

CONSTITUTION (LEGISLATIVE COUNCIL ELECTIONS) AMENDMENT ACT.

Act No. 1, 1961.

An Act to make provision with respect to the recording of votes, at elections of Members of the Legislative Council, of electors whose sight is so impaired or who are so physically incapacitated that they cannot vote without assistance; for this purpose to amend the Constitution (Legislative Council Elections) Act, 1932-1937; and for purposes connected therewith. [Assented to, 10th March, 1961.] Elizabeth II,
No. 1, 1961

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 :—

1. (1) This Act may be cited as the "Constitution (Legislative Council Elections) Amendment Act, 1961". Short title
and
citation.

(2) The Constitution Further Amendment (Legislative Council Elections) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Constitution (Legislative Council Elections) Act, 1932-1961.

2. The Constitution Further Amendment (Legislative Council Elections) Act, 1932, as amended by subsequent Acts, Amendment
of Act
No. 5, 1933. is amended—

(a) by omitting subsection two of section seventeen and by inserting in lieu thereof the following subsection :— Sec. 17.
(Voting.)

(2) The voting shall be by secret ballot and subject to this Act each Member shall vote in person.

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Sec. 19.

(Method of
voting.)

- (b) (i) by inserting next after subsection two of section nineteen the following new subsection :—

(2A) (a) If a Member (in this subsection referred to as “the incapacitated Member”) satisfies the President of the Legislative Council or the Speaker of the Legislative Assembly, as the case may require, that his sight is so impaired or that he is so physically incapacitated that he is unable to vote without assistance, the said President or Speaker shall permit another Member appointed by the incapacitated Member to enter one of the unoccupied voting compartments with the incapacitated Member and therein mark the incapacitated Member’s ballot-paper in accordance with the instructions of the incapacitated Member and in the manner prescribed by subsection two of this section fold, exhibit, and deposit the ballot-paper for him.

(b) If the incapacitated Member fails to appoint another Member in pursuance of paragraph (a) of this subsection, the Clerk shall, at the request of the incapacitated Member, enter one of the unoccupied voting compartments with the incapacitated Member and therein mark the incapacitated Member’s ballot-paper in accordance with the instructions of the incapacitated Member and in the manner prescribed by subsection two of this section fold and deposit the ballot-paper for him.

- (ii) by omitting from subsection three of the same section the words “he has spoilt his ballot-paper” and by inserting in lieu thereof the words “his ballot-paper has been spoilt”;

Sec. 22.

(Displaying
ballot-
paper.)

- (c) (i) by inserting next after subsection one of section twenty-two the following new subsection :—

(1A) No person shall directly or indirectly induce any Member who has, pursuant to section nineteen of this Act, marked a ballot-paper in accordance with the instructions of another Member to display such ballot-paper

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so as to make known to such person or to any other person the name of any candidate for whom he has marked a vote on such ballot-paper or the manner in which he has marked such vote. No. 1, 1961

- (ii) by inserting next after subsection two of the same section the following new subsections :—

(2A) A Member who has, pursuant to section nineteen of this Act, marked a ballot-paper in accordance with the instructions of another Member shall not display such ballot-paper to any person so as to make known to such person or to any other person the name of any candidate for whom he has marked a vote on such ballot-paper or the manner in which he has marked such vote.

(2B) A Member who has, pursuant to section nineteen of this Act, marked a ballot-paper in accordance with the instructions of another Member shall not directly or indirectly divulge or disclose to any person any information which he obtained in or in connection with the marking by him of such ballot-paper as to the name of any candidate for whom he marked a vote on such ballot-paper or the manner in which he marked such vote.

- (iii) by inserting at the end of subsection four of the same section the words “or to the display by a Member who has, pursuant to section nineteen of this Act, marked a ballot-paper in accordance with the instructions of another Member of such ballot-paper to that other Member”;

- (d) (i) by omitting from the heading to Division I of the Fourth Schedule the figures “1933” and by inserting in lieu thereof the figures “1961”;

- (ii) by omitting from rule nine of the same Division the words “He shall forthwith retire alone to one of the unoccupied voting compartments and mark his ballot-paper, and having marked his ballot-paper

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ballot-paper he shall deposit it in the ballot-box and resume his seat or retire from the Chamber.” and by inserting in lieu thereof the words “After the Member’s vote has been marked in accordance with section nineteen of this Act and his ballot-paper has been deposited in the ballot-box—

- (a) the Member shall resume his seat or retire from the Chamber; and
- (b) where the Member’s vote was marked in accordance with his directions by another Member, that other Member shall resume his seat or retire from the Chamber.”
- (iii) by omitting from rule ten of the same Division the words “No Member shall” and by inserting in lieu thereof the words “Except to the extent permitted by subsection (2A) of section nineteen of this Act, no Member shall enter or”;
- (iv) by omitting from the heading to Division II of the same Schedule the figures “1933” and by inserting in lieu thereof the figures “1961”;
- (v) by omitting from rule nine of the same Division the words “He shall forthwith retire alone to one of the unoccupied voting compartments and mark his ballot-paper, and having marked his ballot-paper, he shall deposit it in the ballot-box and resume his seat or retire from the Chamber.” and by inserting in lieu thereof the words “After the Member’s vote has been marked in accordance with section nineteen of this Act and his ballot-paper has been deposited in the ballot-box—
 - (a) the Member shall resume his seat or retire from the Chamber; and
 - (b) where the Member’s vote was marked in accordance with his directions by another Member, that other Member shall resume his seat or retire from the Chamber.”

(vi)

Industrial Arbitration (Amendment) Act.

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- (vi) by omitting from rule ten of the same Division No. 1, 1961 the words "No Member shall" and by inserting in lieu thereof the words "Except to the extent permitted by subsection (2A) of section nineteen of this Act, no Member shall enter or".
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