

PARLIAMENTARY
ELECTORATES AND ELECTIONS
(AMENDMENT) ACT.

Act No. 19, 1921.

An Act to amend the Parliamentary Electorates and Elections Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 28th December, 1921.]

George V,
No. 19.

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:—

1. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1921," and shall be construed with the Parliamentary Electorates and Elections Act, 1912, and any Acts amending the same. The Parliamentary Electorates and Elections Act, 1912, as so amended, is hereinafter called the Principal Act.

Short title.

2. The Principal Act is amended in the following respects:—

Amendment
of s. 1 of
Principal

(1) By omitting section one and substituting therefor the following new section:—

1. This Act may be cited as the "Parliamentary Electorates and Elections Act, 1912," and is divided into the following Parts:—

Short title,
arrangement,
&c.

PART I.—SHORT TITLE AND INTERPRETATION—ss. 1-3.

PART

**Parliamentary Electorates and Elections
(Amendment) Act.**

**George V,
No. 19.**

PART II.—NUMBER OF MEMBERS AND
ELECTORAL DISTRICTS—*ss. 3A-19.*

PART III.—QUALIFICATION OF ELECTORS
—*ss. 20-21A.*

PART IV.—OFFICERS AND ROLLS AND
OBLIGATION TO ENROL—*ss. 22-67.*

PART V.—ELECTIONS—*ss. 68-154.*

PART VI. — ELECTION PETITIONS — *ss.*
155-174.

PART VII.—MISCELLANEOUS—*ss. 176-186.*

PART VIII.—AMENDMENTS OF CONSTITU-
TION ACT, 1902—*ss. 187-188;*

Sec. 3A.

(2) by omitting subsection two of section 3A, and substituting therefor the following new subsection:—

(2) The method of voting and of counting the votes at any general election shall be as stated in the regulations in the Thirteenth Schedule to this Act.

Sec. 13.

(3) by omitting the proviso to section thirteen;

Secs. 36-45.

(4) by omitting sections thirty-six to forty-five, both inclusive;

Sec. 46.

(5) by omitting section forty-six and substituting therefor the following new section:—

Rolls to be prepared, printed, and published.

46. (1) There shall be rolls for each polling-place area in a district. The polling-place area rolls for a district shall together form the roll for a district.

(2) When the revision of the list for a district is completed the revised list shall be the roll for the district. The rolls for all districts shall be printed on or before the first day of October in the year in which the lists have been prepared under section twenty-three. A roll for any particular district shall be printed whenever the Minister so directs.

(3)

•

**Parliamentary Electorates and Elections
(Amendment) Act.**

105

**George V.,
No. 19.**

(3) Supplemental rolls setting out additions and alterations since the last print shall also be prepared and, whenever practicable, printed immediately previous to any election, and at such other times as the Minister directs.

(4) A supplemental roll shall be deemed to be part of the roll for the district to which it relates.

(5) The date to which any roll or supplemental roll is made up shall appear in such roll or supplemental roll.

(6) The rolls shall be in the form of Schedule Three, and shall describe the surname, christian name, place of residence, occupation and sex of each elector, and shall contain such other particulars as may be prescribed.

(7) The surname of electors on every roll shall be arranged in alphabetical order.

(8) The last printed copies of the rolls and of the supplemental rolls for each district shall be open for public inspection at the office of the registrar and at the offices of each deputy-registrar for the district, and at such other places as the Chief Electoral Officer directs, without fee, and shall be obtainable at the office of such registrar and deputy-registrars and of the Government Printer, and at such other places as the Chief Electoral Officer may direct, at the prices prescribed.

Every roll kept by a registrar or deputy-registrar shall be open for public inspection at their respective offices at such times as may be prescribed, without fee.

(9) No roll shall be invalidated by reason only that it is not prepared, issued, kept, or published in the place or manner required by this Act, nor by reason of any error in the copying or printing of the same;

(6)

South
Australian
Act, 1908,
s. 64.

**Parliamentary Electorates and Elections
(Amendment) Act.**

**George V,
No. 19.**
Sec. 47.

(6) by omitting paragraph (c) of section forty-seven;

Sec. 50.

(7) by omitting section fifty;

Sec. 52 (1).

(8) by omitting, in subsection one of section fifty-two, the words "under this Act" and substituting therefor the words "or to be changed to another polling-place area";

New short heading and sections after, s. 52.

(9) by inserting after section fifty-two the following new short heading and sections:—

Enrolment to be compulsory.

Enrolment compulsory.

52A. (1) Every person who is not enrolled for the district for which he is entitled to be enrolled shall fill in a claim for enrolment or application to transfer, as the case requires, and forward the same to the registrar or deputy-registrar of the district in which he resides.

(2) Any person who fails to comply with the requirements of this section within twenty-eight days after he has become entitled to apply for enrolment or transfer, shall be liable to a penalty not exceeding two pounds.

