



New South Wales

# Parliamentary Electorates and Elections Amendment Regulation 2006

under the

Parliamentary Electorates and Elections Act 1912

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Parliamentary Electorates and Elections Act 1912*.

MORRIS IEMMA, M.P.,  
Premier

## Explanatory note

The object of this Regulation is to amend the *Parliamentary Electorates and Elections Regulation 2001* (the **Principal Regulation**), which is made under the *Parliamentary Electorates and Elections Act 1912* (the **Principal Act**).

**Schedule 1** contains amendments that are made principally in connection with the enactment of the *Parliamentary Electorates and Elections Amendment Act 2006*, including the following:

- (a) Clause 14 (1) and Form 7 (Application for permission to vote before polling day) are omitted because section 114P of the Principal Act is amended to provide that an application for permission to vote before polling day is to be made in person.
- (b) Clause 14 (3)–(5) is inserted to provide additional requirements that must be satisfied before “how to vote” electoral material relating to a candidate is made available under section 114ZR (6A) of the Principal Act for perusal by electors engaging in pre-poll voting at a nursing home or other declared institution.
- (c) Clause 17 is amended so that an application for the registration of all types of electoral material must be made in a form approved by the Electoral Commissioner, and not just electoral material relating to a political party, group of candidates or a candidate.
- (d) Clause 23 and Form 13 are omitted because section 93 of the Principal Act is amended to remove the requirement for a registrar, deputy registrar or police officer to make a declaration before entering a polling place.

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#### Explanatory note

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- (e) Clause 24 and Form 14 are amended because section 114A of the Principal Act is amended to add silent electors to the list of persons who may apply for a postal vote certificate and postal ballot paper.
- (f) Clause 33 is omitted because section 78E of the Principal Act is omitted.
- (g) Clause 37 is substituted as a consequence of amendments to sections 127 and 129H of the Principal Act relating to the keeping of ballot papers and other electoral material after an election is conducted.
- (h) Clause 37A is inserted to prescribe persons before whom declarations by appointed officials may be made before the officials enter upon their official duties after their appointment.
- (i) Forms 1 and 2 are amended as a consequence of amendments to Part 2 of the Principal Act relating to the redistribution of electoral boundaries.
- (j) Form 5 is amended for consistency with the form set out in Schedule 4A to the Principal Act, as amended by the *Parliamentary Electorates and Elections Amendment Act 2006*.
- (k) Form 19 is amended as a consequence of amendments made to section 114AA of the Principal Act.
- (l) Other amendments are made as a consequence of the creation of the New South Wales Electoral Commission, the change of nomenclature of certain officials, and the reallocation of duties between officials.

**Schedule 2** contains other amendments, as follows:

- (a) Clause 16 (Notice of adjournment of poll) is omitted to remove details as to how the returning officer or polling place manager is to “forthwith cause public notice to be given” of the postponement of a poll under section 130 (3) of the Principal Act.
- (b) Form 20 (Registration of party—declaration of party membership) is amended to make it clear that the name of the political party to which the making of a declaration of party membership belongs must be stated in full.
- (c) Form 21 (Registration of party—annual return) is replaced by a simplified form.
- (d) Form 22 (Penalty notice for failure to vote) is amended to remove references to cheques and money orders and to enable the insertion of details of the methods by which penalty payments may be made.

**Schedule 3** contains amendments to promote consistency in spelling by removing hyphens in the terms “ballot-box”, “ballot-paper”, “ballot-papers”, “polling-booth” and “polling-place” wherever occurring in the Principal Regulation. Similar amendments are made to the *Parliamentary Electorates and Elections Act 1912* by the *Parliamentary Electorates and Elections Amendment Act 2006*.

This Regulation is made under the *Parliamentary Electorates and Elections Act 1912*, including section 176.

## **Parliamentary Electorates and Elections Amendment Regulation 2006**

under the

Parliamentary Electorates and Elections Act 1912

### **1 Name of Regulation**

This Regulation is the *Parliamentary Electorates and Elections Amendment Regulation 2006*.

