

**PARLIAMENTARY ELECTORATES AND
ELECTIONS (AMENDMENT) ACT.**

Act No. 15, 1965.

**Elizabeth II,
No. 15, 1965**

An Act relating to nomination of candidates for elections, polling booths at hospitals and like institutions, and voting by post; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912-1961; and for purposes connected therewith. [Assented to, 26th November, 1965.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title,
citation
and com-
mencement.

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1965".

(2)

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(2) The Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1965.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Parliamentary Electorates and Elections Act, 1912, as amended by subsequent Acts, is amended—

Amendment
of Act No.
41, 1912.

(a) by inserting next after subsection five of section seventy-nine the following new subsection :—

Sec. 79.
(Every voter
qualified to
be elected
as a
member.)

(5A) No elector shall consent to his being nominated as a candidate for more than one electoral district at the same general election or at by-elections to be held on the same polling day. Where two or more nominations have been made in respect of the same elector in contravention of the foregoing provisions of this subsection and all such nominations except one have not been withdrawn in pursuance of section eighty-one of this Act, all such nominations shall be void and deposits paid in respect of them forfeited.

(b) (i) by omitting from subsection one of section 87A the words "at least two polling booths therein" and by inserting in lieu thereof the words "such number of polling booths therein as he may determine";

Sec. 87A.
(Mobile
booths in
hospitals,
etc.)

(ii) by omitting from subsection two of the same section the words "One or more of such booths designated by the returning officer shall be used as a mobile booth" and by inserting in lieu thereof the words "Where one booth is so provided such booth shall in addition to being used as a stationary booth be used as a mobile booth, and where more than one booth is so

provided

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provided one or more of such booths designated by the returning officer shall be used as a mobile booth or booths. A mobile booth shall be used”;

Sec. 114A.
(Application
for a postal
vote certifi-
cate and
postal
ballot-
paper.)

(c) (i) by omitting subsections one and two of section 114A and by inserting in lieu thereof the following subsections:—

(1) An elector who—

(a) will not throughout the hours of polling on polling day be within the State;

(b) will not throughout the hours of polling on polling day be within five miles by the nearest practicable route of any polling booth open for the purposes of an election;

(c) will throughout the hours of polling on polling day be travelling under conditions which will preclude him from voting at any polling booth;

(d) is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote, or, in the case of a woman, will, by approaching maternity, be precluded from attending at any polling booth to vote; or

(e) is, by reason of his membership of a religious order or his religious beliefs—

(i) precluded from attending at a polling booth; or

(ii) precluded from voting throughout the hours of polling on polling day or throughout the greater part of those hours,

may make application for a postal vote certificate and postal ballot-paper.

(2)

(2) The application must contain a declaration by the elector setting out the grounds upon which he applies for a postal vote certificate and postal ballot-paper, and shall be in or to the effect of the form prescribed in Schedule Thirteen to this Act, and must be signed by the elector in his own handwriting in the presence of an authorised witness, and must be made and sent, after the tenth day prior to the issue of the writ for the election to which it relates, and before six o'clock in the afternoon of the day immediately preceding the polling day for the election, to the returning officer for the district for which the elector is enrolled, or to some other district returning officer if the elector has reason to believe that the application may not in the ordinary course of post reach the returning officer for the district for which he is enrolled so as to enable him to receive a postal vote certificate and postal ballot-paper from that officer in time to permit the elector voting at the election.

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- (ii) by omitting from subsection (2A) of the same section the words "if his application is received by the returning officer for the district to which it relates less than seven days before" and by inserting in lieu thereof the words "unless his application is received by the returning officer to whom it is addressed before six o'clock in the afternoon of the day immediately preceding";
- (d) by omitting subsections one and (1A) of section 114B and by inserting in lieu thereof the following subsection :—

Sec. 114B.
(Authorised witnesses.)

(1) Subject to subsection two of this section an elector whose name appears on the roll for the State of New South Wales, on the Commonwealth roll

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roll for any other State, on the roll for the Australian Capital Territory or on the roll for the Northern Territory of Australia is an authorised witness for the purposes of this Act.

Outside Australia the following persons are also authorised witnesses for the purposes of this Act :—

- (a) an officer of the naval, military or air forces of the Commonwealth or of some other part of the Queen's dominions;
- (b) a person employed in the Public Service of the Commonwealth or of a Territory of the Commonwealth or of a part of the Queen's dominions; and
- (c) a justice of the peace for or a minister of religion or medical practitioner resident in a territory of the Commonwealth or a part of the Queen's dominions.

