

**LOCAL GOVERNMENT (ELECTIONS)
AMENDMENT ACT.**

Act No. 68, 1964.

Elizabeth II, No. 68, 1964 An Act to make further provisions with respect to the preparation of rolls for elections under the Local Government Act, 1919, as amended by subsequent Acts; for this and other purposes to amend that Act, as so amended; and for purposes connected therewith. [Assented to, 18th December, 1964.]

BE it enacted by the Queen'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.** This Act may be cited as the "Local Government (Elections) Amendment Act, 1964".

Amendment of Act No. 41, 1919. **2.** The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Sec. 39.
(Appointed day for election of aldermen or councillors.) (a) by omitting from section thirty-nine the word "two" wherever occurring and by inserting in lieu thereof the word "three";

Sec. 50.
(Qualification of elector.) (b) by omitting from section fifty the words "be qualified to be an elector, and shall be entitled—

(a) to be enrolled for the ward or riding in respect of which he has the requisite qualification; and

(b) to vote at any election of aldermen or councillors for the ward or riding; and

(c)

- (c) in the case of the City of Sydney, the City of Newcastle, the City of Greater Wollongong, and any other area to which section 25A applies, to vote at any election of Lord Mayor, mayor or president, as the case may be, of any area for which he is enrolled.”

and by inserting in lieu thereof the words and new subsection “be entitled to have his name placed on the list referred to in Division 4 of this Part.

(2) Subject to this Part, a person whose name is on the roll of electors prepared in accordance with this Part shall be entitled—

- (a) to vote at any election of aldermen or councillors for the ward or riding in respect of which he has the requisite qualification; and
 - (b) in the case of the City of Sydney, the City of Newcastle, the City of Greater Wollongong, and any other area to which section 25A applies, to vote at any election of Lord Mayor, mayor or president, as the case may be, of any area for which he is enrolled.”;
- (c) (i) by omitting from subsection one of section fifty-one the words “, on the day prescribed for enrolment,”; Sec. 51.
(Meaning of “requisite qualification”.)
- (ii) by omitting from subsection three of the same section the words “on the prescribed day possesses” and by inserting in lieu thereof the words “is shown on the list referred to in Division 4 of this Part as possessing”;
- (iii) by omitting from the same subsection the words “between the prescribed day and the last day for the receipt of claims for enrolment” and by inserting in lieu thereof the words “before the prescribed day referred to in that Division”;
- (d) (i) by omitting from section fifty-two the words “enrolment and voting” and by inserting in lieu thereof the words “this Part”; Sec. 52.
(Qualification of an owner.)
- (ii)

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Sec. 53.
(Qualifica-
tion of a
ratepaying
lessee.)

- (ii) by omitting from paragraph (b) of the same section the words "enrolment as owner in";
- (e) (i) by omitting from section fifty-three the words "enrolment and voting" and by inserting in lieu thereof the words "this Part";
- (ii) by omitting from paragraph (c) of the same section the words "enrolment as ratepaying lessee in";

Sec. 54.
(Qualifica-
tion of an
occupier.)

- (f) (i) by omitting from section fifty-four the words "enrolment and voting" and by inserting in lieu thereof the words "this Part";
- (ii) by omitting from paragraph (a) of the same section the words "such prescribed day" and by inserting in lieu thereof the words "the relevant date";
- (iii) by omitting from paragraph (b) of the same section the words "enrolment as occupier in";
- (iv) by omitting from paragraph (c) of the same section the words "such prescribed day" and by inserting in lieu thereof the words "the relevant date";
- (v) by omitting from paragraph (d) of the same section the words "such prescribed day" and by inserting in lieu thereof the words "the relevant date";
- (vi) by omitting from the proviso to the same section the word "roll" wherever occurring and by inserting in lieu thereof the word "list";
- (vii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, "relevant date" means for the purpose of determining—

(a) whether or not a person is entitled to have his name placed—

- (i) on the list referred to in Division 4 of this Part—the date on which the determination is made;

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(ii) on the roll of electors SO No. 68, 1964 referred to—the prescribed day so referred to; and

(b) whether a person is entitled to vote at an election—the date of the election.

