

PARLIAMENTARY ELECTORATES
AND ELECTIONS (AMENDMENT)
ACT.

Act No. 12, 1926.

An Act to amend the law relating to Parliamentary elections; to repeal the provisions of certain enactments relating to the election of members of the Legislative Assembly by means of the system of proportional representation; to validate the non-preparation of certain lists and rolls and to provide that the rolls for the year one thousand nine hundred and twenty-four shall, until new rolls are made, remain in force; to amend the Parliamentary Electorates and Elections Act, 1912, and certain other Acts; to repeal the Parliamentary Elections (Casual Vacancies) Act, 1920, and the Parliamentary Elections (Casual Vacancies) Amendment Act, 1921; and for purposes connected therewith. [Assented to, 17th March, 1926.]

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No. 12.

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:—

1. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1926,"
and

Short title.

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No. 12. and shall be read with the Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts. The Parliamentary Electorates and Elections Act, 1912, as so amended is in this Act referred to as "the Principal Act."

Reversion
to single
electorates.

2. Subject to this Act the system of proportional representation under which the members of the Legislative Assembly are elected as such members shall not be observed in the election of any future Parliament, but such elections shall be conducted upon the basis of single seat electorates in accordance with the provisions of the Principal Act as amended by this Act.

Commission
to redistri-
bute elec-
torates.

3. (1) The Governor shall as soon as is practicable after the commencement of this Act appoint a commission to redistribute the State into ninety electoral districts in accordance with the Principal Act as amended by this Act.

(2) The commission shall consist of three persons to be chosen by the Governor from persons holding some office in the Public Service of New South Wales, and the names of the persons so appointed shall be notified by proclamation published in the Gazette.

(3) The provisions of Part II of the Principal Act as amended by this Act, so far as they are applicable shall apply to such commission and to the distribution to be made by them.

(4) The commission shall as soon as is practicable report to the Governor the names and boundaries of the electoral districts determined by them.

Lists.

4. (1) As soon as is practicable after the completion of such redistribution the Chief Electoral Officer shall, by means of the modification, alteration, and adjustment of the lists collected under section twenty-three of the Principal Act by members of the police force during the year one thousand nine hundred and twenty-six, prepare lists of the names of the persons who appear to be entitled to be enrolled for the respective districts as determined by the commission.

(2) In carrying out the provisions of this section, the Chief Electoral Officer shall have the assistance of such members of the police force as he may require for the purpose.

(3)

(3) The lists prepared in pursuance of this section shall, for all purposes connected with the preparation of a roll for the year one thousand nine hundred and twenty-six, be deemed to be the lists prepared for that year under section twenty-three of the Principal Act.

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5. If the twenty-seventh Parliament of the State of New South Wales is dissolved prior to the completion of the preparation of the rolls for the various districts for the year one thousand nine hundred and twenty-six, the general election next following such dissolution shall be conducted in accordance with the principles of proportional representation, and in all respects as if this Act had not been passed. At such election the electoral districts shall be the electoral districts as bounded at the commencement of this Act, and the rolls shall be the rolls in force at such commencement together with any supplemental rolls prepared in accordance with section forty-six of the Principal Act.

Provision for
case of
dissolution
prior to
preparation
of rolls for
1926.

6. (1) Upon the issue of the writs for the first general election after the passing of this Act to be conducted upon the basis of single seat electorates in accordance with the provisions of the Principal Act as amended by this Act, the Parliamentary Elections (Casual Vacancies) Act, 1920, and the Parliamentary Elections (Casual Vacancies) Amendment Act, 1921, shall cease to have effect.

Repeal of Act
No. 18, 1920,
and Act
No. 6, 1921.

(2) Any provisions of the Principal Act which were repealed either expressly or impliedly by the Parliamentary Elections (Casual Vacancies) Act, 1920, or the Parliamentary Elections (Casual Vacancies) Amendment Act, 1921, shall, as from the date upon which the said Acts cease to have effect be revived, and are hereby re-enacted.

7. Notwithstanding anything contained in this Act or the Principal Act or any redistribution of the boundaries of electoral districts, if a member of any Parliament of the State which is, either before or after the commencement of this Act, elected in accordance with the principles of proportional representation, ceases to be a member by death, resignation, or otherwise, the casual

Casual
vacancies in
Parliament
elected on
system of
proportional
representa-
tion.

George V, No. 12. casual vacancy so occasioned shall be filled in accordance with the provisions of the Parliamentary Elections (Casual Vacancies) Act, 1920, and the Parliamentary Elections (Casual Vacancies) Amendment Act, 1921; and for the purposes of the said Acts, the constituency for which the vacancy has occurred shall be deemed to be the electoral district in respect of which such member was elected, as bounded at the date of the commencement of this Act.

Consequential amendments of Act No. 41, 1912.

Sec. 3A.
(Proportional representation.)

Sec. 4.
(Electoral districts.)

Sec. 5.
(Electoral districts.)

Sec. 15 (2).
(Electoral districts.)

Sec. 17 (2), par. (b).
(Electoral districts.)

Par. (d).