Lists of persons not enrolled to be compiled.

52B. (1) The Inspector-General of Police, when directed to do so by the Minister, shall prepare lists of the names of persons who are not enrolled for the district for which they are entitled to be enrolled.

(2) The officer compiling any such list shall make a declaration in the form prescribed.

(3) The lists shall be forwarded by the Inspector-General of Police to the registrar of the district for which the person named on the list is entitled to be enrolled.

(4) It shall be the duty of the registrar in each district to whom any such list is forwarded to take the necessary steps to secure observance of the provisions of this Act with regard to compulsory enrolment;

(10)

Parliamentary Electorates and Elections
(Amendment) Act.

107

George V,
No. 19.

- (10) by omitting, in paragraph (b) of section fifty-five, the words "or altered" and substituting therefor the words "altered or abolished"; Sec. 55.
- (11) by adding at the end of section fifty-six the words following:—"for the purpose of this section a writ shall be deemed to issue at six o'clock in the afternoon of the day upon which the writ was issued"; Sec. 56.
- (12) by omitting in subsection one and subsection two of section fifty-nine the word "Minister" and substituting therefor the words "Principal Electoral Registrar"; Sec. 59.
- (13) by omitting section sixty and substituting therefor the following new section:— Sec. 60.
60. (1) The Inspector-General of Police, when directed to do so by the Minister, shall cause a scrutiny to be made of the roll for each district. Scrutiny by Police.
(2) The officer making the scrutiny shall mark on the roll the names of all persons who have died or ceased to reside in the district, and such other particulars as may be prescribed, and shall make a declaration in the form prescribed.
(3) The roll so marked shall be forwarded by the Inspector-General of Police to the registrar of the district, who shall cause action to be taken for any alteration of the rolls thereby rendered necessary;
- (14) by omitting section sixty-four and substituting therefor the following new section:— Sec. 64.
64. (1) The registrar shall forthwith give notice of the objection to the person objected to. The notice shall be in the prescribed form, and may be served by posting it to the last-known place of abode of the person objected to, or, if that is not known, then to the place of abode appearing on the roll. The regulations may provide for the publication and advertisement of lists of persons objected to and of objectors. Notice of objection.

(2)

**Parliamentary Electorates and Elections
(Amendment) Act.**

**George V,
No. 19.**

Common-
wealth Act,
1918-1919,
s. 55 (4).

- (2) An objection on the ground that a person does not reside in a district for which he is enrolled shall not be entertained, unless it alleges that the person objected to does not reside in any part of the district and has not so resided for at least one month last past ;
- Sec. 66 (1). (15) by inserting, in subsection one of section sixty-six, after the words "posting of the notice" the words "or if lists of persons objected to are published or advertised pursuant to the regulations after the expiration of a period fixed by the regulations" ;
- Sec. 66A. (16) by inserting after section sixty-six the following new section :—
- Removal of name from roll. 66A. Where a person is entitled to have his name changed to another polling-place area in the district for which he is enrolled, his name shall not be removed from the roll unless such change has been completed ;
- Sec. 67A. (17) by omitting section 67A ;
- Sec. 73. (18) by omitting, in section seventy-three, the words "on the twenty-eighth day" and substituting therefor the words "on a day not later than the fortieth day" ;
- Sec. 74 (1). (19) by omitting in subsection one of section seventy-four the words "the polling-places" ;
- Sec. 77. (20) by adding at the end of section seventy-seven the words "the returning officer may in like manner appoint one or more persons to count or assist in counting the absent or postal votes" ;
- Sec. 78. (21) by omitting in section seventy-eight the word "position" where it lastly occurs therein, and substituting therefor the word "election" ;
- Sec. 79. (22) by omitting in subsection two of section seventy-nine the words "one hundred" and substituting therefor the word "six" ;
- Sec. 84. (23) (a) by inserting in section eighty-four, after paragraph (e), the following new paragraph :—
(f) abolish any polling-place area.
- (b)

**Parliamentary Electorates and Elections
(Amendment) Act.**

109

George V,
No. 19.

- (b) by omitting in the proviso to section eighty-four the words “or altered” and substituting therefor the words “altered or abolished”;
- (24) by omitting in section eighty-seven the words “a deputy” and substituting therefor the words “one or more deputies”;
- (25) by omitting in section ninety-five the words “seven o’clock” and substituting therefor the words “eight o’clock”;
- (26) by inserting, in subsection one of section ninety-seven, after the words “absent from such area” the words “and makes and signs before the presiding officer a declaration in the form of Schedule Nine”;
- (27) by inserting after section one hundred and one the following new section :—
- 101A. Where a claimant or applicant has been notified in the form prescribed under section fifty-one that his name has been added to the roll, such claimant or applicant, upon production of the notification and upon making a declaration in the form of Schedule Twelve, shall be entitled to vote at any election for the district mentioned in the notification notwithstanding that his name is not on the roll for such district. But no person shall be entitled at any election to vote more than once or for more than one district;
- (28) by inserting, in section one hundred and eight, after the words “or is unable to write” the words “or desires that the returning officer or deputy shall record his vote for him”;
- (29) by omitting, in paragraph (g) of section 114H, the words “paragraph (c)” and substituting therefor the words “paragraph (f)”;
- (30) by omitting, in paragraph (d) of section 114K, the words “paragraph (c)” and substituting therefor the words “paragraph (f)”;

(31)

George V.
No. 19.

