

# Parliamentary Electorates and Elections Regulation 2008

[2008-390]



New South Wales

## Status Information

### Currency of version

Repealed version for 4 January 2013 to 30 June 2018 (accessed 24 December 2024 at 6:17)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

This Regulation was repealed by sec 272 (c) of the [Electoral Act 2017 No 66](#) with effect from 1.7.2018.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 July 2018

# Parliamentary Electorates and Elections Regulation 2008



New South Wales

## Contents

|  |   |
|--|---|
| <b>Part 1 Preliminary</b> .....  | 4 |
| 1 Name of Regulation .....   | 4 |
| 2 Commencement .....   | 4 |
| 3 Interpretation .....   | 4 |
| <b>Part 2 Pre-poll matters</b> .....   | 4 |
| <b>Division 1 Alteration of electoral districts</b> .....                    | 4 |
| 4 Notice of proposed alteration of electoral district.....                   | 4 |
| <b>Division 2 Rolls</b> .....  | 5 |
| 5 (Repealed) .....   | 5 |
| 6 Enrolment .....  | 5 |
| 7 (Repealed) .....   | 5 |
| <b>Division 3 Order of candidates on ballot papers</b> .....                 | 5 |
| 8 Council election: claim to be included in a group .....                    | 5 |
| 9–11 (Repealed) .....  | 5 |
| 12 Form of ballot paper for Council elections with more than 33 groups ..... | 5 |
| <b>Division 4 Miscellaneous</b> .....  | 6 |
| 13 Child-related conduct declaration.....                                    | 6 |
| 14 Declaration by person of Jewish persuasion .....                          | 6 |
| 15 Pre-poll voting .....   | 6 |

|   |           |
|---|-----------|
| 16 (Repealed) .....   | 7         |
| 17 Registration of electoral material .....   | 7         |
| <b>Part 3 Polls</b> .....   | <b>7</b>  |
| <b>Division 1 General</b> .....   | <b>7</b>  |
| 18–20 (Repealed) .....  | 7         |
| 21 Official mark on ballot papers .....   | 7         |
| 22 Marking of roll .....  | 7         |
| <b>Division 2 Postal voting</b> .....   | <b>7</b>  |
| 23 (Repealed) .....   | 7         |
| 24 Person who is absent from NSW for more than 3 months is prescribed elector .....   | 7         |
| 25 Registration of prescribed electors as general postal voters .....   | 7         |
| 26 (Repealed) .....   | 7         |
| 27 Form of postal vote certificate .....  | 8         |
| 28 Postal votes received by returning officer in respect of another district .....  | 8         |
| 29 Postal votes received by polling place manager .....   | 8         |
| 30, 31 (Repealed) .....   | 9         |
| <b>Part 4 Registration of parties</b> .....   | <b>9</b>  |
| 32 Procedure where same member relied on by 2 or more parties .....   | 9         |
| 33 Party membership declaration forms .....   | 9         |
| 34 Registered party annual return .....   | 9         |
| <b>Part 5 Miscellaneous</b> .....   | <b>9</b>  |
| 35 Declarations made by appointed officials .....   | 9         |
| 36 Penalty notices .....  | 10        |
| 37 Prescribed officer: inspection of documents .....  | 10        |
| 38 Savings .....  | 10        |
| 39 Transitional provision consequent on enactment of Parliamentary Electorates and Elections<br>Amendment (Automatic Enrolment) Act 2009<br>..... | 10        |
| <b>Schedule 1 Forms</b> .....   | <b>11</b> |

# Parliamentary Electorates and Elections Regulation 2008



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Parliamentary Electorates and Elections Regulation 2008*.

### 2 Commencement

This Regulation commences on 1 September 2008.

**Note—**

This Regulation replaces the *Parliamentary Electorates and Elections Regulation 2001* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Interpretation

(1) In this Regulation:

**the Act** means the *Parliamentary Electorates and Elections Act 1912*.

**the Commonwealth Act** means the *Commonwealth Electoral Act 1918*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

(3) Notes in this Regulation (other than Schedule 1) do not form part of this Regulation.

## Part 2 Pre-poll matters

### Division 1 Alteration of electoral districts

#### 4 Notice of proposed alteration of electoral district

For the purposes of section 14 (1) of the Act, the prescribed notice of a proposed alteration of an electoral district:

(a) to be given in the Gazette—is a notice in Form 1, and

- (b) to be given in some newspaper published or circulating in the district—is a notice in Form 2.

