

Act No. 33, 1902.

An Act to consolidate enactments relating to
Parliamentary electorates and elections.
[18th August, 1902.]

PARLIAMENTARY
ELECTORATES AND
ELECTIONS.

BE 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:—

PART I.

Short title and interpretation—ss. 1-3.

1. This Act may be cited as the "Parliamentary Electorates and Elections Act, 1902," and is divided into the following Parts:—

PART I.—*Short title and interpretation—ss. 1-3.*

PART

Parliamentary Electorates and Elections.

PART II.—*Redistribution of seats and adjustment of boundaries*—ss. 4–20.

PART III.—*Qualification of electors*—ss. 21, 22.

PART IV.—*Electoral registrars—Registration of electors—Electors' rights—General lists—Objections*—ss. 23–40.

PART V.—*Revision Courts—Electoral rolls—Provisional list*—ss. 41–50.

PART VI.—*Writs—Returning officers—Nominations—Polling-places—Poll clerks, &c.—General provisions for the regulation of voting—Special provisions regulating voting outside division and outside district—Voting by holders of renewed or substituted rights—Conduct of, and proceedings at elections—Bribery, treating, intimidation, &c.*—ss. 51–116.

PART VII.—*Committee of elections and qualifications—Election petitions*—ss. 117–136.

PART VIII.—*Miscellaneous provisions—Penalties, &c.*—ss. 137–150.

2. (1) The Acts mentioned in the First Schedule to this Act, to the extent therein expressed, are hereby repealed.

(2) All commissioners, registrars, and other persons appointed to any office under the Acts hereby repealed, and in office at the passing of this Act, shall continue in office under this Act, and shall have the same liabilities, rights, powers, and duties in all respects as if this Act had been in force at the date of their respective appointments and they had been appointed hereunder.

(3) All electors' rights, lists, rolls, regulations, notices, proceedings, and all other matters and things duly granted, made, commenced, or done under the Acts hereby repealed and in force, current, operative, or pending at the passing of this Act shall be of the same force or effect in all respects as if this Act had been in force when they were so granted, made, commenced, or done, and they had been respectively granted, made, commenced, or done hereunder.

3. In the construction of this Act the following expressions within inverted commas shall bear the respective meanings hereby assigned to them, unless the context or subject-matter otherwise indicates or requires, namely:—

“Assembly” means the Legislative Assembly of New South Wales.

“Authorised agent” includes any person holding the written authority of any candidate to act on his behalf for the election then pending.

“Bye-election” means any election held for the return of a Member pursuant to any writ not issued in respect of a general election.

“Check

Interpretation of terms.

56 Vic. No. 38, s. 4.

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- “Check roll” means a roll containing, together with all other matters required to be contained on an electoral roll under this Act, the numbers of all electors’ rights for the district, and such other entries as may be prescribed.
- “Division” means a division of an electoral district, or an 60 Vic. No. 25, s. 13. undivided district.
- “Election” means an election of any Member or Members of the Assembly.
- “Electoral district” or “District” means a district for the election of a Member to serve in the Assembly.
- “Enrolled” means named on the electoral roll in force and applicable for the time being.
- “General election” means an election held for the return of Members pursuant to writs issued by the Governor upon the dissolution or expiry of the Assembly.
- “List” means a list of electors compiled, but not revised or perfected.
- “Marksman” means a person unable from any cause to write his name.
- “Member” means Member of the Assembly.
- “Natural-born subject” means a person born in His Majesty’s dominions, as well as the son of a father or mother so born.
- “Naturalised subject” means a person made or hereafter to be made a denizen, or who has been, or shall hereafter be, naturalised in New South Wales, in accordance with the denization or naturalisation laws in force for the time being; but subject to the provisions of the Chinese Restriction and Regulation Act of 1888, or any Act amending or consolidating the same.
- “Prescribed” means prescribed by this Act, or by any Schedule thereto, or by any regulation made thereunder.
- “Registrar” means an electoral registrar appointed under the authority of this Act as well as any deputy appointed to perform temporarily the duties of, or acting as, such registrar.
- “Returning officer” includes any person lawfully authorised to act for a returning officer, or in his place.
- “Roll” means a roll of electors entitled to vote at elections under this Act; and, for all purposes connected with such voting, includes any additional roll.
- “Speaker” means the Speaker of the Assembly.

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PART II.

Redistribution of seats and adjustment of boundaries.

Appointment of
commissioners for
redistribution of
seats, &c.
56 Vic. No. 38, s. 5.

4. (1) When any distribution of electoral districts becomes necessary under the provisions of this Act, the Governor shall, by commission under the Great Seal, appoint three persons, each of whom shall be qualified as an elector in and for some electoral district of New South Wales, according to the law in force at the time of appointment, to be commissioners for the purposes of this Part, and to be called "the Electoral Districts Commissioners."

(2) The persons so to be appointed shall be chosen by the Governor from persons then holding some office in the Public Service of New South Wales.

(3) The names of the persons so appointed shall be published in the Gazette.

Duration of office, &c.
Ibid. ss. 6, 8.

5. (1) The office of a commissioner shall be tenable for the period named in such commission, and, if necessary, for such extended period to be named in a further commission, as the Governor may deem proper for the completion of the distribution in respect whereof such first-mentioned commission has been issued.

(2) The office of a commissioner shall be vacated if for any cause he ceases to hold office in the said Public Service.

Chairman.
Ibid. s. 7.

6. The commissioners shall appoint one of themselves to be their chairman as occasion may require.

Rules.
Ibid. s. 9.

7. The commissioners may, subject to the provisions of this Act, make rules for the conduct of their proceedings, but no such rule shall have any force until the same has been approved by the Governor.

Quorum—casting
vote of chairman.
Ibid. s. 10.

8. At all meetings of the commissioners two shall form a quorum, and in the event of an equality of votes the chairman shall have a casting vote in addition to his original vote.

Disqualifications.
Ibid. s. 11.

9. (1) No person who has been adjudged bankrupt or insolvent under the laws in force in New South Wales relating to bankruptcy or insolvency and who has not obtained a certificate of discharge or release of his estate under the said bankruptcy or insolvency, or who has been convicted of felony or misdemeanour, shall be appointed a commissioner under this Act.

(2) If any commissioner becomes bankrupt under any such laws, or assigns his estate for the benefit of his creditors, or is convicted of felony or misdemeanour, he shall thereby vacate his office.

Appointments to
fill vacancies.
Ibid. s. 12.

10. If any commissioner dies or becomes permanently incapable from illness of performing his duties, or resigns his office, or vacates his office by reason of any of the causes in the ninth section of this Act mentioned, the Governor shall by commission under the Great Seal appoint a person eligible under the fourth section of this Act as commissioner in his stead.

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11. (1) It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act, within three months after the results of every census of the population of New South Wales has been ascertained and reported to the Colonial Secretary, which the Government Statistician is hereby required to do as early as possible after such census has been taken.

Redistribution of electoral districts by commissioners, &c. 56 Vic. No. 38, ss. 13, 17.

(2) Such distribution shall take effect when approved by resolution of the Assembly with or without amendment, and upon proclamation of the names and boundaries of the electoral districts in the Gazette.

(3) In addition to the distributions herein prescribed commissioners appointed under this Act may at any time in the fourth or fifth year after the taking of any census, if the electoral roll then in force in any electoral district shows an increase of or reduction in the prescribed quota of not less than twenty-five per centum, exercise for any part of New South Wales affected by such increase or reduction, including such electoral district, the like powers accompanied by the like duties as are conferred on them on the taking of every census.

12. The prescribed notice of any proposed alteration of an electoral district shall be given by the commissioners in the Gazette, and in some newspaper published or circulating in such district, and objections in writing may be lodged with the commissioners against such proposed alteration, to which objections the commissioners shall give due consideration before coming to a final determination.

Notice of proposed alteration of existing boundaries to be given. Ibid. s. 14.

13. (1) The commissioners shall report to the Governor the names and boundaries of the electoral districts determined by them under any provision of this Part.

Report of commissioners to be proclaimed, &c. Ibid. s. 15.

(2) A copy of every such report, together with a duly authenticated map of each electoral district defined in such report, shall be presented by the Governor to the Assembly within seven days from the receipt thereof, if in session, and, if not, then within seven days after the commencement of the then next ensuing session.

14. The electoral districts existing at the passing of this Act, with their respective names and boundaries, shall be the electoral districts of New South Wales for the purposes of all elections until the publication of the next proclamation of the names and boundaries of electoral districts under this Act takes effect.

When new districts to come into existence. Ibid. s. 16.

15. (1) The Colonial Secretary shall forthwith, after each such proclamation, cause to be deposited in the office of the Clerk of the Assembly a properly authenticated map of every electoral district named and described in such proclamation.

Maps of districts to be deposited, powers of commissioners, number of Members, quota, &c. Ibid. s. 17.

(2) Every distribution shall be made on the following basis, and be subject to the provisions hereinafter expressed, that is to say,—

(a) the total number of Members to be elected to serve in the Assembly shall be one hundred and twenty-five ;

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(b)

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- (b) the quota of electors for the purposes of this Act for every distribution shall be ascertained by dividing by one hundred and twenty-five the total number of electors on the rolls in force for the time being;
- (c) New South Wales shall be distributed into one hundred and twenty-five electoral districts, each to be represented by one Member only, and every such district shall have such an area that, at the time of making such distribution, the number of persons enrolled therein shall, subject to the margin of allowance hereinafter contained, reach the prescribed quota;
- (d) in making any such distribution due consideration shall be given to the then existing boundaries of electoral districts, to community or diversity of interest, lines of communication, and physical features;
- (e) the commissioners, in assigning any such electoral district, shall be entitled to adopt a margin of allowance, to be used whenever necessary, by way of addition to, or deduction from, the number of persons enrolled in such district to the extent of six hundred, whenever the apparent quota falls short of or exceeds the prescribed quota: Provided that such quota shall be in all cases adhered to as far as is practicable, having regard to the considerations aforesaid, and that a statement of the reasons for any proposed margin of allowance by way of addition or deduction exceeding two hundred shall be appended to the report to be made in pursuance of section thirteen of this Act.

When and how rolls to be formed for new districts.

56 Vic. No. 38, s. 18.

16. (1) Within thirty days from the publication in the Gazette of the divisions of districts (if any) mentioned in section twenty-three hereof, or within ninety days after the proclamation mentioned in section eleven hereof, whichever period shall first expire, the registrar of each electoral district as then existing affected by such proclamation, and whether by way of increase or reduction of area or otherwise, shall form a new electoral roll for every newly-constituted district by transferring to such roll the names of all persons whose places of residence, according to the roll lastly in force within such district, appear to fall within the area prescribed for the newly-constituted district.

(2) Such registrar shall, within thirty days after completing such transfer, notify the fact in the prescribed manner to each person whose name has so been transferred, and by such notification shall require him, within twenty-one days from the date of such notification, to apply personally or by writing, in the prescribed manner, for a new elector's right for the district of his new enrolment.

(3) Every person so applying shall produce personally or transmit (if the application be in writing) his elector's right, which such registrar shall cancel before giving or forwarding any new elector's right pursuant to this section.

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(4) The registrar shall in the prescribed manner give or forward to every such applicant entitled thereto a new elector's right for the district of his new enrolment.

17. Where the boundaries of any electoral district described in any proclamation under this Part of this Act are unaltered, the electoral roll in force for such district immediately prior to such proclamation shall be deemed to have been prepared as herein directed.

Provision where no alteration of district made.

56 Vic. No. 33, s. 19.

18. When such new electoral rolls have been so prepared, every such registrar as aforesaid shall forthwith give notice thereof to the Colonial Secretary, who shall publish the fact in the Gazette; and from and after the day of the gazetting of such notice the electoral roll so formed for each such district shall be the electoral roll for such district for all purposes.

Notice of preparation of rolls to be gazetted by Colonial Secretary.

Ibid. s. 20.

19. All such rolls, when completed, may be dealt with for all purposes of this Act relating to the registration of electors.

Rolls, how to be dealt with.

Ibid. s. 21.

20. All electoral districts existing, and all electoral rolls in force at the time of any redistribution of electoral districts under this Act shall continue, and remain in force, respectively, until the dissolution or expiration of the Parliament existing at the time when such redistribution is made.

Existing district rolls, &c., to continue until dissolution, &c.

Ibid. s. 22.

PART III.

Qualifications of electors.

21. (1) Subject to the provisions of this Act, every male person, being a natural-born subject, who has resided or had his principal place of abode in New South Wales for a continuous period of one year, and every male person being a naturalised subject who has resided for one year within New South Wales after naturalisation, and who has resided or had his principal place of abode in the electoral district for which he applies for an elector's right for a continuous period of three months immediately prior to the day on which he makes application for such elector's right, or any claim for the purpose of giving effect to the franchise to which he is lawfully entitled, shall, if not disqualified or incapacitated under this or any other Act, be qualified as an elector under this Act.

Qualification of electors, disqualifications, &c.

Ibid. s. 23.

(2) Every person so qualified, being of the full age of twenty-one years, absolutely free, and not disqualified by this or any other Act, who resides in any division of a district shall, subject to the provisions of this Act, be entitled to have an elector's right issued to him for such district, and to have his name inserted and retained on a list and roll for such division.

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60 Vic. No. 24, s. 1.

(3) Although qualified as hereinbefore in this section provided, every person who at the time of making out any list, or of the holding of any election for his district is in the Naval or Military Service on full pay, not being in any Militia or Volunteer Corps only, shall be incapable of voting.

(4) Although qualified as hereinbefore in this section provided, every person who, at the time of making out any list, or of the holding of any election, for his district—

- (a) is of unsound mind ; or
- (b) is in the receipt of aid from any public charitable institution, except as a patient under treatment for accident or disease at a hospital ; or
- (c) is in prison under any conviction ; or
- (d) has been convicted of any crime or offence wherever committed, for which if the same had been committed in New South Wales, he might have been lawfully sentenced to death or penal servitude, and has not received a free pardon therefor, or served the sentence passed on him ; or
- (e) during six months preceding the sitting of the Revision Court has been imprisoned without the option of a fine for an aggregate period of three months ; or
- (f) within one year prior to the sitting of the said Revision Court has been convicted of bribery, intimidation, impersonation, or any similar offence at any election ; or
- (g) during one year prior to the sitting of the said Revision Court has been convicted of being an habitual drunkard, an idle and disorderly person, or incorrigible rogue or a rogue and vagabond ; or
- (h) has against him an unsatisfied order of any Court for the maintenance of his wife or children (whether legitimate or illegitimate) ; or
- (i) has been convicted of having committed an aggravated assault upon his wife within one year ;

shall be incapable of voting.

