

# PARLIAMENTARY ELECTIONS (NEUTRAL BAY BY-ELECTION) ACT.

Act No. 35, 1945.

An Act to amend the Parliamentary Electorates and Elections Act, 1912-1944, in certain respects; and for purposes connected therewith. [Assented to, 13th December, 1945.]

George VI.  
No. 35, 1945.

**B**E 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.** (1) This Act may be cited as the "Parliamentary Elections (Neutral Bay By-Election) Act, 1945."

Short title  
and con-  
struction.

(2)

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Interpre-  
tation.

(2) This Act shall be read and construed with the Parliamentary Electorates and Elections Act, 1912-1944.

**2.** In this Act, unless the context otherwise requires, "active service" has the meaning ascribed to it by the Commonwealth Defence Act 1903, as amended by subsequent Acts.

Voting by  
members of  
the Forces.

**3.** (1) Subject to the provisions of section twenty-one of the Parliamentary Electorates and Elections Act, 1912-1944, a qualified person within the meaning ascribed to that expression in subsection two of this section shall be entitled to vote under and in accordance with this Act at the By-election which is to be held for the Electoral District of Neutral Bay on the fifteenth day of December, one thousand nine hundred and forty-five.

(2) A person shall be a qualified person for the purposes of subsection one of this section if—

- (a) he is or has been a member of the Defence Force of the Commonwealth; and
- (b) he has been on active service during the war in which His Majesty was engaged and which commenced on the third day of September one thousand nine hundred and thirty-nine; and
- (c) his place of living is situated within the Electoral District of Neutral Bay; and
- (d) he is over the age of twenty-one years; and
- (e) he is not enrolled on the roll for any electoral district in New South Wales.

Method of  
voting.

**4.** (1) A person who is entitled under section three of this Act to vote at the by-election referred to in that section and who wishes to vote, shall attend at any polling-place and fill in and sign a declaration which—

- (a) shall be printed on an envelope; and
- (b) shall be in or to the effect of the form set out in the Schedule to this Act; and
- (c) shall be attested by the returning officer or a deputy returning officer.

(2) If the returning officer or deputy returning officer is satisfied that the declarant is entitled to vote at the by-election by reason of section three of this Act—

- (a) he shall issue to the declarant a ballot-paper;
- (b)

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- (b) when the declarant has marked his vote on the ballot-paper and handed the ballot-paper to him, he shall place the ballot-paper in the envelope bearing the declaration made by the declarant; and
- (c) he shall forthwith deposit the envelope in the ballot-box.

**5.** (1) A person shall not vote more than once under this Act nor shall he vote under this Act and also under the Parliamentary Electorates and Elections Act, 1912-1944. Offences.

(2) A person shall not personate another for the purpose of voting under this Act.

(3) A person shall not make a wilfully false declaration in respect of any matter or thing for which a declaration is required by or under this Act.

(4) Any person who contravenes any provision of this section shall be liable to imprisonment for a term of not less than three months and not exceeding twelve months.

**6.** Notwithstanding anything contained in any other Act, a person entitled to vote under this Act shall not be guilty of an offence by reason only of his failure to vote. Voting under this Act not to be compulsory.

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**SCHEDULE.**

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*Declaration by qualified person claiming to vote under the  
abovementioned Act.*

I.....  
(here insert name and address in full, rank or designation, No. or discharge No. (if any) and unit to which attached) declare that:—

- (1) I am (or have been) a member of the Defence Force of the Commonwealth.
- (2) I have been on active service during the war in which His Majesty was engaged and which commenced on the third day of September one thousand nine hundred and thirty-nine.
- (3) My place of living is situated within the Electoral District of Neutral Bay.

(4)

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- (4) I have not voted at the By-election for the Electoral District of Neutral Bay, held this day, and I promise that, if I am now permitted to vote, I will not again vote or attempt to vote at that By-election.
- (5) I am over the age of twenty-one years.
- (6) I am not enrolled on the roll for any electoral district in this State.

I am aware that it is an offence to personate another for the purpose of voting under the abovementioned Act, or to make any wilfully false statement in this declaration or to vote more than once at the by-election held this day.

.....  
(Personal signature of voter.)

Declared before me at ..... the fifteenth day of December, 1945.

.....  
(Signature of returning officer, or deputy returning officer, as the case may be.)