8. The Principal Act is amended—

- (1) By omitting section 3A.
- (2) In section four, by inserting after the word “ninety” the words “each member representing an electoral district.”
- (3) In section five, by inserting after the words “be distributed into” the word “ninety.”
- (4) In subsection two of section fifteen, by inserting after the word “cause” the words “a proclamation setting out.”
- (5) In subsection two of section seventeen,—
 - (a) by omitting paragraph (b), and by inserting in lieu thereof the following paragraph:—
 - (b) New South Wales shall be distributed into ninety electoral districts, each of which shall be represented by one member only, and every such district shall have such an area that, at the time of making such distribution, the number of persons enrolled therein shall, subject to the margin of allowance hereinafter contained, reach the prescribed quota;
 - (b) by omitting paragraph (d), and by inserting in lieu thereof the following paragraph:—
 - (d) In making any such distribution the divisor shall, for the purpose of

of ascertaining the quota of electors be ninety, with a margin of allowance not exceeding twelve hundred; and no reasons for the addition to or deduction from the quota of any such margin of allowance need be given or appended to any report by any commissioners making such distribution.

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- (6) By omitting section eighty, and by inserting the following section in lieu thereof:—

80. If only one candidate is so nominated, the returning officer shall at noon on the day of nomination at the place so named for the delivery of nomination papers, publicly declare the candidate nominated to be duly elected, shall publish such declaration in some newspaper published or circulating in the district, and shall make his return accordingly.

Proceedings
on nomination if one
candidate
only.
No. 33, 1902,
s. 63.

- (7) By omitting section eighty-one, and by inserting in lieu thereof the following section:—

81. If there are more candidates nominated than one, it shall be open to any candidate to withdraw his name from nomination by delivering a notice under his hand to the returning officer or the person acting as his substitute before noon on the nomination day, and if after such withdrawal there are two or more candidates, a poll shall take place on the day named in the writ for that purpose, and at the several polling-places for the district; and the returning officer shall, at noon on the nomination day, and at the place named as aforesaid for the delivery of the nomination papers, publicly announce that a poll will be so taken and the names of the persons who have become candidates, and shall also forthwith publish in some newspaper published or circulating in the district a like announcement, together with a list of the polling-places and the date of the poll.

When poll to
be taken.

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No. 12.
Sec. 82 (2).
Ballot-
papers.

(8) In section eighty-two, by omitting therefrom subsection two and by inserting in lieu thereof the following subsection:—

(2) Such papers shall be in or to the effect of the form prescribed in Schedule Four to this Act.

New sec. 83.

(9) By inserting next after section eighty-two the following new section which shall be read as section eighty-three:—

Printing
ballot-papers.

83. In printing the ballot-papers—

(a) the names of all candidates duly nominated shall be printed in alphabetical order according to their surnames; such surnames shall be printed in more conspicuous type than that used for the christian names;

(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.

Sec. 103,
par. (a).
(Vote how
given.)

(10) In section one hundred and three, by omitting from paragraph (a) the words “in the manner prescribed,” and by inserting in lieu thereof the words “by placing the figure 1 in the square opposite

opposite the name of the candidate for whom he desires to give his first preference vote. The voter may if he so desires give contingent votes for all or any of the remaining candidates by placing the figures 2, 3, 4, and so on according to the number of candidates in the squares opposite the names of such candidates respectively so as to indicate by such numerical sequence the order of his preference.”

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- (11) By inserting next after section one hundred and eight the following new section :—

108A. The instruction of a person under the last preceding section, or under paragraph (f) of section 114H of this Act may be given by handing to the returning officer or deputy or to the authorised witness, as the case may be, a “how to vote” card, or a printed or written statement indicating the candidate for whom the elector desires to vote.

Instructions.

- (12) In section 114A, by omitting from subsection two the words “may be in the prescribed form,” and by inserting in lieu thereof the words “shall be in or to the effect of the form prescribed in Schedule Thirteen to this Act.”

Sec. 114A.
(Postal vote,
application
form.)

- (13) In section 114D, by omitting subsection two, and by inserting in lieu thereof the following subsection :—

Sec. 114D.
(Postal
voting.)

(2) The postal vote certificate shall be in or to the effect of the form prescribed in Schedule Fourteen to this Act and the postal ballot-paper shall be in or to the effect of the form prescribed in Schedule Fifteen to this Act.

- (14) In section 114H—

Sec. 114H.
(Postal
voting.)

(a) by omitting from paragraph (d) the words “in the prescribed manner” and by

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by inserting in lieu thereof the words
“in the manner prescribed in Schedule
Seventeen of this Act”;

- (b) by omitting from paragraph (f) the
words “in the prescribed manner” and
by inserting after the word “witness”
where secondly occurring the words
“according to the instructions of the
elector.”

Sec. 115,
subsec. (1),
par. (e).
(Absent
voters.)

(15) In section one hundred and fifteen—

- (a) by omitting from paragraph (e) of
subsection one the words “The form of
the ballot-paper may be prescribed,”
and by inserting in lieu thereof the
words “The ballot-paper shall be in or
to the effect of the form prescribed in
Schedule Sixteen to this Act”;

Ibid. par. (g).

