

PARLIAMENTARY ELECTORATES
AND ELECTIONS (AMENDMENT)
ACT.

Act No. 31, 1935.

George V.
No. 31, 1935.

An Act to amend the Parliamentary Electorates and Elections Act, 1912-1929, in certain respects; and for purposes connected therewith. [Assented to, 11th April, 1935.]

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:—

Short
title.

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1935."

Citation.

(2) The Parliamentary Electorates and Elections Act, 1912-1929, as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1935.

(3)

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

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(3) This Act shall be deemed to have commenced on the eighth day of April, one thousand nine hundred and thirty-five.

2. The Parliamentary Electorates and Elections Act, 1912-1929, is amended as follows:—

Amendment
of Act No.
41, 1912.

(a) by inserting at the end of subsection three of section thirty-three the words “ or to have his name placed on a roll in respect of any address other than the address at which he is living at the date of lodgment of the claim ”;

Sec. 33.
(Enrolment
—address.)

(b) (i) by inserting after subparagraph (iii) of paragraph (b) of subsection one of section thirty-five the following new subparagraph:—

Sec. 35.
(Registra-
tion of
claims.)

(iv) refer particulars of the claim to the officer in charge of the police in the part of the district in which the claimant claims to be living for inquiry and report as to whether the claimant is entitled to be enrolled in pursuance of his claim;

(c) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection:—

Sec. 39 (2).
(Alteration
of rolls.)

(2) Where the name of an elector has, pursuant to a claim, been incorrectly placed on the roll for a subdivision other than the subdivision in which he was living at the date of the claim, and the elector was entitled on that date to have his name placed on the roll for the subdivision in which he was living—

(a) if the two subdivisions are in the same district the divisional returning officer may direct the registrar keeping the roll on which the elector is enrolled to remove the name of the elector from that roll, and the registrar keeping the roll for the subdivision in which the elector is living

to

Parliamentary Electorates and Elections (Amendment) Act.

No. 31, 1985.

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to place the name of the elector on that roll and to notify the elector of the change of enrolment, and the respective registrars shall comply with those directions accordingly; and

- (b) if the two subdivisions are not in the same district the Electoral Commissioner shall forward a certificate setting forth the facts to the divisional returning officer for the district in which the elector is enrolled and to the divisional returning officer for the district in which the elector is living, and thereupon the divisional returning officer for the district for which the elector is enrolled shall direct the registrar keeping the roll on which the elector is enrolled to remove the name of the elector from that roll, and the divisional returning officer for the district in which the elector is living shall direct the registrar keeping the roll for the subdivision in which the elector is living to place the name of the elector on that roll and to notify the elector of the change of enrolment, and the respective registrars shall comply with those directions accordingly.

New sec. 39A.

Incorrect enrolment.

- (e) by inserting next after section thirty-nine the following new section:—

39A. Where a person, whose name has been placed on the roll for a district, is not entitled to enrol for that district and that person secured enrolment pursuant to a claim in which he made a false statement, the divisional returning officer for that district, upon receipt of a certificate from the Electoral Commissioner setting forth the facts, may, at any time between the date of the issue of the writ for an election for that district, and before the close of the polling at that

that election, direct the registrar keeping that roll to remove the name of that person from that roll and the registrar shall comply with that direction accordingly.

- (f) by inserting next after subsection seven of section seventy-nine the following new subsection:—

Sec. 79.
(Nominations.)

(7A) (a) The nomination of a candidate shall not be valid unless at the time of the delivery of the nomination paper the person nominated or some person on his behalf deposits with the returning officer or person acting as his substitute (as the case may be) the sum of twenty-five pounds in money or in Australian notes or in a banker's cheque.

(b) The deposit shall be retained pending the election.

(c) After the election the deposit shall be returned to the candidate (or to some person authorised by him in writing to receive it) if the candidate is elected, or if the total number of votes polled in his favour as first preferences is more than one-fifth of the total number of first preference votes polled by the successful candidate in the election.

In the case of the death of the candidate before the date of the election, the deposit shall be returned to his personal representatives.

Where a candidate withdraws his name from nomination in pursuance of section eighty-one of this Act, the deposit shall be returned to him (or to some person authorised by him in writing to receive it).

In any other case the deposit shall be forfeited to His Majesty.

- (g) (i) by inserting in paragraph (a) of clause six of Schedule Twenty after the word "person" the words "or persons";
- (ii) by inserting at the commencement of paragraph (b) of the same clause the word "Each."

Schedule
Twenty,
clause 6.