

Act No. 9, 1911.

Parliamentary Elections (Amendment).

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PARLIAMENTARY
ELECTIONS
(AMENDMENT).

An Act to amend the Parliamentary Electorates and Elections Act, 1902; the Parliamentary Elections Act, 1906; and the Parliamentary Elections (Second Ballot) Act, 1910; and for other purposes. [3rd October, 1911.]

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:—

Preliminary.

Short title.

1. This Act may be cited as the "Parliamentary Elections (Amendment) Act, 1911."

Incorporation with other Acts.

2. This Act shall be construed with the Parliamentary Electorates and Elections Act, 1902, the Parliamentary Elections Act, 1906, and the Parliamentary Elections (Second Ballot) Act, 1910.

Such Acts are hereinafter referred to respectively as the Principal Act, the Act of 1906, and the Act of 1910.

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Qualifications of voters.

Amendment of s. 21 of Principal Act.

3. (1) Section twenty-one of the Principal Act is amended as follows:—

(a)

in subsection one after the expression "natural born subject," and after the expression "naturalised subject," insert the words "who has resided or had his principal place of abode within the Commonwealth of Australia for a continuous period of six months, and"

(b) In the same subsection omit "one year" wherever occurring, insert "three months"; omit "three months" insert "one month." In the same subsection after "New South Wales" where secondly occurring insert "both such periods being"

(c) Repeal subsection three.

Amendment of s. 19 of the Act of 1910.

(2) Paragraph (a) of section nineteen of the Act of 1910 is repealed.

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4. Schedule Five to the Act of 1906 is amended—

- (a) by omitting paragraph three and inserting the following:—

Amendment of
Schedule Five of the
Act of 1906.

3. I have resided or had my principal place of abode immediately prior to the date of this claim—

for six months in the Commonwealth of Australia; and

for three months in New South Wales; and

for one month in the electoral district of

In the case of a naturalised subject add “any such residence was after my naturalisation”;

- (b) and by adding after the words “usual signature”—

“Note.—The claimant making any wilfully false statement in the above declaration shall be liable to six months’ imprisonment”;

- (c) by omitting the words “polling-place in”;

- (d) by omitting the words “and that I am satisfied that the statements therein contained are true”;

- (e) by inserting after “claimant” the words “occupation and address”;

- (f) by omitting the note inserted after the signature of the witness.

Lists and rolls.

5. (1) Subsection one of section nine of the Act of 1906 is amended by omitting “as soon as practicable after the commencement of this Act,” and inserting the words “every year.”

Amendment of s. 9
of the Act of 1906.

(2) Section twenty-four of the same Act is repealed, and the following is substituted for it:—

Repeal of s. 24.

24. New rolls for all districts shall each year be prepared in pursuance of this Part, and when so prepared shall be printed by the Government Printer.

New rolls.

6. The following new sections are inserted next after section ten of the Act of 1906:—

10A. For the purpose of preparing any list for a district a member of the police force may leave with the occupier of any dwelling-house a schedule in the prescribed form.

Occupier to fill in
schedule of persons
in dwelling-house.

Any such occupier with whom any such schedule is left shall, to the best of his knowledge and belief, fill in the said schedule with the names and the prescribed particulars of all persons of or above the age of twenty-one years who are living in such dwelling-house, and shall sign his name thereto and deliver such schedule so filled in to the member of the police force who is preparing the list.

If any such occupier fails, without reasonable cause, to so fill in such schedule, as above directed, or to sign such schedule and

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and deliver the same to the member of the police force when demanded, or if he wilfully makes any false entry in such schedule, he shall be liable to a penalty not exceeding twenty pounds.

Where a dwelling-house is let, sublet, or held in different apartments, and occupied by different persons or families, each part so let, sublet, or held, and used for the purpose of human habitation shall be deemed a dwelling-house.

For the purpose of preparing such list, any member of the police force may require the owner or manager or person apparently in charge of any station, farm, or other property, to give him information to the best of his knowledge and belief as to the names of all persons of or above the age of twenty-one years who are employed by the owner of the station, farm, or property, together with the names of any contractor upon the said station, farm, or property who has men in his employment.

If such owner, manager, or person on being so required as aforesaid, refuses or fails without reasonable cause to give such information, or wilfully gives any information which is false or incomplete in any material particular, he shall be liable to a penalty not exceeding twenty pounds.

In this section "dwelling-house" includes any building, tent, or tenement of which the whole or any part is used for the purpose of human habitation, and also any ship or other vessel in any port or harbour used as a dwelling.

