



New South Wales

# Parliamentary Electorates and Elections Amendment Act 2010 No 11

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New South Wales

# **Parliamentary Electorates and Elections Amendment Act 2010 No 11**

Act No 11, 2010

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An Act to amend the *Parliamentary Electorates and Elections Act 1912* to make provision for the investigation of internet voting for vision-impaired persons and other disabled persons; make further provision regarding the conduct of elections and the registration of political parties; and for other purposes. [Assented to 28 April 2010]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Parliamentary Electorates and Elections Amendment Act 2010*.

**2 Commencement**

This Act commences on the date of assent to this Act.

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## **Schedule 1      Amendment of Parliamentary Electorates and Elections Act 1912 No 41 relating to investigation of internet voting for vision-impaired and other disabled persons**

### **Section 187**

Insert after section 186A:

#### **187      Investigation of internet voting for vision-impaired and other disabled persons**

- (1) The Electoral Commissioner is:
  - (a) to conduct an investigation into the feasibility of providing internet voting for vision-impaired and other disabled persons for elections under this Act, and
  - (b) if such internet voting is feasible, to propose a detailed model of such internet voting for adoption.
- (2) The investigation is to be undertaken as soon as possible after the commencement of this section.
- (3) A report on the investigation, and any proposed model of internet voting for vision-impaired and other disabled persons, is to be given to the Minister within 3 months after the commencement of this section.
- (4) The Minister is, as soon as practicable, to table, or cause to be tabled, a copy of the report in each House of Parliament.
- (5) The Electoral Commissioner is not required under this Act or any other law to provide any special or alternative form of voting for vision-impaired or other disabled persons, other than that already provided for under this Act. In particular, the Electoral Commissioner is not required under this Act or any other law to provide a form of voting to vision-impaired or other disabled persons that enables such persons to vote without the assistance of another person.

**Schedule 2      Amendment of Parliamentary  
Electorates and Elections Act 1912 No 41  
relating to authorisation and registration  
of electoral material**

**[1] Section 151E Name and address of author and printer to be printed on advertisements etc**

Insert after section 151E (2):

- (3) Subsection (1) does not apply in relation to:
  - (a) a T-shirt, lapel button, lapel badge, pen, pencil or balloon, or
  - (b) a business or visiting card that promotes the candidacy of any person in an election, or
  - (c) a letter or other card:
    - (i) that bears the name and address of the sender, and
    - (ii) that does not contain a representation or purported representation of a ballot paper for use in an election, or
  - (d) any other article prescribed (or of a class prescribed) by the regulations.

**[2] Section 151G Registration of electoral material**

Insert after section 151G (7A) (a):

- (a1) that the material does not clearly identify the person, political party, organisation or group on whose behalf the material is to be distributed, or

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## **Schedule 3      Amendment of Parliamentary Electorates and Elections Act 1912 No 41 relating to registration of political parties**

### **[1] Section 66G Refusal to register**

Insert after section 66G (4):

(5) Despite subsection (3), if a party is registered under the Commonwealth Act (the *Commonwealth registered party*), the Electoral Commissioner must not refuse to register under this Act:

- (a) the Commonwealth registered party, or
- (b) another party (if the Commonwealth registered party has given its consent in writing to the registration),

under the same name or same abbreviation (or both) as the Commonwealth registered party is registered under the Commonwealth Act by reason only of a ground set out in the following:

- (c) subsection (3) (b),
- (d) subsection (3) (c) or (d), unless the registered party or party currently represented in Parliament referred to in subsection (3) (c) or (d) is not registered under the Commonwealth Act.

### **[2] Section 66H Amendment of Register**

Omit “the application is to be regarded as an application for registration setting out particulars as proposed to be amended” from section 66H (3).

Insert instead “a reference in those provisions to an application for registration is taken to be a reference to an application for an amendment of the Register of Parties”.

### **[3] Section 66H (3AA)**

Insert after section 66H (3):

(3AA) Section 66D (2) (g) and (g1) do not apply to an application for the amendment of the particulars in the Register of Parties.

### **[4] Section 66H (3C)–(3E)**

Insert after section 66H (3B):

(3C) Section 66FA does not apply to an application for the amendment of the particulars in the Register of Parties.

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relating to registration of political parties

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- (3D) An amendment of the particulars in the Register of Parties under this Part must not be made in the period commencing on the day of the issue of the writ for an election and ending on and including the day fixed for the return of the writ.
- (3E) No action is to be taken during that period in relation to an application for an amendment of the particulars in the Register of Parties.

## **Schedule 4      Amendment of Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 No 102**

### **Schedule 5 Miscellaneous amendments to Parliamentary Electorates and Elections Act 1912 No 41**

Insert after proposed section 138 (2) in Schedule 5 [62]:

- (2A) In subsection (2), a reference to a polling place includes a reference to a pre-poll voting place.

[Agreement in principle speech made in Legislative Assembly on 19 March 2010  
Second reading speech made in Legislative Council on 21 April 2010]

BY AUTHORITY