(g) (i) by omitting from section fifty-five the words “be enrolled or to vote, if at the time for enrolment or for holding an election, as the case may be” and by inserting in lieu thereof the words “have his name placed on the list referred to in Division 4 of this Part, to be enrolled or to vote if, at the relevant date”;

Sec. 55.
(Disqualification of electors and of voters.)

(ii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, “relevant date” has the meaning ascribed thereto by section fifty-four of this Act.

(h) by inserting in section fifty-seven after the words “purposes of” the words “the keeping and maintaining of the list referred to in Division 4 of this Part and of”;

Sec. 57.
(Undivided area treated as a single ward or riding.)

(i) by omitting section sixty;

Sec. 60.
(Wards for extraordinary elections and for supplementary rolls.)

(j) by omitting section sixty-three;

Sec. 63.
(Ridings for extraordinary elections and for supplementary rolls.)

(k)

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63A and 65A
and subst.
secs. 64
and 65.Interpre-
tation.Preparation
of rolls.

(k) by omitting sections sixty-four and sixty-five and by inserting in lieu thereof the following sections :—

63A. In this Division—

“list” means the list of persons as kept and maintained from time to time in accordance with section sixty-five of this Act.

“prescribed day” means, in relation to any election, the day prescribed for the commencement of the preparation of the roll for that election.

“roll” or “roll of electors” means the roll of electors referred to in subsection three of section 65A of this Act.

64. (1) The council shall cause a roll of electors to be prepared in accordance with this Division—

- (a) for the first election after the constitution of an area ;
- (b) for each triennial ordinary election ; and
- (c) for an extraordinary election which is held more than six months after such first election, a triennial ordinary election, or an extraordinary election for which a roll of electors has been so prepared.

(2) Rolls shall be prepared separately for each ward or riding of an area, and the rolls for all the wards or ridings of an area shall, taken together, be the roll for the area.

(3) Notwithstanding subsection two of this section, where an area is divided into wards or ridings, it shall only be necessary for a council to prepare the roll of electors referred to in paragraph (c) of subsection one of this section in respect of the ward or riding for which the extraordinary election is to be held.

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(4) The roll to be used for an extraordinary election for a ward or riding to be held not later than six months after the first election after the constitution of an area, a triennial ordinary election or a prior extraordinary election for that ward or riding shall be the roll for that ward or riding that was used at such first election, triennial ordinary election or prior extraordinary election. **No. 68, 1964**

65. (1) The clerk shall keep and continuously maintain up to date a list of persons who, in the opinion of the clerk, have the requisite qualifications to be electors for the area, such list containing such particulars as are required by ordinance to be shown in the roll of electors. ^{List of electors.}

(2) The list may be inspected at the office of the council at any reasonable time during office hours by any person.

(3) A person may, at any time, lodge with the clerk—

- (a) a claim to have his name included on the list or to have any particulars shown on the list against his name amended; or
- (b) an objection to the inclusion of his name or the name of any other person on the list or to any of the particulars shown against his name or the name of that, or any other person.

(4) The clerk shall, within the prescribed time after the claim or objection is lodged, consider it and may allow or disallow it.

(5) The clerk shall—

- (a) after determining any claim or objection, serve by post notice of his determination on the claimant or objector and, in the case of an objection, any other person in respect of whom the objection was made; and
- (b) make the appropriate entry in, or alteration of, the list to give effect to his determination.

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Preparation of roll of electors.

(6) If any claimant, objector or person in respect of whom an objection was made is dissatisfied with the determination made by the clerk, he may appeal, within the time and in the manner prescribed, to the court of petty sessions nearest to the place where the office of the council is situated and the clerk shall make the appropriate entry in, or alteration of, the list to give effect to the decision of the court on the appeal.

65A. (1) At least twice during the month immediately preceding the prescribed day, the clerk shall cause to be inserted in a newspaper circulating in the area an advertisement in or to the effect of the prescribed form containing such matters relating to the list, the preparation of the roll and the election for which the roll is to be prepared as are specified in that form.