- (b) by inserting in paragraph (g) of sub-
section one after the word “ballot-
paper” where it secondly occurs, the
words “in the manner prescribed in
Schedule Seventeen of this Act”;

Subsec. (2).

- (c) by omitting from subsection two the
words “in the manner prescribed” and
by inserting in lieu thereof the words
“in the manner prescribed in Schedule
Seventeen of this Act.”

Sec. 121.

(16) By inserting the following section, which shall
be read as section one hundred and twenty-one
of the Principal Act :—

How and
when number
of votes to be
ascertained.

121. Immediately upon the close of the poll
the returning officer and every deputy at the
polling-place at which each presides shall, in
the presence and subject to the inspection of
such of the scrutineers as choose to be present,
and the poll clerks (if any), but of no other
persons, open the ballot-box, and proceed to
count the number of first preference votes
recorded for each candidate.

(17)

(17) By omitting from section one hundred and twenty-three the word "primary" and by inserting in lieu thereof the words "first preference." **George V, No. 12.**
Sec. 123.
 (Dealing with ballot-papers.)

(18) By omitting from section one hundred and twenty-four the word "primary" and by inserting in lieu thereof the words "first preference."
Sec. 124.
 (Dealing with ballot-papers.)

(19) By omitting section one hundred and twenty-five and by inserting the following section in lieu thereof:—
Sec. 125.

125. The returning officer shall, in respect of the polling-booth at which he himself has presided, make up in separate parcels in like manner as is herein required of deputy returning officers, all ballot-papers used or unused, and all books, rolls and papers kept or used by him at such polling-booth; and shall seal up and also permit to be sealed up by the scrutineers, and shall indorse in like manner as aforesaid the several parcels and deal with the same as hereinafter provided; and shall also make out in respect of the said booth the like list as is herein required in the case of deputy returning officers, which said list shall be verified by the signature of the returning officer, the poll clerk (if any) and scrutineers in manner aforesaid.
Returning officers' parcels.

(20) In section one hundred and twenty-six—
 (a) by inserting next after subsection one the following new subsection:—
Sec. 126.
 (Declaration of poll.)

(1A) The method of counting the votes to ascertain the result of the election shall be as prescribed in Schedule Eighteen to this Act;

(b) by omitting from subsection three the words "the names of the persons" and by inserting in lieu thereof the words "the name of the person."

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No. 12.** (21) By inserting next after Schedule Three the following Schedule which shall be read as Schedule Four :—
New
Schedule
Four.

SCHEDULE FOUR.

Sec. 82. **PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912,
AS AMENDED.**

Ballot-paper.

NEW SOUTH WALES.

Electoral district of [*here insert name of district*].

Election of Members of the Legislative Assembly.

CANDIDATES.

<input type="checkbox"/>	BROOKMAN, John
<input type="checkbox"/>	CRANE, Joseph
<input type="checkbox"/>	FRENCH, Charles
<input type="checkbox"/>	KING, William
<input type="checkbox"/>	WILSON, Henry
<input type="checkbox"/>	WRIGHT, James

NOTE.—Indicate your vote by placing the figure 1 in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you so desire, give contingent votes for all or any of the remaining candidates by placing the figures 2, 3, 4, and so on, according to the number of candidates in the squares opposite the names of such candidates respectively, so as to indicate by such numerical sequence the order of your preference.

(22) By omitting Schedule Thirteen, and by inserting the following new Schedules next after Schedule Twelve :—

Sec. 114A.

SCHEDULE THIRTEEN.

**PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912,
AS AMENDED.**

Application for a Postal Vote Certificate and a Postal Ballot-paper.

This application should be made and sent, after the issue of the Writ for the election to which it relates and before polling day, to the Returning Officer for the District for which the elector is enrolled; but if the elector has reason to believe that it may not in the ordinary course of post reach that officer so as to enable

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The following persons are authorised witnesses, namely:—All Commonwealth Divisional Returning Officers, State Returning Officers, and officers of the Public Service of the Commonwealth permanently employed in the office of any Commonwealth Electoral Officer of a State or Divisional Returning Officer; all Commonwealth or State Electoral Registrars and Deputy Registrars; all Postmasters or Postmistresses or postal officials in charge of post offices; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State; all Justices of the Peace; all Head Teachers in the employment of a State Education Department; all officers of the Department of Trade and Customs; all members of the Police Force of the Commonwealth or of a State; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State; all legally qualified Medical Practitioners; all Officers in charge of Quarantine Stations; all Officers in charge of Lighthouses; all Pilots in the service of the Commonwealth or of a State, or of any local governing body; all Telegraph Line Repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties; all Railway Station-masters and Night Officers in charge who are permanently employed in the Railway Service of the Commonwealth or of a State; all Superintendents of Mercantile Marine and their Deputies while permanently employed in the Public Service of the Commonwealth or of a State; and all persons or classes of persons, employed in the Public Service of the Commonwealth or of a State, who are declared by proclamation to be authorised witnesses.

