

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1932.

# A BILL

To amend the law relating to the electoral qualification of citizens and to the election of aldermen of the City of Sydney; for these and other purposes to amend the Sydney Corporation Act, 1902, as amended by subsequent 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 Corporation Short title: (Amendment) Act, 1932," and shall be read and construed with the Sydney Corporation Act, 1902, as amended by subsequent Acts, which Act, as so amended, is in this Act referred to as the Principal Act.

2. The Principal Act is amended by omitting Part III and by inserting in lieu thereof the following new Part:—

PART III.

QUALIFICATION OF CITIZENS.

9. (1) 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 qualifications, be qualified to be a citizen, and shall be entitled—

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

(2) In order to have the requisite qualification of a citizen in respect of a ward, a person must on the prescribed day of the year in which a roll is to be prepared as hereinafter provided, be either an owner or ratepaying lessee of ratable property in the ward or an occupier of land in the ward.

For the purposes of this Part, ratable property shall include all property upon which any rate is leviable or levied under this Act, or any Act amending this Act.

A person who, on any such day possesses one or more qualifications for enrolment, shall not be deemed to lose his right to enrolment merely because of a change of qualification or a loss of one of his qualifications between such day and the last day for the receipt of claims for enrolment.

(3) A person shall be an "owner" for the purposes of enrolment and voting if—

- (a) he is jointly or severally the owner of ratable property; or
- (b) he is the person nominated in writing as a citizen by a body corporate which is, or trustees who are, such owner as aforesaid:

Provided

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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 for private purposes from the Crown of any land or building owned by the Crown ; or
- (d) he is the resident manager of a lease, promise, or contract of lease for private purposes from the Crown of any land or building owned by the Crown.

(4) A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if— cf. Act No. 41, 1919, s. 53.

- (a) he is severally the lessee of ratable property, and under a lease in writing or other document of title relating to such property, liable to pay to any person the whole or any part of any rates which may be made and levied in respect of such property ; or
- (b) he is jointly such lessee as aforesaid and so liable as aforesaid ; or
- (c) he is the person nominated in writing as a citizen 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.

(5) A person shall be an "occupier" for the purposes of enrolment and voting if— cf. *Ibid.* s. 54.

- (a) he has been continuously during the three months next preceding the prescribed day of the year in which a roll is to be prepared as hereinafter provided 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 property of the yearly value of five pounds or upwards ; or

(b).

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- (b) he is the person nominated in writing as a citizen by a body corporate which is, or by trustees who are, in occupation as tenant or occupier as aforesaid of ratable property 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) he is enrolled on the electoral roll for any electoral district and his place of living as described on that roll is within the boundaries of the ward.

In this paragraph "electoral roll" means the electoral roll for an electoral district compiled under the Parliamentary Electorates and Elections Act, 1912-1929, and for the time being in force :

Provided that where the property 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 property 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 delivered to the town clerk, or, failing such agreement, according to the alphabetical order of their surnames.

(6) (a) A person shall not be entitled to be enrolled more than once in respect of the same ward. cf. Act No. 41, 1919, s. 66.

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

(c)

(c) A person qualified for enrolment as owner or ratepaying lessee in any ward who is also qualified for enrolment in another ward as occupier shall not be entitled to be enrolled under both of these qualifications.

He may give notice in writing to the chamber magistrate at the Central Police Court naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed for making out the list of citizens, shall be enrolled in the ward in which he is qualified as owner or as ratepaying lessee.

(d) A person qualified for enrolment as occupier in more than one ward shall be enrolled in one ward only.

He may give notice in writing to the chamber magistrate at the Central Police Court, naming the ward in which he elects to be enrolled, and, failing such notice within the time prescribed for making out the list of citizens, the chamber magistrate may decide the question.