Restriction on right to vote.

56 Vic. No. 38, s. 24.

57 Vic. No. 24, s. 3.

60 Vic. No. 25, s. 7.

22. (1) Notwithstanding anything hereinbefore contained no person shall be entitled to vote unless he—

- (a) is the holder of an elector's right for the district in which he claims to vote ;
- (b) is enrolled for such district ;
- (c) retains the qualification in respect of which such elector's right was issued to him ; and
- (d) fulfils the conditions and requirements in respect of voting hereinafter prescribed.

(2) Any person tendering his vote under this Act, if still resident in a district for a division of which he obtained his elector's right

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right shall be entitled to vote for such district notwithstanding that he has changed his place of residence from such division to another in the same district, and the term "qualification" in this section shall be held to mean residence in the district for a division of which he acquired his elector's right.

(3) An elector who has changed his residence from the district for which he is enrolled to another district shall not on that account be debarred from voting at an election for the district for which he is enrolled, until a period of one month has elapsed from such change of residence :

Elector who has moved to a new district may vote for his old district for a period of one month.

Provided that in any case where the issue of a writ for an election prevents an elector getting his name placed on the additional roll in the new electorate, his right to record his vote in the old electorate shall hold good until after such election.

PART IV.

Electoral registrars—Registration of electors—Electors' rights—General lists—Objections.

23. (1) Within sixty days after any proclamation of the names and boundaries of electoral districts under the provisions of Part II of this Act, the Governor may (but it shall not be obligatory on him to do so) cause any electoral district, the boundaries of which have been determined by such proclamation, to be subdivided into so many divisions, each to be designated by such name as he determines ; and, upon such subdivision being completed, the same shall be published in the Gazette so that the boundaries of every such division shall be therein defined.

Division of electoral districts.
56 Vic. No. 38, s. 33.
60 Vic. No. 25, s. 14.

(2) The Governor may in like manner at any time abolish, alter, rename, or rearrange any such divisions, and may establish any new division.

24. (1) The Governor shall appoint an electoral registrar for each district, and such deputy registrars to act for the several divisions of such district, and such other officers as may be necessary, who shall be remunerated as Parliament shall provide.

Appointment of registrars and officers.
56 Vic. No. 38, s. 34.
No. 61, 1900, s. 14.

(2) The Governor may appoint, by notice in the Gazette, assistant registrars for any district who, within the district or within any specified part of the district as the Governor may think fit and notify as aforesaid, shall have the powers of the registrar for the district.

25. (1) The Colonial Secretary shall cause certificates to be printed, in blue ink, upon paper specially prepared to prevent fraudulent imitations, with butts as shown in the form of the Second Schedule

Electors' rights—how to be prepared.
Second Schedule.
56 Vic. No. 38, s. 35
No. 61, 1900, s. 8.

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Schedule hereto; and he shall, from time to time, cause a sufficient number of such certificates to be numbered, each with a different number, and in regularly ascending arithmetical progression, commencing with number one, and resuming such numbering and progression upon each successive numbering of certificates from the number then last impressed on any certificate; and every number shall be printed or stamped in black ink in the body, and also in the butt, of each certificate. Such certificates shall, when issued, be termed "electors' rights."

(2) The Colonial Secretary shall cause the certificates so printed and numbered to be bound together in books each containing not less than fifty, and shall cause a sufficient number of unnumbered certificates to be bound together in separate books containing the like quantity, and shall cause to be transmitted to each registrar so many books of numbered and unnumbered certificates as may be required by such registrar for the purposes of this Act.

Electors' rights—
how issued.

Second Schedule.

56 Vic. No. 38, s. 36.

60 Vic. No. 25, s. 8.

No. 61, 1903, s. 15.

26. (1) Any person (hereinafter termed "applicant") who applies in person for an elector's right to the registrar of any division, and who establishes his qualification as hereby prescribed, and, in the presence of the registrar, signs his name on the butt and face of the elector's right to be issued to him, shall be entitled to receive from the registrar a numbered elector's right, and the registrar shall, at the time of issuing the same, enter in the butt thereof the prescribed particulars.

(2) If the applicant is a marksman, the registrar, instead of requiring him to sign his name, shall require him to make his distinguishing mark, and shall then and there sign his name as a witness.

Questions before
issuing elector's
right.

(3) The registrar, before issuing any such elector's right, shall put to the applicant so applying the questions on the butt thereof, and shall on the said butt write the answers of the applicant to such questions.

(4) After such questions have been answered by the applicant, and before an elector's right is issued to him, such applicant shall sign his name or, if a marksman, make his distinguishing mark thereto, when such questions, and his answers, have been read by or to him, and the registrar shall sign his name as a witness.

(5) Such written answers above the signature or distinguishing mark (as the case may be) of any applicant to whom an elector's right has been issued shall be prima facie evidence that the same were the answers made to such questions by such applicant pursuant to this section.

(6) If any applicant knowingly makes a false answer to any such question he shall be liable to be imprisoned for any term not exceeding six months; the elector's right issued to such applicant may be cancelled by the Revision Court.

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(7) Before any such applicant answers any such question the registrar shall first warn him of the punishment to which a person is liable who knowingly makes any false answer thereto.

27. (1) Except as provided by this Act, an elector's right shall not be issued to any person to whom an elector's right has previously been issued. Further condition and provisions as to issue of rights. 56 Vic. No. 38, s. 37.

(2) This section shall not apply when the elector's right previously issued is deemed to be cancelled and of no effect by virtue of the Act number sixty-one of the year one thousand nine hundred. No. 61, 1900, ss. 10, 11.

(3) All electors' rights lawfully issued on or after the fifth day of December, one thousand nine hundred, shall be in force until duly cancelled.

28. (1) If the holder of an elector's right has changed his place of residence from the district for which he is enrolled to some other district, and desires to obtain an elector's right for such last-mentioned district, he shall apply to the registrar of such district, and upon delivering up the elector's right held by him to such registrar, and satisfying such registrar that he possesses a qualification to be enrolled for such district as an elector thereof such as, but for the possession by him of such elector's right, as aforesaid, would entitle him to the elector's right for which he applies, such registrar shall put to the applicant the questions following, in addition to the questions specified in the last preceding section but one:— Issue of new right on change of residence. 56 Vic. No. 38, s. 38. 57 Vic. No. 24, s. 2. 60 Vic. No. 25, ss. 1, 10.

Was the elector's right now produced issued to you?

Have you ceased to reside in the district for which the elector's right now produced was issued to you?

(2) If the answers to the questions specified in the last preceding section but one satisfy the registrar that the applicant possesses a qualification as aforesaid, and the answers to the additional questions specified in the preceding subsection of this section are in the affirmative, the registrar shall issue to such applicant the elector's right for which he applies, and shall thereupon cancel the elector's right so delivered up to him, and forward the same to the registrar of the district of his original enrolment, who shall forthwith write against the name of the holder of such right in the roll of such district and also across the butt of such right the words "cancelled, right issued for another district."

(3) If any applicant knowingly makes false answer to any such question he shall be liable to be imprisoned for any term not exceeding six months.

(4) The period of residence in a district necessary to entitle a person to a transferred elector's right under this section shall be one month, and the term "qualification" in this section shall be interpreted accordingly.

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Transferred elector's
right to be enrolled
for new district.
60 Vic. No. 35, s. 12.

29. The registrar of each district shall immediately upon the issue of an elector's right under the last preceding section inquire in writing in the prescribed form from the registrar of the district for which the applicant previously held an elector's right, as to whether the applicant is then duly enrolled for such district; and if the applicant is then so enrolled, the registrar of such last-mentioned district shall issue a certificate in the prescribed form accompanied by his statutory declaration of the truth and accuracy thereof, and transmit the same to the registrar making such inquiry, and such last-mentioned registrar shall upon receipt of such certificate and declaration, but subject to the provisions of section forty-nine hereof, enter the name of the applicant on a roll to be called the additional roll for the district in respect of which the elector's right under the said section has been issued.

Provision for issue of
substituted right
when original is lost
or defaced.

56 Vic. No. 38, s. 39.
60 Vic. No. 25, s. 10.
No. 61, 1900, s. 15.

30. (1) If an elector's right issued under the authority of this Act has been lost, or is so torn or defaced as to be illegible in any essential part thereof, the person to whom such right was issued may if still qualified to vote at an election for the district for which such right was issued, apply for and obtain in lieu of such right, a substituted elector's right of the like tenor; or (although not so qualified as aforesaid) may obtain, in lieu of such lost, torn, or defaced right, a substituted elector's right of the like purport, which shall be used only for the purpose of enabling the holder thereof to obtain an elector's right on change of residence under the last two preceding sections.

(2) The registrar of the district for which such lost, torn, or defaced right was issued, shall issue to such applicant a substituted elector's right only when the title of such applicant to such substituted right has, by his answers to the questions hereinafter required, or by the production by such registrar of the butt of such lost, torn, or defaced right, been established; and such applicant shall sign his name, or, if a marksman, make his distinguishing mark in the presence of such registrar in the body and butt of the right to be issued to such applicant and before such issue, and deliver to such registrar (if the original right be only torn or defaced) the said right or the remnant thereof; but such registrar shall not issue such substituted elector's right to such applicant until he has ascertained the number and date of the right so lost, torn, or defaced, and has entered the same number and date in the body and butt of an unnumbered certificate. Subject to the aforesaid provisions, the registrar shall fill up, sign, and issue to such applicant the substituted elector's right applied for, in like manner and form as in the case of an original elector's right.

(3) The registrar where the applicant for a substituted right is still qualified to vote at an election for the district for which the original right was issued as aforesaid, shall write across the face of such substituted right and across the butt thereof the word "substituted";

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“substituted”; or where such applicant is not still qualified to vote as aforesaid, shall write across the face of such substituted right and across the butt thereof the words “substituted for transfer.”

(4) Before issuing such substituted elector's right, the registrar shall put to the applicant the questions hereinbefore required to be put to an applicant for an original elector's right and the following additional questions, namely:—

Provisions for
renewal of electors'
rights.

- (a) [Where the elector's right is stated to have been lost.] *Have you made diligent search for your original elector's right, and do you honestly believe that the same is irrecoverably lost?*
- (b) [Where the elector's right is stated to be defaced or torn.] *Is the elector's right now delivered up by you your original elector's right, or a remnant thereof?*
- (c) *Are you the person named [A.B.] of* and described as *in the butt now shown to you, and is the signature appearing thereon your signature or the distinguishing mark appearing thereon your distinguishing mark (as the case may be).*

(5) Any applicant who knowingly makes a false answer to any such question shall be liable to be imprisoned for any period not exceeding six months.

(6) If, in any case, the registrar, after having compared the name appearing on the elector's right so delivered up with the name to be signed, or the distinguishing mark to be made in case of a marksman, by such applicant in the said butt, is of opinion that they are not in the same handwriting, or not similar in each case, he shall not issue the substituted elector's right applied for unless a stipendiary or police magistrate, upon complaint of the applicant, and proof by the applicant that he is entitled to the issue of such right, directs the registrar to issue such right, which, upon such direction, shall be issued by him accordingly.

(7) Upon the issue of any such substituted elector's right the registrar shall forthwith write against the name of the holder of such right in the roll of his district the words “new certificate issued,” and cancel the butt of the original elector's right corresponding in number with the number of the substituted right by writing across the same the words “new certificate issued,” and shall affix thereto his signature and the date of such cancellation.

31. (1) Applications under sections twenty-six, twenty-eight, or thirty for an elector's right, instead of being made personally may be made by sending through the post office to the registrar an application in the form prescribed signed by the applicant, or if he is a marksman marked by his distinguishing mark witnessed by a justice of the peace. Each application shall contain the answers to the questions required by the section under which it is made, and the truth of

Applications under
sections 26, 28, or 30
may be made by post.
60 Vic. No. 25, s. 8.
No. 61, 1900, s. 16.

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of the answers shall be verified by a solemn declaration subscribed before and attested by a justice of the peace or any clerk of petty sessions, officer of the police force, postmaster, public school-teacher, or any officer under this Act, and such declaration shall be sent with the application.

(2) On receipt of an application made by post, together with the declaration aforesaid, the registrar shall, on being satisfied as to the qualifications of the applicant, issue the elector's right by causing the same to be delivered to the applicant by some person authorised by the chief electoral officer in writing under his hand, on the applicant signing his name on the face and on the butt of the elector's right.

(3) No right applied for by post shall be issued under section twenty-eight, unless the applicant has delivered to the registrar the elector's right then held by him, or under section thirty, unless the applicant has delivered to the registrar any right which is torn or defaced; and until the registrar has ascertained the number and date of the right lost, torn, or defaced, and has entered the same number and date in the body and butt of the right.

Punishment for false answer or declaration.

(4) Any applicant who wilfully and knowingly makes a false statement in any such declaration as aforesaid shall be liable to a penalty not exceeding twenty pounds, or imprisonment for any period not exceeding six months.

(5) Any person who knowingly makes a false answer to such questions as aforesaid shall be liable to imprisonment for any period not exceeding six months.

Mistakes in rolls.
57 Vic. No. 24, s. 1.

32. If any person proves to the satisfaction of the chief electoral officer that a mistake has been made in his enrolment on any roll in respect of his name, occupation, or residence, or any other particular, such officer may amend such roll, or cause it to be amended accordingly, and on receiving the elector's right originally issued, may issue an elector's right in accordance with such amended roll.

Police to make yearly lists.
Ninth Schedule.
No. 61, 1900, s. 7.

33. Such members of the police force as may be instructed by the Inspector-General of Police to collect the names of persons resident within any division who are entitled to be enrolled but who are not enrolled for such division, shall in the month of April of each year make out a list of such names and sign the same, and make a declaration before a justice of the peace in the form of the Ninth Schedule, and transmit such list and declaration to the registrar.

Registrars to make out general lists of electors.
56 Vic. No. 33, s. 41.
60 Vic. No. 23, s. 4.
No. 61, 1900, s. 7.
Third Schedule.

34. (1) Every registrar shall, during the week ending on the first day of August in every year, make out, according to the form in the Third Schedule hereto, for his division, and shall sign, a general list arranged in the prescribed alphabetical order of the surnames of all persons whose names are then upon any roll in force hereunder for such division, and of all persons who, by the butts of electors' rights in the possession of such registrar, appear to have taken out electors' rights for such

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such division, and have not been since the issue of such rights included in any list or roll, and of all persons whose names are contained in any list made under section thirty-three hereof, and the registrar shall, in making out such general list, state therein from the said rolls, butts, and lists respectively the prescribed particulars.

