

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

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 43, 1969.

An Act to increase the number of members of the Legislative Assembly; to make further provisions with respect to the number and distribution of electoral districts in New South Wales and the conduct of elections; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912-1965; and for purposes connected therewith. [Assented to, 17th April, 1969.]

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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 and citation.

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1969".

(2) The Parliamentary Electorates and Elections Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1969.

Amendment of Act No. 41, 1912.

2. (1) The Parliamentary Electorates and Elections Act, 1912-1965, is amended—

Sec. 4.
(Number of members of Assembly.)

(a) by omitting from section four the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Sec. 5.
(Number of electorates.)

(b) by omitting from section five the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Subst. sec. 13.

(c) by omitting section thirteen and by inserting in lieu thereof the following section :—

Redistribution of electoral districts by commissioners, &c.

13. It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act.

The first distribution after the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1969, shall commence upon the day on which the names of the persons appointed as Electoral Districts Commissioners are published in the Gazette pursuant to subsection three

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three of section six of this Act; such day shall be a day within six months after the assent of Her Majesty to that Act has been signified. No. 43, 1969

Subsequent distributions shall commence upon the expiration of six years from the date on which the last preceding distribution commenced.

- (d) by omitting section seventeen; Sec. 17.
(Maps of districts to be deposited.)
- (e) (i) by omitting from subsection one of section 17A the word "ninety-four" wherever occurring and by inserting in lieu thereof the word "ninety-six"; Sec. 17A.
(Method of distribution, &c.)
- (ii) by omitting from the same section the word "Sydney" wherever occurring and by inserting in lieu thereof the word "Central";
- (iii) by omitting from the same section the word "forty-eight" wherever occurring and by inserting in lieu thereof the word "sixty-three";
- (iv) by omitting from the same section the word "forty-six" wherever occurring and by inserting in lieu thereof the word "thirty-three";
- (v) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—
- (b) Due consideration shall be given to—
- (i) the then existing boundaries of electoral districts;
- (ii) community or diversity of interest;
- (iii) lines of communication;
- (iv) physical features;
- (v) distance from the seat of Government;
- (vi)

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(vi) density of population; and

(vii) demographic trends.

(vi) by omitting from the same section the word "twenty" wherever occurring and by inserting in lieu thereof the word "fifteen";

(vii) by omitting paragraph (b) of subsection five of the same section and by inserting in lieu thereof the following paragraph :—

(b) Due consideration shall be given to—

(i) the then existing boundaries of electoral districts;

(ii) community or diversity of interest;

(iii) lines of communication;

(iv) physical features;

(v) distance from the seat of Government;

(vi) density of population; and

(vii) demographic trends.

Schedule
Twenty-one.

(f) by omitting Division A of Schedule Twenty-one and by inserting in lieu thereof the following Division :—

Sec. 17A.

DIVISION A.

Boundaries of the Central Area

COMMENCING on the shore of the South Pacific Ocean at the intersection with the eastern prolongation of the southern boundary of portion 93, Parish of Stowell, County of Gloucester and bounded thence by that prolongation and that boundary and the southern boundaries of portions 154 and 89 westerly, a western boundary of the latter portion northerly, the northern boundaries of portion 145 of that parish and portion 9, Parish of Stockton, westerly and the western boundary of the latter portion southerly to the shore of Fullerton Cove; by that shore of that cove formed in part by the eastern shores of Dunn's, Wallis and Smith's Islands generally south-westerly and south-easterly, and left bank of the North Channel of the