10B. Any member of the police force taking down names for the purpose of preparing a list or a part of a list for a district, and any registrar taking down names for the purpose of preparing any such list shall be supplied with a book containing the prescribed form of acknowledgment with a butt attached thereto, and shall, on taking down the name of any person, deliver to such person such acknowledgment duly filled in, and shall enter a note thereof on the corresponding butt:

Provided that, where a schedule has been filled in as provided in the last preceding section, the acknowledgments relating to the persons mentioned in such schedule shall be forwarded by the police to the said persons.

7. If any person, making any claim or application to transfer under the Act of 1906, makes therein any statement which is wilfully untrue in any material particular he shall be liable to six months' imprisonment.

Section thirty-four of the Act of 1906 is repealed.

8. The registrar or deputy registrar receiving a claim or application to transfer shall, as soon as practicable, notify by post to the claimant or applicant if his name has been added to the roll, or if his claim or application has been refused.

9.

Forms of acknowledgment to be given to persons placed on lists.

Penalty for false statement in claim or application to transfer.

Registrar to notify result of claim, &c.

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9. Schedule Six to the Act of 1906 is amended—

Amendment of
Schedule Six of the
Act of 1906.

- (a) by adding after “ (Signature) ” the words—
“ Note.—The applicant making any wilfully false statement in the above declaration shall be liable to six months’ imprisonment; ”
- (b) by omitting the words “ polling place in ” ;
- (c) by omitting the words “ and that I am satisfied that the statements therein contained are true ” ;
- (d) by adding “ occupation and address ” of witness after the signature of the witness ;
- (e) by omitting the note inserted after the signature of the witness.

Polling.

10. The day appointed for polling-day shall be a public holiday, as from twelve o’clock, noon, of such day. Polling-day a public holiday.

11. Section seventy-six of the Principal Act is amended by substituting “ seven ” for “ six. ” Amendment of s. 76 of Principal Act.

12. Every employer shall at the request of any elector employed by him allow such elector to go, at a reasonable time, to a polling-booth and record his vote at any election. Permission to be granted to employees to go to polling-booth.

If any person contravenes the above provision he shall be liable to a penalty not exceeding fifty pounds :

Provided that the above provision shall not apply where the elector has a half-holiday on the day of the election.

Penalties.

13. Section ninety of the Principal Act is amended by omitting the words “ a fine not exceeding one hundred pounds, or ” Amendment of s. 90 of the Principal Act.

14. Section one hundred and forty-four of the Principal Act is amended by inserting after “ officer or person ” the words “ or any member of the police force ” Amendment of s. 144 of Principal Act.

Absent voters.

15. (1) An elector who on polling-day is absent from the electoral district for which he is enrolled may, subject to the following provisions, vote at any polling-place in any other electorate :— Voting outside district.

- (a) The elector must state his name, and place of residence in the electoral district for which he is qualified to vote, together with his occupation therein.
- (b) The returning officer or deputy may, if he thinks fit, and at the request of any scrutineer shall put to the elector any of the questions prescribed by section fifty-one of the Act of 1906 which are applicable to the case.
- (c)

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- (c) If the elector answers the questions satisfactorily, or if no questions are put to him, he may be allowed to vote as an absent voter upon making a declaration in the form of Schedule One hereto.
- (d) The form of declaration may be printed or written on an envelope addressed to the returning officer for the district for which the elector is enrolled, and must, after being filled in, be signed by the elector in his own handwriting in the presence of the returning officer or deputy, and completed and attested by him.
- (e) After the declaration has been made, the returning officer or deputy shall hand to the elector a ballot-paper. The form of the ballot-paper may be prescribed. Each ballot-paper shall be signed on the back by the returning officer or deputy.
- (f) The names of the candidates shall be placed on absent voters' ballot-papers in the same manner as on ordinary ballot-papers, except that the names may be either printed or written.
- (g) The elector, after receiving the ballot-paper, shall without delay retire alone into an unoccupied compartment of the polling booth, and there in private mark his vote on the ballot-paper, and shall then fold and fasten the ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened to the returning officer or deputy before whom he made the declaration, and shall again state his name if so required by the returning officer or deputy.
- (h) The returning officer or deputy shall then, in the presence of the elector, forthwith enclose the ballot-paper in the envelope bearing the declaration of the elector and securely fasten the envelope.

(2) If the returning officer or deputy is unable to supply the elector with a printed or written ballot-paper, he shall, after the declaration has been made by the elector in pursuance of paragraph (d) of the last preceding subsection, supply the elector with a blank paper in the form of Schedule Two signed by him on the back.