## **Division 2 Rolls**

### **5 (Repealed)**

### **6 Enrolment**

For the purposes of section 27 (4) (b) and (8) of the Act, a claim for enrolment under section 27 (1) or (3) or a transfer of enrolment under section 27 (2) must be supported by one of the following:

- (a) if the claimant holds a driver's licence issued under the law of a State or Territory—the number of the driver's licence,
- (b) if the claimant holds an Australian passport—the number of the Australian passport,
- (c) an attestation as to the claimant's identity that is:
  - (i) in the approved form, and
  - (ii) signed by another person who is enrolled.

#### **Note—**

Section 106 of the Act (Provisional voting) requires a claim for enrolment or for a transfer of enrolment under that section to be supported by the evidence of the claimant's identity that is required by this clause.

### **7 (Repealed)**

## **Division 3 Order of candidates on ballot papers**

### **8 Council election: claim to be included in a group**

- (1) For the purposes of section 81C (1) of the Act, the prescribed form of claim for the grouping of candidates nominated for a periodic Council election (including any request under section 81C (1A) for a group voting square for the group) is Form 3.
- (2) For the purposes of section 81C (3) of the Act, the prescribed form for the withdrawal of a claim is Form 4.
- (3) The Electoral Commissioner must, on receipt of a claim under section 81C (1) of the Act or a withdrawal of a claim under section 81C (3) of the Act, make a notation on the claim or withdrawal of the time and date of receipt.

### **9-11 (Repealed)**

### **12 Form of ballot paper for Council elections with more than 33 groups**

For the purposes of section 176 (3) of the Act, the form of the ballot papers to be used for

a periodic Council election for which there are more than 33 groups is declared to be altered so that they are in Form 5 instead of the relevant form prescribed by Schedule 4A to the Act.

## **Division 4 Miscellaneous**

### **13 Child-related conduct declaration**

For the purposes of section 81L (3) of the Act, the prescribed form for a child-related conduct declaration is Form 6.

### **14 Declaration by person of Jewish persuasion**

For the purposes of section 109 of the Act:

- (a) the prescribed time for making a declaration referred to in that section is immediately after a ballot paper is given to the person, and
- (b) the prescribed form of such a declaration (which may be made orally or in writing) is Form 7.

### **15 Pre-poll voting**

- (1) (Repealed)
- (2) For the purposes of section 114ZR (6A) (d) (iv) 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.
- (3) 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 (2), 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.
- (4) 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 (2), 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.

**16 (Repealed)**

**17 Registration of electoral material**

An application under section 151G of the Act for registration of electoral material must be made in the approved form.

**Part 3 Polls**

**Division 1 General**

**18-20 (Repealed)**

**21 Official mark on ballot papers**

For the purposes of section 122A (3) of the Act, a mark depicting the arms of the State enclosed within a fastened oval belt which bears the words “Electoral Commission” and across the lower half of which is superimposed a banner bearing the words “New South Wales” (whether or not the mark depicts any other decorative matter) is prescribed as an official mark.

**22 Marking of roll**

Immediately on delivering a ballot paper to a voter, an election official must, in the manner approved by the Electoral Commissioner, place a mark against the voter’s name on a copy of the roll.

**Division 2 Postal voting**

**23 (Repealed)**

**24 Person who is absent from NSW for more than 3 months is prescribed elector**

(1) For the purposes of section 114AA (1) (a1) of the Act, an elector who will not be within the State during any period that exceeds 3 months is a prescribed elector.

(2), (3) (Repealed)

**25 Registration of prescribed electors as general postal voters**

(1), (2) (Repealed)

(3) The Electoral Commissioner is to provide the returning officer for each district with the relevant particulars of such electors referred to in clause 24 (1) as are registered in relation to the returning officer’s district.

**26 (Repealed)**

## **27 Form of postal vote certificate**

For the purposes of section 114D (1) (b) (ii) of the Act, the prescribed form of postal vote certificate is Form 16.

## **28 Postal votes received by returning officer in respect of another district**

For the purposes of section 114H (2) of the Act, the prescribed manner in which a returning officer is to deal with an envelope posted or delivered to the returning officer in accordance with that subsection is as follows:

- (a) the returning officer must endorse on the envelope the words “Received by me” and add the date of receipt, his or her signature, the words “Returning Officer” and the name of the returning officer’s district,
- (b) the returning officer must then make a record of the name of the voter and the name of the district appearing in the postal vote certificate,
- (c) the returning officer must then enclose the envelope in an outer cover, fasten and seal the outer cover and address it to the returning officer for the district in respect of which the voter named in the postal vote certificate claims to be enrolled and transmit it to that returning officer in a manner authorised by the Electoral Commissioner,
- (d) the returning officer must retain the record made under paragraph (b).

