

**PARLIAMENTARY ELECTORATES AND ELECTIONS  
(FURTHER AMENDMENT) ACT 1987 No. 173**

NEW SOUTH WALES



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**PARLIAMENTARY ELECTORATES AND ELECTIONS (FURTHER  
AMENDMENT) ACT 1987 No. 173**

NEW SOUTH WALES



**Act No. 173, 1987**

An Act to amend the Parliamentary Electorates and Elections Act 1912 with respect to electoral distributions and the method of voting in Legislative Council elections, and for other purposes. [Assented to 26 November 1987]

*Parliamentary Electorates and Elections (Further Amendment) 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Parliamentary Electorates and Elections (Further Amendment) Act 1987.

**Commencement**

2. This Act shall commence on a day or days to be appointed by proclamation.

**Amendment of Act No. 41, 1912**

3. The Parliamentary Electorates and Elections Act 1912 is amended as set out in Schedules 1-3.

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**SCHEDULE 1—AMENDMENTS RELATING TO ELECTORAL DISTRIBUTIONS**

(Sec. 3)

**Section 17A (Criteria for distributions)—****(a) Section 17A (a)—**

Omit the paragraph, insert instead:

- (a) have regard to demographic trends within the State and, as far as practicable, endeavour to ensure on the basis of those trends that, at the relevant future time, the number of electors enrolled in each electoral district will be equal (within a margin of allowance of 3 per cent more or less of the average enrolment in electoral districts at that future time); and

**(b) Section 17A (b) (iii)—**

Omit “and” where lastly occurring.

**(c) Section 17A (b) (iv), (v)—**

Omit section 17A (b) (iv), insert instead:

- (iv) mountain and other natural boundaries; and  
(v) the boundaries of the existing electoral districts.

**(d) Section 17A (2)—**

At the end of section 17A, insert:

- (2) For the purposes of subsection (1) (a), the relevant future time is 4 years from the day of the return of the writs for choosing the Legislative Assembly that exists at the time the distribution is carried out.

**SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS**

(Sec. 3)

(1) Section 3 (**Definitions**)—

Section 3 (1)—

Insert, in alphabetical order, the following definitions:

“Group voting ticket” means a written statement of a particular order in which a voter might allocate preferences in a periodic Council election, being a statement for use in interpreting the votes of voters who choose to vote in accordance with the group voting ticket.

“Group voting ticket square” means a square printed on a ballot-paper for a periodic Council election above the names of the candidates included in a group which has a group voting ticket registered for the election.

(2) Section 83B (**Printing ballot-papers**)—

## (a) Section 83B (5) (a)—

After “each group” wherever occurring, insert “(and each group voting ticket square relating to the group)”.

## (b) Section 83B (5A), (5B)—

After section 83B (5), insert:

(5A) If a group has 1 group voting ticket registered for a periodic Council election, an additional square shall be printed on the ballot-papers for the election above the names of the candidates included in the group.

(5B) If a group has 2 group voting tickets registered for a periodic Council election, 2 additional squares shall be printed on the ballot-papers for the election above the names of the candidates included in the group, as follows:

(a) the 2 squares shall be printed one beside the other;

(b) the square on the left-hand side of the ballot-paper shall be identified as “ticket 1” and the other square as “ticket 2”.

## (3) Section 83C—

After section 83B, insert:

**Group voting tickets**

83C. (1) The candidates included in a group for a periodic Council election may, before the expiration of 24 hours after the close of nominations for the election, lodge with the Electoral Commissioner 1 group voting ticket or 2 group voting tickets.

(2) A group voting ticket lodged with the Electoral Commissioner—

*Parliamentary Electorates and Elections (Further Amendment) 1987*SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

- (a) must indicate by consecutive numbers commencing with the number “1” an order of preference for at least 10 candidates;
  - (b) may indicate by consecutive numbers commencing with the number “11” a subsequent order of preference for some or all of the remaining candidates; and
  - (c) must indicate preferences for the candidates included in the group lodging the group voting ticket—
    - (i) in the order in which the names of those candidates are to appear on the ballot-papers; and
    - (ii) over all candidates in the election who are not included in that group.
- (3) A group voting ticket may be lodged in the form of a ballot-paper duly completed with the required order of preferences.
- (4) A group voting ticket may be signed—
- (a) by all the candidates included in the group;
  - (b) by the candidate whose name appears first in the order, referred to in section 81C (2), in the group; or
  - (c) by a person authorised to do so by all the candidates included in the group, by written instrument given to the Electoral Commissioner at the time of the nomination of the candidates in the group.
- (5) The person or persons who signed a group voting ticket may (by notice in writing to the Electoral Commissioner) withdraw that ticket before the expiration of 24 hours after the close of nominations for the election.
- (6) If the candidates included in a group duly lodge 1 group voting ticket or 2 group voting tickets under this section, the group shall (subject to subsection (5)) be taken to have that ticket or those tickets registered for the purposes of the election.
- (7) If a group has 2 group voting tickets registered for an election, the Electoral Commissioner shall hold a ballot (in accordance with the procedure prescribed by the regulations) to determine which group voting ticket will be ticket 1 and which will be ticket 2.
- (4) Section 86A—
- After section 86, insert:
- Group voting tickets to be displayed at polling-places**
- 86A. (1) The Electoral Commissioner shall cause at least one poster showing all the group voting tickets registered for a periodic Council election to be prominently displayed at each polling-place.