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the Hunter River and the left bank of the Hunter River upwards to the eastern prolongation of the northern boundary of portion 59 (rem.), Parish of Alnwick, County of Northumberland; by that prolongation and part of that boundary westerly to the Main Northern Railway; by that railway north-westerly to the eastern boundary of portion 47, by part of that boundary southerly and part of the southern boundary of that portion westerly to the New England State Highway; by that highway north-westerly to an eastern boundary of portion 46, by part of that boundary southerly and a southern boundary westerly to the eastern boundary of portion 92, Parish of Stockrington; by part of the eastern boundary of that portion, the eastern boundary of portion 12, prolongation across a road and eastern boundary of portion 66 southerly to the northern boundary of portion 68; by part of that boundary easterly and the eastern boundary of that portion southerly to a northern boundary of portion 81; by part of that boundary easterly, an eastern boundary southerly, a southern boundary westerly and an eastern boundary southerly to the north-eastern corner of portion 86; by the northern boundary of that portion westerly, the western boundaries of that portion, portion 83 and portion 89 southerly to the northern boundary of portion 63, Parish of Teralba; by part of that northern boundary westerly and the western boundary of that portion and its prolongation southerly to the northern boundary of portion 126; by part of that boundary and the western boundary of that portion westerly and southerly, the northern boundary of portion 125 westerly and part of the western boundary southerly to a public road traversing portions 64 and 66; by that road north-westerly to the north-eastern corner of Trigonometrical Reserve 4,030 and a line south-westerly to Great Sugarloaf Trigonometrical Station on the range forming the boundary between the Land Districts of Maitland and Newcastle, in part being known as Sugar Loaf Range; by that range and the range forming the boundary between the Land Districts of Maitland and Windsor and the Land Districts of Newcastle and Gosford, in part being known as Judge Dowling's Range generally south-westerly to the northern boundary of the Parish of St. Albans; by that boundary generally westerly to the Macdonald River; by that river upwards to the range separating the Parishes of Yengo and Weeney, County of Hunter from the Parishes of Windsor and Ivory in that County; by that range generally westerly and Mellong Range generally southerly to the southern boundary of the Parish of Six Brothers; by that boundary westerly to the Colo River; by that river downwards to the eastern boundary of the Parish of Wheeny, County of Cook; by that boundary, in part Wheeny Creek, and the eastern boundary, in part Buralow Creek, of the Parish of Buralow generally southerly to the Grose River; by that river upwards to Wentworth Creek, by that creek upwards to the eastern boundary of the Parish of Woodford; by that boundary and the eastern boundaries of the Parishes of Linden and Cooba and a prolongation southerly to a southern shore of Lake Burragorang, being the stored waters of the Warragamba Dam; by that shore and
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No. 43, 1969 an eastern shore of that lake generally southerly to a point being the westerly prolongation of the northern boundary of portion 129, Parish of Burrarorang, County of Camden; by that prolongation, the northern boundaries of portions 129 and 130, the end of a closed road, the northern boundary of portion 45 and a prolongation of that boundary easterly to Werriberrie or Monkey Creek; by that creek downwards to the southern boundary of the Parish of Weromba; by that boundary, being in part Spring Creek generally easterly to the northern boundary of portion 16, Parish of Picton; by that boundary easterly, the eastern boundaries of that portion and portions 132 and 84 southerly and the north-eastern boundary of portion 85 south-easterly to Evelyns Range; by that range, Razorback Range and Donalds Range north-easterly and south-easterly to the western boundary of portion 9, Parish of Camden; by part of that western boundary northerly and the southern boundary of portion 5 easterly to the Nepean River, by that river and the Cataract River upwards to the Cataract Dam Storage Reservoir; by that reservoir generally south-easterly to a southern boundary of the Parish of Wallandoola; by that boundary westerly, southerly and again westerly to the south-western corner of portion 11; by a prolongation of the southern boundary of portion 11 westerly to the Cordeaux River; by that river, in part Cordeaux Dam Storage Reservoir upwards to the western boundary of portion 282, Parish of Kembla; by that boundary and part of the western boundary of portion 297 southerly to the Illawarra Coast Range; by that range generally south-westerly to the northern boundary of portion 299; by that boundary and the northern boundaries of portions 48, 49 and a northern boundary of portion 59 generally easterly, an eastern boundary of portion 59 southerly and a northern boundary of that portion easterly to Mullet Creek; by that creek upwards to the western boundary of portion 15, Parish of Calderwood; by that boundary and the western boundary of portion 51 southerly and by the south-western boundary of that portion south-easterly to Macquarie Rivulet; by that rivulet downwards to Frazers Creek, forming in part a southern boundary of portion 4, Parish of Terragong; by that creek upwards and the south-western boundaries of portions 4 and 5 south-easterly and part of the southern boundary of portion 5 easterly to the Illawarra Railway Line; by that railway line southerly to Saltwater Creek; by that creek and the Minnamurra River downwards to the shore of the South Pacific Ocean; and by that shore generally north-easterly to the point of commencement, inclusive of all islands lying off the coast of the Area above defined, the waters of Botany Bay, Port Jackson and Port Hunter and islands therein, together with Lord Howe Island.