## **29 Postal votes received by polling place manager**

(1) For the purposes of section 114H (2) of the Act, the prescribed manner in which a polling place manager is to deal with an envelope delivered to the polling place manager in accordance with that subsection is as follows:

- (a) the polling place manager must endorse on the envelope the words “Received by me at ..... polling place” and add his or her signature, the words “Polling Place Manager” and the date,
- (b) the polling place manager must then make a record of the name of the voter and the name of the district appearing in the postal vote certificate,
- (c) the polling place manager must then deposit the envelope in the ballot box used for the purpose of postal polling at the polling place,
- (d) at the close of the poll, the polling place manager must forward all the envelopes bearing postal vote certificates to the returning officer for whom the polling place manager is acting,
- (e) the polling place manager must forward to the returning officer for whom the polling place manager is acting the record made under paragraph (b).

(2) A returning officer who receives envelopes under subclause (1) (d) is to deal with



them in the manner prescribed by clause 28 (c).

**30, 31 (Repealed)**

**Part 4 Registration of parties**

**32 Procedure where same member relied on by 2 or more parties**

- (1) This clause applies, for the purposes of section 66A (2) of the Act, where a person is relied on by 2 or more parties as a member of the party for the purpose of qualifying or continuing to qualify as an eligible party.
- (2) In any such case, the Electoral Commissioner must:
  - (a) request the person in writing to nominate, within 30 days of receiving the request, the party entitled to rely on the member, and
  - (b) advise the parties in writing that the Electoral Commissioner has made that request.
- (3) If, as a result of a nomination made by the person or a failure by the person to make a nomination, a party ceases to qualify as an eligible party, the Electoral Commissioner must advise the party in writing of that fact and give the party at least 60 days in which to provide the requisite particulars and declarations of party membership of the necessary number of additional members of the party that it requires to qualify as an eligible party.

**33 Party membership declaration forms**

For the purposes of section 66D (2) (g1) of the Act, the prescribed form of declaration of membership of a party to be completed and signed by a member of the party on whom the party relies for the purposes of qualifying as an eligible party is Form 19.

**34 Registered party annual return**

For the purposes of section 66HA (1) of the Act, the prescribed form of return as to continued eligibility for registration of a party is Form 20.

**Part 5 Miscellaneous**

**35 Declarations made by appointed officials**

For the purposes of section 21AO (1) and (3) of the Act, the following persons are prescribed persons:

- (a) a returning officer,
- (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.

### **36 Penalty notices**

- (1) For the purposes of section 120C (2) of the Act, the prescribed form of penalty notice for the offence of failing to vote is Form 21.
- (2) For the purposes of section 120C (2) of the Act, the prescribed time for giving the Electoral Commissioner a sufficient reason for a failure to vote or for paying a penalty specified in a penalty notice is the period of 28 days immediately following the date of service of the penalty notice.

### **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.

### **38 Savings**

Any act, matter or thing that, immediately before the repeal of the *Parliamentary Electorates and Elections Regulation 2001*, had effect under that Regulation continues to have effect under this Regulation.

### **39 Transitional provision consequent on enactment of *Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009***

The following provisions of the Act do not operate during the period of 12 months beginning on 24 September 2010 (being the date of commencement of the *Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009*):

- (a) section 106 (2B),
- (b) section 114R (5),
- (c) section 115A (2).

## Schedule 1 Forms

(Clause 3 (2))

### Form 1 Notice of proposed alterations of electoral districts

(Clause 4 (a))

*(Parliamentary Electorates and Elections Act 1912* (Section 14))

THE Electoral Districts Commissioners give notice that it is proposed to alter the (or certain of the) electoral districts of New South Wales by constituting, instead of those electoral districts, new electoral districts, with the names and boundaries described in the first column of the Appendix.

Suggestions or objections in relation to any of the proposed alterations will be received by the Commissioners at their Sydney office. All suggestions or objections must be in writing, and must be received at the office of the Commissioners within 30 days after the date of the publication in the Gazette of this notice.

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.

#### Appendix

|  |   |
|--|---|
| Names and Boundaries of proposed new electoral districts | Electoral districts the whole or parts of which the proposed new electoral districts comprise |
|--|---|

*(signed)*

Electoral Districts Commissioners

### Form 2 Notice of proposed alterations of electoral districts

(Clause 4 (b))

*(Parliamentary Electorates and Elections Act 1912* (Section 14))

THE Electoral Districts Commissioners give notice that it is proposed to alter the (or certain of the) electoral districts of New South Wales by constituting, among others, a certain new electoral district (or certain new electoral districts), with the names and boundaries described in the Gazette of (date), and marked on maps that may be inspected 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*].

Suggestions or objections in relation to any of the proposed alterations will be received by the Commissioners at their Sydney office. All suggestions or objections must be in writing, and must be received at the office of the Commissioners within 30 days after the date of the Gazette 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.