*Parliamentary Electorates and Elections (Further Amendment) 1987*SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

- (2) A poster shall be so prepared that—
- (a) group voting tickets are displayed in vertical columns;
  - (b) the tickets are displayed in the columns in the same order as the order on the ballot-papers of the groups concerned;
  - (c) if a group has 2 tickets registered for the election, the tickets are displayed in the same column with each appropriately identified (as determined under section 83C (7)) as ticket 1 or ticket 2; and
  - (d) each group voting ticket is identified in the same manner as the group concerned is identified on the ballot-papers (and not otherwise).

(3) In this section, “polling-place” includes any place at which an elector may vote before polling day under Division 10 of Part V.

(5) Section 103 (**Vote, how given**)—

Section 103 (4)—

After section 103 (3), insert:

(4) If the ballot-paper in a periodic Council election contains one or more group voting ticket squares, the voter may record a vote by placing the number “1” in any one of those squares instead of recording a vote in accordance with subsection (3).

## (6) Section 129EA—

After section 129E, insert:

**Formal votes according to group voting ticket**

129EA. If a voter records a vote on a ballot-paper by placing the number “1” in one of the group voting ticket squares, the ballot-paper shall be deemed to have recorded on it a vote in accordance with the relevant group voting ticket registered for the election.

(7) Section 129F (**Informal ballot-papers**)—

## (a) Section 129F (2), (3)—

Omit “Notwithstanding subsection (1)” wherever occurring, insert instead “Notwithstanding anything to the contrary in this Act”.

## (b) Section 129F (2A)–(2D)—

After section 129F (2), insert:

(2A) Notwithstanding anything to the contrary in this Act, if a voter records a vote on a ballot-paper by placing a mark in a group voting ticket square but also indicates preferences for individual candidates, the following provisions apply:

*Parliamentary Electorates and Elections (Further Amendment) 1987*SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

- (a) if the indication of preferences for individual candidates would, if it stood alone, constitute a formal vote, that indication of preferences shall be taken to be the vote of the voter and the mark in the group voting ticket square shall be disregarded;
- (b) if the indication of preferences for individual candidates would not, if it stood alone, constitute a formal vote, it shall be disregarded and the vote of the voter shall be taken to have been expressed by the mark in the group voting ticket square.

(2B) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing a cross or a tick in a group voting ticket square and not placing any mark or writing in any other group voting ticket square, but the ballot-paper shall be treated as if the cross or tick were the number "1".

(2C) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number "1" or a tick in a group voting ticket square and placing a cross in (or a line through) all or some of the other group voting ticket squares on the ballot-paper, but the ballot-paper shall be treated as if the marks in those other squares did not appear on the ballot-paper and any such tick were the number "1".

(2D) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number "1" in a group voting ticket square and placing other numbers in all or some of the other group voting ticket squares on the ballot-paper, but the ballot-paper shall be treated as if those other numbers did not appear on the ballot-paper.

- (c) Section 129F (3)—

After "any such ballot-paper", insert "(or indicated on a group voting ticket adopted by any such ballot-paper)".

- (8) Schedules 4A, 15A—

Omit the Schedules, insert instead:

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SCHEDULE 4A

BALLOT-PAPER

NEW SOUTH WALES Election of 15 Members of Legislative Council Electoral District Elector enrolled

You may vote in one of two ways

**either**

Place the number "1" in one and one only of these squares to indicate the voting ticket you wish to adopt as your vote

**or**

Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9" and "10" in the squares opposite the names of 10 candidates in order of your preference for them. If you wish to vote for more than 10 candidates, place consecutive numbers beginning with the number "11" in the squares opposite the names of those additional candidates in order of your preferences for them