### **2 Commencement**

This Regulation commences on 20 October 2006.

### **3 Amendment of Parliamentary Electorates and Elections Regulation 2001**

- (1) The *Parliamentary Electorates and Elections Regulation 2001* is amended as set out in Schedules 1–3.
- (2) A reference to a form in Schedules 1 and 2 is a reference to a form in Schedule 1 to the *Parliamentary Electorates and Elections Regulation 2001*.
- (3) The omission of words by Schedule 3 does not apply to provisions or parts of provisions omitted by other Schedules.

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Schedule 1 Amendments consequential on Parliamentary Electorates and Elections Amendment Act 2006

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### **Schedule 1 Amendments consequential on Parliamentary Electorates and Elections Amendment Act 2006**

(Clause 3)

**[1] Clause 14 Pre-poll voting**

Omit clause 14 (1).

**[2] Clause 14 (3)–(5)**

Insert after clause 14 (2):

- (3) For the purposes of section 114ZR (6A) of the Act, it is an additional requirement that not more than one item of electoral material relating to a candidate may be made available for perusal by electors engaging in pre-poll voting at declared institutions.
- (4) In the case of an Assembly general election or by-election, if more than one item of electoral material has been registered in relation to a particular candidate, the one item available for perusal, for the purposes of subclause (3), is to be the item nominated to the Electoral Commissioner by:
  - (a) if a registered party has endorsed the candidate for election—the registered officer of the registered party or another person representing that officer, or
  - (b) in any other case—the candidate.
- (5) In the case of a periodic Council election, if more than one item of electoral material has been registered in relation to a particular candidate, the one item available for perusal, for the purposes of subclause (3), is to be the item nominated to the Electoral Commissioner by:
  - (a) if a registered party has endorsed the candidate for election—the registered officer of the registered party or another person representing that officer, or
  - (b) if the candidate is included in a group—a person representing that group, or
  - (c) in any other case—the candidate.

**[3] Clause 17 Registration of electoral material**

Omit “relating to a political party, a group of candidates or a candidate”.

**[4] Clause 18 Official mark on ballot papers**

Omit “State Electoral Office”. Insert instead “Electoral Commission”.

**[5] Clause 20 Marking of roll**

Omit “the deputy returning officer”. Insert instead “an election official”.

**[6] Clause 20**

Omit “the certified copy of the roll”. Insert instead “a copy of the roll”.

**[7] Clause 23 Declaration to enter polling-booth**

Omit the clause.

**[8] Clause 24 Form of application for postal vote**

Omit “(e) or (g)” from clause 24 (a). Insert instead “(e), (g) or (h)”.

**[9] Clause 32 Postal votes received by polling place manager**

Omit “deputy returning officer” and “Deputy Returning Officer” wherever occurring in clause 32 (1).

Insert instead “polling place manager” and “Polling Place Manager”, respectively.

**[10] Clause 33 Persons before whom declaration by postal voting officer to be made**

Omit the clause.

**[11] Clause 37**

Omit the clause. Insert instead:

**37 Prescribed officer: inspection of documents**

For the purposes of section 161 (1) (iii) of the Act, the prescribed officer is, in respect of the inspection of:

- (a) any documents used at or in connection with an election, or
  - (b) any claim made under section 81C (1) of the Act,
- the Electoral Commissioner or a public servant authorised in writing by the Electoral Commissioner.

**[12] Clause 37A**

Insert after clause 37:

**37A Declarations made by appointed officials**

For the purposes of section 21AO of the Act, the following persons are prescribed persons:

- (a) a returning officer,

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- (b) a polling place manager,
- (c) a New South Wales public servant or a person appointed or engaged under the *Public Service Act 1999* of the Commonwealth,
- (d) a member of the clergy of any church or religious denomination,
- (e) a person in charge of a post office,
- (f) an Australian legal practitioner.

**[13] Schedule 1 Forms**

Insert after “notice.” in Form 1 (Notice of proposed alterations of electoral districts):

A written statement of the Commissioners’ reasons for making the proposed alterations will be available for inspection at no cost during office hours at the office of the New South Wales Electoral Commission for the period of 30 days after publication in the Gazette of this notice.

