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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1923.

# A BILL

To amend the Sydney Corporation Act, 1902, and certain other Acts; and for purposes connected therewith.

**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.** This Act may be cited as the "Sydney Corpora- Short title. tion (Amendment) Act, 1923," and shall be construed with the Sydney Corporation Act, 1902, and any Acts amending the same. The Sydney Corporation Act, 1902, as so amended, is hereinafter referred to as the Principal Act.

2. The Principal Act is amended as follows:—

Amendment of Act No. 35, 1902. Sec. 9.

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

9. Subject to the provisions of this Act, and unless disqualified by this or any other Act, every person being a natural born or naturalised British subject of the full age of twenty-one years, whether male or female, married or unmarried, shall, if he has the requisite qualification be entitled—

Qualification of citizens. L.G. Act, 1912, s. 50.

- (a) to be enrolled on the citizens' roll for the ward in respect of which he has the requisite qualification; and
- (b) to vote at any election of aldermen for the ward.

9A. (1) In order to have the requisite qualification to be enrolled on the citizens' roll for any ward a person must on the first day of May of the year in which a roll is to be prepared as hereinafter provided (in this Part referred to as the prescribed day) be either an owner, ratepaying lessee, or occupier of ratable land in the ward.

Meaning of requisite qualification. L.G. Act, 1919, s. 51.

(2) For the purposes of this Part of this Act, ratable land shall include all land upon which any rate is leviable or levied under this Act or any amendment thereof.

Ratable land.

9B. A person shall be an "owner" for the purposes of enrolment and voting if—

Qualification of an owner. *Ibid.* s. 52.

- (a) he is jointly or severally the owner of ratable land; or
- (b) he is a person nominated in writing by a body corporate which is, or trustees who are, such owner as aforesaid: Provided that the body corporate or trustees may not nominate more than one person for enrolment as owner in any one ward; or
- (c) he is the holder of a lease, promise or contract of lease from the Crown of ratable Crown land; or

(d)

(d) he is the resident manager of a lease, promise or contract of lease from the Crown of ratable Crown land.

9c. A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if— Qualification of a rate-paying lessee. Ibid. s. 53.

(a) he is severally the lessee of ratable land, and under a lease in writing or other document of title relating to such land, liable to pay to any person the whole or any part of any municipal rates which may be made and levied in respect of such land; or

(b) he is jointly such lessee as aforesaid, and so liable as aforesaid; or

(c) he is the person nominated in writing by a body corporate which is, or trustees who are, such lessee so liable as aforesaid:

Provided that the body corporate or trustees may not nominate more than one person for enrolment as ratepaying lessee in any one ward.

9d. A person shall be an "occupier" for the purposes of enrolment and voting if— Qualification of an occupier. Ibid. s. 54.

(a) he has been continuously during the three months next preceding the prescribed day, in joint or several occupation as direct tenant (but not as ratepaying lessee within the preceding section) of the owners or ratepaying lessees of ratable land of the yearly value of five pounds or upwards; or

(b) he is the person nominated in writing by a body corporate which is, or by trustees who are, in occupation as tenant or occupier as aforesaid of ratable land of the yearly value of five pounds or upwards:

Provided that the body corporate or trustees may not nominate more than one person for enrolment as occupier in any one ward; or (c)

- (c) he is in occupation of ratable land owned by the Crown, and, directly or indirectly, pays rent therefor by way of deduction from salary or otherwise; or
- (d) he is a resident as caretaker for the owner or lessee upon any ratable land which with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards; or
- (e) he is a soldier or sailor as defined in the Local Government Act, 1919, and has been continuously during the three months next preceding the prescribed day resident within the city:

Provided that where the land jointly tenanted or occupied as aforesaid is of less yearly value than ten pounds, only one of the joint tenants or occupiers shall be entitled to be placed on the roll, and where the land jointly tenanted or occupied as aforesaid is of the yearly value of ten pounds or upwards, such number of the joint tenants or occupiers as, when divided into the said yearly value, gives a quotient of five pounds with a remainder of less than five pounds, shall be entitled to be placed on the roll; and the joint tenants or occupiers who shall be so entitled shall, in either case, be determined by a majority of the tenants or occupiers evidenced by agreement signed by such majority and handed to the collector of the roll for the ward, and delivered by him with the list to the chamber magistrate of the Central Police Court, or failing such agreement according to the alphabetical order of their surnames.