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	GROUP F	GROUP G
<input type="checkbox"/> PARKER Allan <input type="checkbox"/> MILLER John Charles <input type="checkbox"/> MORGAN Albert <input type="checkbox"/> LUMSDAINE Elaine <input type="checkbox"/> POULOS Nicholas <input type="checkbox"/> JONES Frederick <input type="checkbox"/> JOHNSON Alice <input type="checkbox"/> WATSON Reginald J R <input type="checkbox"/> FONG Philip <input type="checkbox"/> BLACK Robert Clive	<input type="checkbox"/> WILLIAMS Gregory <input type="checkbox"/> ROGERS Ralph William <input type="checkbox"/> COWAN Pamela	<input type="checkbox"/> WRIGHT Elizabeth <input type="checkbox"/> LEVY Mark <input type="checkbox"/> MCKENZIE Donald <input type="checkbox"/> PAGANO Vitore <input type="checkbox"/> WOOD Henry <input type="checkbox"/> YOUNG David Ian <input type="checkbox"/> TAYLOR George Ernest <input type="checkbox"/> BROWN Mark <input type="checkbox"/> ILLIC Peter <input type="checkbox"/> HAYES Graham	<input type="checkbox"/> SMITH Byron <input type="checkbox"/> HANSON D Richard Ian <input type="checkbox"/> LANHAM Margaret <input type="checkbox"/> PEREZ Juan	<input type="checkbox"/> KNIGHT Colin Percival <input type="checkbox"/> ASSAF Joseph <input type="checkbox"/> WHITE Veronica <input type="checkbox"/> CRAWFORD James <input type="checkbox"/> MARTIN Michael Andrew	<input type="checkbox"/> SCHMIDT Karl Otto <input type="checkbox"/> RYAN Terence	<input type="checkbox"/> BROOKMAN John <input type="checkbox"/> CRANE June <input type="checkbox"/> FRENCH Charles <input type="checkbox"/> KING Henry <input type="checkbox"/> WILSON Mary
<input type="checkbox"/> RODGERS Jodie <input type="checkbox"/> PASCALIS Sasha <input type="checkbox"/> SCRIVENER Peter <input type="checkbox"/> RATHBONE Malcolm <input type="checkbox"/> SPICER Melaine <input type="checkbox"/> REID Lisa						



Parliamentary Electorates and Elections (Further Amendment) 1987

SCHEDULE 15A  
The elector must not mark a vote on the ballot paper until after the elector has first exhibited the ballot paper (in blank) to the Authorised Witness.  
NEW SOUTH WALES  
Election of 15 Members of Legislative Council  
Electoral District Elector enrolled.....

POSTAL BALLOT-PAPER

You may vote in one of two ways

**either**

Place the number "1" in one and one only of these squares to indicate the voting ticket you wish to adopt as your vote

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	GROUP F	GROUP G
Ticket <input type="checkbox"/> or <input type="checkbox"/>	Ticket <input type="checkbox"/> or <input type="checkbox"/>	Ticket <input type="checkbox"/> or <input type="checkbox"/>	Ticket <input type="checkbox"/> or <input type="checkbox"/>	Ticket 1 <input type="checkbox"/> or <input type="checkbox"/> Ticket 2 <input type="checkbox"/> or <input type="checkbox"/>	<input type="checkbox"/>	Ticket <input type="checkbox"/>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>GROUP A</b>	<b>GROUP B</b>	<b>GROUP C</b>	<b>GROUP D</b>	<b>GROUP E</b>	<b>GROUP F</b>	<b>GROUP G</b>

**or**

Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9" and "10" in the squares in order of your preference for them. If you wish to vote for additional candidates, place consecutive numbers beginning with the number "11" in the squares opposite the names of those additional candidates in order of your preferences for them.

**SCHEDULE 3—MISCELLANEOUS AMENDMENTS**

(Sec. 3)

- (1) Section 122A (**Ballot-papers not to be informal in certain circumstances**)—

Section 122A (5)—

After section 122A (4), insert:

(5) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number “1” or a tick in a square and placing a cross in (or a line through) all or some of the other squares on the ballot-paper, but the ballot-paper shall be treated as if the marks in those other squares did not appear on the ballot-paper and any such tick were the number “1”.

- (2) Section 126A—

After section 126, insert:

**Scrutiny for statistical information**

126A. (1) After the declaration that a candidate has been duly elected, the Electoral Commissioner may, for the purpose of obtaining statistical information, give the returning officer directions for the examination of the second and later preferences of candidates and for the distribution of those preferences in the manner specified in the directions.

(2) The returning officer shall comply with those directions.

(3) An examination and distribution of preferences under this section may be carried out by an officer of the Public Service or other electoral official if the Electoral Commissioner so directs.

- (3) Section 176 (**Regulations**)—

Section 176 (5)—

After section 176 (4), insert:

(5) A provision of a regulation may (without limiting any power conferred by this section or the Interpretation Act 1987) adopt a form approved under the Commonwealth Electoral Act 1918 of the Commonwealth for the purposes of a provision of that Act as the prescribed form for the purposes of a corresponding provision of this Act.

*Parliamentary Electorates and Elections (Further Amendment) 1987*

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SCHEDULE 3—MISCELLANEOUS AMENDMENTS—*continued*

(4) Schedule 15 (**Postal ballot-paper**)—

Omit “The elector must not mark his vote hereon until after he has”, insert instead “The elector must not mark a vote on the ballot-paper until after the elector has”.