**[14] Form 2 Notice of proposed alterations of electoral districts**

Omit “at the offices of Clerks of Local Courts and at the office of the Electoral Commissioner for New South Wales”.

Insert instead “at the office of the New South Wales Electoral Commission, at the offices of the local councils of the local government areas within current or proposed boundaries, and on the Commission’s internet website [*details may be inserted here*]”.

**[15] Form 2**

Insert after “notification.”:

A written statement of the Commissioners’ reasons for making the proposed alterations will be available for inspection at no cost during office hours at the office of the New South Wales Electoral Commission for the period of 30 days after publication of the Gazette notification.

**[16] Form 5 Form of ballot paper for Council elections with more than 33 groups**

Omit “Electoral District Elector enrolled.....”.

- [17] **Form 5**  
Insert after “them.” where firstly and thirdly occurring:  
Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.
- [18] **Form 6 Declaration of person of the Jewish persuasion claiming to vote on Saturday or day of a Jewish fast or festival**  
Omit “the Returning Officer or Deputy”. Insert instead “an election official”.
- [19] **Form 7 Application for permission to vote before polling day**  
Omit the form.
- [20] **Form 8 Pre-poll voter’s form of declaration**  
Omit “Occupation”. Insert instead “Date of birth”.
- [21] **Form 8**  
Omit “Returning Officer”. Insert instead “Pre-poll voting officer”.
- [22] **Form 9 Absent voter’s form of declaration**  
Omit “Occupation”. Insert instead “Date of birth”.
- [23] **Form 9**  
Omit “returning (or deputy returning) officer”.  
Insert instead “election official”.
- [24] **Form 10 Declaration by an elector whose residence is not on the Roll**  
Omit “returning (or deputy returning) officer”.  
Insert instead “election official”.
- [25] **Form 11 Declaration where name marked off Roll**  
Omit “*Occupation (as appearing on Roll)*”. Insert instead “*Date of birth*”.
- [26] **Form 11**  
Omit “Deputy Returning Officer”. Insert instead “Election official”.
- [27] **Form 12 Declaration where name omitted/struck from Roll**  
Omit “*Occupation*”. Insert instead “*Date of birth*”.
- [28] **Form 12**  
Omit “Deputy Returning Officer”. Insert instead “Election official”.

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- [29] **Form 13 Declaration by registrar, deputy registrar or police officer**  
Omit the form.
- [30] **Form 14 Application for a postal vote certificate and postal ballot paper**  
Insert “the Electoral Commissioner or” before “the Returning Officer”.
- [31] **Form 14**  
Omit “*occupation as shown on Roll*”. Insert instead “*date of birth*”.
- [32] **Form 14**  
Insert after paragraph (g) of the note:  
(h) that I am a silent elector.
- [33] **Form 15 Application for a postal vote certificate and postal ballot paper**  
Insert “the Electoral Commissioner or” before “the Returning Officer”.
- [34] **Form 15**  
Omit “Occupation (*Insert occupation as shown on Roll*)”.  
Insert instead “Date of birth:”.
- [35] **Form 16 Postal vote certificate**  
Insert “Electoral Commissioner or” before “issuing Returning Officer”.
- [36] **Form 17 Application by a person outside New South Wales for a postal vote certificate and postal ballot paper**  
Omit “Occupation (*Insert occupation as shown on Roll*)”.  
Insert instead “Date of birth:”.
- [37] **Form 18 Postal vote certificate**  
Omit “Occupation”. Insert instead “Date of birth”.
- [38] **Form 19 Application for registration as general postal voter**  
Omit “Occupation (*Insert occupation as shown on Roll*)”.  
Insert instead “Date of birth:”.



**[39] Form 19**

Insert after paragraph (c):

- (d) an elector who, because I will be at a place (other than a hospital) caring for a person who is seriously ill or infirm, is unable to travel from that place to a polling place,

**[40] Form 19**

Renumber existing paragraphs (d), (e), (f) and (e) as paragraphs (e), (f), (g) and (h).

