

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

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 44, 1973.

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 with respect to the conduct of elections; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912; and for purposes connected therewith. [Assented to, 8th May, 1973.]

BE

Parliamentary Electorates and Elections (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 44, 1973** 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, 1973". **Short title.**

2. (1) The Parliamentary Electorates and Elections Act, 1912, is amended— **Amendment of Act No. 41, 1912.**

(a) by omitting from section 4 the word "ninety-six" and by inserting instead the word "ninety-nine"; **Sec. 4. (Number of members of Assembly.)**

(b) by omitting from section 5 the word "ninety-six" and by inserting instead the word "ninety-nine"; **Sec. 5. (Number of electorates.)**

(c) by omitting section 13 and by inserting instead the following section:— **Subst. sec. 13.**

13. (1) 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. **Redistribution of electoral districts by commissioners, &c.**

(2) The first distribution after the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1973, 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 (3) of section 6, that day being a day within six months after the date of assent to that Act has been signified.

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

(d)

Parliamentary Electorates and Elections (Amendment).

No. 44, 1973
 Sec. 17A.
 (Method of
 distribution,
 &c.)

- (d) (i) by omitting from section 17A (1) the word "ninety-six" wherever occurring and by inserting instead the word "ninety-nine";
- (ii) by omitting from section 17A the word "sixty-three" wherever occurring and by inserting instead the word "sixty-six";
- (iii) by omitting from section 17A the word "fifteen" wherever occurring and by inserting instead the word "twenty".

(2) For the purposes of the first distribution of electoral districts after the date of assent to this Act and of any matters necessary or incidental to that distribution the amendments made by subsection (1) shall commence upon that date.

(3) Upon the day upon which the proclamation in respect of the first distribution of electoral districts referred to in subsection (2) is published in the Gazette pursuant to section 15 (2) of the Parliamentary Electorates and Elections Act, 1912, the amendments made by subsection (1) (c) and (d) shall come into force for all purposes.

(4) The amendments made by subsection (1) (a) and (b) 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 subsection (3) is published in the Gazette.

Further
 amendment
 of Act No.
 41, 1912.

Sec. 75.
 (Returning
 officers for
 districts.)

3. The Parliamentary Electorates and Elections Act, 1912, is further amended—

- (a) (i) by omitting from section 75 the words " and every such appointment shall be notified in the Gazette";

(ii)

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- (ii) by inserting in section 75 after the word "stead." the following new paragraphs :— No. 44, 1973
- Any appointment made by the Governor under this section may be terminated by the Governor on the recommendation of the Public Service Board.
- Every appointment made by the Governor under this section and every termination of such an appointment shall be notified in the Gazette.
- (iii) by inserting in section 75 after the word "election" where secondly occurring the words "or to act as clerical assistants to assist the returning officer in the performance of his duties";
- (b) by inserting in section 75A after the words "poll clerk" wherever occurring the words ", clerical assistant"; Sec. 75A.
(Qualification of returning officers, &c.)
- (c) (i) by inserting in section 88 (1) after the words "and poll clerk" the words "and clerical assistant"; Sec. 88.
(Returning officers, etc., to make declarations.)
- (ii) by inserting in section 88 (1) after the words "or poll clerk," the words "or clerical assistant,";
- (d) by omitting section 114F (1) and by inserting instead the following subsection :— Sec. 114F.
(Numbering of applications and certificates.)
- (1) The returning officer shall—
- (a) number all applications for postal vote certificates and postal ballot-papers received by him in consecutive order in respect of each subdivision of an electoral district (whether or not it is a subdivision of the electoral district for which he is the returning officer) to which they relate;
- (b)

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(b) prefix each number given to an application under paragraph (a) with other numbers identifying the electoral district and subdivision thereof to which it relates; and

(c) number each postal vote certificate issued pursuant to such an application with numbers corresponding to the numbers endorsed on the application pursuant to paragraphs (a) and (b).

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

(e) by inserting at the end of section 122A the following new subsection :—

(3) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only of the fact that it is not duly signed or initialled by the presiding officer if it bears such mark as is prescribed as an official mark.

Sec. 130.
(When polling may be adjourned.)

(f) by omitting from section 130 (3) the word “seven” and by inserting instead the word “twenty-one”;

Subst.
sec. 131A.

(g) by omitting section 131A and by inserting instead the following section :—

Votes at adjourned poll.

131A. Where the poll has been adjourned at one or more booths within a subdivision or subdivisions within an electoral district, only those electors who are enrolled for the subdivision or subdivisions within which the booth or booths is or are situated shall be entitled to vote as provided in this Act at the adjourned poll.

Sec. 135.
(Violation of secrecy by officers, &c.)

(h) by inserting in section 135 after the words “poll clerk,” wherever occurring the words “clerical assistant”;

(i)

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- (i) by inserting next after section 151D the following new section :—

No. 44, 1973
New sec.
151E.

151E. (1) Any person who prints, publishes or distributes any matter, being an advertisement, "how to vote" card, handbill, pamphlet, poster, or notice, containing any electoral matter as defined in section 151B (other than the announcement in a newspaper of the holding of a meeting), without—

Name and address of author and printer to be printed on advertisements, etc.

- (a) the name and address of the person on whose instructions the matter was printed ; and
- (b) the name of the printer and address at which it was printed,

being printed in legible characters thereon, shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

(2) Where a newspaper contains an advertisement referred to in subsection (1) and the name of the printer of the newspaper and the address at which it was printed appear on the newspaper in accordance with any Act, subsection (1) does not apply so as to require that name and address to be printed on the advertisement.

- (j) by omitting section 162.

Sec. 162.
(Production of postal vote certificate, &c.)

PREVENTION