No person who is a candidate at any election shall be an authorised witness at that election.

OBLIGATIONS OF AUTHORISED WITNESSES.

An authorised witness shall not witness the signature of any elector to an application for a Postal Vote Certificate and a Postal Ballot-paper unless—

- (a) he has satisfied himself as to the identity of the applicant;
- (b) he has seen the applicant sign the application in his (the applicant's) own handwriting; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiry from the applicant or otherwise that the statements contained in the application are true.

Penalty: Fifty pounds, or imprisonment for one month.

The authorised witness shall sign his name in his own handwriting on the application in the space provided for the purpose, and shall add the title under which he acts as an authorised witness, and the date.

SCHEDULE FOURTEEN.

Sec. 114D. **PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912,
AS AMENDED.**

POSTAL VOTE CERTIFICATE.

I hereby certify that _____ of _____ is entitled to vote by post at the election to be held on the _____ day of _____ 19____, in the Electoral District of _____.

Returning Officer for the Electoral District of _____

Dated this _____ day of _____ 19____.

Signed by the Voter in his own handwriting in my presence—

(Signature of Authorised Witness in his own handwriting)—

(Title under which Witness acts as Authorised Witness)—

(Signature of Voter in his own handwriting)—

Address—

Date _____ 19____.

AUTHORISED WITNESSES.—The following persons are authorised witnesses, namely:—All Commonwealth Divisional Returning Officers, State Returning Officers, and officers of the Public Service of the Commonwealth permanently employed in the office of any Commonwealth Electoral Officer of a State or Divisional Returning Officer; all Commonwealth or State Electoral Registrars and Deputy Registrars; all Postmasters or Postmistresses or postal officials in charge of post offices; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State; all Justices of the Peace; all Head Teachers in the employment of a State Education Department; all officers of the Department of Trade and Customs; all members of the Police Force of the Commonwealth or of a State; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State; all legally qualified Medical Practitioners; all Officers in charge of Quarantine Stations; all Officers in charge of Lighthouses; all Pilots in the service of the Commonwealth or of a State, or of any local governing body; all Telegraph Line Repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties; all Railway Station-masters and Night Officers in charge who are permanently employed in the Railway Service of the Commonwealth or of a State; all Superintendents of Mercantile Marine and their Deputies while permanently employed in the Public Service of the Commonwealth or of a State; and all persons or classes of persons employed in the Public Service of the Commonwealth or of a State who are declared by proclamation to be authorised witnesses within the meaning of this Act.

No person who is a candidate at any election shall be an authorised witness at that election.

NOTES.—(1) *The attention of the Voter and Authorised Witness is specially directed to the necessity of strictly observing the instructions indorsed on the back of each Postal Ballot-paper, and to the fact that this envelope containing the Postal Ballot-paper (after having been marked by the Voter) must be forthwith posted or delivered to the Returning Officer to whom it is addressed, by the Voter, or by the person to whom it is entrusted by the Voter for the purpose of posting or delivery.*

(2) *Any person to whom an envelope containing or purporting to contain a Postal Ballot-paper is entrusted by a Voter for the purpose of posting or delivery to a Returning Officer, and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.*

Penalty: Fifty pounds, or imprisonment for one month.

SCHEDULE FIFTEEN.

Sec. 114D.

[Front of Form.]

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912,
AS AMENDED.

Postal Ballot-paper.

NEW SOUTH WALES.

Electoral District of (a).....

Election of Members of the Legislative Assembly.

- 1
- 2
- 3
- 4

(a) Insert name of district.

NOTE.—The elector should carefully read the directions for his guidance printed on the back of this ballot-paper, and in particular note that he must not mark his vote thereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

[Back of Form.]

Directions to Elector and Authorised Witness.



(a) The elector shall exhibit his unmarked Postal Ballot-paper and his Postal Vote Certificate to the authorised witness.

C

(b)

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- (b) The elector shall then and there, in the presence of the authorised witness, sign his name in his own handwriting on the Postal Vote Certificate, in the place provided for the signature of the voter.
- (c) The authorised witness shall then and there sign his name in his own handwriting on the Postal Vote Certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as an authorised witness, and the date.
- (d) The elector shall then and there in the presence of the authorised witness, but so that the authorised witness cannot see the vote, indicate his vote on the ballot-paper by writing opposite to the square containing the figure 1 the name of the candidate for whom he desires to give his first preference vote.

He may if he so desires give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 2, 3, 4, and so on, the names of the respective candidates to indicate in numerical sequence the order of his preference.

He shall then fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorised witness.

- (e) The authorised witness shall then and there place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.
- (f) If the elector's sight is so impaired that he cannot vote without assistance, the authorised witness, if so requested by the elector, shall mark the elector's vote on the ballot-paper in the presence of a witness, according to the instructions of the elector and shall then and there fold the ballot-paper so that the vote cannot be seen, place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.

Further Directions to Authorised Witness.

