

**PARLIAMENTARY ELECTORATES AND  
ELECTIONS (FURTHER AMENDMENT) ACT,  
1977**

**New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 133, 1977.**

An Act to amend the Parliamentary Electorates and Elections Act, 1912, to make alternative provisions where Commonwealth divisional returning officers fail to perform their duties in respect of the preparation, alteration, revision and transmission of rolls of electors for the

Legislative

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*Parliamentary Electorates and Elections (Further Amendment).*

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Legislative Assembly of New South Wales; to make the residential qualifications of those electors the same as the residential qualifications of electors for Commonwealth elections; and for certain other purposes. [Assented to, 14th December, 1977.]

**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 "Parliamentary Electorates and Elections (Further Amendment) Act, 1977".

Commence-      **2.** (1) Except as provided in subsection (2), this Act  
ment.            shall commence on the date of assent to this Act.

(2) Section 3, in its application to Schedule 1 (1), (2) and (4), and Schedule 1 (1), (2) and (4) shall be deemed to have commenced on 23rd May, 1977.

Amendment      **3.** The Parliamentary Electorates and Elections Act,  
of Act No.      1912, is amended in the manner set forth in Schedule 1.  
41, 1912.

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SCHEDULE

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*Parliamentary Electorates and Elections (Further Amendment).*

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SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES  
AND ELECTIONS ACT, 1912.

(1) Section 1, matter relating to Part IIIB—

Omit “21B, 21C”, insert instead “21B–21D”.

(2) (a) Section 20 (1) (b)—

Omit “, and in New South Wales for at least  
three months,”.

(b) Section 20 (3)—

Omit the subsection.

(3) Section 21C (4) (a)—

Omit “Part”, insert instead “Act”.

(4) Section 21D—

After section 21C, insert :—

21D. (1) Where—

(a) rolls of electors for the purpose of elections  
for the Assembly and of Commonwealth  
elections are required to be prepared,  
altered or revised jointly under an  
arrangement referred to in section 21B; and

Failure of  
registrar or  
Common-  
wealth  
divisional  
returning  
officer to  
prepare,  
alter or  
revise joint  
rolls for  
State  
elections.

SCHEDULE

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*Parliamentary Electorates and Elections (Further Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES  
AND ELECTIONS ACT, 1912—*continued.*

- (b) a registrar or Commonwealth divisional returning officer prepares, alters or revises any such roll for a subdivision for the purpose of Commonwealth elections but not for the purpose of elections for the Assembly,

that roll shall, subject to any direction referred to in subsection (2)—

- (c) be, for the purpose of elections for the Assembly, the roll in force for the subdivision—

(i) that has the same boundaries as the subdivision referred to in paragraph (b); or

(ii) if there is no such subdivision, that has the same name as the subdivision so referred to; and

- (d) be deemed to have been duly prepared, altered or revised in accordance with this Act and the arrangement.

(2) Where the Electoral Commissioner is satisfied that a roll in force pursuant to subsection (1) contains the names and descriptions of persons who are not entitled to be enrolled thereon as electors

SCHEDULE

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*Parliamentary Electorates and Elections (Further Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES  
AND ELECTIONS ACT, 1912—*continued.*

for the Assembly, the Electoral Commissioner shall, by a notice published in the Gazette, specify the names and descriptions of those persons and direct that—

- (a) an indication in the manner prescribed for the purposes of section 21B (2) (a) (i) shall be deemed to have been made on the roll in respect of the names and descriptions of those persons at the time they were enrolled; and
- (b) if those persons are entitled to be enrolled on another roll for the purpose only of elections for the Assembly, the names and descriptions of those persons and the distinguishing marks referred to in section 21B (2) (a) (ii) shall be deemed to have been added to that other roll at the time they were enrolled.

(5) Section 25 (4)—

Omit “Commonwealth Electoral Officer”, insert instead “Australian Electoral Officer for New South Wales”.

(6) Section 29 (3)—

Omit “; and the registrar for each subdivision shall forthwith sign and transmit a copy of the roll for the subdivision for which he is registrar to the State returning officer for the district”.

SCHEDULE

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*Parliamentary Electorates and Elections (Further Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES  
AND ELECTIONS ACT, 1912—*continued.*

(7) Section 35 (1) (b) (iv)—

Omit the subparagraph.

(8) Section 50 (5)—

After section 50 (4), insert :—

(5) Where the Electoral Commissioner is satisfied that any divisional returning officer refuses or has failed to perform any duty imposed on him under subsection (1), the Electoral Commissioner or a person authorised by him may perform that duty and for the purpose of performing that duty the Electoral Commissioner or authorised person shall have and may exercise and perform all of the powers, authorities, duties and functions of a registrar or divisional returning officer under this Act.

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