(2) The registrar shall issue to each person whose name is contained in any list made under section thirty-three hereof, and has been passed by the Revision Court, an elector's right in the form of the Tenth Schedule, and shall take a receipt therefor as provided on the butt of the said form.

Rights to be issued by registrar.
Tenth Schedule.

25. (1) Every registrar after making out any such general list for a division shall forthwith cause copies of the same to be printed by the Government Printer; and shall before the fifth day of September in each year sign and transmit two copies of the general list for that year to the clerk of the Revision Court for that division, and one copy to the person in charge of each post office within the division, who shall cause the same to be exhibited in some conspicuous position within or outside of such office.

Printed copies of general lists to be sent to clerks of revision courts and advertised.
56 Vic. No. 38, s. 42.

(2) Such registrar shall notify, by two advertisements in some newspaper published or circulating in the division, that a copy of every such printed list is in his custody and open to inspection, and that a copy thereof may be inspected at any post office within the division, without fee, at all reasonable hours during the daytime until the day before the holding of the Revision Court, and he shall also deliver a printed copy of every such list before the revision thereof to any person requiring the same, on payment for each copy of the prescribed sum.

36. The members of the police force shall, during the month of July of every year, make a scrutiny of the general rolls for the districts of the State, and mark thereon the names of all persons who have died or have permanently left any district for which they are enrolled, and shall transmit such rolls so marked to the registrars for the respective districts, who shall take the necessary action to have such names expunged from the next general lists.

Purification of rolls.
No. 61, 1900, s. 13.

37. The registrar may register the temporary address of any voter who may temporarily leave the district for which he holds an elector's right, with a view to forwarding to him at such temporary address any objection that may be lawfully entered against his vote.

Registrar may register temporary address of voter leaving district.
56 Vic. No. 38, s. 43.

38. (1) Any person may object to the name of any other person being retained on any general list if, before or on the twentieth day of September he signs and delivers or causes to be delivered to the registrar for the division and also to the person objected to, notice of such objection in the form of the Fourth Schedule hereto, stating therein the grounds of his objection.

Objections to names on list.
Fourth Schedule.
Ibid. s. 44.
60 Vic. No. 25, s. 11.

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(2) Every such notice of objection shall be lawfully given if the same be sent prepaid by post, addressed to the place of abode of the registrar or of the person objected to as described in such list.

(3) Every notice of objection given or sent to such registrar shall, whether delivered or posted, be accompanied with the fee of one shilling, which shall be payable either in money or in stamps, at the option of the objector.

(4) When any person desires to send any such notice by post he may deliver, or cause to be delivered, the same duly directed, open, and in duplicate, to the postmaster of any post office, and in all cases in which the registrar's fee has been duly paid, the postmaster may compare the said notice and duplicate, and, on being satisfied that they are alike in their address and their contents, may seal or secure and forward one of them to its address by the post, after the necessary stamp has been affixed thereto, and shall return the other to the person bringing the same, stamped with the stamp of the said post office; and the production by the person who posted such notice of such stamped duplicate shall be evidence of the notice having been given to the person at the place mentioned in such duplicate on the day on which such notice would in the ordinary course of post have been delivered.

Fifth Schedule.

(5) After the date aforesaid, the registrar shall make out in the prescribed manner, for each division of his district, a list of the names of all persons objected to, according to the form in the Fifth Schedule hereto; and shall forthwith sign a copy of each such list, and transmit the same to the clerk of the Revision Court for the division, and shall also forthwith cause the same to be posted outside each post office and court-house of the district, and shall by advertisement in a newspaper published or circulating in the district, give notice that such copy is so posted, and may be inspected at the office of the registrar, and shall keep the said list, or a copy thereof, for inspection by any person, without fee, at and between the prescribed hours, until the day of the holding of the Revision Court.

(6) The registrar may object to the name of any person when entered upon the list to be made as herein provided, by entering at the time of making out such list, in the proper column against such name the word "objected to," with the cause of objection clearly stated, and appending his initials thereto; and shall insert the name and the particulars relating to the person so objected to in the list of objections lastly hereinbefore mentioned, and give notice to such person as required in other cases; and no costs shall be awarded by any Revision Court against any registrar in respect of such objection in any case whatsoever.

List of deaths to be forwarded quarterly to the electoral registrars. 56 Vic. No. 38, s. 45.

39. (1) Every district registrar of births, deaths, and marriages, appointed under any Act in force for the time being, relating to the registration of births, deaths, and marriages, shall, in the months of
January

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January, April, July, and October, respectively, forward to the registrar for each division of any district within which division is comprised wholly or partly the district to which such district registrar is assigned, a list to be made out in the manner prescribed of all males of or above the age of twenty-one years whose deaths have been registered with him during the three months immediately preceding the month in which such list is so forwarded.

(2) The electoral registrar shall, upon the receipt of such list, write opposite the name of each person therein mentioned on a copy of the electoral roll, if such person's name appears thereon, the word "dead," and shall forward a certified copy of such roll and of such list to the returning officer for the district.

(3) If any such district registrar fail, refuse, or neglect to forward such list, or if the same be wilfully or negligently compiled in an inaccurate manner, such district registrar shall be liable to a penalty not exceeding fifty pounds, or to imprisonment for any term not exceeding three months.

40. (1) The Comptroller-General of Prisons and the Inspector-General of Police, shall, in the months of January, April, July, and October in each year, forward to the Minister a list of all males, apparently of or above the age of twenty years, imprisoned in any gaol, lock-up, or other place of detention in New South Wales under their charge respectively; and such list shall contain a statement of the offence for which each prisoner is imprisoned, his last known place of residence at date of conviction, and similar particulars regarding any previous convictions against such prisoner.

Lists of certain persons in gaol, &c., to be forwarded in like manner.

56 Vic. No. 38, s. 46.

(2) Upon the receipt of the list the Minister shall forward to the registrar for each district such names and particulars from such list as may be necessary for the purification of the roll for such district, and the conduct of elections therein.

(3) The registrar on receipt of such list shall write opposite the names of persons on the roll for the district, who appear from the particulars in such list to be disqualified from voting under this Act, the words "in custody, disqualified," and opposite the names of persons whose names appear upon such list, but who do not appear by such particulars to be disqualified the words "in custody"; and shall forward a certified copy of such roll and such list to the returning officer of the district.

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PART V.

Revision Courts—Electoral rolls—Provisional list.

Revision Courts,
when to be held.
56 Vic. No. 33, s. 47.

41. (1) The general list for each division shall be revised during the month of October every year, at a Revision Court to be held for that purpose at such place or places as the Governor may appoint.

(2) Such stipendiary or police magistrate as may be named by the Governor shall, at some convenient time during such month, sit in open Court, as such Revision Court, for the purpose of revising the list for each division, and every such magistrate shall, within twenty-one days at the least before the holding of any such Court, give notice to the clerk of petty sessions acting for the place where such Court is to be held [hereinafter referred to as the "revision clerk"], of the time at which such Court will be held, and every such clerk shall give public notice thereof by advertisement in one or more newspapers circulating within the division fourteen days at the least before the holding of any such Court.

(3) A Revision Court may adjourn from time to time, and if one hour after the time appointed for the holding of the Court the Magistrate be not present, the revision clerk may from time to time adjourn such Court to another hour or day :

Provided that no such Court shall be adjourned for more than three days at a time until the revision of the lists then before it be completed.

(4) The expenses incurred by such magistrates in the discharge of their duties under this Act shall be defrayed out of moneys to be provided by Parliament.

Method of revision, ?
powers of the Court,
costs, &c.
Ibid. s. 48.

42. (1) The Revision Court for each division shall, pursuant to the provisions of this Act, revise the general list which has been last made out by the registrar of such division and transmitted to the revision clerk; and the registrar, or some person on his behalf, shall attend the Court, and shall produce all books and butts of electors' rights, notices of objection, and newspapers containing lists of the names of persons objected to, and all other books, lists, papers, and documents connected with his office in the custody of the registrar or under his control, and shall support before the Court the objections of which he has given notice; and the revision clerk shall produce to the Court the lists transmitted to him.

(2) The Revision Court shall have power to hear, receive, and examine evidence, and by summons under the hand of the revision clerk to require all such persons as it thinks fit to appear personally before it, at a time and place to be named in such summons, and to produce to the Court all such books and papers in their possession or
under

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under their control as may appear necessary for the purpose of its examination; and any person so required who, without sufficient excuse, neglects or refuses to comply with such summons, or, having appeared before the said Court, refuses without such excuse to be examined on oath or to take such oath, or, having taken such oath, to answer the questions put to him, may be dealt with in all respects as a person refusing or neglecting to appear or to give evidence before a Court of Petty Sessions.

(3) If it appear to a Revision Court that any person has made or attempted to sustain any groundless, frivolous, or vexatious claim, objection, or title to have any name inserted or retained on any list, such Court may order the payment by such person of any sum not exceeding ten pounds as costs to be paid to any other person in resisting such claim, objection, or title. Any sum so ordered to be paid may, if not paid within the time specified in the order, be recovered as provided by section one hundred and forty-six hereof by the person named in the order as being entitled thereto.

43. (1) The Revision Court shall retain on the list under revision the names of all persons to whom no objections have been duly made, and the name of every person who has been objected to unless the person objecting appears in person in support of his objection and proves the due delivery of his notice of objection and publication thereof in the list of objections; and when the name of any person inserted in any list has been duly objected to and the person objecting appears in person in support of such objection, and makes proof of the matters aforesaid, and gives prima facie proof of the matter stated in his objection, the Court shall require proof of only so much of the qualification of the person objected to as is embraced in the grounds of objection; and if the qualification of such person be not proved to the satisfaction of the Court, the Court shall expunge the name of such person from the list, and shall also expunge therefrom the name of every person of whose death, disqualification, or incapacity the Court shall consider that there is sufficient evidence; and the Court shall correct any mistake and supply any omission proved to have been made in the list: Provided always that no person's name shall be expunged from any list, except in the case of death, unless the prescribed notice has been given.

(2) If the name of any person to whom an elector's right has been issued has been omitted from any list, and if such person causes to be produced to the Revision Court by which such list is being revised the elector's right issued to him, the Court may, after inspection of the butt of such right in possession of the registrar, and on such evidence being given as may be required, insert the name of such person, together with the several particulars relating to the same and appearing in such elector's right, in such list so under revision.

(3)

What names to be retained or inserted in list.

Provision when name expunged.

Notice of objection and adjournment in certain cases.

56 Vic. No. 38, s. 49.

60 Vic. No. 25, s. 10.

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(3) Notwithstanding anything contained in this Act, personal attendance of an applicant for enrolment at a Revision Court shall not be required except in cases where an objection has been lodged.

Sixth Schedule.

(4) In the case of any person whose name appears upon any list so under revision, and who is deemed by such Court not to be entitled to have his name retained thereon, the Court may order the revision clerk to cause notice of objection in the form in the Sixth Schedule hereto to be forthwith given to such person or to be left for, or sent by post in a letter addressed to, such person at the premises at which by the list he appears to reside, and may adjourn the question relating to such name to some future day (not less than two days from the making of such order) to which such Court is lawfully adjourned for the revision of such list, and such clerk shall not be bound to appear in support of such objection, nor shall costs be awarded against such clerk in respect of any such objection in any case whatsoever; and on proof of the clerk having so given such notice the Court shall proceed as in other cases of objection.

(5) The magistrate shall in all matters give the decision of the Court in open Court, and shall write his initials against every name struck out as aforesaid from any list, and against any part of any list, in which any mistakes have been corrected or omission supplied and shall sign his name to every page of the list so settled, and shall then write or cause to be written at the foot or end of each list a certificate that the same has been revised and is correct, and shall date and sign such certificate.

Certified lists to be delivered to registrar, &c.

Seventh Schedule.

56 Vic. No. 38, s. 50.

60 Vic. No. 25, s. 10.

44. (1) The list so signed and certified shall be forthwith delivered to the registrar, who shall forthwith cause the names thereon to be copied and printed in a roll, to be called the general roll, and arranged in the prescribed alphabetical order of the surnames in the form contained in and with the several particulars specified in the Seventh Schedule hereto; and shall prefix to every name in such roll a number, beginning at the first name with number one and continuing in regular arithmetical series to the last named thereon; and shall cause a sufficient number of copies of such roll to be printed; and shall, in every year, on or before the twentieth day of December, sign and transmit the said roll to the returning officer for the district; and shall also furnish to him from time to time so many copies thereof as are required; and shall transmit one copy of such roll to the person in charge of each post office within the division, who shall cause the same to be displayed in some conspicuous position within or without such post office; and shall furnish copies to any person requiring them on the payment of the prescribed price.

(2) In making out any such roll the registrar shall not enter thereon the number of any elector's right, but shall for facilitating the

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the identification of electors, prepare and forward to such returning officer, when required for any election, so many check rolls of electors as may be prescribed. And such registrar and returning officer are hereby prohibited from disclosing any entry contained in such check roll unless lawfully required to do so.

45. Each such printed roll so prepared and signed shall be an electoral roll for the division to which it applies, and shall be called the general roll for such division, and shall continue in force until the coming into operation of a new general roll, whether such new roll be made at the prescribed time or at any time afterwards; and in addition to the divisional rolls other rolls shall be copied and printed in the form of a general roll for the district, and with the divisions arranged thereunder.

Electoral roll completed, duration, &c. 56 Vic. No. 38, s. 51.

46. (1) When an elector's right is issued under section twenty-six hereof, the registrar shall forthwith enter upon a list to be kept by him, and to be called the provisional list, the name of the person to whom the same is issued, and the prescribed particulars from the butt of the elector's right.

Provisional list—when to be printed and where exhibited. 60 Vic. No. 25, ss. 4, 5.

(2) The registrar of each district shall, during the first week of each month, cause copies of the provisional list to be transmitted to each person in charge of a post office or police office within the district.

(3) The person in charge of such post office or police office shall cause the list to be exhibited in some conspicuous position within or outside such post office or police office.

47. (1) A stipendiary or police magistrate, to be appointed as a revising magistrate by the Governor, shall, during each month, on days to be notified by the registrar of the district in the prescribed manner, hold a Revision Court for the revision of the provisional list at any place within or without the district to which the list relates.