- Sec. 114L. (31) by inserting, in section 114L, after the words "the returning officer" the words "or the officer assisting him";
- Sec. 117. (32) by inserting, in section one hundred and seventeen, after the words "he is enrolled" the words "or the officer assisting him";
- Sec. 118 (1). (33) by inserting, in subsection one of section one hundred and eighteen, after the words "the returning officer" the words "or the officer assisting him";
- Sec. 123. (34) by omitting, in section one hundred and twenty-three, the words "the close of the poll" and substituting therefor the words "ascertaining the total number of primary votes recorded for each candidate";
- Sec. 124. (35) by inserting, in section one hundred and twenty-four, after the words "the returning officer" the words "a list of the total number of primary votes recorded for each candidate and also";
- Sec. 125. (36) by inserting, in section one hundred and twenty-five, after the words "deputy returning officers" the words "the list of primary votes";
- Sec. 126. (37) by inserting after subsection three of section one hundred and twenty-six the following new subsection :—
- (4) The writ for the electoral district which includes Lord Howe Island may be returned, notwithstanding that the result of the poll has not been received from Lord Howe Island, if the result of the election for the district cannot be affected thereby. It shall be permissible for the returning officer to accept information as to the votes polled at Lord Howe Island which is transmitted to him by cable or wireless, and which he is satisfied is authentic, in lieu of the list referred to in section one hundred and twenty-four;
- Information by cable or wireless as to votes polled at Lord Howe Island.
- Sec. 151. (38) by omitting, in section one hundred and fifty-one, the words "next preceding section" and substituting therefor the words "last preceding section";

(39)

**Parliamentary Electorates and Elections
(Amendment) Act.**

111

(39) by inserting the following new Schedules :—

George V,
No. 19,
Schs. 9, 12,
and 13.

SCHEDULE NINE.

Form of declaration to be signed by a voter before voting at any polling-place for the district, but outside the polling-place area, for which he is enrolled.

Electoral District of.....

.....Polling-place.

I declare that I am the person whose name appears on the polling-place area roll for the Electoral District of [*here insert name of district*], as set out opposite my signature, and that I have not voted either here or at any other polling-place at this election; and I promise that if I am permitted to vote here, I will not vote at this election at any other polling-place.

Declared before me, the day of , 19 .

Presiding Officer.

NOTE.—If any person wilfully makes a false declaration he is liable to imprisonment for six months.

SCHEDULE TWELVE.

Declaration where person, notified under s. 51 that his name has been added to roll, applies to vote.

Electoral District of.....

.....Polling-place.

I declare that I am the person referred to in the notification now produced by me as set forth below, and that I am still qualified to vote for the same district, that I have not voted here or at any other polling-place at this election, and I promise that if I am permitted to vote here I will not vote at this election at any other polling-place.

(Signature of declarant.)

Declared before me, the day of , 192 .

Presiding Officer.

Surname.	Christian Name.	Place of Residence.	Occupation.	Polling-place area.
----------	-----------------	---------------------	-------------	---------------------

NOTE.—If any person wilfully makes a false declaration he is liable to imprisonment for six months.

SCHEDULE

**Parliamentary Electorates and Elections
(Amendment) Act.**

**George V,
No. 19.**

Sec. 3A.

SCHEDULE THIRTEEN.

REGULATIONS.

GENERAL ELECTIONS.

Preliminary.

Definitions.

1. In these Regulations, unless the contrary intention appears,—

“Returning Officer” means Returning Officer for the district.

“Quota” means the number of votes sufficient to elect a candidate.

“Surplus” means the number of votes which a candidate has obtained, at any stage of the scrutiny, over and above the quota.

“Continuing candidate” means a candidate not already declared elected or excluded from the poll.

Forms.

Form of ballot-papers.

2. A ballot-paper, other than an absent voters' or postal ballot-paper, shall be in the form of Schedule A to these Regulations.

In printing such ballot-papers—

(a) the names of all candidates duly nominated shall be printed in alphabetical order according to their surnames; such surnames shall be printed in more conspicuous type than that used for the christian names;

(b) if there are two or more candidates of the same surname, their names shall be printed according to the alphabetical order of their christian names, or if their christian names are the same, then according to the alphabetical order of their residences, arranged and stated on the ballot-paper;

(c) where similarity in the names of two or more candidates is likely to cause confusion, the Chief Electoral Officer or the Returning Officer for the district may arrange the names, with such description or addition as will distinguish them from one another.

