
Ibid. s. 61A

(2)

Parliamentary Elections.

(2) The application to change shall be signed by the elector and witnessed by an elector and sent to the registrar or deputy registrar keeping the polling-place roll to which the elector's name is to be changed.

(3) The registrar receiving such application shall note thereon the date of its receipt by him and shall file it in his office, and shall, if it appears to him that the applicant is entitled to the change, register it by placing the elector's name on the roll, and shall give notice of the change to the registrar or deputy registrar keeping the polling-place roll from which the elector's name has been changed, who shall thereupon remove the elector's name from the roll.

Formal alterations.

Alteration of rolls.

Cth. Electoral, 1902, as follows—
s. 62.

- 30.** The roll may be altered by the registrar or deputy registrar,
- (a) by correcting any obvious mistake or omission;
 - (b) by changing, on the written application of the elector, the original name or address of the elector to an altered name or address;
 - (c) by striking out the names of dead persons;
 - (d) by reinstating any name struck out by mistake as the name of a dead person.

Alterations, when and how made.

Time for altering rolls.

Ibid. s. 64.

31. Claims and applications to transfer received before the issue of the writ may be registered after the issue of the writ, but otherwise no addition to or alteration of the roll for any district shall be made during the period between the issue of the writ for an election in the district and the close of the polling at the election.

Alterations, how made.

Ibid. s. 65.

32. All alterations shall be made in such a manner that the original entry shall not be obliterated, and the reason for the alteration and the date thereof shall be set against the alteration, together with the initials of the officer making the alteration.

List of deaths.

Lists of deaths to be forwarded.

Ibid. s. 66.

33. The Registrar-General under the Registration of Births, Deaths, and Marriages Act, 1899, shall, in the months of January, April, July, and October in each year, forward or cause to be forwarded to the registrar of each electoral district a list of the names, addresses, and occupations of all persons of the age of twenty-one years or upwards whose deaths have been registered in the district during the preceding three months; and the electoral registrar shall cause the names of the persons specified in the list to be struck off the roll.

Witnessing

Parliamentary Elections.

Witnessing applications.

34. If any person witness any claim or application directed by this Act to be witnessed without satisfying himself by inquiry from the claimant or applicant that the statements contained in the claim or application are true, he shall be liable to a penalty not exceeding five pounds.

Witness to application to satisfy himself of truth of statements.
C'th. Electoral, 1902, s. 182B.

Removal of names from rolls.

35. The Inspector-General of Police shall, from time to time, cause a scrutiny to be made of the roll for each district, and mark thereon the names of all persons who have died or ceased to reside in the district, and shall, after due inquiry has been made in the prescribed manner, cause the necessary action to be taken to remove such names from such roll.

Scrutiny by police.
P.A., s. 36.

36. Any name on a roll may be objected to by objection in writing lodged with or made by the registrar :

Names on roll may be objected to.
C'th Electoral, s. 67.

Provided that a sum of one shilling shall be deposited in respect of each objection lodged by any person other than a member of the police force or an officer appointed under the Principal Act or this Act, to be forfeited to the King if the objection is held by the registrar to be frivolous.

37. The objection may be in the Form of Schedule Seven, and shall be signed by an elector registered on the same roll, or by the registrar or a member of the police force, or an officer appointed under the Principal Act or this Act.

Objection.
Ibid. s. 63.

38. It is the duty of each registrar to lodge or make an objection in writing setting forth the grounds of such objection in respect of any name which he has reason to believe ought not to be retained on the roll.

Duty to object.
Ibid. s. 63.

39. The registrar shall forthwith give notice of the objection to the person objected to. The notice may be in the prescribed form, and be served by posting it to the last known place of abode of the person objected to, or, if that is not known, then to the place of abode appearing on the roll.

Notice of objection.
Ibid. s. 70.

40. The person objected to may, orally or in writing, in the prescribed manner, answer the objection.

Answer to objection.
Ibid. s. 71.

41. (1) On receipt of the answer of the person objected to, or after the expiration of twenty days from the posting of the notice, the registrar shall determine the objection, and, if it appears that the person objected to is not qualified or entitled to be enrolled on the roll, shall strike out his name.

Determination of objection.
Ibid. s. 72.

Parliamentary Elections.

(2) If any objection is held by the registrar to be frivolous, the person objected to shall be entitled to a reasonable allowance not exceeding five pounds, and the registrar shall award such sum to be paid by the objector, and, in default of payment, such sum may be recovered in any civil court as a debt due by the objector.

Appeals.

Appeal to court of
summary
jurisdiction.
C'th. Electoral, s. 73.