Sec. 114c.
(Duty of witnesses to applications.)

- (e) (i) by omitting from subsection one of section 114c the word "elector" where firstly occurring and by inserting in lieu thereof the words "authorised witness";
- (ii) by omitting from subsection two of the same section the word "elector" where firstly occurring and by inserting in lieu thereof the words "authorised witness";
- (iii) by omitting from the same subsection the words "the name of the electoral district for which he is enrolled as an elector" and by inserting in lieu thereof the words "his address";

Sec. 114d.
(Issue of certificate and ballot-paper.)

- (f) by omitting from subsection one of section 114d the words "not less than seven days before" and by inserting in lieu thereof the words "before six o'clock in the afternoon of the day immediately preceding";

(g)

- (g) by omitting from subsection one of section 114E the words "be kept by him" and by inserting in lieu thereof the words "if they relate to the district for which he is returning officer, be kept by him, or if they relate to another district, after being endorsed by him with the date of the issue of the postal vote certificate and postal ballot-paper, forthwith be sent by him to the returning officer for that district, but any application which has not been received before six o'clock in the afternoon of the day immediately preceding the polling day shall be kept by the returning officer to whom it was made";
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Sec. 114E.
(Inspection of applications.)
- (h) by omitting from subsection two of section 114H the words "seven days" and by inserting in lieu thereof the words "ten days";
- Sec. 114H.
(Directions for postal voting.)
- (i) by omitting from section 114L the words "seven days" and by inserting in lieu thereof the words "ten days";
- Sec. 114L.
(Preliminary scrutiny of postal ballot-papers.)
- (j) by inserting in section 114M after the word "because" the words "in the case of any candidate his surname only has been written thereon if no other candidate has the same surname, or by reason";
- Sec. 114M.
(Postal and absent voters' ballot-papers not to be informal because of certain omissions or mistakes.)
- (k) by omitting section 114O;
- Sec. 114O.
(Illness, infirmity, approaching maternity.)

No. 15, 1965 (1) by omitting Schedule Thirteen and by inserting in lieu thereof the following Schedule : —

Subst. Sch. 13.

SCHEDULE THIRTEEN.

RO. 23

STATE ELECTIONS
STATE OF NEW SOUTH WALES
 (Parliamentary Electorates and Elections Act, 1912, as amended)
APPLICATION FOR A POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER

Application No.
Time a.m. .../.../...
and Date received p.m. .../.../...
Postal Vote Certificate and Postal Ballot-paper issued, date .../.../...
Signature of Issuing Officer
Place of Issue

This application should be made and sent, after the tenth day prior to 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 him to send a Postal Vote Certificate and Postal Ballot-paper to the elector in time to permit of his voting at the election, the application may, for purposes of expedition, be made and sent to some other Returning Officer.

Unless the application reaches the Returning Officer to whom it is addressed before six o'clock in the afternoon of the day immediately preceding the polling day for the election, a Postal Vote Certificate or Postal Ballot-paper shall not be issued in respect of it.

In order that a Postal Ballot-paper may be admitted to the scrutiny it should be posted prior to the close of the poll to the Returning Officer for the District in respect of which the elector claims to vote, so as to reach him before the end of the period of ten days immediately succeeding the close of the poll, or delivered to that officer prior to the close of the poll. If, however, time does not permit of that course, it may be posted or delivered to any other Returning Officer, or delivered on polling day to any Deputy Returning Officer, but in any such case it must reach such officer before the close of the poll.

To the Returning Officer for the Electoral District of (*)

(*) Here insert name of Electoral District to which the application is to be sent.

Surname (in block letters).	Christian Names (in full).	Place of Living as appearing on Roll.	Occupation (as shown on Roll).
I,			

hereby apply for a Postal Vote Certificate and a Postal Ballot-paper to enable me to vote by post at the forthcoming Election of Members of the Legislative Assembly.

I declare—

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1. That I am an elector enrolled on the Electoral Roll for the Subdivision of State Electoral District of

2. That my answers to the following questions are true and correct in every particular:—

Question	Applicant's Answer
(A) Is your place of living within the Electorate in respect of which you claim to vote?(†)
(B) Was your place of living, at any time within the three months immediately preceding the date fixed for the polling at the election, within the Electorate in respect of which you claim to vote?