Form of absent voters' papers.

3. An absent voter's ballot-paper shall be in the form of Schedule A or Schedule B.

Form of postal ballot-papers.

4. An application for a postal vote certificate and form of postal ballot-paper shall be in the form of Schedule C.

A postal vote certificate shall be in the form of Schedule D.

A postal ballot-paper shall be in the form of Schedule E.

Method

**Parliamentary Electorates and Elections
(Amendment) Act.**

113

**George V,
No. 19.**

Method of Voting.

5. (a) At a general election the votes on a ballot-paper in the form of Schedule A in an electoral district represented by five members shall be recorded by the elector by placing the figure 1 within or substantially within the square opposite the name of the candidate for whom he votes as his first preference, and by giving contingent votes for at least four of the remaining candidates by placing the figures 2, 3, 4, and 5 within or substantially within the squares opposite the names of such candidates respectively so as to indicate by such numerical sequence the order of his preference.

Recording votes
on ballot-paper.
Schedule A.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by placing the figures 6, 7, 8 and so on within the squares opposite the names of the respective candidates to indicate in numerical sequence the order of his preference.

(b) At a general election the votes on a ballot-paper in the form of Schedule A in an electoral district represented by three members, shall be recorded by the elector by placing the figure 1 within, or substantially within, the square opposite the name of the candidate for whom he votes as his first preference and by giving contingent votes for at least two of the remaining candidates by placing the figures 2 and 3 within, or substantially within, the squares opposite the names of such candidates respectively so as to indicate by such numerical sequence the order of his preference.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by placing the figures 4, 5, 6, and so on within the squares opposite the names of the respective candidates to indicate in numerical sequence the order of his preference.

6. (a) At a general election the votes on a ballot-paper in a form other than that prescribed in Schedule A shall be recorded by the elector by writing opposite to the square containing the figure 1 the name of the candidate for whom he votes as his first preference, and in an electoral district represented by five members, by giving contingent votes for at least four of the remaining candidates by writing their names respectively opposite the squares containing the figures 2, 3, 4 and 5.

Recording vote
on other ballot
papers.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 6, 7, 8, and so on, the names of the respective candidates to indicate in numerical sequence the order of his preference.

(b) At a general election the votes on a ballot-paper in a form other than that prescribed in Schedule A shall be recorded by the elector by writing opposite the square containing the figure 1 the name of the candidate for whom he votes

as

**Parliamentary Electorates and Elections
(Amendment) Act.**

**George V,
No. 19.**

as his first preference, and in an electoral district represented by three members, by giving contingent votes for at least two of the remaining candidates by writing their names respectively opposite the squares containing the figures 2 and 3, on such paper so as to indicate by such numerical sequence the order of his preference.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 4, 5, and 6, and so on, the names of the respective candidates to indicate in numerical sequence the order of his preference.

Informal papers.

7. Unless a voter marks his ballot-paper as prescribed by the two last preceding Regulations respectively his vote shall be informal. Provided that if in the opinion of the Returning Officer the voter's intentions is clearly indicated on the ballot-paper, such ballot-paper shall be treated as formal.

Counting of First Preferences.

Ballot-boxes to be opened.

8. Immediately upon the close of the poll the person presiding at a polling-place 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—

Count by Presiding Officer.

- (a) count the number of first preferences recorded for the respective candidates, and place them in separate parcels according to the names of the candidates for whom such first preferences are recorded, rejecting all informal ballot-papers;
- (b) count the number of and place in another parcel all the ballot-papers which have been rejected as informal; and
- (c) seal such parcels and transmit them to the Returning Officer for the district.

Count by Returning Officer.

9. The Returning Officer shall count the number of first preferences recorded for each candidate, rejecting all informal ballot-papers, and shall proceed with the scrutiny. But if he is satisfied, after inquiry, that any absent voters' ballot-papers have been lost, destroyed, or mislaid, and that those ballot-papers, if counted, could not alter the result of the poll, he may proceed with the scrutiny and declare the result of the poll without counting such ballot-papers.

To find the quota.

10. The aggregate number of first preferences shall be divided by one more than the number of candidates to be elected, and the quotient (disregarding any remainder), increased by one, shall be the quota, and (except as hereinafter provided in Regulations 17 and 18) no candidate shall be elected until he obtains a number of votes equal to or greater than the quota.

**Parliamentary Electorates and Elections
(Amendment) Act.**

115

**George V,
No. 19.**

11. (1) Any candidate who has, upon the first preferences being counted, a number of first preferences equal to or greater than the quota shall thereupon be declared elected.

Candidates who have the quota to be elected.

(2) If the number of first preferences obtained by any candidate is equal to the quota, the whole of the voting-papers on which a first preference is recorded for such elected candidate shall be set aside as finally dealt with.

If first preferences equal quota.

