

1991—No. 163

**PARLIAMENTARY ELECTORATES AND ELECTIONS ACT
1912—REGULATION**

(Relating to miscellaneous matters)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Parliamentary Electorates and Elections Act 1912, has been pleased to make the Regulation set forth hereunder.

NICK GREINER
Premier.

Commencement

1. This Regulation commences on 29 March 1991.

Amendment

2. The Parliamentary Electorates and Elections (General) Regulations 1930 are mended:

(a) by inserting after Regulation 9 the following Regulation:

Declaration for section vote—postal ballot-paper or pre-pole vote already issued

9A. The declaration to be made by a person claiming to vote pursuant to section 106 (1A) of the Act is to be in or to the effect of Form 7.

(b) by omitting Regulation 11 and by inserting instead the following Regulation:

Disputed vote—prescribed questions

11. The prescribed questions for the purposes of section 106 (1) and (1A) of the Act are those set out in section 100 (1) of the Act.
- (c) by omitting from Regulation 27 (c) the words “by hand or registered post to that Returning Officer;” and by inserting instead the words “to that Returning Officer in a manner authorised by the Electoral Commissioner; and”;
 - (d) by omitting Regulation 27 (d);
 - (e) by omitting Regulation 28 (d) and (e) and by inserting instead the following paragraph:
 - (d) at the close of the poll forward all the envelopes bearing postal vote certificates to the Returning Officer for whom the person is acting as Deputy Returning Officer.
 - (f) by inserting at the end of Regulation 28 the following clause:
 - (2) A Returning Officer who receives envelopes under clause (1) (d) is to deal with them in the manner prescribed by Regulation 27 (c).
 - (g) by omitting from Regulation 35 the words “Government Printing Office” and by inserting instead the words “State Electoral Office”;
 - (h) by inserting in Regulation 47 after the word “voter” the words “(other than for an elector to whom Regulation 47A applies)?”;
 - (i) by inserting after Regulation 47 the following Regulation:

General postal voters registration—absence from State

47A. (1) An elector who will not be within the State during any period that exceeds 3 months is a prescribed elector for the purposes of section 114AA of the Act.

(2) All the functions of a registrar under section 114AA of the Act in relation to the registration of an elector to whom this Regulation applies are to be exercised by the Electoral Commissioner instead of the registrar. Accordingly, references to the registrar in that section are to be read, in relation to the registration of such an elector, as references to the Electoral Commissioner.

(3) The prescribed form of application for registration as a general postal voter for an elector to whom this Regulation applies is Form 318.

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(4) Each register for a subdivision referred to in section 114AA (11) of the Act is to be kept in 2 parts as follows:

- (a) one part is to be kept by the Electoral Commissioner in relation to the electors to whom this Regulation applies who are registered as general postal voters;
- (b) the other part is to be kept by the registrar for the subdivision in relation to all other electors who are registered as general postal voters for that subdivision.

(5) The Electoral Commissioner is to provide a returning officer for each district with a copy of that part of the register (as altered from time to time) kept by the Electoral Commissioner that relates to the returning officer's district.

(6) For the purposes of section 114AA (13) of the Act, the prescribed circumstances in which the Electoral Commissioner may cancel the registration of an elector as a general postal voter are where the Electoral Commissioner is satisfied that the elector has returned to the State during the period of registration.

- (j) by inserting in Regulation 48 (1) after the words "an elector" the words "(other than an elector to whom Regulation 47A applies)";
- (k) by omitting Regulations 54 and 55;
- (l) by inserting in the heading to Form 7 after the matter "Sections 106 (1)," the matter "(1A),";
- (m) by omitting from the heading to Form 7 the matter "Regulations 9, 11 and 49" and by inserting instead the matter "Regulations 9, 9A and 49";
- (n) by inserting in paragraph (b) of the preamble to Form 7 after the words "or postal ballot-paper" the words ", or a pre-poll vote";
- (o) by omitting from the second of the 3 alternative versions of paragraph 2 of Form 7 the matter "Regulation 11 made in pursuance" and by inserting instead the matter "section 106 (1A)";
- (p) by omitting from Form 8 the matter "3 days after the issue of the writ";
- (q) by omitting from Form 22 the words "(Mere insert the name of the Electoral District to which the application relates)" and by inserting instead the words "(Here insert the name of the Electoral District in which the application is made)";
- (r) by inserting in the heading to Form 31 after the matter "Section 114AA" the matter "(except section 114AA (1) (a1))";

(s) by inserting after Form 31 the following Form:

Form 31A

Section 114AA (1) (a1), Regulation 47A
PARLIAMENTARY ELECTORATES AND
ELECTIONS ACT 1912

APPLICATION FOR REGISTRATION AS GENERAL
POSTAL VOTER (DURING ABSENCE FROM STATE)

Would you please register me as a general postal voter for the
electoral district of

My name is

Surname

All Christian or Given names

.....

My place of living for which I am currently enrolled is:

Flat/House No. Street/Road

Suburb/Town Postcode

I seek registration during the following period of my absence from
the State:

..... to

(Date of departure from the State) (Date of return to the State)

The address(es) to which any postal voting papers are to be sent
during my absence from the state is (are) as follows:

.....

.....

Personal signature or mark of elector:

Dated:

(t) by omitting from Form 35 the words “being party agent for” and
by inserting instead the words “being registered officer of”;

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- (u) by omitting from Form 35 the words “party agent” where secondly and thirdly occurring and by inserting instead the words “registered officer”;
- (v) by omitting from Form 35 the words “Election Funding Act 1981” where firstly occurring and by inserting instead the words “Parliamentary Electorates and Elections Act 1912”.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to make the amendments to the Parliamentary Electorates and Elections (General) Regulations 1930 required as a consequence of the enactment of the Constitution and Parliamentary Electorates and Elections (Amendment) Act 1990; and
 - (b) in accordance with the authority conferred by that Act, to provide that an elector who will be absent from the state for a specified period (exceeding 3 months) is a “prescribed elector” (that is, one who may apply for registration as a general postal voter) and to provide that the Electoral Commissioner is to exercise relevant registration functions (the Commonwealth officials retaining the registration functions for other categories of general postal voters); and
 - (c) to make other minor changes.
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