Objections to name of person on the provisional lists. *Ibid.* s. 6. No. 61, 1900, s. 17. Tenth Schedule.

(2) The registrar, or any person then entitled to vote in the district, may, in the prescribed manner, object to the name of any person being retained on the provisional list, and notice of objections so made shall be given in the prescribed manner to the person whose name is objected to.

(3) The magistrate holding the Court shall hear and determine all objections made as aforesaid, and shall expunge from the list the names of all persons not entitled to vote at an election within the district, and the provisions hereinbefore contained with regard to the procedure before Revision Courts shall, as far as possible, apply to the Court held under this section.

(4) The list, when signed and certified as correct by the magistrate, shall be transmitted by him to the registrar of the district, who shall enter the names thereon on the additional roll.

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Rights of persons on additional roll.
60 Vic. No. 25, s. 3.

48. All persons whose names have been duly entered upon the additional roll shall be entitled to the same rights as if their names were then entered upon the general roll.

No entry to be made in provisional list or additional roll pending an election.
Ibid. s. 4.

49. No entry shall be made in the provisional list for any district or on the additional roll in the interval between the issue of the writ for an election in such district and the declaration of the poll for such election, but the names of any persons to whom electors' rights are issued under section twenty-six or section twenty-eight hereof shall be entered in the said list or on the said roll, as the case may be, forthwith after the day of election.

When lists or documents not invalidated.
66 Vic. No. 38, s. 52.

50. (1) No list or other document shall be invalidated by reason only that it has not been printed, kept, or published in or for the prescribed place, manner, or time.

Provision when there has been no revision.

(2) If the revision of any lists awaiting revision have not been made or completed within the prescribed time, the Governor may appoint a day, not more than twenty days from the last day upon which such revision might have been made, to be the day for holding a Revision Court for revising the said lists, and such day shall, as to all such acts and proceedings as then remain to be done or had with respect to such lists, be deemed to be, to all intents and purposes, the day prescribed for such revision, and the time prescribed for the transmission of the roll shall be extended accordingly.

PART VI.

Writs — Returning officers — Nominations — Polling-places — Poll-clerks, &c. — General provisions for the regulation of voting — Special provisions regulating voting outside division and outside district — Voting by holders of renewed or substituted rights — Conduct of and proceedings at elections — Bribery, treating, intimidation, &c.

Writs.

Governor to issue writs in certain cases. Within what time writs for general elections to be issued and made returnable.
Ibid. s. 53.
57 Vic. No. 24, s. 10.

51. For the purpose of every general election—and also in the case of any seat in the Assembly becoming vacant after any such general election, and before the meeting of Parliament—the writs for the election of members shall be issued by the Governor: All writs for general elections shall be issued within four clear days after the publication in the Gazette of the proclamation dissolving Parliament, or after the Assembly has been allowed to expire by effluxion of time, and every such writ shall be made returnable on a day not later than the thirty-fifth clear day after the date of the issue thereof.

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52. The day to be fixed for the meeting of Parliament after the return of writs for general elections shall not be later than the seventh clear day after the date on which such writs have been made returnable as aforesaid.

When Parliament to meet after return of writs.
56 Vic. No. 38, s. 54.

53. When and so often as a vacancy occurs in the Assembly, the Speaker shall, upon a resolution by the Assembly declaring such vacancy, and the reason thereof, cause a writ to be issued for filling such vacancy; and on the death or resignation of any Member, the Speaker shall in like manner, upon a resolution of the Assembly, issue such writ, and in case the Assembly be not in session, or when such vacancy occurs during any adjournment for a longer period than seven days, he shall also issue the writ.

Speaker to issue writs to fill vacancies.
Ibid. s. 55.

54. If at the time of the occurrence of any such vacancy, caused by death or resignation, there be no Speaker, and the Assembly be not in session, or if the Speaker be absent from New South Wales, the Governor shall, if satisfied of the existence of such vacancy, issue a writ for the election of a Member to fill such vacancy.

If no Speaker Governor to issue writ.
Ibid. s. 56.

55. Every writ for the election of a Member to serve in the Assembly shall be directed to the returning officer of the district for which the election is to be held. And in every such writ shall be named the day before which all nominations of candidates at and for any election must be made (hereinafter called the day of nomination), the day for taking the poll at the several polling-places in the event of the election being contested, and the day on which the writ shall be returnable to the Governor or Speaker as the case may be.

Writs directed to returning officer.
Ibid. s. 57.

56. The polling-day for every general election should be so appointed that the election shall take place on the eighteenth day from the date of the issue of the writs.

Polling-day at general elections.
Ibid. s. 58.

57. (1) Every returning officer shall upon the receipt by him of any such writ as aforesaid endorse thereon the day of such receipt, and shall forthwith give public notice of the purport of such writ, of the day of nomination, the days of polling, the polling-places, and the return day mentioned respectively in such writ; and also of some place within the district (to be appointed by such returning officer) at which he will receive the nomination papers hereinafter prescribed.

Duties of returning officer on receipt of writ, &c.
Ibid. s. 59.

(2) Public notice for the purpose of this section shall mean notice in any newspaper published in the district to which such writ relates, or if there be none such, then in any newspaper circulating in such district, or, failing that, then by the exhibition of printed or written placards in such places as the returning officer may think most likely to attract notice.

Returning officers.

58. The Governor shall appoint a returning officer for each district, and every such appointment shall be notified in the Gazette.

Returning officers for districts.
Ibid. s. 60.

And,

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And, in case of the death of any returning officer, or in case of sickness or other cause disabling any returning officer from acting at any election, the Governor may appoint some person as returning officer in his stead.

Returning officer or deputy not to be a candidate.
56 Vic. No. 33, s. 61.

59. No returning officer, nor any person who has been a returning officer, and has not, by writing under his hand addressed to the Governor, resigned such office at least fourteen days before the day of nomination for any election, nor any deputy returning officer shall be a candidate, or be elected or returned, or be or continue a Member for the district for which he is or has been such returning officer, or deputy returning officer, as the case may be.

Returning officer to appoint substitute.
Ibid. s. 63.

60. The returning officer shall forthwith, on the receipt by him of any such writ as aforesaid, appoint, by writing under his hand, some fit person to be the substitute, as hereinafter mentioned, of such returning officer, and such returning officer shall, in person or by such substitute, attend at all reasonable hours in the daytime, in the interval between the receipt of such writ and the day of nomination, at the place so appointed for receiving the said nomination-papers, and if at any time, during such interval, the returning officer is absent at the time or place hereby appointed for the doing or suffering by him of any act or thing relating to such election, then such substitute may and shall do or suffer such act or thing, or if the returning officer, by reason of sickness or other disability, is unable to do or suffer any acts or things relating to such election, and the same is notified to such substitute, or if the returning officer dies, then such substitute at any time may and shall as and for the returning officer do and suffer all such acts and things, and subject in every such case to the like provisions, as if he were the returning officer.

Returning officer to exhibit names of candidates.
Ibid. s. 64.

61. The returning officer shall upon each day between the receipt by him of any writ and the day of nomination for such election mentioned in such writ, exhibit and keep exhibited, outside the place so named as aforesaid for receiving the nomination papers, in some public and conspicuous position, the names and residences of all persons who have duly become candidates for such election.

Nominations.

Holder of an elector's right qualified to be elected as a Member.
Ibid. s. 65.

62. (1) Every holder of an elector's right under this Act shall be qualified to be nominated as a candidate and to be elected as a Member for any electoral district unless he be disqualified for some cause herein or in the Constitution Act, 1902, specified.

Candidates to be nominated by at least six duly qualified electors.

(2) Before, and in order that, any person shall be a candidate at any election for any district, such person shall be nominated by not fewer than six persons named on the roll for such district.

Nomination of candidate.

(3) Every nomination of a candidate shall be made by delivering to the returning officer, or the person acting as his substitute
(who,

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(who, if required, shall give a receipt for the same) a nomination-paper at some time after the issue of the writ and before six o'clock in the evening of the day preceding the day of nomination.

(4) Such nomination-paper shall be in the following form, viz. :—

We, the undersigned, electors of the electoral district of
do hereby nominate (*here state name in full, occupation and place of residence of the person nominated*) for election as a Member of the Legislative Assembly for the abovenamed district.

(*Signatures of nominators.*)

I, the abovenamed hereby consent to such nomination.
(*Signed*)

And no person unless nominated in accordance with the requirements of this section shall be deemed to be a candidate for election pursuant to this Act.

(5) No elector shall nominate more than one candidate for an electoral district.

63. If only one candidate be so nominated, the returning officer shall, at noon on the day of nomination at the place so named for the delivery of nomination-papers, publicly declare the candidate nominated to be duly elected, and shall make his return accordingly. Proceedings on nomination if one candidate only. 56 Vic. No. 38, s. 66.

64. If there be more candidates nominated than one, it shall be open to any candidate to withdraw his name from nomination by delivering a notice under his hand to the returning officer or the person acting as his substitute before six o'clock in the evening of the day preceding the nomination day, and if after such withdrawal there are more than one candidate, then a poll shall take place on the days named in the writ for that purpose, and at the several polling-places for the district, and the returning officer shall, at noon on the nomination day, and at the place named as aforesaid for the delivery of the nomination-papers, publicly announce that a poll will be so taken and the names of the persons who have become candidates, and shall also forthwith publish in some newspaper published or circulating in the district a like announcement. When poll to be taken. Ibid. s. 67.

65. The returning officer, after a poll has been appointed for any election, shall cause ballot-papers to be printed with the names in full of all the candidates, in the form of the Eighth Schedule; and shall provide a sufficient number of such ballot-papers, to be signed or initialled and used as hereinafter provided; and if the names and surnames of any two or more candidates be the same, they shall be distinguished upon such ballot-papers by the addition of their residence and occupation; and the directions in the said Schedule contained shall be of the same force as if they had been herein enacted. Ballot-papers to be printed and signed. Eighth Schedule. Ibid. s. 68.

Polling-places

*Parliamentary Electorates and Elections.**Polling-places—Poll-clerks, &c.*

Polling-places.
56 Vic. No. 38, s. 69.
60 Vic. No. 25, s. 10.

66. The Governor may, by notice in the Gazette, appoint one or more polling-places within each district:—

Provided that—

- (a) no place shall be so appointed at any time after the issue and before the day appointed for the return of the writ for the election of a member for any district; and
- (b) the Governor, in any case in which he is satisfied that the convenience of a large number of the electors of any district would be furthered by appointing polling-places outside such district, may by notice as aforesaid appoint such polling-places.

Booths to be erected
or rooms hired.
56 Vic. No. 38, s. 70.
60 Vic. No. 25, s. 10.

67. (1) The returning officer shall cause such booths to be erected, or rooms to be hired or otherwise provided for taking the poll at any election at each polling-place, as the convenient conduct of the election may require.

When more than
one booth, where
electors to vote.

(2) If under this provision there is more than one booth at any polling-place, there shall be affixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as shall denote the booth at which each elector according to the initial letter of his surname is to vote, and no elector shall be permitted to vote in any booth save that which is so denoted by the initial letter of his surname.

(3) No polling-booth shall be in any house for or in respect of which any license for the sale of fermented or spirituous liquors under the Liquor Act, 1898, is held by any person, or upon the premises appertaining to such house.

Booths how
arranged, &c.
56 Vic. No. 38, s. 71.

68. Every booth shall be so arranged as to have one or more inner compartments opening only into that part in which the ballot-box is kept; and the returning officer or his deputy shall provide in every such compartment pencils for the use of the voters, and shall also provide for each booth a ballot-box having a lock and key, and with a cleft or opening therein capable of receiving the ballot-papers.

Returning officer to
preside at one booth
and appoint deputies
at others.
Ibid. s. 72.

69. The returning officer shall preside and take the poll at some one booth of such polling-place within the district as he sees fit; and such polling-place shall be deemed the principal polling-place; and he shall, by writing under his hand, appoint a deputy to act for him and take the poll at each of the other booths of the several polling-places, and may also in like manner appoint one or more persons to be poll-clerks, and by himself and his several deputies assist in taking the poll as he may see fit.

Poll-clerks
appointed.

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70. Every returning officer, substitute of a returning officer, and every deputy returning officer and poll-clerk shall, before he enters upon any of the duties hereby assigned to him with regard to any election, make and sign before some justice of the peace a declaration to the effect following:—

Substitute deputy returning officer and poll-clerk to make declarations.
56 Vic. No. 33, ss. 62, 73.

I [A.B.] do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise, and perform all the powers, authorities, and duties reposed in or required of me by the Parliamentary Electorates and Elections Act, 1902, as returning officer [*or substitute of the returning officer, or deputy returning officer, or poll-clerk, as the case may be*] with regard to the election of a member for the electoral district of _____ and I do further solemnly promise and declare that I will not at the said election attempt to ascertain [*and in the case of a returning officer, or a substitute of a returning officer or a deputy returning officer, save in the cases in which I am expressly by law authorised so to do*] for what candidate any person shall vote, or have voted, at the said election; and that if in the discharge of my duties at or concerning the said election I shall have learned, or have the means of learning, for what candidate any person shall vote, or have voted thereat, I will not by word or act, or by any other means whatsoever, directly or indirectly, divulge or disclose, or aid in divulging or disclosing the same, save in answer to any question which I am legally bound to answer.

And every declaration made under this section shall be transmitted by the returning officer or his substitute to the Colonial Secretary.

71. (1) Before the day of polling the returning officer shall deliver to each of the deputies, for use at each polling-booth, sufficient copies of all rolls in force for the district in and for which the poll is to be taken thereat, certified under his hand to be true copies; and also one set at least for the general use of scrutineers, and shall also deliver to each deputy, and himself retain, such numbers respectively of the ballot-papers as are sufficient for the use of the electors entitled to vote at each booth at which such returning officer and deputies respectively are to take the poll; and every returning officer and deputy shall keep an exact account of all such ballot-papers.

Deputy returning officers to be furnished with copies of rolls and ballot-papers.
Ibid. s. 74.

(2) It shall be the duty of such returning officer or his deputy to sign or initial every ballot-paper when issued to each voter at the booth at which such returning officer or his deputy may be presiding, and also to write, or cause to be written, any additional ballot-papers that may be required, and such written ballot-papers shall also be signed or initialled as hereinbefore mentioned.

Duties of returning officer and deputies in taking poll.

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How scrutineers to be appointed.
56 Vic. No. 33, s. 75.