Surplus on First Count.

12. If the number of first preferences obtained by any candidate is in excess of the quota, then, subject to paragraphs (vii) and (viii) of this Regulation, the surplus shall be transferred to the continuing candidates next in the order of the voters' respective preferences, in the following manner:—

Surplus to be transferred.

(i) All the ballot-papers on which a first preference is recorded for the elected candidate shall be re-examined, and the number of second preferences, or (in the case provided for in Regulation 20) third or next consecutive preferences, recorded thereon for each continuing candidate shall be counted.

Ballot-papers re-examined and second preferences counted.

(ii) The surplus shall be divided by the total number of first preferences recorded for such elected candidate, and the first three figures of the resulting decimal fraction (afterwards called the transfer value) shall be found.

Transfer value.

(iii) The number of second or other preferences, ascertained in paragraph 1, to be recorded for each continuing candidate shall be multiplied by the transfer value.

Multiply second preferences by transfer value.

(iv) The resulting number, disregarding any fractional remainder, shall be the number of votes to be credited to each continuing candidate, and added to the number of votes obtained by him on the counting of the first preferences.

Add on result.

(v) From the papers on which a second or other preference is recorded for any continuing candidate, there shall be selected at random a number equal to the number of votes directed by the last preceding paragraph to be credited to him, and these shall be placed in a separate parcel and transferred to him.

Transfer as many papers to each candidate as he receives votes.

(vi) All papers of the elected candidate not transferred under the foregoing provisions shall be set aside as finally dealt with.

Set aside other papers.

(vii) A transfer of votes under this Regulation shall not be made unless the surplus of the elected candidate, together with any other surpluses not transferred, exceeds the difference between the number of votes of the two continuing candidates lowest on the poll.

Postponement of transfer.

(viii)

Parliamentary Electorates and Elections (Amendment) Act.

George V, No. 19.

Vacancies to be filled under Regulation 18, if possible.

- (viii) The foregoing provisions of this Regulation shall take effect subject to the provisions of Regulation 18, and if at any time there is one remaining vacancy which can be filled under that Regulation no further transfer under this Regulation shall be made.

Surplus on Transfer.

If transfer raises candidate up to or above quota, he to be elected.

13. (a) If by a transfer under these Regulations, whether of a surplus on the count of first preferences or of a surplus under this Regulation, the number of votes obtained by a candidate is raised to or above the quota, he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him.

If votes exactly equal to quota, voting papers to be set aside.

(b) If by a transfer the number of votes obtained by a candidate is raised to, but not above the quota, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.

Surplus to be transferred.

(c) If by a transfer the number of votes obtained by a candidate is raised above the quota, then, subject to paragraphs (iii) and (iv) of this Regulation, his surplus shall be transferred to the continuing candidates next in the order of the voters' respective preferences in the following manner:—

Voting papers of last transfer re-examined and third choices counted

(i) The ballot-papers transferred to the elected candidate in the last transfer shall be re-examined, and the number of next consecutive preferences recorded for each continuing candidate thereon counted.

If greater than surplus, surplus to be transferred as in Regulation 12.

(ii) The transfer value shall be found, the surplus transferred and the papers dealt with in similar manner as is directed in Regulation 12 for the transfer of a surplus arising at the first count.

Postponement of transfer.

(iii) A transfer of votes under this Regulation shall not be made unless the surplus of the elected candidate, together with any other surpluses not transferred, exceeds the difference in numbers between the votes of the two continuing candidates lowest on the poll.

Vacancies to be filled under Regulation 18, if possible.

(iv) The foregoing provisions of this Regulation shall take effect subject to the provisions of Regulation 18, and if at any time there is one remaining vacancy which can be filled under that Regulation no further transfer under this Regulation shall be made.

Largest surplus to be first transferred.

14. (a) Where, on the counting of the first preferences, or on any transfer, more than one candidate has a surplus, then, unless there is an untransferred surplus obtained at a previous

**Parliamentary Electorates and Elections
(Amendment) Act.**

117

George V,
No. 19.

previous count or transfer, the largest of such first-mentioned surpluses shall be transferred, then the next largest and so on.

But if there is an untransferred surplus or surpluses obtained at a previous count or transfer, such last-mentioned surplus or surpluses shall be first transferred before those caused by subsequent transfers are dealt with.

(b) Where two or more surpluses are equal at the first count the Returning Officer shall decide which surplus shall be first dealt with. In any other case the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with; and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate's surplus shall be first dealt with.

If surpluses equal, last difference to decide.

Exclusion of Lowest Candidates.

15. If, after the first preferences have been counted, and transfers of surpluses have been made as aforesaid, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, then, subject to Regulation 18, the candidate lowest on the poll shall be excluded, and all the votes obtained by him shall be transferred in one transfer to the continuing candidates who, on the papers on which such votes are recorded, are next in the order of the voters' respective preferences.