(2) (a) For the purposes of the first distribution of electoral districts after the day upon which the assent of Her Majesty to this Act is signified and of any matters necessary

or

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or incidental to such distribution the amendments made by No. 43, 1969 subsection one of this section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(b) Upon the day upon which the proclamation in respect of the first distribution of electoral districts as aforesaid is published in the Gazette pursuant to subsection two of section fifteen of the Parliamentary Electorates and Elections Act, 1912, as subsequently amended, the amendments made by paragraphs (c), (d), (e) and (f) of subsection one of this section shall come into force for all purposes.

(c) The amendments made by paragraphs (a) and (b) of subsection one of this section shall apply to and in respect of, and shall come into force for all purposes as on and from, the general election next following the day upon which the proclamation referred to in paragraph (b) of this subsection is published in the Gazette.

3. The Parliamentary Electorates and Elections Act, 1912–1965, is further amended— Further amendment of Act No. 41, 1912.

(a) by omitting from section twenty-one the words “is under sentence for any offence punishable under the law of New South Wales or of any other part of the King’s Dominions by imprisonment for one year or longer” and by inserting in lieu thereof the words “sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence”; Sec. 21. (Disqualifications.)

(b) (i) by inserting next after paragraph (a) of subsection one of section thirty-nine the following new paragraph :— Sec. 39. (Alteration of rolls.)

(a1) altering any particulars of the enrolment of an elector necessitated—

(i) by the numbering or re-numbering or naming or re-naming of his place of residence;

(ii)

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(ii) by the naming or re-naming of a street, public place or locality; or

(iii) for any other like reason;

(ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—

(d) removing the name of an elector who has been convicted and sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence;

Sec. 41.
(Information as to deaths and convictions.)

(c) (i) by omitting from paragraph (a) of subsection two of section forty-one the words "The clerk or prescribed officer of any court in which any person of the age of twenty-one years or upwards is convicted of an offence punishable by imprisonment for one year or longer and is under sentence therefor shall, within three days" and by inserting in lieu thereof the words "The Comptroller-General of Prisons shall, in respect of any person of the age of twenty-one years or upwards who is in prison pursuant to his being sentenced to a term of imprisonment of one year or longer, as soon as possible";

(ii) by omitting paragraphs (b) and (c) of the same subsection.

Further amendment of Act No. 41, 1912.

4. (1) The Parliamentary Electorates and Elections Act, 1912-1965, is further amended—

Sec. 106.
(Duty of returning officer when a second vote is tendered for one name.)

(a) (i) by inserting in paragraph (c) of subsection three of section one hundred and six after the word "promptly" the words "delivered by a person authorised in that behalf by the returning officer or";

(ii)

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- (ii) by inserting in paragraph (d) of the same subsection after the word "who" the words "delivers or";
- (b) by omitting from subsection two of section 114A the words "in Schedule Thirteen to this Act";
- (c) by omitting from subsection two of section 114D the words "in Schedule Fourteen to this Act";
- (d) by omitting from paragraph (b) of section 114L the words "envelope bearing the certificate was posted or delivered" and by inserting in lieu thereof the words "vote contained in the envelope was recorded";
- (e) by inserting in section one hundred and sixteen after the word "promptly" the words "delivered by the returning officer or a person authorised in that behalf by him or";
- (f) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 120c the words "polling-place area" and by inserting in lieu thereof the word "subdivision";
- (g) by omitting section 120H and by inserting in lieu thereof the following section :—

120H. The procedure in relation to the enforcement of the provisions of sections 120A to 120G, both inclusive, of this Act, and the imposition and recovery of penalties for offences against those sections shall be as set out in Schedule Twenty to this Act and where such Schedule has been amended or replaced by regulations under this Act as set out in the Schedule as so amended or replaced.