72. Each candidate shall be entitled to appoint, by writing under his hand, one person to be scrutineer on his behalf at each polling-booth; and every such scrutineer shall be entitled to be present in that part of the booth in which the ballot-papers are received.

Scrutineer to make declaration.
Ibid. s. 76.

73. Every scrutineer before acting as such at any polling-booth, shall make and sign before the returning officer or deputy (as the case may be) who takes the poll at such booth, a declaration to the effect following:—

I, [A.B.] (scrutineer for C.D., a candidate at the present election for the electoral district of _____), do solemnly declare that I will faithfully observe all the provisions of the Parliamentary Electorates and Elections Act, 1902, which relate to such my office of scrutineer; and I do further solemnly promise and declare that I will not, as such scrutineer at the said election, attempt to ascertain for what candidate any person shall vote or have voted at the said election, and that if in the discharge of my duties at or concerning the said election I shall have learned, or have the means of learning, for what candidate any person shall vote or have voted thereat, I will not by word or act, or by any other means whatsoever, directly or indirectly, divulge or disclose, or aid in divulging or disclosing the same, save in answer to some question which I am legally bound to answer.

And every such declaration shall be transmitted to the Colonial Secretary by the returning officer or his substitute.

Who may be present in polling-room.
Ibid. s. 77.

74. (1) The returning officer or deputy, the poll-clerks, and the scrutineers, and not more than six voters being at the time actually engaged in voting, to be designated, if necessary, by the returning officer or deputy, shall be permitted to enter or remain at any one time in any polling-room during the taking of the poll.

(2) Any person who, without lawful authority, the proof of which shall be on him, enters any polling-room or, being therein, refuses to quit such room forthwith on being required by the returning officer or deputy, or by any member of the police force acting under the direction or authority of such returning officer or deputy, may be removed from the polling-booth, and shall be liable to a penalty, not exceeding ten pounds.

Returning officer to exhibit ballot-box before taking poll.
Ibid. s. 78.

75. Immediately before proceeding to take the poll at any booth the returning officer or deputy (as the case may be) shall exhibit for the inspection of the candidates, scrutineers, and poll-clerks present, the ballot-box open and empty, and shall immediately afterwards close and lock, and place the same empty and keep the same unopened upon the table at which he is to preside, and in full view of all persons present in the polling-booth, and he shall keep the key of the said box.

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76. Every polling shall commence on the day appointed for the same at eight o'clock in the forenoon, and shall, unless lawfully adjourned, finally close at six o'clock in the afternoon of the same day.

Hours of polling.
No. 2, 1898, s. 1.

General provisions for the regulation of voting.

77. Every person for the time being enrolled and holding an elector's right for any district may vote at any election for such district at any polling-place in any division within such district, or at any polling-place outside such district duly proclaimed under this Act.

Who may vote,
where, and when.
56 Vic. No. 38, s. 80.

78. Every person claiming to vote—

Votes—how claimed.
Ibid. s. 81.

- (a) shall state to the returning officer or deputy his names, and such other particulars of those hereby required to be expressed in the roll as the said returning officer or deputy may require for the purpose of ascertaining upon the roll the name intended by such person ;
- (b) shall exhibit to the returning officer or deputy the elector's right under which such person claims to vote ;
- (c) shall demand a ballot-paper.

79. (1) When any person has so tendered his vote at any polling-place, the returning officer or deputy shall ascertain that the name given by such person is upon the elector's right exhibited by such person, and also upon a roll in force for the district for which such polling-place is appointed, and shall satisfy himself of the identity of the person exhibiting such elector's right with the person who, according to the check roll in his possession, should be the holder of such right.

Duty of returning
officer or deputy on
vote being tendered.
Ibid. s. 82.
57 Vic. No. 24,
s. 2.
60 Vic. No. 25,
s. 10.

(2) The returning officer or deputy may thereupon, if he think fit, and shall, if required so to do by any scrutineer or by any two persons entitled to vote at the polling-place at which he presides, require any such person to sign his name or distinguishing mark in a book to be kept for that purpose, and may, if he think fit, and shall, if required so to do as aforesaid, put to any such person, before such person shall have received a ballot-paper and not afterwards, the questions following hereinafter called "the prescribed questions" (that is to say) :—

- (a) Are you the person whose name appears as [A.B. No.] in the general *or* additional roll in force for the district for which the elector's right now exhibited by you was issued ?
- (b) Was the elector's right now exhibited by you issued to you ?
- (c) Are you qualified to vote either as residing in the district for which the elector's right was issued or as having resided there within the last month ?
- (d) Have you already voted at the present election ?

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Omission or refusal to answer questions, sign name, or make declaration an offence.
56 Vic. No. 38, s. 83.

80. Any person who has so tendered a vote and to whom the prescribed questions or any question authorised or declaration required or permitted to be put by this Act have been put, who—

- (a) refuses or omits distinctly to answer the same and each part thereof; or
- (b) does not answer absolutely in the affirmative the first three of the prescribed questions, and absolutely in the negative the fourth of the prescribed questions; or
- (c) upon being required to answer such question or make such declaration refuses or omits so to do; or
- (d) upon being required so to do as aforesaid, refuses, or omits to sign his name or make his distinguishing mark,

shall be prohibited from voting then or afterwards at such election, and shall on conviction of any such offence incur a penalty not exceeding twenty pounds, or be imprisoned for a period not exceeding one month.

Procedure by returning officer, &c., on vote being tendered.
Ibid. s. 84.

81. (1) The returning officer or deputy, upon any vote being so tendered by any person, shall, if satisfied of the right of such person to vote in the name given and under the elector's right exhibited by him, and that such person is not by law disqualified or prohibited from voting, deliver to such person a ballot-paper signed or initialled by such returning officer or deputy, having first with the prescribed instrument punctured such ballot-paper in the lower corner with the prescribed mark in such a manner that when the ballot-paper is folded up, and before the same is deposited in the ballot-box, the punctured mark shall be visible to such returning officer or deputy, and it shall be the duty of such returning officer or deputy to require the voter in every case to exhibit to him the ballot-paper so punctured before depositing the same in the ballot-box.

(2) The returning officer, deputy, or poll-clerk shall thereupon make a mark upon a certified copy of the roll against the name of such person in the prescribed manner to denote that such person has received such ballot-paper, and shall initial such elector's right; and shall stamp or impress the same in the prescribed manner to denote that the holder thereof has recorded a vote at such election, and shall mark thereon the date in the following manner, namely, the number of the day of the month, of the month in the year, and of the year, and shall then return such elector's right to such holder.

(3) Any ballot-paper from which any signature or initial letters, or any mark so required to be written or punctured thereon as aforesaid has been erased, obliterated, or torn, shall be rejected at the close of the poll.

How vote to be recorded.
Ibid. s. 85.

82. Every person to whom a ballot-paper has been delivered as aforesaid shall forthwith retire alone to some unoccupied compartment of the polling-booth, and shall there, alone and without delay, strike out

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out from such ballot-paper the names of the candidates for whom such person does not intend to vote; and shall forthwith fold up such ballot-paper in such manner as to conceal the names of the candidates, and shall, after exhibition as aforesaid, deposit it in the ballot-box in the presence of the returning officer or deputy.

83. Every elector shall be entitled to vote for one and only one candidate at any election; and any ballot-paper purporting to record more votes than one shall be rejected at the close of the poll.

Only one vote to be given.
56 Vic. No. 38, s. 86.
60 Vic. No. 25, s. 10.

84. If, at any polling-booth, any ballot-paper has been delivered to any person having tendered a vote, and if any other person subsequently tenders a vote at such booth in the name of, or as purporting to be, such first-mentioned person, the returning officer or deputy shall put to the person so subsequently tendering a vote the prescribed questions; and such person may be dealt with in all respects in like manner as any other person having tendered a vote; but the ballot-paper of such person shall not be deposited in the ballot-box or allowed by the returning officer or deputy, but shall be set aside by him for separate custody.

Duty of returning officer when a second vote is tendered for one name.
56 Vic. No. 38, s. 87.

85. (1) If any person whose name appears on any electoral roll for the district with the word "dead" or the words "in custody" or "in custody, disqualified" written upon a copy thereof opposite such name, pursuant to the provisions of this Act tenders his vote, the returning officer or deputy shall require such person, before he receives a ballot-paper, to make a solemn declaration in the form following:—

Where claim to vote is that of a person apparently dead or in custody.
Ibid. s. 88.

I [A.B.] do solemnly and sincerely declare that I am the person [A.B.] whose name appears upon the roll in force for the electoral district of _____ with the word "dead" [or the words "in custody" or "in custody, disqualified"] written upon a copy thereof opposite such name; and I make this solemn declaration, conscientiously believing the same to be true.

(2) If any person wilfully make any false statement in such declaration, or personate any deceased elector or any elector then being in custody as hereinbefore mentioned for the purpose of voting at any election, such person shall be guilty of a misdemeanour, and may be imprisoned for any term not exceeding two years.

(3) Before any person makes any such declaration, the returning officer or deputy shall warn such person that by making a false declaration such person will be guilty of a misdemeanour, and be liable to the punishment provided by law in that behalf.

86. If any person to whom a ballot-paper has been delivered as aforesaid is blind, or is incapacitated by any other physical cause from voting in the usual way, or is unable to write, and signifies the same

Vote of blind or physically incapacitated voter.
Ibid. s. 89.

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same to the returning officer or deputy, such returning officer or deputy may and shall, at the request of such person and for him, and in presence of the poll-clerk and scrutineers, if any, strike out, in the polling-booth, from such ballot-paper the names of such candidate or candidates as such person may designate, and shall forthwith cause the ballot-paper of such voter to be deposited in the ballot-box; and the name and number on the electoral roll of every voter whose vote is given pursuant to this section shall be entered on a list to be called the "list of open votes."

Provision when
poll falls on
Saturday.

56 Vic. No. 38, s. 90.
60 Vic. No. 25, s. 10.

87. If, when the day appointed for taking any poll falls on a Saturday or on any day on which occurs a Jewish fast or festival, any person to whom a ballot-paper has been delivered, declares at the prescribed time and in prescribed form that he is of the Jewish persuasion, and objects on religious grounds to vote in the manner provided by this Act, the returning officer or deputy shall, at the request of such person, and in presence of such person, and for him, and in presence of the poll-clerk and scrutineers (if any) strike out in the polling-booth from such ballot-paper the names of such candidate or candidates as such person may designate, and deal with such ballot-paper as in the last preceding section mentioned.

When votes to be
rejected.

56 Vic. No. 38, s. 91.
60 Vic. No. 25, s. 10.

88. If upon examination of the several rolls used at any election or of any other documents or writings in his possession, or if from evidence satisfactory to him (from whatever source derived) it appears to the returning officer or officers that any person has voted in more than one district at and for one and the same election, the vote given outside the proper district of such person shall, if ascertainable from any such evidence as aforesaid, be rejected.

Ballot-paper not to
be taken out of
booth, &c.

56 Vic. No. 38, s. 92

89. (1) During the polling at any election no person shall take any ballot-paper out of the polling-booth save into one of the compartments aforesaid; no person shall enter any such compartment while any other person shall be therein; and no person being in any such compartment shall remain there for a longer time than shall be reasonably required for the purpose of striking out the names from his ballot-paper.

Offences.

(2) Any person wilfully violating any enactment in this section, or otherwise obstructing or unnecessarily delaying the proceedings at any such polling, may be removed from the polling-booth, and shall for every such offence incur a penalty not exceeding ten pounds.

False answer to
questions, &c., or
double voting a
misdemeanour.
Ibid. s. 93.

90. If any person—

- (a) to whom any of the prescribed questions is so put as aforesaid wilfully makes a false answer to the same or any part thereof; or
- (b) wilfully makes a false declaration in respect of any matter or thing for which a declaration is required by this Part; or
- (c)

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- (c) personates any elector for the purpose of voting at any election; or
- (d) votes twice at any election; or
- (e) knowingly deposits in the ballot-box at any polling-place more ballot-papers than one;

he shall be guilty of a misdemeanour, and be liable to a fine not exceeding one hundred pounds, or to imprisonment not exceeding six months.

91. Every returning officer and deputy and every member of the police force of or above the rank of senior-sergeant shall have power and authority to maintain order and keep the peace at any election or polling, and, without any other warrant than this Act, to cause to be arrested and taken before a justice of the peace any person reasonably suspected of committing or attempting to commit at any polling-place any offence under this Act, and also to cause to be removed any person who obstructs the approaches to any polling-booth, or wilfully or unnecessarily obstructs or delays the proceedings at the polling, or conducts himself in a disorderly manner, or causes a disturbance at any election, and all constables and peace officers shall aid and assist the respective persons hereby empowered in the performance of their duties.

Returning officer, &c.,
may cause arrest of
offenders under this
Act.

56 Vic. No. 38, s. 94.

Special provisions regulating voting outside district.

92. When the holder of an elector's right for any district tenders a vote outside his district at any polling-place duly proclaimed under section sixty-six of this Act, the returning officer or deputy shall deal with the ballot-paper delivered to such holder in manner provided by subsections (1) and (2) of section eighty-one, and the voter shall deposit such ballot-paper in a ballot-box specially set apart for ballot-papers for the district in respect of which the voter claims to vote, and upon the close of the poll such ballot-papers shall be counted as provided by section ninety-four of this Act, and a statement of the number of votes recorded in such ballot-box for each candidate shall be forthwith transmitted by post, or by any more expeditious means, by the returning officer or deputy, together with ballot-papers and any documents of any kind received by such returning officer or deputy in connection with such votes, to the returning officer of the district to which such votes are applicable; and the package containing such votes, ballot-papers, and documents shall be marked "absent voters' ballot-papers," and such officer shall, before transmitting such statement, make and sign an entry of the particulars thereof in a book to be kept for that purpose, and such entry, when so made and signed shall, in the event of the loss or destruction of such statement be evidence of the number of votes recorded in such ballot-box.

Voting outside
district.

Ibid. s. 95.

60 Vic. No. 25, s. 10

Voting

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Voting by holders of transferred or substituted rights.

Further questions on
tender of vote by
holder of transferred
or substituted right.
56 Vic. No. 38, s. 96.
60 Vic. No. 25, s. 10.

93. In order to identify the holder of a transferred or substituted right with the person whose name appears on the roll, the returning officer or deputy before he permits such holder to vote may, if he thinks fit, and shall, if required by any scrutineer at the polling-place at which he presides (in addition to any other questions which he may lawfully put to such holder) put to any such holder before he has received a ballot-paper, but not afterwards, the questions following, that is to say:—

- (a) Are you the person whose name appears in the general (or additional) roll in force for this district?
- (b) Have you delivered up your original elector's right to the electoral registrar?
- (c) Is this the elector's right issued in lieu of such original right?