When all surpluses dealt with, candidate lowest on poll to be excluded and his votes transferred.

16. (a) Where the number of votes obtained by a candidate is raised to or above the quota by any such transfer as aforesaid, he shall thereupon be declared elected; and in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him.

If transfer raises candidate up to quota, he to be declared elected.

(b) Where the number of votes obtained by a candidate is raised to, but not above, the quota by any such transfer as aforesaid, the whole of the ballot-papers on which such votes are recorded shall be set aside as finally dealt with.

If votes equal quota, ballot-papers to be set aside.

(c) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed by Regulation 13.

Surplus to be transferred.

17. The same process of excluding the candidate lowest on the poll and transferring to other candidates his votes shall, except in the case provided for in the next following Regulation, be repeated until all the candidates, except the number required to be elected, have been excluded, and the continuing candidates, who have not already been so declared, shall then be declared elected.

Process of exclusion to continue.

**Parliamentary Electorates and Elections
(Amendment) Act.**

**George V,
No. 19.**

18. If only one vacancy remains unfilled, and the number of votes of some one continuing candidate exceeds the total number of the votes of the other continuing candidates, together with the number of any surplus votes not transferred, the first-mentioned candidate shall be declared elected.

If lowest candidates equal, last difference to decide.

19. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then, whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers, or in case of the exclusion of a candidate on the first count, the Returning Officer shall decide which candidate shall be first excluded.

General Provisions.

If a candidate elected or excluded, his name not considered.

20. In determining which candidate is next in order of the voters' preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voters' preference shall be determined as if the names of such candidates had not been on the ballot-paper.

Exhausted votes.

21. Where on any transfer it is found that on any ballot-paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared elected or excluded, such ballot-paper shall be set aside as exhausted.

SCHEDULES.

Parliamentary Electorates and Elections
(Amendment) Act.

119

George V,
No. 19.

SCHEDULES.

SCHEDULE A.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.

Ballot-paper.

NEW SOUTH WALES.

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

Election of Members of the Legislative Assembly.

CANDIDATES.

- | | |
|--------------------------|-----------------|
| <input type="checkbox"/> | BROOKMAN, John |
| <input type="checkbox"/> | CRANE, Joseph |
| <input type="checkbox"/> | FRENCH, Charles |
| <input type="checkbox"/> | KING, William |
| <input type="checkbox"/> | WILSON, Henry |
| <input type="checkbox"/> | WRIGHT, James |

N.B.—In the case of an Electoral District represented by five members indicate your vote by marking within the square opposite the names of five of the candidates the numbers 1, 2, 3, 4 and 5 to indicate the order of your preference. You may, if so desired, give contingent votes for all or any of the remaining candidates by placing the figures 6, 7, 8 and so on within the square opposite the names of the respective candidates to indicate in numerical sequence the order of your preference.

In the case of an Electoral District represented by three members indicate your vote by marking within the square opposite the names of three of the candidates, the numbers 1, 2, and 3 to indicate the order of your preference. You may, if you so desire, give contingent votes for all or any of the remaining candidates by placing the figures 4, 5, 6 and so on within the square opposite the names of the respective candidates to indicate in numerical sequence the order of your preference.

SCHEDULE

**Parliamentary Electorates and Elections
(Amendment) Act.**

George V,
No. 19.

SCHEDULE B.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.

Absent voter's ballot-paper.

NEW SOUTH WALES.

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

Election of Members of the Legislative Assembly.

1	
	(First Preference.)
2	
	(Second Preference.)
3	
	(Third Preference.)
4	
	(Fourth Preference.)
5	
	(Fifth Preference.)
6	

NOTE.—In the case of an Electoral District represented by five members, the elector shall indicate his vote by writing the names of five of the candidates opposite the squares containing the figures 1, 2, 3, 4, and 5 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 6, 7, 8 and so on to indicate the order of his preference.

In the case of an Electoral District represented by three members the elector shall indicate his vote by writing the names of three of the candidates opposite the squares containing the figures 1, 2, and 3 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 4, 5, 6 and so on to indicate the order of his preference.

SCHEDULE C.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.

Application for a Postal Vote Certificate and a Postal Ballot-paper.

This application should be made and sent, after the issue of the Writ for the election to which it relates and before polling day, to the Returning Officer for the District for which the elector is enrolled; but if the elector has reason to believe that it may not in the ordinary course of post reach that officer so as to enable him to send a Postal Vote Certificate and a Postal Ballot-paper to the elector in time to permit of his voting at the election, the application may, for purposes of expedition, be made and sent to some other Returning Officer.

In

**Parliamentary Electorates and Elections
(Amendment) Act.**

121

**George V,
No. 19.**

In order that a Postal Ballot-paper may be admitted to the scrutiny the envelope in which it is contained must be received, prior to the close of the Poll, by the Returning Officer for the District in respect of which the elector claims to vote.