(2) After the prescribed day the clerk shall, after dealing in accordance with subsections four and five of section sixty-five of this Act, with any claim or objection received in the office of the council on or before the prescribed day but not then determined, certify in writing that the list is, to the best of his knowledge and belief, an accurate and complete list of the persons who appear to him to have had, on the prescribed day, the requisite qualifications to be electors for the area.

(3) Subject to this Part, the list prepared and certified as provided in subsection two of this section shall be the roll of electors for the first election after the constitution of the area, the triennial ordinary election, or the extraordinary election, as the case may be.

(4) Where an appeal under subsection six of section sixty-five of this Act has been made against any determination made by the clerk under subsection four of that section—

- (a) before the prescribed day, but has not been determined by the court before the day on which the clerk certifies the list in accordance with subsection two of this section; or
- (b)

- (b) within fourteen days after the service of notice of the determination (being a determination in respect of a claim or objection lodged on or before the prescribed day),

the court may determine the appeal and order that the appropriate entry in, or alteration of, the list and the roll be made to give effect to its decision.

(5) Except where any such order is made less than six weeks before the date fixed for the first election after the constitution of the area, the triennial ordinary election or the extraordinary election, as the case may be, the clerk shall make the appropriate entry in, or alteration of, the roll to give effect to the order.

(6) The provisions of this section shall, *mutatis mutandis*, apply to the preparation of a roll for any election ordered by the Governor pursuant to section eighty-six, or authorised by the Governor pursuant to section two hundred and nineteen, of this Act.

(7) The roll of electors used for the last election (whether a first election after the constitution of the area, a triennial ordinary election, an extraordinary election, or an election referred to in subsection six of this section) in an area or part of an area before the taking of a poll under this Act in that area or part shall, subject to section eighty of this Act, be the roll to be used for the taking of the poll.

- (1) (i) by omitting from subsection two of section sixty-six the words “qualified for enrolment as owner or as ratepaying lessee in any ward or riding who is also qualified for enrolment” and by inserting in lieu thereof the words “who has the requisite qualification as owner or as ratepaying lessee in any ward or riding and who also has the requisite qualification”;

Sec. 66.
(Enrolment of person holding qualification in more than one ward or riding.)

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- (ii) by omitting from subsection (2A) of the same section the words "enrolment on the roll for" wherever occurring;
- (iii) by omitting from the same subsection the words "on the roll";
- (iv) by omitting from subsection three of the same section the words "qualified for enrolment as owner or as ratepaying lessee in any ward or riding who is also qualified for enrolment" and by inserting in lieu thereof the words "who has the requisite qualification as owner or as ratepaying lessee in any ward or riding and who also has the requisite qualification";
- (v) by omitting from subsection four of the same section the words "qualified for enrolment" and by inserting in lieu thereof the words "who has the requisite qualification";

Sec. 67.
(Declaration.)

- (m) by omitting section sixty-seven;

Part V.
Division 5.
(Revision courts.)

- (n) by omitting Division 5 of Part V;

Sec. 80.
(Roll of ratepayers.)

- (o) by omitting subsection two of section eighty and by inserting in lieu thereof the following subsection :—

(2) The omission from or addition to the list referred to in Division 4 of this Part of the word "ratepayer" may be the subject of a claim or objection, which shall be dealt with in accordance with section sixty-five of this Act.

Sec. 83.
(Ordinances.)

- (p) (i) by omitting from paragraph (c) of section eighty-three the words "original and supplementary rolls" and by inserting in lieu thereof the words "the list and roll of electors referred to in Division 4 of this Part";

(ii)

(ii) by omitting paragraph (d) of the same section ; No. 68, 1964

(iii) by inserting next after paragraph (j) of the same section the following new paragraph :—

(k) the procedure for lodging an appeal against a decision of the clerk on any claim or objection.

(q) by inserting at the end of paragraph (a) of subsection one of section five hundred and seventy-six the words “or upon servants of councils”. Sec. 576. (General power to make ordinances.)

3. The amendments made by section two of this Act (paragraph (a) excepted) shall not take effect or apply in respect of any election held before the triennial ordinary elections to be held in the year one thousand nine hundred and sixty-five. Operation of amendments delayed until 1965 triennial ordinary election.