The elector, on receiving such paper shall thereupon without delay retire alone into an unoccupied compartment of the polling-booth, and there in private write on the said paper the name of the candidate for whom he votes, and fold and fasten such paper as above prescribed in respect of a ballot-paper.

The said paper shall thereafter be dealt with as a ballot-paper, and the paper, if otherwise in order, shall be treated as a vote in favour of the candidate whose name is written thereon.

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(3) If any person makes any such declaration knowing that the same is untrue in any material particular he shall be liable to imprisonment for a term not exceeding three months.

16. Every absent voter's ballot-paper containing a vote shall be promptly forwarded to the returning officer for the district for which the voter declares that he is enrolled. Forwarding of absent voters' ballot-papers.

Immediately after the close of the poll, the returning officer or deputy shall, by telegraph or other expeditious means, send to each returning officer to whom he has forwarded envelopes containing absent voters' ballot-papers, advice of the number of envelopes so forwarded.

17. The returning officer for the district for which the voter declares that he is enrolled, shall in the presence of the scrutineers examine the declaration on the envelope containing the absent voter's ballot-paper, and if it appears to him that a person of the same name and description as the person whose name is signed to the declaration is enrolled for the district, and that the declaration is duly attested, he shall accept the ballot-paper for further scrutiny, but otherwise he shall reject the ballot-paper without opening the envelope. If he accepts the ballot-paper for further scrutiny, he shall open the envelope without destroying the declaration and extract the ballot-paper, and without unfolding it, place the ballot-paper in the ballot-box. Returning officer satisfied to accept ballot-paper for further scrutiny.

18. (1) When the absent voters' ballot-papers have been dealt with as above directed, the returning officer shall open and proceed with the scrutiny of the absent voters' ballot-papers which have been accepted for further scrutiny. Further scrutiny.

(2) At the scrutiny the returning officer shall open the absent voters' ballot-papers, and shall allow and count those which are formal, and shall disallow and reject those which are informal.

(3) An absent voter's ballot-paper shall be deemed informal in the following cases :—

- (a) If it is not duly signed by the presiding officer; or
- (b) If it has no cross in the square opposite the name of a candidate, or has crosses in squares opposite the names of more than one candidate; or
- (c) If it has upon it any mark or writing not authorised by the Parliamentary Electoral Acts which, in the opinion of the returning officer, will enable any person to identify the voter.

19. The decision of the returning officer, as to the allowance or disallowance of any absent voter's ballot-paper under this Act, shall be final, subject only to review by the Elections and Qualifications Committee. Decision of returning officer re validity of ballot-paper.

20.

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Repeal of proviso
s. 58 of the Act
of 1906.

20. The proviso of section fifty-eight of the Act of 1906 is repealed, and the following is substituted for it :—

“ Provided that the returning officer may, for the purpose of ascertaining whether plural voting or personation has been practised, retain in his possession for a reasonable time, and after notice to the candidates and intimation that a scrutineer of each candidate shall be entitled to be present, break the seal of parcels containing copies of rolls, books, and other papers sealed up and transmitted to him in pursuance of that Act, and shall, after such investigation, reseal the same, and forward them as hereinbefore in this section prescribed, and shall report to the Minister the result of such investigation.”

Certain duties of
returning officer.

21. A returning officer shall seal up in separate parcels—

- (a) all envelopes from which absent voters' ballot-papers have been taken ;
- (b) all unopened envelopes containing absent voters' ballot-papers ;
- (c) all absent voters' ballot-papers allowed as formal ; and
- (d) all absent voters' ballot-papers rejected as informal ;

and shall deal with the parcels and their contents as in the case of other ballot-papers used at the election.

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SCHEDULES.

SCHEDULE ONE.

ABSENT VOTER'S FORM OF DECLARATION.

I declare that I am the person enrolled as—

Surname.	Christian Names at full length.	Place of Living.	Occupation.

on the electoral roll for the Electoral District of _____, and that I have not voted at either this or any other polling-place at the Parliamentary election being held this day, and I declare that if I am permitted to vote at this polling-place I will not vote elsewhere at this election.

(Signature of Elector)

Declared before me this _____ day of _____, 19 _____, at _____ polling-place.

Returning (or Deputy Returning) Officer—

SCHEDULE TWO.

ABSENT VOTER'S BALLOT-PAPER.

NEW SOUTH WALES.

Electoral district of [*here insert name of district*]

Election of member of the Legislative Assembly.

[*Insert name of candidate for whom the elector votes.*]