

**PARLIAMENTARY ELECTORATES AND
ELECTIONS (AMENDMENT) ACT.**

Act No. 6, 1941.

An Act to amend the Parliamentary Electorates and Elections Act, 1912-1935, in certain respects; and for purposes connected therewith. [Assented to, 28th March, 1941.]

George VI.
No. 6, 1941.

BE

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

No. 6, 1941.

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,
citation and
commence-
ment.

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1941."

(2) The Parliamentary Electorates and Elections Act, 1912-1935, as amended by the Statute Law Revision Act, 1937, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of
Act No. 41,
1912.

Sec. 74.

New subsec.
(3.)

(Advice
by telegram
of issue
of writ.)

2. (1) The Principal Act is amended—

(a) by inserting at the end of section seventy-four the following new subsection:—

(3) The Electoral Commissioner may, by telegram inform a returning officer of the issue of a writ and of the particulars thereof, and upon receipt by the returning officer of any such telegram he may take the steps required by subsection one of this section in all respects as if the writ had been received by him.

Sec. 75A.
(Qualifica-
tion of
returning
officers, etc.)

(b) by omitting from section 75A the words "or substitute returning officer" wherever occurring and by inserting in lieu thereof the words "substitute returning officer, poll clerk or scrutineer";

Sec. 79 (4).
(Form of
nomination.)

(c) by inserting in subsection four of section seventy-nine after the words "*occupation, and place of residence*" the words "*being the place of residence as enrolled*";

Sec. 88(1).
(Declaration
by returning
officers, etc.)

(d) by inserting in subsection one of section eighty-eight after the words "any question which I am legally bound to answer" the words "and I do further solemnly declare that I am an elector enrolled on the roll for the subdivision of in the electoral district of";

(e)

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- No. 6, 1941.
- (e) (i) by inserting in section ninety-one after the words "some question which I am legally bound to answer" the words "and I do further solemnly declare that I am an elector enrolled on the roll for the subdivision of in the electoral district of";
- Sec. 91.
(Declaration by scrutineer.)
- (ii) by inserting at the end of the same section the following new subsection:—
- (2) Any returning officer or deputy returning officer is authorised to receive any such declaration. Part IV of the Oaths Act, 1900-1936, shall apply to such declaration as if it were made under that Act.
- (2) The Principal Act is further amended—
- Further amendment of Act No. 41, 1912.
- (a) by inserting after subsection two of section 114D the following new subsection:—
- Sec. 114D.
(Postal ballot-papers.)
- (3) Before issuing a postal ballot-paper, the returning officer shall, if the particulars are not already printed thereon, insert on the ballot-paper the name of the electoral district for which the applicant declares that he is enrolled and the names of all the candidates for that district, arranged in alphabetical order according to their surnames in accordance with the provisions of section eighty-three of this Act.
- (b) by omitting from paragraph (d) of section 114H the words "prescribed in Schedule Seventeen of this Act" and by inserting in lieu thereof the words "directed on the ballot-paper";
- Sec. 114H.
(Marking postal ballot-paper.)
- (c) by inserting after section 114M the following new section:—
- Sec. 114N.
- 114N. If an elector to whom a postal ballot-paper has been issued, satisfies the returning officer who issued the same that he has spoilt his postal ballot-paper by mistake or accident, he may on giving it up, receive a new postal ballot-paper from the returning officer, who shall cancel and preserve the spoilt ballot-paper.
- Spoilt postal ballot-paper.
- (d)

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Schedule
Thirteen.

(d) by omitting Schedule Thirteen and by inserting in lieu thereof the following Schedule:—

SCHEDULE THIRTEEN.

**PARLIAMENTARY ELECTORATES AND ELECTIONS
ACT, 1912, AS AMENDED.**

*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 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.

An applicant shall not be entitled to receive a Postal Vote Certificate and Postal Ballot-paper unless his application is received by the Returning Officer to whom it is addressed at least 38 hours prior to the hour at which the polling is to commence on the polling day for the Election.

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.

STATE ELECTIONS.

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

Surname.	Christian Names (in full).	Place of Living as appearing on Roll.	Occupation.
I,			

hereby

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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.

I declare that—

(1) I am an elector enrolled on the Electoral Roll for the Subdivision of.....in the Electoral District of

(2) The ground on which I apply to vote by post is—

NOTE. — The elector MUST strike out any of these grounds which do not apply to his or her particular case.

- (a) That I will not throughout the hours of polling on polling day be within ten 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.

(3) My place of living at the time when a Postal Vote Certificate and Postal Ballot-paper would, in the ordinary course of post, be delivered to me, will be as follows :

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.

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

Address of Authorized Witness

Dated at.....the..... day of19

The

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The following persons are Authorized 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 Light-houses; 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 authorized witnesses.

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

OBLIGATIONS OF AUTHORIZED WITNESSES.

An Authorized Witness shall not witness the signature of any elector to an application for a Postal Vote Certificate and 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 Authorized 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 Authorized Witness and his address and the date.