And any person who wilfully makes a false answer to any of the questions so put to him by such returning officer or deputy shall be liable to be imprisoned for any term not exceeding six months.

Conduct of, and proceedings at elections.

How and when
number of votes
to be ascertained.
56 Vic. No. 38, s. 98.
60 Vic. No. 25, s. 10.

94. Immediately upon the close of the poll the returning officer and every deputy at the polling-place at which each presides shall, in the presence and subject to the inspection of such of the scrutineers as choose to be present and the poll-clerks (if any), but of no other persons, open the ballot-box and proceed to count the number of votes for each candidate.

Sealing and
transmission by
deputies of separate
parcels of ballot-
papers, &c.
56 Vic. No. 38, s. 99.
60 Vic. No. 25, s. 10.

95. Immediately after ascertaining the total number of votes, each deputy shall make up—

- (a) in one parcel the ballot-papers which have been used in voting at his polling-booth during the election;
- (b) in a second separate parcel, the ballot-papers which have remained unused thereat; and
- (c) in a third separate parcel the certified copies of rolls supplied to the said deputy, signed by him, and all books, rolls, and papers kept or used by him during the polling;

and shall seal up the said several parcels; and shall permit any of the scrutineers who may desire to do so to affix his or their seals to such parcels; and shall endorse the same severally with a description of the contents thereof and with the name of the district and polling-booth and the date of the polling; and sign with his name the said endorsement; and shall transmit the said parcels to the returning officer.

What to be done
with books,
papers, rolls, &c.

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96. Each deputy shall, together with the parcels aforesaid, transmit to the returning officer a list of the total number of votes received by each candidate; and also an account in which such deputy shall charge himself with the number of ballot-papers originally delivered to him, and the number (if any) written out by him, specifying therein the number thereof delivered to and used by voters, and the number not so delivered or left unused; and every such list and account respectively shall be verified as well by the signatures of the said deputy and the poll-clerk (if any) as also by the signatures of such of the scrutineers as are present and consent to sign the same.

Account of ballot-papers and verification thereof and of list of votes.
56 Vic. No. 38, s. 100.

97. The returning officer shall, in respect of the polling-booth at which he himself has presided, make up in separate parcels in like manner as is herein required of deputy returning officers all ballot-papers used or unused, and all books, rolls, and papers kept or used by him at such polling-booth; and shall seal up, and also permit to be sealed up by the scrutineers, and shall endorse in like manner as aforesaid, the said several parcels, and deal with the same as herein-after provided; and shall also make out in respect of the said booth the like list as herein required in the case of deputy returning officers, which said list shall be verified by the signature of the returning officer, the poll-clerk (if any), and scrutineers in manner aforesaid.

Returning officer's parcels.
Ibid. s. 101.

98. (1) The returning officer shall make up the general state of the poll from the list made out by him, and from the lists transmitted by the deputy returning officers; and shall, as soon as conveniently may be after taking the poll, by notice signed by him and posted in some conspicuous position at the principal polling-place, and inserted in some newspaper published or circulating in the district, announce the number of votes given to each candidate, and declare that candidate who has received the greatest number of votes to be duly elected.

Declaration of poll.
Ibid. s. 102.

(2) If two or more candidates have received an equal number of votes, the returning officer shall give a casting vote, but shall not otherwise vote at such election.

Casting vote of returning officer.

(3) The name of the person so elected shall be endorsed on the writ by the returning officer; and the writ shall be by him returned to the Governor, or Speaker, whichever has issued the same, within the time specified therein.

99. The returning officer shall, as soon as practicable after the day of polling, enclose in separate packets in manner hereinafter mentioned, the parcels so transmitted to him, and those made up and sealed by himself in respect of the polling-booth at which he has presided (that is to say):—he shall enclose in one packet all parcels of used ballot-papers; in a second, all parcels of unused ballot-papers; and in a third all parcels containing copies of rolls, books, or other papers as herein provided; and shall seal up the said several packets and endorse the same with a description of the contents thereof respectively, and

Separate parcels to be enclosed in packets, sealed, &c.
Ibid. s. 103.
60 Vic. No. 25, s. 10.

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and the name of the district and the date of the polling, and sign with his name the said endorsement, and shall forthwith forward the said packets to the Clerk of the Assembly, to be by him safely kept until the dissolution of Parliament; and he shall also at the same time seal up and transmit to the said clerk a parcel containing all ballot-papers which have been printed or written for the said election and not used by the returning officer or distributed for use to his deputies; and the said clerk shall forthwith give or send to the returning officer a receipt under his hand for the said packets and parcels.

Ballot-papers, &c.,
copies of rolls and
books to be evidence.
56 Vic. No. 38, s. 104.
60 Vic. No. 25, s. 10.

100. Any ballot-paper, and any copy of a roll, and any book purporting to be taken from any such parcel as aforesaid, and having written thereon respectively under the hand of the Clerk of the Assembly a certificate of the several particulars hereby required to be endorsed upon such parcel, and that the same was so taken from such parcel, shall be evidence in any Court or before any Committee of Elections and Qualifications that the same was so taken; and that the same, if a ballot-paper, was deposited or transmitted pursuant to this Act, and, if a roll or book, was kept or used at the election and booth to which such endorsement and writing relate; and every such ballot-paper so certified shall be evidence of a vote given at such election.

Penalty for breaking
seal of or opening
parcel or packet.
56 Vic. No. 38, s. 105.

101. Any person who wilfully breaks the seal of, or opens any such sealed parcel or sealed packet as aforesaid, unless by direction of some competent Court or other tribunal authorised in that behalf, or unless called upon to produce some portion of the contents of such parcel or packet to some such Court or tribunal, shall be guilty of a misdemeanour, and be liable to be fined any sum not exceeding one hundred pounds, or to be imprisoned for any term not exceeding six months, or to be both fined and imprisoned within the aforesaid limits.

When polling may
be adjourned.
Ibid. s. 106.

102. (1) When the proceedings for taking the poll at any election are interrupted or obstructed at any place by any riot or open violence, the returning officer or deputy (as the case may be) shall not for such cause finally close the poll, but shall adjourn the taking of the poll at the polling-place at which such interruption or obstruction has happened to the following day; and if necessary such returning officer or deputy shall further adjourn such poll from day to day until such interruption or obstruction have ceased, when such returning officer or deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed.

Poll-clerk to act for
returning officer in
certain cases.

(2) If the returning officer or deputy (as the case may be) fails to open the polling at any booth of a polling-place for one half-hour after the time appointed for the same, or if he becomes incapable of performing his duties from any cause after polling has opened, and for a period of one half-hour, then in each and every such case

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case the poll-clerk (if one be present) or the senior poll-clerk (if more than one be present) shall be and is hereby empowered to act as and for such returning officer or deputy in respect of all matters required to be done by such returning officer or deputy in respect of such polling. And such poll-clerk so acting may forthwith appoint a poll-clerk to assist him in the conduct of such polling.

(3) If from any other cause than riot or open violence no polling has been opened at any booth of a polling-place for any district on the appointed day, the polling at such booth shall be by the returning officer or deputy (as the case may be) adjourned to a day not later than seven clear days following such appointed day; and the returning officer or deputy (as the case may be) shall forthwith cause public notice to be given thereof.

103. Where any poll has been so adjourned by any deputy, such deputy shall forthwith give notice thereof to the returning officer; and in every such case, and also where any polling stands adjourned as in the last preceding section mentioned, the returning officer shall not notify the total number of votes given or finally declare upon which candidate the election has fallen until the poll so adjourned has been finally closed and the ballot-papers transmitted to the returning officer.

104. No adjournment of the proceedings at any election shall be made or extend to the day named as the return day in the writ for such election, and if the polling has not been completed before the day named, the returning officer shall forthwith endorse that fact upon the writ, and shall return the same.

105. No election shall be liable to be questioned by reason only of any defect in the title, or any want of title, of the person by or before whom such election, or any polling for the same, has been held, if such person has been actually appointed to preside, or has been acting in the office giving the right so to preside at such election.

106. No election shall be void in consequence only of there having been no returning officer at the time of the issue of the writ, or of any delay in the return of the writ; and where any accidental or unavoidable impediment, misfeasance, or omission has happened, the Governor may take all such measures as may be necessary for removing such impediment, or rectifying such misfeasance or omission; or may by proclamation declare any or all of the proceedings at or for any election valid as to and notwithstanding such impediment, misfeasance, or omission; and every such proclamation shall state specifically the nature of the impediment, misfeasance, or omission, and shall be forthwith published in the Gazette.

107. If any returning officer or the substitute of any returning officer, or any deputy returning officer, poll-clerk, or scrutineer in the discharge of his duties under this Act at or concerning any election, learns or has the means of learning, for what candidate any person

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votes or has voted at such election, he shall not by word or act, or any other means whatsoever, directly or indirectly divulge, or disclose, or aid in divulging or disclosing the same, save in answer to some question which he is legally bound to answer, or in compliance with the express provisions of the law relating to elections to the Assembly; and every such returning officer, substitute, deputy, poll-clerk, or scrutineer who wilfully violates the provisions of this section shall be guilty of a misdemeanour, and be liable to be fined any sum not exceeding one hundred pounds, or to be imprisoned for any term not exceeding six months, or to be both fined and imprisoned within such limits.

Penalty for neglect,
&c., by returning
officer.

56 Vic. No. 38, s. 112.

108. If any returning officer, or any person appointed to act as such returning officer, or his substitute, or deputy returning officer, at any election, is guilty of any wilful misfeasance, or wilful or negligent act of commission or omission in violation of any of the provisions herein contained and not otherwise provided for, he shall for every such offence be liable to a penalty of not less than ten nor more than two hundred pounds.

Bribery, treating, intimidation, &c.

109. Every person shall be guilty of bribery who:—

- (a) directly or indirectly, by himself or by any other person on his behalf, gives or lends, or agrees to give or lend, or offers, promises, or procures, or promises, or endeavours to procure any money or valuable consideration to or for any elector or any other person on behalf of any elector, in order to induce any elector to vote or refrain from voting, or knowingly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election;
- (b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, offers, promises, or promises to procure, or to endeavour to procure any office, place, or employment to or for any elector or any other person, or who retains or dismisses any elector or other person in or from any office, place, or employment in order to induce such elector to vote or refrain from voting, or knowingly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;
- (c) directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve as a Member of the Assembly or the vote of any elector at any election;

(d)

Who guilty of the
misdemeanour of
bribery, &c.

Ibid. s. 113.

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- (d) upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement procures or engages, promises, or endeavours to procure the return of any person to serve as a member of the Assembly or the vote of any elector at any election;
- (e) advances or pays, or causes to be advanced or paid, any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at an election;
- (f) before, during, or after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election;
- (g) before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money or valuable consideration, office, place, or employment for himself or for any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, or for inducing any other person to vote or to refrain from voting at any election;

and any person or elector so offending shall be guilty of a misdemeanour, and be liable to be fined any sum not exceeding one hundred pounds, or to be imprisoned for any term not exceeding six months, or to be both fined and imprisoned within such limits; and shall also be incapable of voting at such election.

110. For the purposes of the last preceding and three next succeeding sections of this Act, the words "candidate at an election" and the words "candidate at any election" shall include all persons elected to serve in Parliament at such election, and all persons nominated as candidates at such election, or who on or after the day of the issuing the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued have declared their intention of becoming candidates at such election or their consent so to do. And the words "at an election," "at any election," and "during any election" shall mean and include the whole period from the day of nomination up to the day on which the returning officer publishes and declares the result of such election, both days inclusive.

111. Every candidate at an election who corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before or during any election directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the

Extended meaning
of term "candidate."
56 Vic. No. 38, s. 114.

Offence of
"treating."
Ibid. s. 115.

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the giving or providing, or pays or allows any person to pay on his behalf wholly or in part any expenses incurred for any meat, drink, entertainment, or provisions to or for any person, or horse or carriage hire or conveyance for any voter whilst at such election or whilst engaged in coming to or returning from such election, in order to ensure or forward his election, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be deemed guilty of the offence of treating; and every elector who corruptly accepts or takes any meat, drink, refreshment, or provision, horse or carriage hire or conveyance, so paid for, given, or provided shall be incapable of voting at such election.

Penalty for
"treating."
56 Vic. No. 33, s. 116.

112. Any person who is guilty of the offence of treating as defined in the last preceding section, or who gives or causes to be given to any elector during any election on account of such elector having voted or being about to vote any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such elector to obtain refreshment, shall be liable to be fined any sum not exceeding one hundred pounds, or to be imprisoned for any term not exceeding six months, or to be both fined and imprisoned within such limits, and shall also be incapable of voting at such election.

Intimidation.
Ibid. s. 117.

113. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage, harm, or loss, or in any other manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the franchise by any elector, or thereby compels or induces or prevails upon any elector either to give or refrain from giving his vote at any election, shall be guilty of a misdemeanour and be liable to the respective punishments provided by the next preceding section.

No action, &c., for
goods or work or
service in prosecuting
an election.
Ibid. s. 118.

Proviso as to officers
under this Act.

114. No action, suit, or other proceeding whatsoever shall be brought or maintained whereby to charge any person upon any contract or agreement for the loan of money or the doing of any work or service or the supply of any goods for or towards or concerning or in carrying on or prosecuting any election of a Member under this Act: Provided that this section shall not apply to contracts, agreements, or payments by officers or others appointed by or under this Act in carrying out the several matters or things therein or thereby authorised and required.

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115. If any candidate at any election for any district is declared by any Committee of Elections and Qualifications to be guilty of bribery, treating, or undue influence at any election, such candidate shall be incapable of being elected or sitting as a Member for any district until the following general election.

Candidates guilty of offences under this Act incapable of sitting or being elected.
56 Vic. No. 38, s. 119.

116. Any person who makes or is concerned in any wager, bet, or other risk of any nature whatsoever upon the result of any election, shall for every such offence be liable to a penalty not being less than five pounds nor exceeding fifty pounds; and every such wager, bet, or other risk shall be and is hereby declared an illegal act.

Wagers, &c., on result of elections prohibited.
Ibid. s. 120.

PART VII.

Committee of Elections and Qualifications—Election petitions.