The authorised witness shall not, unless the elector's sight is so impaired that he cannot vote without assistance, look at or make himself acquainted with the vote given by the elector, and, except as provided in paragraph (f) of the preceding Directions, shall not suffer or permit any person (other than the elector) to see or become acquainted with the elector's vote, or to assist the elector to vote, or to interfere in any way with the elector in relation to his vote.

Every authorised witness shall—

- (a) comply with the preceding directions in so far as they are to be complied with on his part;
- (b) see that the preceding directions are complied with by every elector voting by post before him, and by every person present when the elector votes; and
- (c) refrain from disclosing any knowledge of the vote of any elector voting by post before him.

Penalty : One hundred pounds, or imprisonment for three months.

Duty of Persons Present when an Elector Votes by Post.

Any person present when an elector is before an authorised witness for the purpose of voting by post shall—

- (a) obey all directions of the authorised witness;
- (b) refrain from making any communication whatever to the elector in relation to his vote;
- (c) refrain from assisting the elector or in any manner interfering with him in relation to his vote;
- (d) except as provided in paragraph (f) of the Directions to Elector and Authorised Witness, refrain from looking at the elector's vote or from doing anything whereby he might become acquainted with the elector's vote.

Penalty : One hundred pounds, or imprisonment for three months.

Duty

Duty of Person to whom an Envelope containing a Postal Ballot-paper is entrusted for Posting or Delivery.

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Any person to whom an envelope containing or purporting to contain a Postal Ballot-paper is entrusted by a voter for the purpose of posting or delivery to a Returning Officer, and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.

Penalty : Fifty pounds, or imprisonment for one month.

SCHEDULE SIXTEEN.

Sec. 115.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912,
AS AMENDED.

NEW SOUTH WALES.

Absent Voter's Ballot-paper.

Electoral district of (a).....

Election of Member of the Legislative Assembly.

1

2

3

4

(a) Insert name of district.

NOTE.—Indicate your vote by writing opposite the square containing the figure 1 the name of the candidate for whom you desire to give your first preference vote.

You may, if you so desire, give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 2, 3, 4, and so on, the names of the respective candidates to indicate in numerical sequence the order of your preference.

SCHEDULE SEVENTEEN.

Sec. 114n.

Sec. 115.

Method of voting on postal ballot-papers, or absent voters' ballot-papers.

An elector shall record his vote on a postal ballot-paper or an absent voter's ballot-paper by writing opposite to the square containing the figure 1 the name of the candidate for whom he desires to give his first preference vote.

The elector may, if he so desires, give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 2, 3, 4, and so on, the names of the respective candidates to indicate in numerical sequence the order of his preference.

SCHEDULE

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Sec. 126 (1A).

SCHEDULE EIGHTEEN.

Method of counting votes.

1. (a) The Returning Officer shall count the total number of first preference votes given for each candidate.

(b) The candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

(c) If no candidate has received an absolute majority of first preference votes the Returning Officer shall make a second count.

(d) On the second count the candidate who has received the fewest first preference votes shall be excluded, and each unexhausted ballot-paper counted to him shall be counted to the candidate next in the order of the voter's preference.

(e) If a candidate then has an absolute majority of votes he shall be declared elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his unexhausted ballot-papers to the continuing candidate next in the order of the voter's preference shall be repeated by the Returning Officer until one candidate has received an absolute majority of votes.

(f) The candidate who has received an absolute majority of votes shall be declared elected.

2. In the process of counting, exhausted ballot-papers shall be set aside as finally dealt with, and shall thenceforth not be taken into account in ascertaining the result of the poll.

3. (a) When a candidate is excluded, each ballot-paper counted to him shall be deemed to be exhausted if there is not indicated upon it a next preference for one continuing candidate.

(b) "Next preference" in the last preceding subparagraph includes the first of the subsequent preferences marked on the ballot-paper which is not given to an excluded candidate.

Provided that where there is a break in the consecutive numbering of preferences marked on a ballot-paper, only those preferences preceding the break shall be taken into account.

4. In this Schedule "continuing candidate" means a candidate not already excluded from the count.

5. If on any count two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide by lot which shall be excluded.

6. In this Schedule "an absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers. The casting vote of the Returning Officer, given in pursuance of subsection two of section one hundred and twenty-six of this Act, shall be included in reckoning an absolute majority of votes.

Miscellaneous
amendments
of Act No. 41,
1912.

Sec. 19.

Application
to Commis-
sioners of
Royal Com-
missions Act,
1923.

9. The Principal Act is further amended—

(1) By omitting section nineteen and by inserting the following section in lieu thereof:—

19. The Electoral District Commissioners shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner appointed under Division 1 of Part II of that Act, and the said Act, Part II excepted shall, *mutatis mutandis*, apply to any witness or person summoned by or appearing before the Electoral District Commissioners.