Regulations

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Regulations under this Act may amend Schedule Twenty to this Act or repeal and substitute the provisions therein as the Governor may approve.

Sec. 122A.
(Ballot-papers not to be informal in certain circumstances.)

(h) by omitting subsection two of section 122A and by inserting in lieu thereof the following subsection :—

(2) Notwithstanding anything to the contrary in this Act, at any election at which there are—

(a) not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number “1” and by leaving the other square blank ; or

(b) more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number “1” and has given contingent votes for all remaining candidates except one by placing the numbers “2”, “3”, “4” and so on in all except one of the squares opposite the names of such candidates, leaving the remaining square blank, and it shall be deemed that the voter’s last preference is for the candidate whose name is opposite such square.

Sec. 127.
(Separate parcels to be enclosed in packets, sealed, &c.)

(i) (i) by omitting from section one hundred and twenty-seven the words “, to be by him safely kept until the dissolution of Parliament”;

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

Packets and parcels forwarded or transmitted under this section to the Clerk of the Assembly shall be by him safely kept until the period during which the validity of the

said

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said election may be disputed under the provisions of this Act has expired, or, where a petition has or petitions have been filed pursuant to section one hundred and fifty-five of this Act, the Court of Disputed Returns has determined the matters referred to in such petition or petitions, when such packets and parcels shall then be transmitted to the Electoral Commissioner.

- (j) (i) by omitting subsections three and four of section 151B and by inserting in lieu thereof the following subsection :—

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 Sec. 151B.
 (Exhibition
 of posters.)

(3) Nothing in this section shall prohibit—

(a) the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the name of the party concerned; or

(b) the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre, or public hall licensed under the Theatres and Public Halls Act, 1908, as subsequently amended.

- (ii) by omitting from subsection six of the same section the words “ten inches in length and six inches in width” and by inserting in lieu thereof the words “an area which is not more than one thousand two hundred square inches”;

(k)

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Sec. 158.

(Deposits as security for costs.)

- (k) by omitting from section one hundred and fifty-eight the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred and fifty dollars";

Sec. 184.

(Limitation of time, &c., for recovery of penalties, &c.)

- (l) by omitting from section one hundred and eighty-four the word "six" and by inserting in lieu thereof the word "twelve";

- (m) by omitting Schedules Thirteen and Fourteen.

(2) The amendments made by paragraphs (b), (c), (h), (j) and (m) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Further amendment of Act No. 41, 1912.

5. The Parliamentary Electorates and Elections Act, 1912-1965, is further amended—

Sec. 34.

(Compulsory enrolment and transfer.)

- (a) by omitting from section thirty-four the words "one dollar and for any subsequent offence to a penalty not exceeding four dollars" wherever occurring and by inserting in lieu thereof the words "four dollars and for any subsequent offence to a penalty not exceeding ten dollars";

Sec. 38.

(Penalty on officer neglecting to enrol claimants.)

- (b) by omitting from section thirty-eight the word "twenty" and by inserting in lieu thereof the word "fifty";

Sec. 51.

(Witness to application must satisfy himself of truth of statements.)

- (c) by omitting from section fifty-one the words "one hundred" and by inserting in lieu thereof the words "two hundred";

(d)

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- (d) by omitting from section fifty-two the words "one hundred" and by inserting in lieu thereof the words "two hundred"; No. 43, 1969
Sec. 52.
(Failure to transmit claim.)
- (e) by omitting from subsection two of section fifty-five the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 55.
(Regulations.)
- (f) by omitting from subsection two of section 87A the word "forty" and by inserting in lieu thereof the word "fifty"; Sec. 87A.
(Mobile booths in hospitals, etc.)
- (g) by omitting from subsection four of section ninety the word "ten" and by inserting in lieu thereof the word "twenty-five"; Sec. 90.
(How scrutineers to be appointed.)
- (h) by omitting from subsection two of section ninety-three the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 93.
(Who may be present at polling-booth.)
- (i) by omitting from section ninety-six the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 96.
(Permission to be granted to employees to go to polling-booth.)
- (j) by omitting from subsection two of section one hundred and eleven the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 111.
(Ballot-paper not to be taken out of booth, &c.)
- (k) by omitting from section one hundred and thirteen the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 113.
(Penalty for obstructing elector from access to polling-booth.)
- (l) by omitting from section 114i the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114i.
(Duty of authorised witness.)