42. (1) Any person—

- (a) who has made and sent in a claim to be enrolled upon a roll, and who has not been enrolled pursuant to the claim; or
- (b) whose name has been struck off a roll by the registrar upon an objection by any person,

may, in manner prescribed, make application to a court, consisting of a stipendiary or police magistrate, authorised by the Governor to hear and determine electoral appeals, for an order that his name may be added or restored to the roll.

(2) Where an objection has been determined by the registrar adversely to the person objecting, that person (not being a member of the police force or an officer appointed under the Principal Act or this Act) may, in manner prescribed, apply to such court for an order sustaining the objection.

(3) Where the application has reference to the decision of the registrar upon an objection, the applicant shall, as prescribed, serve the objector or the person objected to (as the case may be) with notice of the application, and the person so served may appear, or may, in writing, authorise any person to appear on his behalf, to resist the application.

(4) The court may hear and determine any application under this section, and make such order as it thinks fit as to the costs of the application, which may be recovered in the same manner as the costs of any other proceeding before the magistrate sitting in petty sessions.

(5) The clerk or other proper officer of the court shall send by post to the registrar a certified copy of the order of the court, and it shall be the duty of the registrar to make such entries (if any) upon the roll as are necessary to give effect to the order.

(6) A stipendiary or police magistrate sitting as such court shall, for the purposes of this section, be deemed to be, and shall have all the powers of, a court of petty sessions; and the Minister may appoint a clerk to such court who shall, for the purposes of this section, have all the powers and functions of a clerk of petty sessions.

Parliamentary Elections.

PART IV.

NOMINATION AND ELECTION.

Qualification to be elected.

43. The following shall take the place of subsection one of section sixty-two of the Principal Act :—

Qualification of candidate.

P.A., s. 62 (1).

“Every male person qualified to vote at an election for any district shall be qualified to be nominated as a candidate and to be elected for that or any other district, unless disqualified under the Constitution Act, 1902, or the Principal Act, or the Federal Elections Act, 1900.”

Nomination.

44. (1) Subsection three of section sixty-two of the Principal Act is amended by omitting the words “six o'clock in the evening of the day preceding,” and inserting the words “noon on.”

Amendment of sections 62 and 64 of the Principal Act

(2) Section sixty-four of the said Act is amended by omitting the words “six o'clock in the evening of the day preceding,” and inserting the words “noon on.”

Ballot-papers.

45. (1) Ballot-papers to be used in an election shall be provided by the returning officer after a poll has been appointed.

Ballot-papers to be provided.

Ibid. s. 65.

(2) Such papers shall be in the form of Schedule Eight, and the said Schedule shall be read in place of the Eighth Schedule to the Principal Act.

Form of papers.

Ibid. s. 132.

46. In printing the ballot-papers—

Printing ballot-papers.

Ibid. s. 132.

- (a) the names of all candidates duly nominated shall be printed in alphabetical order according to their surnames;
- (b) if there are two or more candidates of the same surname their names shall be printed according to the alphabetical order of their christian names, or if their christian names are the same, then according to the alphabetical order of their residences, arranged and stated on the ballot-paper;
- (c) where similarity in the names of two or more candidates is likely to cause confusion, the chief electoral officer or the returning officer for the district may arrange the names with such description or addition as will distinguish them from one another;
- (d) a square shall be printed opposite the name of each candidate.

Polling.

*Parliamentary Elections.**Polling.*

Closing time of
polling extended.

P.A., s. 76.

C'th. Electoral,
s. 137.

47. Section seventy-six of the Principal Act is amended by adding the following words " Provided that if at the said time any electors are in the polling-booth and desiring to vote, the votes of such electors shall be taken, for which purpose the polling shall not close until such electors have voted."

Where electors may
vote.

Ibid. s. 139.

48. Any elector may vote at the polling-place for which he is enrolled, or, if he is absent from the polling-place for which he is enrolled, may, if he makes and signs before the presiding officer a declaration in the form of Schedule Nine, vote at any other polling-place for the same district.

Appointment of
polling-places
outside electoral
district.

49. (1) The Governor, in any case in which he is satisfied that the convenience of a large number of electors of any district would be furthered by appointing polling-places outside such district, may, by notice as aforesaid, appoint such polling-places.