(7) A person shall be disqualified to be a citizen, and shall not be entitled to be enrolled or to vote if, at the time for enrolment or for holding an election, as the case may be, he is subject to any of the disqualifications mentioned in section twenty-one of the Parliamentary Electorates and Elections Act, 1912-19, the provisions of which section shall, mutatis mutandis, apply to enrolment and voting under this Act.

cf. Act No. 41, 1919, s. 55.

(8) (a) Subject to this Act, a person shall not be entitled to vote unless—

cf. Ibid. s. 56.

- (i) his name is on the roll for the ward for which he claims to vote; and
- (ii) he retains the requisite qualification and fulfils the conditions and requirements prescribed in respect of voting:

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

(b)

(b) A person shall not cease to retain the requisite qualification by reason only of a change of residence within the city or by reason only of a change of qualification.

(c) A person possessing qualification for enrolment in respect of several ratable properties in a ward but actually enrolled in respect of one property who ceases to hold qualification in respect of that property 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 property in the same ward and so satisfies the returning officer.

(9) The prescribed day for the purposes of this section shall in the year one thousand nine hundred and thirty-two be the first day of June, and in any subsequent year in which a roll is to be prepared, the first day of May.

3. The Principal Act is further amended—

(a) by omitting from subsection one of section eighteen the words "on the first day of December, one thousand nine hundred and thirty-two, and on the first day of December" and by inserting in lieu thereof the words "on the first Saturday in December, one thousand nine hundred and thirty-two, and on the first Saturday in December";

Further amend-  
ment of Act No.  
35, 1902.  
Sec. 18.  
(Date of  
election.)

(b) by omitting from section nineteen the words "on the ninth day of December in every year" and by inserting in lieu thereof the words "during the second week in December in every year, on a day appointed by the mayor";

Sec. 19.  
(Election of  
mayor.)

(c) (i) by omitting paragraph (c) of subsection one of section twenty-three;  
(ii) by inserting next after the same subsection the following new subsection :—

Sec. 23.  
(Disqualifi-  
cations.)

(1A) Any person who holds any place of profit under the council shall, if otherwise qualified, be eligible to be elected to the office of alderman.  
Any

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Any such person who is elected to the office of alderman shall forthwith on being declared so elected resign such place of profit.

(d) by omitting from section thirty the words "one or more polling-place or" and by inserting in lieu thereof the words "three or more"; Sec. 30. (Polling-places.)

(e) by omitting from subsection one of section thirty-one the words "printed copies of the roll" and by inserting in lieu thereof the words "a printed copy of the roll for the ward, certified under the hand of the town clerk as a true copy of that roll"; Sec. 31. (Copy of roll to be supplied.)

(f) by omitting from subsection one of section thirty-four the words "a copy of the roll specially provided for that purpose" and by inserting in lieu thereof the words "the copy of the roll furnished in pursuance of subsection one of section thirty-one"; Sec. 34. (Mode of voting.)

(g) by inserting at the end of section thirty-seven the following new paragraph:— Sec. 37. (Disposal of ballot boxes.)

At the close of the poll the copies of the roll furnished in pursuance of subsection one of section thirty-one, shall be sealed in separate parcels by the several presiding officers in the presence of such scrutineers as choose to attend, and shall forthwith be conveyed by the presiding officers to the Town Hall, and be delivered to the returning officer.

(h) by inserting next after section thirty-eight the following new section:— New s. 38A.

38A. (1) Within seven days after an election the returning officer shall, in the presence of such scrutineers as choose to attend, check the rolls which were used and marked by the presiding officer at each polling-place during the polling, and prepare a list of any persons shown thereby to have voted more than once when not entitled to do so. Check of rolls.

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- (2) The returning officer shall submit such list to the council with any necessary particulars, and shall request the council to direct what action shall be taken thereupon.
- (i) by omitting from subsection one of section thirty-nine the words "together with the polling lists used thereat" and by inserting in lieu thereof the words "and, after they have been checked in the manner provided in section 38A, all rolls which were used and marked by the several presiding officers."
- Sec. 39.  
(Disposal of ballot papers, &c.)
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