9E. A person shall be disqualified from being placed on the citizens' roll, and shall not be entitled to vote if, at the time for enrolment or for holding an election, as the case may be—

Disqualifi-  
cation of  
citizens and  
of voters.  
L.G. Act,  
1919, s. 55.

- (a) he is subject to any of the disqualifications mentioned in subsection three of section

section twenty of the Parliamentary Electorates and Elections Act, 1912, the provisions of which subsection shall, mutatis mutandis, apply to enrolment and voting under this Act; or

- (b) he is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power:

Provided that any person disqualified under this paragraph may remove the disqualification by handing to the collector of the roll for the ward or to the returning officer the certificate of a stipendiary or police magistrate to the effect that he has before such magistrate declared on oath, that he renounces all allegiance, obedience, and adherence to any foreign power. Any such certificate handed to a collector of the roll for a ward shall be delivered by him with the list to the chamber magistrate of the Central Police Court.

See Act No. 29, 1922, s. 7.

9F. (1) Subject to this Act a person shall not be entitled to vote unless—

Persons not entitled to vote.

- (a) his name is on the citizens' roll for the ward for which he claims to vote; and
- (b) he retains the requisite qualification and fulfils the conditions and requirements prescribed by this Act or any by-law made thereunder in respect of voting:

L.G. Act, 1919, s. 56.

Provided that a married woman who is enrolled under her name prior to marriage may vote under that name pending correction of the rolls.

(2) A person shall not cease to retain the requisite qualification by reason only of a change of residence within the same ward.

(3)

(3) A person who has changed his residence from the ward for which he is enrolled to another ward, shall not on that account be debarred from voting at an election held within three months after the change of residence.

(4) A person possessing qualification for enrolment in respect of several parcels of land in a ward, but actually enrolled in respect of one parcel of land therein, who ceases to hold qualification in respect of that parcel, shall not on that account be debarred from voting at an election held within twelve months after so ceasing, if he retains a qualifying interest in another parcel in the same ward, and so satisfies the returning officer.

9g. (1) A person shall not be enrolled more than once in respect of the same ward.

(2) A person may be enrolled in respect of each ward in which he is qualified as owner or ratepaying lessee.

(3) A person qualified for enrolment as owner or as ratepaying lessee in any ward who is also qualified for enrolment in another ward as occupier shall not be enrolled under both of these qualifications. He may by notice in writing given to the chamber magistrate of the Central Police Court choose the roll on which his name shall be placed, and if he does not make such choice before the expiration of the time prescribed by the by-laws he shall be enrolled in the ward in which he is qualified as owner or as ratepaying lessee.

(4) A person qualified for enrolment as occupier in more than one ward shall be enrolled in one ward only. He may by notice in writing given to the chamber magistrate of the Central Police Court choose the roll on which his name shall be placed, and if he does not make such choice before the expiration of the time prescribed by the by-laws the chamber magistrate aforesaid shall make such choice.

(2)

See Act No. 29, 1922, s. 8:  
Enrolment of person holding qualification in more than one ward.  
L.G. Act 1919, s. 66.

(2) By omitting section forty, and by inserting the following section in lieu thereof:—

40. (1) Before any person claiming to vote shall be permitted to vote he shall make and subscribe before the presiding officer a declaration in the form contained in the Ninth Schedule of this Act. <sup>Declaration by voter.</sup>

(2) 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 \_\_\_\_\_, number \_\_\_\_\_ on the citizens' roll for this ward?
- (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?

(3) Every person wilfully making a false answer to any such question, or wilfully making a false declaration under this section, shall be deemed guilty of a misdemeanour.

(4) No person shall be allowed to vote unless he makes such declaration, and (if asked) answers such questions satisfactorily.

(5) 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.