(2)

- (2) By inserting at the end of section twenty the following new subsection :—
- George V,
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- (4) An inmate of a public charitable institution shall be entitled to enrolment and be capable of voting at an election held for the electoral district comprising the place in which he resided and for which he was enrolled as an elector at the date upon which he became an inmate of the institution.
- Sec. 20 (3) (b).
(Inmates of charitable institutions.)
- Regulations made under this Act may prescribe the methods by which the enrolment of such inmates shall be carried out.
- (3) By omitting the proviso to subsection one of section thirty.
- Sec. 30 (1)
(Revision courts.)
- (4) By omitting subsection one of section fifty-one and by inserting in lieu thereof the following subsection :—
- Sec. 51 (1).
- (1) Any elector whose name is on a polling-place area roll, and who has resided in another polling-place area in the same district for one month may make application in the form of Schedule Five to be changed to the roll for the polling-place area in which he resides.
- Change to another polling-place area roll.
- (5) (a) By inserting in subsection one of section forty-eight after the words “an elector” the words “or a person entitled to be enrolled as an elector.”
- Secs. 48, 49, and 51, and Schedule Five,
(Authorised witnesses.)
- (b) By inserting in subsection two of section forty-nine after the words “an elector” the words “or a person entitled to be enrolled as an elector.”
- (c) By inserting in subsection two of section fifty-one after the words “an elector” the words “or a person entitled to be enrolled as an elector.”
- (d) In Schedule Five by inserting after the words “an elector enrolled” the words “[or a person entitled to be enrolled]”; and by omitting the words “as enrolled after the word “address.”

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Sec. 52A.
(Compulsory
enrolment.)

cf. Common-
wealth
Electoral
Acts, 1918-
1922, s. 215.

Sec. 52B.

Sec. 55.
(Polling-place.)

Sec. 61.
(Objections.)

Sec. 85.
(Booths.)

(6) In section 52A—

- (a) by inserting in subsection one after the word “district” where it firstly occurs the words “and polling-place area”;
- (b) by inserting in subsection two after the word “transfer” the words “or change of enrolment”;
- (c) by inserting the following subsection next after subsection two:—

(3) In any prosecution for a contravention of this section instituted by a registrar, or by a person acting under the direction of a registrar, the averments of the prosecutor contained in the information shall be deemed to be proved in the absence of evidence to the contrary.

(7) By omitting subsection four of section 52B and by inserting in lieu thereof the following subsections:—

(4) The procedure in relation to the imposition and recovery of penalties for offences against the provisions of section 52A of this Act shall be as set out in Schedule Nineteen.

(5) The Governor may by regulations alter, amend, rescind, or vary all or any of the provisions of Schedule Nineteen and substitute other provisions therefor.

(8) By omitting paragraph (a) of section fifty-five.

(9) By inserting in section sixty-one after the word “writing” the words “in duplicate.”

(10) In section eighty-five—

- (a) by inserting in subsection two after the words “initial letter” where firstly occurring the words “or letters,” and by omitting the words “by the initial letter of his surname”;
- (b) by omitting from subsection three the words and figures “Liquor Act, 1898,” and by inserting in lieu thereof the words and figures “Liquor Act, 1912.”

- (11) By inserting in paragraph (d) of subsection one of section ninety-three after the words "returning officer" the words "or deputy." **George V, No. 12.**
Sec. 93 (1) (d).
(Polling-booth.)
- (12) By adding the following paragraph at the end of subsection one of section ninety-eight:— **Sec. 98 (1).**
(Abolition of polling-places.)
The Governor may by a like notice abolish any polling-place so appointed: Provided that no such polling-place shall be abolished after the issue of the writ and before the time appointed for its return.
- (13) In section one hundred and two— **Sec. 102.**
(Ballot-papers.)
(a) by inserting immediately before the word "initialled" wherever occurring the words "signed or";
(b) by inserting immediately before the word "initials" the words "signature or."
- (14) In section one hundred and six— **Sec. 106.**
(a) by inserting after the words "and such person may" the words "if he makes the prescribed declaration";
(b) by omitting all words following the word "vote" where it lastly occurs.
- (15) By inserting in subsection one of section 114A immediately before the words "make application for a postal vote certificate and postal ballot-paper" the words "if he has not already made an application under this section in respect of the same election." **Sec. 114A.**
(Postal voting.)
- (16) By inserting after subsection two of section 114A the following new subsection:— **Sec. 114A.**
(Postal voting.)
(2A) An applicant for a postal vote certificate and postal ballot-paper shall not be entitled to receive such certificate and ballot-paper unless his application is received by the returning officer to whom it is addressed, at least one clear day prior to the polling day for the election.
- (17) By inserting in subsection one of section 114D after the word "shall" the words "if he has received the application at least one clear day prior to the polling day for the election." **Sec. 114D.**
(Postal voting.)