117. (1) In the first session of every Assembly, and within seven days after the election of a Speaker, and in every subsequent session within seven days after the commencement thereof, or in either case at any later period with the leave of the Assembly the Speaker shall, by warrant under his hand, appoint nine Members of the Assembly, against whose return no petition is then pending, and none of whom is a party to any petition complaining of any election or return, to be members of "The Committee of Elections and Qualifications" (hereinafter termed "the committee").

Appointments of Committee of Elections and Qualifications.
Ibid. s. 121.

(2) Every such warrant shall be laid on the table of the Assembly, and, if not disapproved by the Assembly upon motion (without notice) in the course of the three next following days on which the Assembly meets for the despatch of business, shall take effect as an appointment of such committee.

(3) Every Member who becomes a party to any petition complaining of an undue election or return, or respecting whose return, qualification, or disqualification an inquiry is pending, shall, for the time, be disqualified to serve on such committee.

118. If the Assembly disapproves of any such warrant, the Speaker shall, on or before the third day on which the Assembly meets after such disapproval, lay upon the table of the Assembly a new warrant for the appointment of nine Members, qualified as aforesaid, and so from time to time until nine Members have been appointed by a warrant not disapproved by the Assembly:

Proceedings on disapproval by the Assembly.
Ibid. s. 122.

Provided that the disapproval of any warrant may be either general in respect of the constitution of the whole committee, or special in

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in respect of any particular Member named in the warrant, and that the Speaker may, if he think fit, name in the second or any subsequent warrant any of the Members, named in any former warrant, whose appointment has not been so specially disapproved of.

Duration of
office of members of
committee.
56 Vic. No. 38, s. 123.

119. After the appointment of the committee, every member appointed shall continue to be a member thereof until the end of the then current session, or until he cease to be a Member of the Assembly, or unless and until the committee report that he is disabled by continued illness from attending the committee, or until the committee report that he has failed to attend four consecutive meetings without the leave of the committee, or until the committee be dissolved as hereinafter provided, or until he resign his appointment (which he may do by letter to the Speaker), but which resignation shall not take effect until the appointment of another Member in his place.

Resolution of House
to dissolve
committee.
Reappointment, &c.
Ibid. s. 124.

120. (1) If the chairman or any two members of the committee at any time report that by reason of the continued absence of more than four of its members, or by reason of irreconcilable difference of opinion, the committee are unable to proceed satisfactorily in the discharge of their duties, and if such report be adopted by the Assembly with or without notice, or if the Assembly resolve that the committee be dissolved, the same shall be forthwith dissolved, and every reappointment of the committee after the dissolution thereof, as well as every appointment to supply a vacancy in the committee by resignation or otherwise, shall be made by the Speaker by warrant under his hand laid upon the table of the Assembly on or before the third day on which the Assembly meets after the dissolution of the committee, or notification of the vacancy made to the Speaker, as the case may be.

(2) Such warrant shall be subject to the disapproval of the Assembly in like manner as is hereinbefore provided in the case of the appointment of the first committee.

(3) Upon any reappointment of the said committee, the Speaker may reappoint any of the members of the former committee who are then not disqualified to serve thereon.

(4) Every such new committee or new member shall have power to take up and continue the business pending at the time of the dissolution or vacancy as aforesaid in the same manner as might have been done by the committee as previously constituted and composed.

Time of meeting.
Ibid. s. 125.

121. (1) The Speaker shall appoint the time and place of the first meeting of the committee, and the committee shall meet at the time and place so appointed; but no member shall act upon the committee until he has been sworn at the table of the Assembly by the Clerk, well and truly to try and determine the matter of any
petition

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petition or other question referred to the committee, and a true judgment to give according to the evidence, and truly and faithfully to perform the duties appertaining to a member of the committee to the best of his judgment and ability without fear or favour.

Oath of committee men.

(2) The committee shall not be competent to transact any business unless at least five members are present together.

Quorum.

122. (1) The committee shall have power to adjourn their sittings from time to time as they shall think proper; provided that the interval of adjournment shall not in any instance exceed seven days, unless by leave first obtained from the Assembly upon motion (without notice) and special cause assigned for such adjournment. And in case five members have not met together within one hour of the time appointed for an original or adjourned meeting, it shall be competent to the members present to adjourn within the limits, and subject to the restrictions aforesaid.

Powers of adjournment. 56 Vic. No. 38, s. 126.

(2) The committee shall select their own chairman from time to time, and shall have power to regulate the form and manner of their own proceedings.

Election of chairman.

(3) Such proceedings shall be conducted openly, except when the committee think it necessary to deliberate among themselves before or after hearing evidence and argument if offered; and all questions before the committee shall be decided by a majority of voices, and whenever the voices are equal the chairman shall have a second or casting voice, and no member of the committee shall refrain from voting on any question on which the committee may divide.

Majority to decide.

Casting vote.

(4) The committee shall be attended by one of the clerks of the Assembly, and such clerk shall make a minute of all proceedings of the committee, in such form and manner as shall be from time to time directed by the committee, and a copy of the minutes so kept shall be laid from time to time before the Assembly.

Minutes of proceedings.

123. (1) The committee shall have power to inquire into and determine upon all election petitions and upon all questions which may be referred to them by the Assembly respecting the validity of any election or return of any Member to serve in the Assembly, whether the dispute relating to such election or return arise out of an error in the return of the returning officer or out of the allegation of bribery or corruption against any person concerned in any election, or out of any other allegations calculated to affect the validity of such election or return, and also upon all questions concerning the qualification or disqualification of any person who has been returned as a Member of the Assembly.

General powers of committee. *Ibid.* s. 127.

(2) In the trial of any such questions the committee shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by

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by the best evidence they can procure, or which is laid before them, whether the same be such evidence as the law would require or admit in other cases or not :

Provided that the committee may receive or reject as they may deem fit any evidence tendered to them.

Decisions of
committee and
their effect.

56 Vic. No. 33, s. 128.

124. (1) The committee shall determine finally on all questions referred to them, and if they determine and report to the Assembly that a person was not duly elected who was returned as elected by the returning officer, the person so declared not to be duly elected shall cease to be a Member of the Assembly, and if they determine and report any person to have been duly elected who was not returned by the returning officer, the person so declared shall be sworn a Member of the Assembly, and take his seat accordingly ; and if the said committee declare any election to have been wholly void, or declare any sitting Member to be unqualified or disqualified, the Speaker may issue a new writ for the holding of another election, and the person thereafter elected and duly returned shall be the Member for the electoral district concerned.

(2) If the committee come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the Assembly for its opinion at the same time that they inform the Assembly of such determination, and the Assembly may confirm or disagree with such resolution and make such order thereon as seems proper.

ELECTION PETITIONS.

Petition against
sitting Member.

Ibid. s. 129

125. (1) Every petition complaining of the undue election or return of a Member to serve in the Assembly, or complaining that no return has been made according to the requisition of the writ issued for the election of a Member to serve in the Assembly, or complaining of any special matter contained in any such return, shall be subscribed by some person who voted or had a right to vote at the election to which the same relates, or by some person claiming to have had a right to be returned or elected thereat, or alleging himself to have been a candidate at the election, and shall in the case of a general election be addressed to the Governor, and in the case of a by-election to the Speaker, and shall be presented to the Governor or Speaker within eight weeks after the day of the return of the writ to which such petition relates.

(2) Every such petition shall be forthwith notified in the Gazette, and shall, as soon as conveniently may be after such presentation, be laid by the Governor or the Speaker before the Assembly, and shall by the Assembly be referred to the Committee either forthwith or as soon as the committee has been duly appointed and confirmed.

Assembly may
refer to committee
petition.

Ibid. s. 130.

126. It shall be competent to the Assembly upon any petition subscribed as aforesaid and presented to the Speaker to refer such petition

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petition and the question thereby raised to the committee, and the Assembly shall also have power upon the like petition to refer to the committee all questions respecting bribery or corruption alleged to have been committed at any election at any time within twelve months after such election, notwithstanding that the period in either of the above cases has elapsed for a petition against the election or the return thereof according to the provisions hereinbefore in that behalf contained.

127. Before presenting any such petition as aforesaid to the Governor or Speaker, the person by whom the same is subscribed shall pay into one of the banks regulated by law within New South Wales or into a branch thereof a sum of fifty pounds to the credit of the Speaker in relation to the said petition, which sum shall be payable towards the costs of the petition as hereinafter regulated, and shall be liable to be withdrawn upon the order of the Speaker either for the purpose of such payment or for the purpose of restoring the same to the petitioner wholly or in part as the case may require.

Deposit for costs of petition.
56 Vic. No. 33, s. 131.

128. Every such petition shall have annexed thereto a bank deposit receipt for the sum of fifty pounds so deposited and shall contain a recital of the fact and particulars of such deposit. And any petitioner who wilfully annexes to any such petition a false receipt or who wilfully makes in any such petition any false recital shall be deemed guilty of forgery, and be liable to be punished therefor.

Receipt for deposit to accompany petition.
Ibid. s. 132.

129. All persons subscribing any such petition shall be deemed to be parties to the reference, and the sitting Member to whose election any such petition relates, or any person who voted, or who had a right to vote thereat, or any person complained against in any such petition, may within four weeks after presentation thereof, by notice in writing to the Speaker, be admitted as a party to support or to oppose the same, or to defend the return of the sitting Member, as the case may be, and every person so admitted shall be deemed to be a party to the reference.

Parties to petition.
Ibid. s. 133.

130. The parties to any such reference may at any time after presentation of the petition so referred, jointly or severally withdraw their support or opposition, as the case may be, by written notice to that effect under their hands, or under the hand of their agent to the Speaker, and also to the sitting Member whose election or return has been complained of, or his agent, and also to the adverse parties or their agent, and in all such cases the parties so withdrawing shall be liable to the payment of all such costs and expenses incurred by any of the adverse parties, as the committee in its discretion deems reasonable and just.

Parties withdrawing liable to cost and expenses.
Ibid. s. 134.

131. It shall be lawful for the committee to determine and report to the Assembly upon all petitions so referred, and in all cases to award payment of such costs or expenses incurred by any of the parties,

Award of costs and expenses.
Ibid. s. 135.

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parties, as the committee in its discretion deems reasonable and just, and to name the parties in each case liable for such payments, and the parties (if any) to whom such payments are to be made.

Sitting Member
liable for costs and
expenses in certain
cases.

56 Vic. No. 38, s. 136.

132. Whenever no adverse parties have been admitted as aforesaid, and it appears to the committee that the sitting Member whose election has been complained of, or his authorised agent, has been guilty of vexatious or corrupt conduct in respect of the election to which the petition relates, such Member shall be liable for the payment of all such costs and expenses incurred by any of the parties supporting the petition as the committee in its discretion deems reasonable and just.

Petitioners liable to
penalties.

Ibid. s. 137.

133. Whenever it appears to the committee that a petition so referred to them was frivolous or vexatious, or altogether groundless, or not sufficiently sustained by evidence, the committee may impose upon any of the parties supporting the petition such penalty (not exceeding fifty pounds) as the committee in its discretion deems reasonable and just, and such penalty shall be paid by any such parties named by the committee to the Clerk of the Assembly, and may be recovered by the said Clerk in the same manner as all costs and expenses awarded by the committee are hereinafter directed to be recovered. And the money so recovered shall, after deducting costs and expenses necessary for the recovery thereof, be paid to the Treasurer, and form part of the Consolidated Revenue Fund.

Costs and expenses
how to be certified.

Ibid. s. 138.

134. The said committee shall, upon application made to them deliver to any witnesses summoned before the committee, or to any other person entitled under the provisions of this Act to costs and expenses, or to the Clerk of the Assembly, in case any penalty has been awarded, a certificate thereof, signed by the chairman of the committee, expressing the amount of the costs and expenses allowed, or of the penalty awarded with the name of the party liable to pay the same, and the name of the party entitled to receive the same, and such certificate shall be conclusive evidence for all purposes whatever as well of the amount of the demand as of the title of the party therein named in that behalf to recover the same from the party therein stated to be liable to the payment thereof.

Recovery of costs.

Ibid. s. 139.

135. (1) The Speaker may, by order under his hand, direct the payment of the said sum of fifty pounds deposited according to the provisions hereinbefore contained, or a sufficient portion or proportionate part thereof, to any party who, by such certificate, appears to be entitled to recover costs and expenses, or any penalty as against the person by whom such deposit was made.

(2) The party entitled to any such costs, expenses or penalty under such certificate may recover the same, or so much thereof as shall not be paid out of any deposit from the party liable to pay the same. (3)

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(3) If the party liable to pay such costs, expenses, or penalty does not upon demand being made within seven days thereafter pay the same, the Speaker shall, by warrant under his hand directed to the Sheriff, command the Sheriff to levy for the amount named in such warrant upon the lands, goods, and chattels of the party liable to pay the same; and thereupon the Sheriff shall forthwith levy for the said amount, and when the same is recovered, pay over the same to the party entitled thereto.

(4) Any person from whom the amount of such costs, expenses, or penalty has been recovered, or who has paid the same on demand thereof, shall be entitled to recover in any Court from the other persons (if such there be) who are liable to the payment of the same a proportionate share thereof according to the number of persons so liable, and according to the extent of the liability of each person.

(5) In every case in which the committee finally determines and reports to the Assembly upon any such petition without making any award as to costs or expenses, or imposing any penalty, the Speaker shall, upon demand of the depositor, return to him, or his agent, the said sum of fifty pounds.

136. (1) The committee shall have power to direct the attendance of witnesses, and to examine them upon oath (which oath it shall be competent for any member of the said committee to administer), and also to send for and examine papers, records, and other documentary evidence, and it shall be competent to the committee if they think fit to receive affidavits relative to any of the matters referred to them taken before any justice of the peace (which affidavits such justice of the peace is hereby authorised to take).

Powers in respect of witnesses, affidavits, and documentary evidence, contempt, disobedience, &c.

56 Vic. No. 38, s. 140.

(2) If any person summoned by the committee disobeys such summons, or refuses or neglects to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation which have been sent for by the committee, or refuses to submit himself to examination, or gives false evidence, or prevaricates or otherwise misconducts himself in giving or refusing to give evidence, he shall be deemed guilty of a misdemeanour, and be liable accordingly.

(3) Any person wilfully or knowingly giving false evidence before the committee, or a quorum thereof, or in any such affidavit, shall be deemed guilty of wilful and corrupt perjury and be liable to be punished therefor: Provided that in any case where a witness if examined before the Supreme Court would be permitted to make a solemn declaration, or to give evidence in any other way than upon oath, a witness summoned under this Act shall be allowed to give evidence in like manner by declaration or otherwise.