(2) Where an elector votes outside his district at a polling-place duly appointed under the last subsection, he shall deposit such ballot-paper in a ballot-box specially set apart for ballot-papers for the district in respect of which the voter claims to vote, and upon the close of the poll such ballot-papers shall be counted, as provided by the Principal Act, and a statement of the number of votes recorded in such ballot-box for each candidate shall be forthwith transmitted by post, or by any more expeditious means, by the returning officer or deputy, together with ballot-papers and any documents of any kind received by such returning officer or deputy in connection with such votes, to the returning officer of the district to which such votes are applicable; and the package containing such votes, ballot-papers, and documents shall be marked "absent voters' ballot-papers"; and such officer shall, before transmitting such statement, make and sign an entry of the particulars thereof in a book to be kept for that purpose, and such entry, when so made and signed, shall, in the event of the loss or destruction of such statement, be evidence of the number of votes recorded in such ballot-box.

Persons claiming to
vote to give name
and address.

Ibid. s. 140.

P.A., s. 78.

50. Every person claiming to vote at any polling-booth shall state his christian and surname, and, if so desired by the presiding officer, any other particulars necessary to be stated in the roll for the purpose of identifying the name upon the roll under which the vote is claimed. He shall also demand a ballot-paper.

Questions to be put
if voter challenged.

C'th. Electoral,
s. 141.

P.A., s. 79.

51. (1) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote all or any of the following questions:—

(a) Are you the person whose name appears as [*here state name under which the person claims to vote*] on the roll for [this district or the district of]?

(b)

Parliamentary Elections.

- (b) Are you of the full age of twenty-one years ?
 (c) Have you already voted, either here or elsewhere, at this election ?
 (d) Are you disqualified from voting ?

(2) If any person refuses to answer fully any question put to him by the presiding officer, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected.

Consequence of answers.
 C'th. Electoral, s. 112.

(3) The voter's answer to the questions shall be conclusive, and the matter shall not be further inquired into during the polling.

Answer conclusive.
Ibid. s. 143.

(4) If any person claiming to vote—

- (a) refuses or omits to answer any such questions put to him by the presiding officer ; or
 (b) does not answer absolutely in the affirmative the first two of the said questions, or does not answer absolutely in the negative the last two of the said questions so put to him, he shall be liable to a penalty not exceeding twenty pounds.

52. No omission of any christian name, or entry of a wrong christian name, or address, or occupation, and no mistake in the spelling of any surname, shall warrant the rejection at any polling of any claim to vote if the voter is sufficiently identified in the opinion of the presiding officer. No female elector shall be disqualified from voting under the name appearing on the roll because her surname has been changed by marriage, but in such case a note of the fact shall be made by the presiding officer.

Errors not to forfeit vote.
Ibid. s. 144.

53. No ballot-paper shall be delivered to any voter without being first initialled by the presiding officer, and an exact account shall be kept of all initialled ballot-papers. The initials of the presiding officer shall be placed on the back of the ballot-paper in such a position as to be easily seen when the ballot-paper is folded so as to conceal the names of the candidates.

Ballot-papers initialled.
Ibid. s. 134.
 P.A., s. 81.

54. Upon receipt of the ballot-paper the voter shall without delay—

Vote, how given.
 C'th. Electoral, ss. 147, 151.
 P.A., s. 82.

- (a) retire alone to some unoccupied compartment of the booth and there in private mark his vote on the ballot-paper by making a cross in the square opposite the name of the candidate for whom he votes ;
 (b) fold the ballot-paper so as to conceal the names of the candidates and to clearly show the initials of the presiding officer, and exhibit it so folded to the presiding officer, and then forthwith openly and without unfolding it deposit it in the ballot-box ;
 (c) quit the booth.

Parliamentary Elections.

Who may be present
at polling-booth.

55. The following shall take the place of subsection one of section seventy-four of the Principal Act:—

(1) There may at any time during the taking of a poll be present at the polling-room—

- (a) the returning officer or deputy;
- (b) the poll clerks and scrutineers;
- (c) the registrar or deputy registrar;
- (d) any member of the police force designated by the returning officer;
- (e) voters, not more than six in number, actually engaged in voting, such voters to be designated, if thought necessary, by the returning officer or deputy:

Provided that a registrar, deputy registrar, or such member of the police force shall, before entering the polling-room, make and sign the prescribed declaration.

Informal ballot-
papers.
C'th. Act, s. 158.

56. (1) A ballot-paper shall be informal if—

- (a) it is not duly initialled by the presiding officer, or
- (b) it has no cross in the square opposite the name of a candidate, or has crosses in squares opposite the names of more than one candidate, or
- (c) it has upon it any mark or writing not authorised by the Principal Act or this Act to be put upon it, which in the opinion of the returning officer will enable any person to identify the voter.

(2) Informal ballot-papers shall not be counted at the scrutiny.

Spoilt ballot-papers.
C'th Electoral,
s. 149.