Number..... Postal Vote Certificate and Postal Ballot-paper issued / / 19 . Initials of the Returning Officer } for the District } of.....

To the Returning Officer for the Electoral District of (1) (1) Here insert name of district.

I, (2) _____, hereby apply for a Postal Vote Certificate and a Postal Ballot-paper to enable me to vote by post at the forthcoming Election of Members of the Legislative Assembly. (2) Here insert christian names, surname, place of living, and occupation as appearing on the Roll.

I declare

(1) That I am an elector enrolled on the Electoral Roll for the (3) _____ polling-place area of the District of (4) _____ (3) Here insert name of polling-place area.
(4) Here insert name of district.

- (2) That the ground on which I apply to vote by post is—
- (a) that I will not throughout the hours of polling on polling day be within fifteen miles by the nearest practicable route of any polling booth open in the State for the purposes of an election ;
 - (b) that I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from attending at any polling booth to vote ;
 - (c) that I am seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote ;
 - (d) that I will, by approaching maternity, be precluded from attending at any polling booth to vote.

NOTE. - The elector will strike out any of the above grounds which do not apply to his or her particular case.

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a postal vote certificate and a postal ballot-paper, or in the declaration contained in such application.

Penalty : Fifty pounds, or imprisonment for one month.

I request that a postal vote certificate and a postal ballot-paper may be forwarded to me at the following address :—

.....

Signed by the elector in his own handwriting in my presence— (Signature of Authorised Witness, in his own handwriting)— (Title under which witness acts as Authorised Witness)—	Signature of Elector (in own handwriting)—
---	--

Dated at _____ the _____ day of _____ 19 ____ The

Parliamentary Electorates and Elections (Amendment) Act.

George V,
No. 19.

The following persons are authorised witnesses, namely:—All Commonwealth Divisional Returning Officers, State Returning Officers, and officers of the Public Service of the Commonwealth permanently employed in the office of any Commonwealth Electoral Officer of a State or Divisional Returning Officer; all Commonwealth or State Electoral Registrars and Deputy Registrars; all Postmasters or Postmistresses or postal officials in charge of post offices; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State; all Justices of the Peace; all Head Teachers in the employment of a State Education Department; all officers of the Department of Trade and Customs; all members of the Police Force of the Commonwealth or of a State; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State; all legally qualified Medical Practitioners; all Officers in charge of Quarantine Stations; all Officers in charge of Lighthouses; all Pilots in the service of the Commonwealth or of a State, or of any local governing body; all Telegraph Line Repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties; all Railway Station-masters and Night Officers in charge who are permanently employed in the Railway Service of the Commonwealth or of a State; all Superintendents of Mercantile Marine and their Deputies while permanently employed in the Public Service of the Commonwealth or of a State; and all persons or classes of persons, employed in the Public Service of the Commonwealth or of a State, who are declared by proclamation to be authorised witnesses.

No person who is a candidate at any election shall be an authorised witness at that election.

OBLIGATIONS OF AUTHORISED WITNESSES.

An authorised witness shall not witness the signature of any elector to an application for a postal vote certificate and a postal ballot-paper unless—

- (a) he has satisfied himself as to the identity of the applicant;
- (b) he has seen the applicant sign the application in his (the applicant's) own handwriting; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiry from the applicant or otherwise that the statements contained in the application are true.

Penalty: Fifty pounds, or imprisonment for one month.

The authorised witness shall sign his name in his own handwriting on the application in the space provided for the purpose, and shall add the title under which he acts as an authorised witness, and the date.

SCHEDULE D.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.

Reg. No. 41.

POSTAL VOTE CERTIFICATE.

I hereby certify that _____ of _____ is entitled to vote by post at the election to be held on the _____ day of _____, 19____, in the Electoral District of _____.

Returning Officer for the Electoral District of _____

Dated this _____ day of _____, 19____.

Signed by the Voter in his own handwriting in my presence—

(Signature of Authorised Witness in his own handwriting)—

(Title under which Witness acts as Authorised Witness)—

(Signature of Voter in his own handwriting)—

Address—

Date _____ 19____.

AUTHORISED

Parliamentary Electorates and Elections
(Amendment) Act.

George V,
No. 19.

AUTHORISED WITNESSES.—The following persons are authorised witnesses, namely:—All Commonwealth Divisional Returning Officers, State Returning Officers, and officers of the Public Service of the Commonwealth permanently employed in the office of any Commonwealth Electoral Officer of a State or Divisional Returning Officer; all Commonwealth or State Electoral Registrars and Deputy Registrars; all Postmasters or Postmistresses or postal officials in charge of post offices; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State; all Justices of the Peace; all Head Teachers in the employment of a State Education Department; all officers of the Department of Trade and Customs; all members of the Police Force of the Commonwealth or of a State; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State; all legally qualified Medical Practitioners; all Officers in charge of Quarantine Stations; all Officers in charge of Lighthouses; all Pilots in the service of the Commonwealth or of a State, or of any local governing body; all Telegraph Line Repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties; all Railway Station-masters and Night Officers in charge who are permanently employed in the Railway Service of the Commonwealth or of a State; all Superintendents of Mercantile Marine and their Deputies while permanently employed in the Public Service of the Commonwealth or of a State; and all persons or classes of persons employed in the Public Service of the Commonwealth or of a State who are declared by proclamation to be authorised witnesses within the meaning of this Act.

