

[CONFIDENTIAL]
(Rough Draft for Consideration Only.)

Legislative Council

No. , 1936.

A BILL

To amend the Constitution (Legislative Council Elections) Act, 1932-1933, in certain respects; and for purposes connected therewith.

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. (1) This Act may be cited as the "Constitution (Legislative Council Elections) Amendment Act (No. 2), 1936." Short title.

(2) The Constitution (Legislative Council Elections) Act, 1932-1933, as amended by this Act, may be cited as the Constitution (Legislative Council Elections) Act, 1932-1936.

2. The Constitution (Legislative Council Elections) Act, 1932-1933, is amended—

Amendment of Act No. 5, 1933.

(a) (i) by inserting in subsection one of section six after the words "Clerk of the Parliaments" the words "or the officer of the Legislative Council acting in his place at the date of the issue of the writ for the election";

Sec. 6 (1). (Returning officer.)

(ii) by inserting at the end of the same subsection the following paragraph and new subsection:—

(b) In the case of the death of a returning officer or in case of sickness or other cause disabling a returning officer from acting at any election, the Governor may appoint an officer of the Legislative Council in his stead. The officer so appointed shall, for all purposes, be deemed to be the returning officer at that election.

The provisions of the Public Service Act, 1902, shall not apply to or in respect of any appointment under this paragraph.

(1A) Where at any election, whether at or after the date of the issue of the writ therefor, the Clerk of the Parliaments is not the returning officer, any reference in this Act to the Clerk of the Parliaments shall, for any purpose of or connected with the election and except as otherwise provided in this subsection, be deemed to be a reference to the returning officer.

This subsection shall not affect any provision of Division 11 of Part II of this Act.

(b) (i) by inserting at the end of subsection one of section ten the following new paragraph:—

Sec. 10 (1). (Substitute returning officer.)

(b) In the case of the death of a substitute returning officer or in case of sickness or other cause disabling a substitute returning officer from acting at any election the returning

returning officer may appoint some fit person in his stead. The person so appointed shall, for all purposes, be deemed to be the substitute returning officer at that election.

- (ii) by omitting from subsection three of the same section the words "at any time during such interval."
- (c) by inserting in subsection one of section seven after the words "issued by the Governor" the words "The writ may be in or to the effect of a prescribed form";

Sec. 7 (1).
(Form of writ.)

- (d) by inserting after subsection one of section twenty-four the following new subsection:—

Sec. 24.
New subsec. (1A).

(1A) (a) A candidate who is present at any of the proceedings referred to in paragraph (a) of subsection one of this section shall not, whilst so present, write any word, letter, figure or sign.

(b) A candidate who contravenes the provisions of paragraph (a) of this subsection shall be liable to a penalty of *five hundred* pounds to be recovered by any person who sues for the same in the Supreme Court of New South Wales.

(c) A candidate present at any such proceedings who, in the opinion of the Returning Officer, contravenes or attempts to contravene the provisions of paragraph (a) of this subsection, may be removed by or under the direction of the Returning Officer from the place at which such proceedings are being conducted.

- (e) by omitting from subsection one of section twenty-six the words "and every candidate present at such counting";

Sec. 26.
(Preservation of secrecy of voting.)

- (f) by inserting after section twenty-six the following new section:—

New s. 26A.

26A. Any person who, either directly or indirectly, and by any means whatsoever—

Attempt to obtain information as to vote of an elector.

- (a) attempts to inform himself of—

- (i) the order in which an elector has indicated on a ballot-paper his preferences



preferences for the candidates at an election or for any of such candidates; or

(ii) the name of the candidate at an election for whom an elector has indicated his first or any other preference on a ballot paper; or

(b) aids, abets or connives at an attempt by any other person to inform himself of any of the matters referred to in paragraph (a) of this section,

shall be liable to a penalty of *five hundred* pounds to be recovered by any person who sues for the same in the Supreme Court of New South Wales.

(g) by inserting at the end of subsection five of section fourteen the following paragraph:— Sec. 14 (5).
(Ballot-papers.)

Each of such ballot-papers shall be marked on the back with the signature of the returning officer and also with the signature of the Clerk of the Legislative Assembly or the person for the time being acting in his place.

(h) by omitting from section eighteen the words "the Clerk having marked the ballot-paper on the back with his signature shall deliver it" and by inserting in lieu thereof the words "shall deliver the ballot-paper"; Sec. 18.
(Signature of Clerk.)

(i) by omitting from subsection two of section nineteen the words "signature of the Clerk" and by inserting in lieu thereof the words "signatures required by subsection five of section fourteen of this Act to be marked on the back of the ballot-paper"; Sec. 19 (2).
(Method of voting.)

(j) by omitting from paragraph (a) of subsection one of section twenty-three the words "signature of the Clerk referred to in section eighteen" and by inserting in lieu thereof the words "on the back the signatures required to be marked thereon by subsection five of section fourteen". Sec. 23.
(Invalid ballot-papers.)