- (e) (i) by omitting from the heading to Schedule Fifteen the word "Members" and by inserting in lieu thereof the words "a member";

(ii)

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- (ii) by omitting from the squares shown in the same Schedule the figures "1, 2, 3, 4";
- (iii) by omitting from paragraph (d) of the matter appearing under the heading "*Directions to Elector and Authorised Witness*" in the same Schedule all words commencing with the words "He shall write" down to and including the words "preference for them" and by inserting in lieu thereof the words—

"He shall place the number '1' in the square opposite the name of the candidate for whom he desires to give his first preference vote, and shall give contingent votes for all the remaining candidates by placing the numbers '2,' '3,' '4' and so on as the case may require in the squares opposite the names of the remaining candidates in the order of his preference."

(f) by omitting Schedule Seventeen.

Schedule
Seventeen.

(3) The Principal Act is further amended—

Further
amendment of
Act No. 41,
1912.

(a) (i) by omitting from paragraph (e) of subsection one of section one hundred and fifteen the words "Schedule Sixteen" and by inserting in lieu thereof the words "Schedule Four";

Sec. 115.
(Absent
voters).

(ii) by inserting after the word "Act" in the same paragraph the words "Before handing a ballot-paper to the elector the return-officer or deputy shall, if the particulars are not already printed thereon, insert on the ballot-paper the name of the electoral district and the names of all the candidates for that district arranged in alphabetical order according to their surnames in accordance with section eighty-three of this Act."

(b) by omitting from paragraph (g) of subsection one of section one hundred and fifteen the words "prescribed in Schedule Seventeen of this Act, and shall then fold and fasten the ballot-paper

Sec. 115 (1)
(g.)
(Absent
voter's
ballot-
paper.)

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ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened," and by inserting in lieu thereof the words "directed on the ballot-paper and shall then fold the ballot-paper so that the vote cannot be seen, and at once return the ballot-paper so folded";

Sec. 115(2).
(Absent voter's ballot-paper.)

(c) (i) by inserting in subsection two of section one hundred and fifteen after the words "printed or" the words "a partly printed and partly";

(ii) by omitting from the same subsection the words "blank paper" and by inserting in lieu thereof the words "paper with the name of the electoral district, the names of the candidates arranged in alphabetical order according to their surnames in accordance with the provisions of section eighty-three of this Act and the directions set out in Schedule Four of this Act as to the method of voting written thereon, which paper shall be";

(iii) by omitting from the same subsection the words "prescribed in Schedule Seventeen of this Act and then fold and fasten such paper as above prescribed" and by inserting in lieu thereof the words "directed on the paper and then fold such paper so that the vote cannot be seen and at once return the paper so folded to the returning officer or deputy";

(d) by omitting Schedule Sixteen.

Schedule Sixteen.
Amendment consequential on subsections (2) and (3), Act No. 12, 1926, s. 8 (22).

(4) (a) The Parliamentary Electorates and Elections (Amendment) Act, 1926, is amended by omitting so much of paragraph twenty-two of section eight as repealed and substituted Schedule Thirteen of the Parliamentary Electorates and Elections Act, 1912.

Act No. 55, 1928.

(b) The Parliamentary Electorates and Elections (Amendment) Act, 1928, is amended—

Sec. 28 (6) (7).

(i) by omitting subsections six and seven of section twenty-eight;

(ii)

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- (ii) by omitting subparagraph (ii) of paragraph (i) of subsection three of section thirty-five. Sec. 35 (3)
(i) (ii).

(c) The Parliamentary Electorates and Elections (Amendment) Act, 1929, is amended by omitting paragraph (d) of section five. Act No. 33,
1929.

(5) The Principal Act is further amended—

Further
amendment of
Act No. 41,
1912.

- (a) by omitting from paragraph (a) of section 120B the words “ have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Sec 120B.
(Compulsory
voting.)
- (b) by omitting from paragraph (a) of subsection one of section 120c the words “has failed” and by inserting in lieu thereof the words “appears to have failed”; Sec. 120c.
(Compulsory
voting.)
- (c) by omitting from paragraph (a) of section 120E the words “did not” and by inserting in lieu thereof the words “appear to have failed to”; Sec. 120E.
(Compulsory
voting.)
- (d) by omitting from section 120F the word “excuse” wherever occurring and by inserting in lieu thereof the word “reason”; Sec. 120F.
(Penalties.)
- (e) (i) by omitting from subclause one of clause one of Schedule Twenty the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Schedule
Twenty.
- (ii) by omitting from clause two of the same Schedule the word “has” and by inserting in lieu thereof the words “appears to have”;
- (iii) by omitting from the heading to Form 2 in the same Schedule the words “has failed” and by inserting in lieu thereof the words “appears to have failed”;
- (iv) by inserting in the same Form after the words “you are notified that you” the words “appear to.”

(6)

Unemployment Relief Tax (Taxation Reduction) Act.

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Further
amendment
of Act No.
41, 1912.
Schedule
Eighteen.

(6) The Principal Act is further amended by inserting at the end of clause three of Schedule Eighteen the following words:—

The expression “determine by lot” means determine in accordance with the following direction:—

The names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is first drawn shall be excluded.