No person who is a candidate at any election shall be an authorised witness at that election.

NOTES.—(1) *The attention of the Voter and Authorised Witness is specially directed to the necessity of strictly observing the instructions indorsed on the back of each postal ballot-paper, and to the fact that this envelope containing the Postal ballot-paper (after having been marked by the Voter) must be forthwith posted or delivered to the Returning Officer to whom it is addressed, by the Voter, or by the person to whom it is entrusted by the Voter for the purpose of posting or delivery.*

(2) *Any person to whom an envelope containing or purporting to contain a postal ballot-paper is entrusted by a Voter for the purpose of posting or delivery to a Returning Officer, and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.*

Penalty: Fifty pounds, or imprisonment for one month.

SCHEDULE E.

[Front of Form.]

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.

Postal Ballot-paper.

NEW SOUTH WALES.

Electoral District of

Election of Members of the Legislative Assembly.

-
(First Preference.)
-
(Second Preference.)
-
(Third Preference)
-
(Fourth Preference)
-
(Fifth Preference.)
-

NOTE.—The elector should carefully read the directions for his guidance printed on the back of this ballot-paper, and in particular note that he must not mark his vote thereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness.

[Back

Parliamentary Electorates and Elections (Amendment) Act.

George V,
No. 19.

[Back of Form.]



Directions to Elector and Authorised Witness.

- (a) The elector shall exhibit his unmarked postal ballot-paper and his postal vote certificate to the authorised witness.
- (b) The elector shall then and there, in the presence of the authorised witness, sign his name in his own handwriting on the postal vote certificate, in the place provided for the signature of the voter.
- (c) The authorised witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as an authorised witness, and the date.
- (d) The elector shall then and there in the presence of the authorised witness, but so that the authorised witness cannot see the vote, indicate his vote in an Electoral District represented by five members by writing the names of five of the candidates opposite the squares containing the figures, 1, 2, 3, 4, and 5 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 6, 7, 8 and so on to indicate the order of his preference. In the case of an Electoral District represented by three members the elector shall indicate his vote by writing the names of three of the candidates opposite the squares containing the figures 1, 2, and 3 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 4, 5, 6, and so on, to indicate the order of his preference. He shall then fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorised witness.
- (e) The authorised witness shall then and there place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.
- (f) If the elector's sight is so impaired that he cannot vote without assistance, the authorised witness, if so requested by the elector, shall mark the elector's vote on the ballot-paper in the presence of a witness, and shall then and there fold the ballot-paper so that the vote cannot be seen, place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.

Further Directions to Authorised Witness.

The authorised witness shall not, unless the elector's sight is so impaired that he cannot vote without assistance, look at or make himself acquainted with the vote given by the elector, and, except as provided in paragraph (f) of the preceding Directions, shall not suffer or permit any person (other than the elector) to see or become acquainted with the elector's vote, or to assist the elector to vote, or to interfere in any way with the elector in relation to his vote.

Every authorised witness shall—

- (a) comply with the preceding directions in so far as they are to be complied with on his part;
- (b) see that the preceding directions are complied with by every elector voting by post before him, and by every person present when the elector votes; and
- (c) refrain from disclosing any knowledge of the vote of any elector voting by post before him.

Penalty : One hundred pounds, or imprisonment for three months.

Duty

Duty of Persons Present when an Elector Votes by Post.

George V,
No. 19.

Any person present when an elector is before an authorised witness for the purpose of voting by post shall—

- (a) obey all directions of the authorised witness ;
- (b) refrain from making any communication whatever to the elector in relation to his vote ;
- (c) refrain from assisting the elector or in any manner interfering with him in relation to his vote ;
- (d) except as provided in paragraph (f) of the Directions to Elector and Authorised Witness, refrain from looking at the elector's vote or from doing anything whereby he might become acquainted with the elector's vote.

Penalty : One hundred pounds, or imprisonment for three months.

Duty of Person to whom an Envelope containing a Postal Ballot-paper is entrusted for Posting or Delivery.

Any person to whom an envelope containing or purporting to contain a postal ballot-paper is entrusted by a voter for the purpose of posting or delivery to a Returning Officer, and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.

Penalty : Fifty pounds, or imprisonment for one month.

3. Section two of the Proclamations Validation Act, 1919, and all regulations purporting to have been made under section 3A of the Principal Act are repealed.

Amendment of
Proclamations
Validation Act,
1919.