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- George V,
No. 12.**
Sec. 114E.
(Postal
voting.)
- (18) By inserting at the end of subsection one of section 114E the following words:—"But any application which has not been received at least one clear day prior to the polling day shall be kept by the returning officer to whom it was made."
- Sec. 114F.
(Postal
voting.)
- (19) In subsection two of section 114F—
- (a) by inserting after the word "shall" the words "sign or";
 - (b) by omitting the words "The initials should" and by inserting in lieu thereof the words "The signature or initials should."
- Sec. 114G.
(Postal
voting.)
- (20) In section 114G—
- (a) by omitting from subsection one the words "lists of voters," and by inserting in lieu thereof the words "copies of the roll";
 - (b) by omitting from subsection two the words "proper certified list of voters," and by inserting in lieu thereof the words "certified copies of the roll";
 - (c) by omitting from subsection two the words "list of voters has," and by inserting in lieu thereof the words "copies of the roll have."
- Sec. 122 (1).
(Informal
ballot-paper.)
- (21) By inserting in paragraph (a) of subsection one of section one hundred and twenty-two after the word "duly" the words "signed or."
- New sec.
122A.
- (22) By inserting next after section one hundred and twenty-two the following new section:—
- 122A. Notwithstanding anything to the contrary in this Act—
- (a) a ballot-paper shall not, by reason of any marking thereon not authorised or required by this Act, be treated as informal, or be rejected at the scrutiny if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper;

Ballot-papers
not to be
informal in
certain cir-
cumstances.

- (23) (a) By omitting from subsection one of section one hundred and twenty-six the words “principal polling-place,” and by inserting in lieu thereof the words “chief polling-place”;
George V, No. 12. Sec. 126 (1). (Declaration of poll.)
- (b) by omitting from subsection one of section one hundred and twenty-six the words “He shall, as soon as practicable thereafter,” and by inserting in lieu thereof the words “But if he is satisfied, after inquiry, that any ballot-papers including absent voters’ ballot-papers have been lost, destroyed, or mislaid, and that those ballot-papers, if counted, could not alter the result of the poll he may complete the count without counting such ballot-papers. He shall, as soon as practicable after the count has been completed”;
- (c) by inserting after subsection four of section one hundred and twenty-six the following new subsection:—
Sec. 126. New subsection.
- (5) At any time before the declaration that a candidate has been duly elected the returning officer may, if he thinks fit, on the request of any candidate setting forth the reasons for the request, or of his own motion, and shall, if so directed by the chief electoral officer, re-count the ballot-papers contained in any parcel.
Re-count.
- (24) By inserting after section one hundred and thirty-one the following new section:—
New sec. 131A. (Votes adjourned poll.)
- 131A. Where the poll at any booth has been adjourned, only those electors who are enrolled for the polling-place area within which the booth is situate, shall be entitled to vote at the adjourned poll.
- (25) By omitting from Schedule Eleven the word “dated” and by inserting in lieu thereof the word “declared.”
Sch. Eleven.

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Sch. Nineteen.

(26) By inserting the following Schedule next after Schedule Eighteen as inserted by this Act.

SCHEDULE NINETEEN.

Sec. 52B. PROCEDURE IN RELATION TO ENFORCEMENT OF PROVISIONS OF SECTION 52A.

Notification in respect of offence.

1. Subject to such directions as are issued by the Chief Electoral Officer, the Registrar shall, if satisfied that a person has failed to comply with the requirements of section 52A of this Act, forthwith notify such person in the prescribed form of such failure, and inform him that he may reply by Statutory Declaration, setting out any facts relevant to the matter, and that he has the option of having the matter dealt with either by the Chief Electoral Officer or by a Court of Petty Sessions.

Consent to matter being dealt with by Chief Electoral Officer.

2. Any person so notified who desires the matter to be dealt with by the Chief Electoral Officer may notify the Registrar accordingly.

Proceedings upon receipt of consent to matter being dealt with by Chief Electoral Officer.
Sec. 52A.

3. Upon the receipt from a person so notified of a notification consenting to the matter being dealt with by the Chief Electoral Officer, the Registrar shall consider the statements contained in the Statutory Declaration (if any) submitted by the person, make such further inquiry as he deems necessary, and, unless he decides not to proceed further, transmit the Statutory Declaration (if any) and notification, with a report as to the facts and his opinion thereon, to the Chief Electoral Officer.

Action by Chief Electoral Officer upon receipt of report from Registrar.

4. The Chief Electoral Officer shall consider all the facts, and if satisfied that the person concerned is in default or has contravened the provisions of section 52A, may make an order imposing upon that person a penalty not exceeding Ten shillings for a first offence, and not exceeding Two pounds for any subsequent offence, and notify the Registrar thereof and of the time allowed for payment.

Penalty to be a debt due to Crown.

5. Any penalty so imposed by the Chief Electoral Officer shall be a debt due to the Crown.

Notification of imposition of penalty.

6. The Registrar, upon receipt of advice from the Chief Electoral Officer that a penalty has been so imposed upon any person, shall notify the person in the prescribed form.

Enforcement of penalties.

7. Any order so made by the Chief Electoral Officer imposing a penalty may be filed in any Court of Petty Sessions, and thereupon the order shall have effect and be enforceable as if it were an order of that Court.

Proceedings where matter not dealt with by Chief Electoral Officer.
Sec. 52A.

8. Where any person to whom a notification pursuant to paragraph one of this Schedule has been sent fails, within the time allowed, to reply thereto, or does not within that time consent to the matter being dealt with by the Chief Electoral Officer, the Registrar shall, subject to such directions as are issued by the Chief Electoral Officer, if he is satisfied that such person has contravened section 52A of the Act, cause proceedings to be instituted against him in the Court of the district in which such person resides.