(m)

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Sec. 114J.
(Penalty for unlawfully marking ballot-paper.)
(Unlawfully opening postal ballot-paper.)
- Sec. 114K.
(Duty of persons present when an elector votes by post.)
- Sec. 120F.
(Penalties.)
- Sec. 129.
(Penalty of breaking seal of or opening parcel or packet.)
- Sec. 135.
(Violation of secrecy by officers, &c.)
- Sec. 136.
(Penalty for neglect, &c., by returning officer.)
- (m) (i) by omitting from subsection one of section 114J the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (ii) by omitting from subsection two of the same section the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- (n) by omitting from section 114K the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- (o) (i) by omitting from section 120F the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars";
- (ii) by omitting from paragraph (b) of the proviso to the same section the word "four" and by inserting in lieu thereof the word "five";
- (p) by omitting from section one hundred and twenty-nine the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (q) by omitting from section one hundred and thirty-five the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (r) by omitting from section one hundred and thirty-six the words "of not less than twenty nor more than four hundred dollars" and by inserting in lieu thereof the words "not exceeding one thousand dollars";

(s)

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- (s) by omitting from section one hundred and forty-seven the words “two hundred” and by inserting in lieu thereof the words “five hundred”; **No. 43, 1969**
Sec. 147.
(Who guilty of the misdemeanour of bribery, &c.)
- (t) by omitting from section one hundred and fifty the words “two hundred” and by inserting in lieu thereof the words “five hundred”; **Sec. 150.**
(Penalty for “treating”.)
- (u) by omitting from subsection one of section 151A the words “two hundred” and by inserting in lieu thereof the words “five hundred”; **Sec. 151A.**
(Printing, &c., false information.)
- (v) by omitting from section 151B the words “of not less than forty dollars and not exceeding one hundred dollars” wherever occurring and by inserting in lieu thereof the words “not exceeding two hundred and fifty dollars”; **Sec. 151B.**
(Exhibition of posters.)
- (w) by omitting from section one hundred and fifty-two the word “forty” and by inserting in lieu thereof the words “one hundred”; **Sec. 152.**
(Persons incurring electoral expense without authority.)
- (x) by omitting from section one hundred and fifty-four the words “not being less than ten dollars nor exceeding one hundred dollars” and by inserting in lieu thereof the words “not exceeding two hundred and fifty dollars”; **Sec. 154.**
(Wagers, &c., on result of elections prohibited.)
- (y) by omitting from subsection one of section 176B the word “ten” and by inserting in lieu thereof the word “fifty”; **Sec. 176B.**
(Disorderly conduct at public political meetings.)
- (z) by omitting from subsection five of section 176C the words “one hundred” and by inserting in lieu thereof the words “two hundred and fifty”; **Sec. 176c.**
(Signature to electoral paper.)
- (aa)

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Sec. 176D.
(Untrue statements in forms.)
- (aa) by omitting from subsection one of section 176D the word "forty" and by inserting in lieu thereof the words "one hundred";
- Sec. 176E.
(Witnessing electoral papers.)
- (ab) by omitting from section 176E the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- Sec. 178.
(Penalty on members of police force influencing voters, &c.)
- (ac) by omitting from section one hundred and seventy-eight the words "of not less than twenty dollars nor more than two hundred dollars" and by inserting in lieu thereof the words "not exceeding five hundred dollars";
- Sec. 181.
(Penalty for disobedience.)
- (ad) by omitting from section one hundred and eighty-one the words "of not more than one hundred dollars, nor less than ten dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars";
- Schedule 20.
- (ae) (i) by omitting from paragraph (a) of clause five of Schedule Twenty the words "one dollar" and by inserting in lieu thereof the words "five dollars";
- (ii) by omitting from Form 3 to that Schedule the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars".
-