57. If any voter satisfies the presiding officer, before his ballot-paper is deposited in the ballot-box, that he has spoilt it by mistake or accident, he may, on giving it up, receive a new ballot-paper from the presiding officer, who shall there and then cancel and preserve the spoilt ballot-paper.

Returning officer
may, for purposes of
scrutiny, retain and
unseal rolls, &c.

58. The following proviso is added to section ninety-nine of the Principal Act:—

Provided that the returning officer may, for the purpose of a scrutiny of the votes given by electors at the several polling-places, retain in his possession for a reasonable time, and may break the seal of, parcels containing copies of rolls, books, and other papers sealed up and transmitted to him in pursuance of that Act; and shall, after such scrutiny, reseal the same, and forward them as hereinbefore in this section prescribed.

Penalty for
obstructing elector
from access to
polling-booth.

59. Any person who, on polling day, or on a day to which the polling is adjourned, obstructs any elector desiring to vote from access to the polling-booth shall be liable to a penalty not exceeding five pounds, and may, on complaint made, be removed by any police officer from proximity to the polling-booth.

Parliamentary Elections.

PART V.

RE-ELECTION OF MINISTERS.

60. Section twenty-seven of the Constitution Act, 1902, is amended by adding the following paragraph, to stand as paragraph (c):—
 “Any Member of the Legislative Assembly who accepts any of the offices enumerated in the Second Schedule hereto, or any office of profit under the Crown created by Act of Parliament as an office of the Executive Government.”

Exemption of
Ministers from
section 27 of
Constitution Act.

PART VI.

ALLOWANCES TO MEMBERS.

61. Section twenty-eight of the Constitution Act, 1902, is amended by adding the following proviso:—
 “Provided that in the case of every Member elected after the commencement of the Parliamentary Elections Act, 1906, such allowance shall be reckoned from the day of his election.”

Parliamentary
allowances, how to
be reckoned.
Cth., No. 20 of 1902.

SCHEDULES.

SCHEDULE ONE.

Enactments of Principal Act repealed.

- Part I.—The definitions of “check-roll,” “division,” and “registrar” in section three.
 Part II.—Sections sixteen to nineteen.
 Part IV.—The whole excepting section forty.
 Part V.—The whole.
 Part VI.—Subsection one of section sixty-two, sections sixty-five, sixty-six, subsection one of section seventy-four, sections seventy-seven to eighty-two, sections ninety-two and ninety-three.
 Part VIII.—Sections one hundred and thirty-eight, one hundred and forty, and one hundred and forty seven.
 All the Schedules, except the First Schedule.

Act No. 41, 1906.

Parliamentary Elections.

SCHEDULE TWO.

Amendments in enactments of Principal Act.

- Section 3. *Omit* in definition of "roll" the words "and for all purposes connected with such voting includes any additional roll."
- Section 21, subsection (1). *Omit* "for which he applies for an elector's right"; *after* "application" *omit* "for such elector's right or any claim."
- Section 21, subsection (2). *Omit* "any division of"; *omit* "to have an elector's right issued to him for such district and"; *omit* "division" at end of subsection *insert* "district."
- Section 21, subsection (4). *Omit* "making out of any list or of."
- Section 21, subsection (4), (e), (f), (g). *Omit* "sitting of the revision court" *insert* "holding of any election."
- Section 22, subsection (1). Paragraph (a), *omit* the paragraph; paragraph (c), *omit* "in respect of which such elector's right was issued to him."
- Section 22, subsection (2). *Omit* "for a division of which he obtained his elector's right"; *omit* "from such division"; *omit* "for a division of which he acquired his elector's right"; *omit* "additional" in the proviso.
- Section 69. *Omit* "shall" where first occurring, *insert* "may"; *omit* "such" where first occurring, *insert* "a"; *omit* "as he sees fit, and such polling-place shall be deemed the principal polling-place."
- Section 86. *Omit* the words "strike out" *insert* "mark his vote"; *omit* "from such ballot-paper" *insert* "on the ballot-paper by making a cross in the square opposite"; *omit* "names" *insert* "name"; *omit* "or candidates."
- Section 87. *Omit* the words "strike out" *insert* "mark his vote"; *omit* "from such ballot-paper" *insert* "on the ballot-paper by making a cross in the square opposite"; *omit* "names" *insert* "name"; *omit* "or candidates."
- Section 89. *Omit* "aforesaid" *insert* "of the polling-booth"; *omit* "striking out the names from" *insert* "marking."

SCHEDULE THREE.

PARLIAMENTARY ELECTIONS ACT, 1906.

List of persons objected to.

