



Parliamentary Electorates and Elections Amendment Regulation 1999

under the

Parliamentary Electorates and Elections Act 1912

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Parliamentary Electorates and Elections Act 1912*.

BOB CARR,
Premier

Explanatory note

The object of this Regulation is to prescribe the necessary forms (including consequential changes to existing forms) in connection with:

- (a) the new requirements for the registration of political parties for the purposes of Legislative Assembly and Legislative Council elections, and
- (b) the changes in the procedure for voting in Legislative Council elections, made by the *Parliamentary Electorates and Elections Amendment Act 1999*.

This Regulation is made under the *Parliamentary Electorates and Elections Act 1912*, including sections 66D (2) (g1), 66HA (1) and 176.

Parliamentary Electorates and Elections Amendment Regulation 1999

1 Name of Regulation

This Regulation is the *Parliamentary Electorates and Elections Amendment Regulation 1999*.

2 Commencement

This Regulation commences on 1 January 2000.

3 Amendment of Parliamentary Electorates and Elections Regulation 1996

The *Parliamentary Electorates and Elections Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 8 Council election: claim to be included in a group

Insert “(including any request under section 81C (1A) for a group voting square for the group)” after “periodic Council election”.

[2] Part 3A

Insert after Part 3:

Part 3A Registration of parties

32A Party membership declaration forms

For the purposes of section 66D (2) (g1) of the Act, the prescribed form of declaration of membership of a party to be completed and signed by a member of the party on whom the party relies for the purposes of qualifying as an eligible party is Form 22.

32B Registered party annual return

For the purposes of section 66HA (1) of the Act, the prescribed form of return as to continued eligibility for registration of a party is Form 23.

32C Procedure where same member relied on by 2 or more parties

- (1) This clause applies, for the purposes of section 66A (2) of the Act, where a person is relied on by 2 or more parties as a member of the party for the purpose of qualifying or continuing to qualify as an eligible party.
- (2) In any such case, the Electoral Commissioner must:
 - (a) request the person in writing to nominate, within 30 days of receiving the request, the party entitled to rely on the member, and

- (b) advise the parties in writing that the Electoral Commissioner has made that request.
- (3) If, as a result of a nomination made by the person or a failure by the person to make a nomination, a party ceases to qualify as an eligible party, the Electoral Commissioner must advise the party in writing of that fact and give the party at least 60 days in which to provide the requisite particulars and declarations of party membership of the necessary number of additional members of the party that it requires to qualify as an eligible party.

[3] Schedule 1, Form 3

Omit the form. Insert instead:

Form 3 Claim to be included in a group (including request for group voting square)

(Clause 8)

Parliamentary Electorates and Elections Act 1912 (Section 81C)

To the Electoral Commissioner:

Pursuant to section 81C (1) of the *Parliamentary Electorates and Elections Act 1912*, we, the undersigned candidates nominated for the periodic Legislative Council election to be held on , claim to have our names included in a group in the ballot-papers to be used in that election and to have our names included in that group in the order specified hereunder.

Pursuant to section 81C (1A) of that Act, we also request a group voting square for the group on the ballot-papers to be used in that election*.

Pursuant to section 81C (6) of that Act, we nominate the following group of candidates for the purposes of section 129EB of that Act:**

Parliamentary Electorates and Elections Amendment Regulation 1999

Amendments

Schedule 1

Surname	Given Names	*** Signature of Candidate

Dated this day of. 20

* *Strike out if inapplicable. A request for a group voting square may only be made if there are at least 15 candidates in the group.*

** *Strike out if inapplicable. The nomination is to be made for a group that has also requested a group voting square. A second preference vote is taken to be recorded for the nominated group on all ballot-papers on which only a first preference vote is recorded for the group to which this claim relates if that group ceases to have 15 candidates because of the operation of section 81C (5) of that Act. Alternatively, the nomination may be made to the Electoral Commissioner within 24 hours after the close of nominations by the candidates in the group (or, on their behalf, by the first candidate in the group or the registered officer of the registered party that has endorsed all or any of the candidates).*

*** *The signature of the candidate must appear opposite the candidate's name to signify consent to the inclusion of the name in the group and to the order in which the candidates' names are included in the group, and to any request or nomination in this form.*

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Time and date of receipt of claim	Signature of Electoral Commissioner

1999 No 697

Parliamentary Electorates and Elections Amendment Regulation 1999

Schedule 1 Amendments

Time and date of withdrawal of claim	Signature of Electoral Commissioner

Other group nominated under section 81C (6)	Signature of Electoral Commissioner

[4] Schedule 1 Forms 22 and 23

Insert at the end of Schedule 1:

Form 22 Registration of party—declaration of party membership

(Clause 32A)

Parliamentary Electorates and Elections Act 1912

(Section 66D (2) (g1))

To the Electoral Commissioner:

I,
(Print full name in BLOCK letters, as enrolled)

of
(Insert place of living as appearing on Electoral roll)

born
(Insert date of birth)

declare that I am a member of the following political party:

.....
(Insert name of party as registered or to be registered)

and I consent to that party relying on my membership for the purposes of the party qualifying for registration under the *Parliamentary Electorates and Elections Act 1912*.

Signature of party member :

Dated this day of. 20

Note: Each declaration of membership must be completed by (or at the direction of) the party member concerned and then signed by the member. Particulars to be completed are to be written by hand at the same time the form is signed. Each declaration of membership is to be made on a separate sheet of paper.

The Electoral Commissioner may, in order to verify the requirements for registration of a party, request a person who signs a declaration of membership to confirm that the person is a member of the party and that the person completed and signed the form.

Form 23 Registration of party—annual return

(Clause 32B)

Parliamentary Electorates and Elections Act 1912

(Section 66HA (1))

To the Electoral Commissioner:

ANNUAL RETURN FOR 20.

OF

(Insert name of party as appearing on Register of Parties)

All the members of the party on whom the party relies to continue to be eligible for registration under Part 4A of the *Parliamentary Electorates and Elections Act 1912* are still members of the party*.

The following are members of the party and are members on whom it relies to continue to be eligible for registration (in place of the following former members of the party). The remainder of the members on whom the party relies are still members of the party*.

1999 No 697

Parliamentary Electorates and Elections Amendment Regulation 1999

Schedule 1

Amendments

Name and address (as enrolled) of new members on whom party relies	Name and address (as enrolled) of former members of party

Note: A declaration of membership of the party (in Form 22) by each new member on whom the party relies is to be attached to this return.

The following changes have occurred in the names or addresses of members of the party on whom it relies to continue to be eligible for registration*.

Previous name and address (as enrolled) of member	New name and address (as enrolled) of member

* *Strike out if inapplicable.*

I,
(*Print full name in BLOCK letters*)

the registered officer of the above party, do solemnly and sincerely declare that I have made all reasonable inquiries to verify the above information and that the information is, to the best of my knowledge and belief, correct, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Dated this day of, 20

.....
(*Signature of registered officer of party*)

Sworn by the deponent on before me,
..... J.P.

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Date of receipt of annual return	Signature of Electoral Commissioner

[5] Schedule 1, Form 21

Omit the Form. Insert instead:

BALLOT-PAPER		NEW SOUTH WALES Election of 21 Members of Legislative Council			
Electoral District Elector enrolled					
You may vote in one of two ways:					
<i>either</i>	<input type="checkbox"/>			<input type="checkbox"/>	
	GROUP A			GROUP K	
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