(†) If answer to Question (A) is "Yes" the applicant is not required to answer Question (B).

NOTE.—The words "place of living" in Questions (A) and (B) include the place of living to which a person, temporarily living elsewhere, has a fixed intention of returning for the purpose of continuing to live thereat.

3. That the ground on which I apply to vote by post is:—

- ‡(a) That I will not throughout the hours of polling on polling day be within the State;
- (b) That I will not throughout the hours of polling on polling day be within five miles by the nearest practicable route of any polling booth open in the State for the purposes of an election;
- (c) That I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from voting at any polling booth in the State;
- (d) That I am seriously ill or infirm and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote;
- (e) That I will, by approaching maternity, be precluded from attending at any polling booth to vote;
- (f) That I am, by reason of my membership of a religious order or my religious beliefs, precluded—
 - (i) from attending at a polling booth; or
 - (ii) from voting throughout the hours of polling on polling day or throughout the greater part of those hours.

‡ The elector MUST STRIKE OUT any of these grounds which do not apply to his or her particular case.

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No. 15, 1965 4. That my place of living at the time when the Postal Vote Certificate and the Postal Ballot-paper would be delivered in the ordinary course of post will be as follows:—

Here insert full place of living address to which it is required postal voting papers be posted.

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

PENALTY: Fifty pounds, or imprisonment for one month.

Note.— Who is an Authorised Witness? (See below.)

Signed by the elector in his own handwriting in my presence— Signature of Applicant (in own handwriting) Signature of Authorised Witness (in own handwriting) Address..... (NOTE.—A Marksman cannot vote by post.)

Dated at the day of 19 ..

OBLIGATIONS OF AUTHORISED WITNESS WITNESSING AN APPLICATION FOR A POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER

An authorised witness shall not witness the signature of any elector to an application for a Postal Vote Certificate and 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 witnessing the application shall sign his name in his own handwriting on the application in the space provided for the purpose, and shall add his address and the date.

A person shall not persuade or induce, or associate himself with any person in persuading or inducing, any person to make application for a Postal Vote Certificate and Postal Ballot-paper. **No. 15, 1965**

PENALTY: Fifty pounds, or imprisonment for one month.

PENALTY FOR FAILURE TO POST OR DELIVER APPLICATION FOR POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER

Any person to whom an application for a Postal Vote Certificate and Postal Ballot-paper is entrusted by an elector for the purpose of posting or delivery to a Returning Officer, and who fails to post or deliver the application forthwith shall be guilty of an offence.

PENALTY: Fifty pounds, or imprisonment for one month.

WHO IS AN AUTHORISED WITNESS.—

An elector whose name appears on the roll for the State of New South Wales, on the Commonwealth roll for any other State, on the roll for the Australian Capital Territory or on the roll for the Northern Territory of Australia is an authorised witness for the purposes of this Act.

Outside Australia the following persons are also authorised witnesses for the purposes of this Act:—

- (a) an officer of the naval, military or air forces of the Commonwealth or of some other part of the Queen's dominions ;
- (b) a person employed in the Public Service of the Commonwealth or of a Territory of the Commonwealth or of a part of the Queen's dominions ; and
- (c) a Justice of the Peace for or a minister of religion or medical practitioner resident in a territory of the Commonwealth or a part of the Queen's dominions.
- (m) by omitting from Schedule Fourteen the words Sch. 14. "seven days" and by inserting in lieu thereof the words "ten days";
- (n) by omitting Schedule Fifteen and by inserting in Subst. lieu thereof the following Schedule :— Sch. 15.

SCHEDULE FIFTEEN.

(Parliamentary Electorates and Elections Act, 1912, as amended.)

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (in blank) to the Authorised Witness.

POSTAL

Appropriation Act.

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POSTAL BALLOT-PAPER

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote. Give contingent votes for all remaining candidates by placing the numbers "2", "3", "4", and so on, in the squares opposite the names of remaining candidates in the order of your preference; fold the ballot-paper so that the vote cannot be seen and place it in the envelope addressed to the Returning Officer and fasten the envelope.

NEW SOUTH WALES

Electoral District of (here insert name of district).

Election of Member of the Legislative Assembly.

Candidates.

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-
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