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PART VIII.

Miscellaneous provisions, penalties, &c.

Regulations.

56 Vic. No. 38, s. 141.

60 Vic. No. 25, s. 15.

No. 61, 1900, s. 12.

137. (1) The Governor may make regulations for carrying the provisions of this Act into full effect; and all such regulations, in so far as they are not inconsistent with the provisions of this Act, shall, on being published in the Gazette, have the full force of law, and shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament be then sitting, and if not, then within fourteen days after the commencement of the next ensuing session.

(2) The Governor may in such regulations provide for any proceeding, matter, or thing for which express provision has not been herein made, in order to give due effect to the intent and meaning of the provisions of this Act.

(3) Where any alteration of a form in the Schedules is found necessary, or where it is found that the time allowed to do any act is clearly insufficient, and an alteration or extension of such time and any alteration of dates consequent thereon is shown to be necessary, the Governor may, by regulation or notification in the Gazette, declare that such alteration shall be made, and thereupon the same shall be made and take effect accordingly.

Certain offences in connection with certificates.

56 Vic. No. 38, s. 142.

138. (1) If any person, without lawful excuse or authority (the proof whereof shall be upon the person charged), prints, supplies, issues, or has in his possession any certificate or document in the form of the Second Schedule hereto, or resembling, or apparently intended to resemble such form, such person shall be guilty of a misdemeanour, and may be fined in any sum not exceeding one hundred pounds, or imprisoned for any period not exceeding two years, or may be both fined and imprisoned within the said limits.

(2) If any person forges or utters knowing the same to be forged, any certificate or elector's right, he shall be deemed guilty of felony, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding five years.

(3) Provided that any person acting under the directions of the Colonial Secretary shall be deemed to be a person acting under lawful authority within the meaning of this section.

Offence of stuffing ballot-box.

Ibid. s. 143.

139. Every person who knowingly places, or is privy to the placing, in a ballot-box any ballot-paper which has not been lawfully issued to an elector, and been marked, filled up, or otherwise dealt with by him as by this Act required, and any elector who places in the ballot-box any paper other than the ballot-paper issued to him for that purpose, shall be guilty of a misdemeanour and be liable to be imprisoned for any term not exceeding one year.

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140. (1) Subject to the provisions in this Act relating to the transfer of electors' rights, no transfer, delivery, pledge, sale, gift, or exchange of an elector's right shall be good as against the person to whom the same was issued; and any stipendiary or police magistrate, on the complaint of any such person, that any other person detains, or has in his possession any such elector's right, and on proof thereof, and of demand made for such right, and of refusal to deliver it up to the person to whom it was issued, may order the said right to be delivered up to the last-mentioned person.

Electors' rights not to be transferred.
56 Vic. No. 38, s. 144.

(2) Every person detaining an elector's right after demand made by the person entitled thereto shall be liable to a penalty not exceeding twenty pounds.

141. If any person, being at the time a member of the police force, takes any part in any election (except by recording his vote) or seeks to influence in any manner any elector in giving his vote for any candidate, such person shall incur a penalty not less than ten pounds nor more than one hundred pounds.

Penalty on members of police force influencing voters, &c.
Ibid. s. 145.
60 Vic. No. 24, s. 1.

142. The Governor may, from time to time by warrant under his hand addressed to the Colonial Treasurer, authorise and direct that all such moneys as are from time to time required for paying any expenses lawfully incurred under and in the execution of the provisions of this Act, be paid out of the Consolidated Revenue, and the same shall be so paid accordingly.

Payment of expenses.
56 Vic. No. 38, s. 146.

143. If in the opinion of the Minister any registrar, or deputy registrar, or other officer, has been guilty of any negligent act of commission or omission, contrary to the provisions of this Act, the Minister may, by writing under his hand, after calling upon any such officer to furnish any explanation he may think fit personally or in writing and, after considering such explanation, order that the whole or any portion of the salary payable to such officer under the authority of this Act during the year then current shall be forfeited.

Summary penalties for neglect.
Ibid. s. 147.

144. If any registrar, or other officer or person, is guilty of any wilful misfeasance, or wilful or grossly negligent act of commission or omission in contravention of the provisions of this Act, he shall be liable to a penalty of not more than fifty pounds, nor less than five pounds, or at the discretion of the Court, to be imprisoned for any period not exceeding three months.

Penalty for disobedience.
Ibid. s. 148.

145. (1) The Colonial Secretary may make rules and regulations as to the days, hours, and places on and at which any registrar or deputy registrar shall attend at his office or offices for the purposes of this Act, and as to what shall be deemed a reasonable price or payment for any rolls, or other matters regarding which it is hereinbefore provided that a reasonable price be paid for the same.

Attendance of registrar regulated.
Ibid. s. 149.

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Errors may be corrected.

(2) Where any accidental or unavoidable impediment, misfeasance, or omission has happened in the preparation or transmission or printing of any roll, of what kind soever, the Governor may take all such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission.

Mode of recovering penalties.
56 Vic. No. 38, ss. 4, 150.

146. Every penalty, fine, forfeiture, or sum of money recoverable or payable pursuant to the provisions of this Act may be recovered before, and every offence against or violation or breach of the provisions of this Act, or of any regulation made thereunder (not being a felony or misdemeanour) shall be heard and determined by and before a stipendiary or police magistrate having jurisdiction within the district or at the place where the proceedings are taken, in a summary manner according to the provisions of the Act or Acts for the time being regulating proceedings before justices.

Costs and compensation may be awarded to defendant.
Ibid. s. 151.

147. If at the hearing of any information under the thirty-ninth or the ninety-third section hereof it appears to the Court that such information is unfounded, frivolous, or vexatious, the Court may, whether the information be dismissed or not, order that the prosecutor shall pay to the defendant such costs, together with, where such information is unfounded, frivolous, or vexatious, such further sum by way of compensation not exceeding ten pounds as seems reasonable; and the same shall be recovered in like manner as any sum of money adjudged to be paid for any offence, act, or omission, by any conviction or order made by any justice.

Limitation of time, &c., for recovery of penalties, &c.
Ibid. s. 152.

148. No person shall be liable to any penalty, forfeiture, or punishment imposed under this Act, unless the prosecution for the offence committed is commenced against such person within the space of six months next after such offence has been committed. And proceedings for or in respect of any offence under this Act may be taken by any member of the police force, or by any person whomsoever, save where by this Act in any particular case some other person is charged with the duty of taking such proceedings.

Appropriations of fees and penalties.
Ibid. s. 153.

149. All moneys received by any officer under the provisions of this Act shall be paid to the Colonial Treasurer, and shall be deemed to be received on account of the Consolidated Revenue Fund.

Provision as to Sunday, Good Friday, and Christmas Day.
Ibid. s. 154.

150. Whenever any day or date provided or appointed by or under this Act for any purpose falls on a Sunday, or Good Friday, or Christmas Day, then such provision and appointment shall take effect as for the day following; and all further changes of time rendered necessary by any such alteration may lawfully be made.

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SCHEDULES.

FIRST SCHEDULE.

Number of Act.	Name of Act.	Extent of repeal.
56 Vic. No. 38...	Parliamentary Electorates and Elections Act of 1893.	The unrepealed portion.
57 Vic. No. 3 ...	Parliamentary Electorates and Elections Act of 1893 Amendment Act.	The whole Act.
57 Vic. No. 24...	Parliamentary Electorates and Elections Act of 1893 Further Amendment Act of 1894.	The whole Act.
60 Vic. No. 24...	Franchise Extension Act, 1896	The whole Act.
60 Vic. No. 25...	Parliamentary Electorates and Elections Act Amendment Act, 1896.	The whole Act.
No. 2, 1898 ...	Parliamentary Elections (Polling) Act, 1898 ...	The whole Act.
No. 39, 1900 ...	Parliamentary Electoral Law Suspension Act, 1900...	The whole Act.
No. 61, 1900 ...	Parliamentary Elections (Amendment) Act, 1900...	The whole Act.
No. 84, 1900 ...	Parliamentary Electorates Redistribution Act ...	The whole Act.

SECOND SCHEDULE.

[To be printed in blue ink.]

Section 25.
No. 61, 1900.
Schedule 3.

<p>(BUT.)</p> <p>No. _____</p> <p><i>Electoral district of</i> _____</p> <p><i>Name of holder</i> _____</p> <p><i>Residence</i> _____</p> <p>(1) <i>What are your Christian names, surname, residence (including the street, and the number or name (if any) of the house in which he resides), and occupation?</i></p> <p>(2) <i>Are you of the full age of twenty-one years?</i></p> <p>(3) <i>Are you a natural-born or a naturalised subject, and which?</i></p> <p>(4) <i>(If a natural-born subject) Have you resided or had your principal place of abode in New South Wales for a continuous period of one year immediately prior to the date of your application for an elector's right?</i></p> <p><i>(If a naturalised subject) Have you resided or had your principal place of abode in New South Wales for a continuous period of one year since your naturalisation, and immediately prior to the date of your application for an elector's right?</i></p> <p>(5) <i>Have you resided or had your principal place of abode in this electoral district for a continuous period of ["one month" in case of a transferred right and "three months" in case of an original or substituted right] immediately prior to this date?</i></p> <p>(6) <i>Have you before received an elector's right in any district in New South Wales? [and if the answer be "Yes," in what district?</i></p> <p>(A.B.), Registrar.</p> <p>(C.D.), abovenamed.</p> <p>(Date) _____</p>	<p>No. _____</p> <p><i>Elector's right.</i></p> <p><i>Electoral district of</i> _____</p> <p><i>Division.</i> _____</p> <p>The holder hereof [name in full] _____</p> <p>of [add occupation] _____</p> <p>whose name is signed hereunder, is, if enrolled, entitled to vote at elections of Members of the Assembly in the above district, being qualified in respect of manhood and of residence in such district.</p> <p>(A.B.), Registrar.</p> <p>(C.D.), abovenamed.</p> <p>The day of _____, 19 .</p>
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THIRD

Act No. 33, 1902.

Parliamentary Electorates and Elections.

Section 34.
56 Vic. No. 38.
Schedule B.

THIRD SCHEDULE.

A.D. 19

Electoral District of

Division.

GENERAL list of persons claiming to be entitled to vote for Members of the Legislative Assembly of New South Wales.

Number on electoral roll.	Surname in full.	Christian name in full.	Residence.	Occupation.

(Signed) A.B., Registrar.

Section 38.
Ibid.
Schedule C.

FOURTH SCHEDULE.

Notice of objection.

Electoral district of

Division.

I HEREBY object to the name of (C.D.), described as upon the general list for the above division and district, now awaiting revision, being retained on such list, upon the following grounds (*here state grounds*).

Dated this day of 19 (Signed)

of (*state residence*).

Section 33.
Ibid.
Schedule D.

FIFTH SCHEDULE.

A D. 19

Electoral district of

Division.

List of names of persons objected to upon general list.

No. on electoral roll.	Surname of person objected to in full.	Christian name in full.	Residence.	Occupation.	Name of objector.	Residence of objector.	Ground of objection (briefly stated).

A.B., Registrar.

Section 43.
Ibid.
Schedule E.

SIXTH SCHEDULE.

Notice of objection.

Electoral district of

Division.

By order of the Revision Court.

I HEREBY object to the name of (C.D.), described as upon the general list for the above division and district, now awaiting revision, being retained thereon, and the grounds of such objection are as follow (*here state grounds*); and I hereby give notice to the said (C.D.) to attend at the Revision Court at on the day of , at o'clock, and prove so much of his qualification as is herein objected to, or his name will be expunged from the said list.

(E.T.), Clerk of Revision Court.

SEVENTH

Parliamentary Electorates and Elections.

SEVENTH SCHEDULE.

Section 44.
56 Vic. No. 33.
Schedule F.

Electoral District of

Division.

GENERAL roll of persons entitled to vote for Members of the Legislative Assembly of New South Wales.

Number on roll.	Surname in full.	Christian name in full.	Residence.	Occupation.

(Signed) A.B., Registrar.

EIGHTH SCHEDULE.

Section 65.
Ibid.
Schedule H.

Form of ballot-paper.

Electoral district of

CANDIDATES' NAMES (*to be arranged in alphabetical order of surnames*) thus: —

Adams, George	} (Where necessary under section sixty-five add residence and occupation in the same line.)
Beard, Thomas	
Clarke, William	
Johnson, Henry	

Directions.

- (1) The voter must strike out the name of the candidate or candidates for whom he does not wish to vote by drawing a line through such name or names.
- (2) The voter must leave one name and one only uncanceled, or the ballot-paper will be invalid.
- (3) The voter after marking the ballot-paper according to the aforesaid directions must place it in the ballot-box.
- (4) The voter must not take his ballot-paper out of the polling-booth.

NINTH SCHEDULE.

Section 33.
No. 61, 1901.
Schedule I.

I, _____, do solemnly and sincerely declare that I have to the best of my knowledge and ability, and in accordance with the provisions of the Parliamentary Electorates and Elections Act of 1902, collected the list for the _____ division of the electoral district, and that I have not omitted from such list the name of any person resident within such division whom I knew or believed to be qualified and entitled to vote under the said Act, nor have I inserted in any list the name of any person whom I knew or believed to be disqualified to vote by the said Act.

Signed and declared before me, _____ (Signed)
this _____ day of _____, 19____, —

(Signed)
Justice of the Peace.

Act No. 34, 1902.

General Legal Procedure.

Section 34.
No. 61, 1901
Section 4.

TENTH SCHEDULE.

[To be printed in blue ink.]

	(Butt.)	No.	<i>Elector's Right.</i>	No.
<i>Electoral District of</i>			<i>Electoral District of</i>	
		Division.		Division.
Name of holder			The holder of [<i>name in full</i>]	
Residence			of [<i>add occupation</i>]	
Received from		my elector's	whose name is signed hereunder, is, if	
right numbered as above.			enrolled, entitled to vote at elections of	
		(<i>Signature.</i>)	Members of the Assembly in the above	
		(<i>Place.</i>)	District, being qualified in respect of	
(<i>Date.</i>)			Manhood and of Residence in such District.	
		(<i>Witness.</i>)	(A.B.), Registrar.	
			(C.D.), abovenamed.	
			The day of , 19 .	

ELEVENTH SCHEDULE.

To the Registrar of the Electoral District of

I (*name in full*), of (*residence*), hereby give notice that I object to the name of A.B. being retained on the Provisional List for the District of , on the following grounds:—

(*Signature.*)
(*Date.*)