**[41] Form 19**

Insert after paragraph (h) as renumbered:

- (i) an elector who is a silent elector,
- (j) an elector who, because of my religious beliefs or membership of a religious order:
- (i) is precluded from attending a polling booth, or
  - (ii) for the greater part of the hours of polling on polling day, is precluded from attending a polling booth.

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Schedule 2 Other amendments

**Schedule 2 Other amendments**

(Clause 3)

**[1] Clause 16 Notice of adjournment of poll**

Omit the clause.

**[2] Form 20 Registration of party—declaration of party membership**

Omit “*Insert name of party*”. Insert instead “*Insert full name of the party*”.

**[3] Form 21 Registration of party—annual return**

Omit the form. Insert instead:

**Form 21 Registration of party—annual return**

(Clause 35)

*Parliamentary Electorates and Elections Act 1912* (Section 66HA (1))

To the Electoral Commissioner:

Annual return for ..... (year)

of: ..... (name of party as appearing on Register of Parties)

1. All the members of the party on whom the party relies to continue to be eligible for registration under Part 4A of the *Parliamentary Electorates and Elections Act 1912* are still members of the party.
2. Annexure “A”, pages 1 to .... , shows members of the party who are members on whom it relies to continue to be eligible for registration (in place of former members of the party shown in the annexure). The remainder of the members on whom the party relies are still members of the party.
3. Annexure “B”, pages 1 to .... , shows the changes that have occurred in the names or addresses of members of the party on whom it relies to continue to be eligible for registration.

***Cross out whichever clause or clauses above do not apply.***

I, .....  
(print full name in BLOCK letters)  
the registered officer of the above party, do solemnly and sincerely declare that I have made all reasonable inquiries to verify the above information and that the information is, to the best of my knowledge and belief, correct, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Date: ..... Signed: .....

(Signature of registered officer of party)

Sworn by the deponent on ..... (date)

before me, ..... J.P. ....  
 (Name) (Signature)

*(For Office use only)*

Date of receipt of annual return:

Signature of Electoral Commissioner:

Date: .....

Page ..... of .....

**Annexure "A"**

The following list specifies in Column A those former members of the party on whom it previously relied for continued registration. Column B specifies the list of members instead of those former members on whom the party now wishes to rely for continued registration. The remainder of the members on whom the party relies are still members of the party.

<b>Column A</b>	<b>Column B</b>
Names and addresses (as enrolled) of former members on whom the party relied	Names and addresses (as enrolled) of replacement members on whom the party relies
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

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Schedule 2 Other amendments

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**Note.** A Declaration of Party Membership (Form 20) completed by each replacement member specified in Column B on whom the party relies is to be attached.

Date: .....

Page ..... of .....

**Annexure “B”**

The following list specifies the former names and/or addresses of members of the party on whom it relies to continue to be eligible for registration. Where a member on whom the party relies for continued registration has changed their name, their address, or both, detail these changes below.

<b>Column A</b>	<b>Column B</b>
Previous names and addresses (as enrolled) of members on whom the party relies	Current names and addresses (as enrolled) of members
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

**[4] Form 22 Penalty notice for failure to vote**

Omit “Cheques and money orders should be crossed, marked ‘not negotiable’ and made payable to the Electoral Commissioner for New South Wales. (*Do not post cash.*)”.

Insert instead “[*Here insert the methods by which payment may be made.*]”.

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## Schedule 3    General amendment of Regulation

(Clause 3)

**[1] The whole Regulation**

Omit “ballot-box” wherever occurring. Insert instead “ballot box”.

**[2] The whole Regulation**

Omit “ballot-paper” wherever occurring. Insert instead “ballot paper”.

**[3] The whole Regulation**

Omit “ballot-papers” wherever occurring. Insert instead “ballot papers”.

**[4] The whole Regulation**

Omit “polling-booth” wherever occurring. Insert instead “polling booth”.

**[5] The whole Regulation**

Omit “polling-place” wherever occurring. Insert instead “polling place”.