THE following persons have been objected to as not being entitled to have their names retained on the electoral roll for the district of [*here insert name of district and polling place*], and the objections will be heard at a revision court to be held at [*here state place*], on the _____ day of _____, 19____, at _____ o'clock in the _____ noon.

Number on list.	Surname of elector.	Christian name of each elector at full length.

(Signed)

Registrar,

Parliamentary Elections.

SCHEDULE FOUR.

PARLIAMENTARY ELECTIONS ACT, 1906.

Electoral roll.

District of [*here insert name of electoral district.*]

Roll of electors who vote at [*here insert name of polling place.*]

No.	Surname of each elector.	Christian name of each elector at full length.	Sex.	Residence	Occupation.	Remarks and initials to alterations.

SCHEDULE FIVE.

PARLIAMENTARY ELECTIONS ACT, 1906.

Electoral claim.

District [*here insert name of electoral district.*]

I claim to have my name placed on the electoral roll for the above district to vote at [*here insert name of polling place.*]

1. I am a [*here insert natural-born or naturalised as the case may be*] subject of the King.

2. I am not under the age of twenty-one years.

3. I am an inhabitant of New South Wales and have resided [*or had my principal place of abode*] therein for a continuous period of one year [*in the case of a naturalised subject, state "and have resided therein for one year after naturalisation"*] and have resided [*or had my principal place of abode*] in the above district for a continuous period of three months immediately prior to the date of this claim.

4. My name is not, to the best of my knowledge, on the electoral roll for any district.

Dated the day of 19 .

Surname—
 Christian name at full length—
 Sex—
 Place of residence—
 Occupation—
 Usual signature—

I, , an elector enrolled for polling-place in the electoral district of , certify that I have seen the abovenamed claimant sign the above claim, and that I am satisfied that the statements therein contained are true.

Witness to signature of claimant—

NOTE.—Any person who witnesses the signature of the claimant without being personally acquainted with the facts therein stated, and without satisfying himself by inquiry from the claimant that the statements contained in the claim are true, is liable to a penalty not exceeding five pounds.

Received the day of 19 .

Registrar (*or* Deputy Registrar).

Act No. 41, 1906.

Parliamentary Elections.

SCHEDULE SIX.

PARLIAMENTARY ELECTIONS ACT, 1906.

Application to transfer.

Surname—

Christian name at full length—

Sex—

Present place of residence—

Occupation—

formerly residing at [*here insert place*] and registered to vote at polling place, having *bonâ fide* changed my residence, and being now resident within the electoral district of [*here insert name of district*] for not less than one month, do hereby claim to have my name transferred to the electoral roll for the district of [*here insert name of district*], and to vote at polling place.

Dated this day of , 19 .

(Signature.)

I, an elector enrolled for polling place in the district of , certify that I have seen the abovenamed applicant sign the above application, and that I am satisfied that the statements therein contained are true.

Witness to signature of applicant—

NOTE.—Any person who witnesses the signature of the applicant without being personally acquainted with the facts therein stated, and without satisfying himself by inquiry from the applicant that the statements contained in the application are true, is liable to a penalty not exceeding five pounds.

Received the day of 19 .

Registrar (*or* Deputy Registrar).

SCHEDULE SEVEN.

PARLIAMENTARY ELECTIONS ACT, 1906.

Notice of objection.

I object to the name of [*here insert the name, residence, and occupation of person objected to, as in the roll*] being retained on the electoral roll for the district of [*here insert name of district and polling place*] on the ground that [*here state grounds of objection*].

Dated this day of 19 .

(Signed) A.B., of [*here state residence and occupation of objector*].

SCHEDULE

Parliamentary Elections.

SCHEDULE EIGHT.

Ballot-paper.

NEW SOUTH WALES.

Electoral district of [*here insert name of district*].
Election of Member of the Legislative Assembly.

CANDIDATES.

- Brookman, John
- Crane, Joseph
- French, Charles
- King, William
- Wilson, Henry

N.B.—Indicate your vote by making a cross in the square opposite the name of the candidate for whom you vote.

SCHEDULE NINE.

PARLIAMENTARY ELECTIONS ACT, 1906.

Form of declaration to be signed by a voter before voting at any polling-place in the same district other than the polling-place for which he is enrolled.

Polling-place.

I declare that I am the person whose name appears as number [*here insert number on roll and name of elector*] on the electoral roll for the electoral district of [*here insert name of district*], and that I have not voted either here or at any other polling-place at this election, and I promise that if I am permitted to vote here, I will not vote at this election at any other polling-place.

Signature of elector—

Place of residence—

Occupation—

Declared before me, the day of 19 .

Presiding officer—