9. Where the Registrar so directs, the Deputy-Registrar for the George V, polling-place area in which the defendant resides may institute proceedings in his own name, and in any such proceedings the authority of the Deputy-Registrar shall not be questioned.

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Deputy-Registrar may institute proceedings.

10. If, in any case in which proceedings are instituted in a Court of Petty Sessions, the Registrar has received from the person concerned a Statutory Declaration in pursuance of paragraph one of this Schedule he shall, as far as it is practicable and necessary for him to do so, inquire into the truth of the statements therein set out, and shall, unless he withdraws the prosecution, cause the declaration to be brought to the notice of the Court.

Statutory declaration to be brought to notice of Court.

11. The Court shall at the hearing of the case consider the Statutory Declaration (whether the defendant is present or not) as if the matter therein set out had been given in evidence before it.

Court to consider statutory declaration.

12. In any prosecution in respect of any contravention of section 52A of this Act the prosecuting officer may lodge with the Court a statutory declaration in support of the charge, and it shall not then be necessary for him to attend at the hearing, and the Court shall proceed with the hearing and determination of the case in his absence, and shall consider the statutory declaration as if the matter set out therein had been given in evidence before it.

Declaration by prosecuting officer to be considered by Court.

13. For the purpose of paragraphs ten and twelve of this Schedule any document purporting to be a statutory declaration shall be accepted as such by the Court without proof of the signatures thereon or proof of the authority of the person before whom it purports to have been made to take statutory declarations.

Document purporting to be a statutory declaration.

10. It shall not be necessary or deemed to have been necessary to make out lists or rolls of electors under the Principal Act for the year one thousand nine hundred and twenty-five.

Validation.

11. (1) The electoral districts as bounded at the commencement of this Act shall be deemed to be the electorates or electoral districts for the purposes of the Liquor Act, 1912, and Part II of the Liquor (Amendment) Act, 1919, as subsequently amended, notwithstanding the redistribution directed by this Act.

Existing districts to be electoral districts for the purposes of Act No. 42, 1912, and Act No. 42, 1919.

(2) The Liquor (Amendment) Act, 1919, is amended—

Amendment of Act No. 42 1919, s. 11.

(a) by omitting from paragraph (a) of subsection one of section eleven the words "for the time being";

(b)

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- (b) by inserting in the same paragraph after the figures 1912 the words "prior to the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1926";
- (c) by omitting from subsection two of section eleven the words "for the time being."

Repeals.

12. The Acts mentioned in the Schedule are, to the extent therein indicated, hereby repealed.

Amendment
of Act No. 41,
1912, s. 152.

13. The Principal Act is further amended by omitting section one hundred and fifty-two and by inserting in lieu thereof the following section:—Any person incurring or authorising any electoral expense on behalf of a candidate without the written authority of the candidate shall be guilty of a contravention of this Act and shall be liable to a penalty not exceeding twenty pounds.

SCHEDULE.

Reference to Act.	Short Title.	Extent of Repeal.
Act No. 40, 1918	Parliamentary Elections (Amendment) Act, 1918	Section two. Paragraphs (i), (ii), (iii), and (vii) of section three. Paragraphs (i), (ii), (iii), (iv), (vi), (vii), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xviii) and (xix) of section four. So much of paragraph (xvii) of section four as amends subsection three of section one hundred and twenty-six of the Parliamentary Electorates and Elections Act, 1912. Section six.

SCHEDULE—*continued*.

Reference to Act.	Short Title.	Extent of Repeal.
Act No. 40, 1918 <i>—continued.</i>	Parliamentary Elections (Amendment) Act, 1918. <i>—continued.</i>	<p>So much of the Schedule to section eight as—</p> <p>(a) amends section one, section forty-five, subsection one of section seventy-nine, section eighty, section eighty-one, and paragraph (d) of section eighty-four of the Parliamentary Electorates and Elections Act, 1912 ;</p> <p>(b) repeals section twenty-seven, the short heading before section thirty-eight, sections thirty-nine to forty-four (both inclusive), section fifty-four, subsection six of section seventy-nine, sections one hundred and thirty-seven to one hundred and forty-six (both inclusive), section one hundred and seventy-five, and Schedules six, eight, nine, and ten of the Parliamentary Electorates and Elections Act, 1912 ;</p> <p>(c) repeals and substitutes section thirty-seven of the Parliamentary Electorates and Elections Act, 1912.</p> <p>Section ten.</p>

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Reference to Act.	Short Title.	Extent of Repeal.
Act No. 18, 1920	Parliamentary Elections (Casual Vacancies) Act, 1920.	Section ten.
Act No. 19, 1921	Parliamentary Elector- ates and Elections (Amendment) Act, 1921.	Paragraphs (2), (3), (4), (6), (7), (17), (19), and (36) of section two. So much of paragraph (39) of section two as inserts Schedule Thirteen in the Par- liamentary Elector- ates and Elections Act, 1912. Section three.