*(signed)*

Electoral Districts Commissioners

### Form 3 Claim to be included in a group (including request for group voting square)

(Clause 8 (1))

*(Parliamentary Electorates and Elections Act 1912* (Section 81C))

To the Electoral Commissioner:

Pursuant to section 81C (1) of the *Parliamentary Electorates and Elections Act 1912*, we, the undersigned candidates nominated for the periodic Legislative Council election to be held on (date), claim to have our names

included in a group in the ballot papers to be used in that election and to have our names included in that group in the order specified hereunder.

Pursuant to section 81C (1A) of that Act, we also request a group voting square for the group on the ballot papers to be used in that election<sup>1</sup>.

Pursuant to section 81C (6) of that Act, we nominate the following group of candidates for the purposes of section 129EB of that Act:<sup>2</sup>

| Surname | Given Names | Signature of Candidate <sup>3</sup> |
|---------|-------------|-------------------------------------|
|---------|-------------|-------------------------------------|

Date:

**Notes—**

**1** Strike out if inapplicable. A request for a group voting square may only be made if there are at least 15 candidates in the group.

**2** Strike out if inapplicable. The nomination is to be made for a group that has also requested a group voting square. A second preference vote is taken to be recorded for the nominated group on all ballot papers on which only a first preference vote is recorded for the group to which this claim relates if that group ceases to have 15 candidates because of the operation of section 81C (5) of that Act. Alternatively, the nomination may be made to the Electoral Commissioner within 24 hours after the close of nominations by the candidates in the group (or, on their behalf, by the first candidate in the group or the registered officer of the registered party that has endorsed all or any of the candidates).

**3** The signature of the candidate must appear opposite the candidate's name to signify consent to the inclusion of the name in the group and to the order in which the candidates' names are included in the group, and to any request or nomination in this form.

---

*(For Office use only)*

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Time and date of receipt of claim | Signature of Electoral Commissioner |
|-----------------------------------|-------------------------------------|

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| Time and date of withdrawal of claim | Signature of Electoral Commissioner |
|--------------------------------------|-------------------------------------|

|   |                                     |
|---|-------------------------------------|
| Other group nominated under section 81C (6) | Signature of Electoral Commissioner |
|---|-------------------------------------|

**Form 4 Withdrawal of claim to be included in a group**

(Clause 8 (2))

*(Parliamentary Electorates and Elections Act 1912 (Section 81C))*

To the Electoral Commissioner:

Pursuant to section 81C (3) of the *Parliamentary Electorates and Elections Act 1912*, we, the undersigned candidates nominated for the periodic Legislative Council election to be held on *(date)*, withdraw the claim made by us pursuant to section 81C (1) of that Act to have our names included in a group in the order specified hereunder.

| Surname | Given Names | Signature of Candidate <sup>1</sup> |
|---------|-------------|-------------------------------------|
|---------|-------------|-------------------------------------|

**Note—**

**1** The signature of the candidate must appear opposite the candidate's name to signify consent to the withdrawal of the claim.

Date:

---

*(For Office use only)*

|   |                                     |
|---|-------------------------------------|
| Time and date of receipt of withdrawal of claim | Signature of Electoral Commissioner |
|---|-------------------------------------|

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

(Clause 12)

**BALLOT PAPER**

NEW SOUTH WALES Election of 21 Members of Legislative Council

|  |   |  |   |  |   |  |   |   |
|--|---|--|---|--|---|--|---|---|
| <p><b>You may vote in one of two ways</b></p> <p style="text-align: center;"><i>either</i></p> <p>Place the number "1" in the square for the group of candidate(s) for whom you desire to vote. You may if you wish vote for additional groups of candidate(s) by placing consecutive numbers beginning with the number "2" in the squares for the additional groups of candidate(s) in order of your preference for them. 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.</p> | <p style="text-align: center;"><i>or</i></p> <p>Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14" and "15" in the squares opposite the names of 15 candidate(s) in order of your preference for them. You may if you wish vote for additional candidate(s) by placing consecutive numbers beginning with the number "16" in the squares opposite the name(s) of those additional candidate(s) in the order of your preference for them. 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.</p> | <p style="text-align: center;"><b>GROUP A</b></p> <p><input type="checkbox"/> PARKER<br/>Abit</p> <p><input type="checkbox"/> MILLER<br/>John</p> <p><input type="checkbox"/> LUMSDENE<br/>Ebbie</p> | <p style="text-align: center;"><b>GROUP B</b></p> <p><input type="checkbox"/> WILLIAMS<br/>Gregory</p> <p><input type="checkbox"/> HANSON<br/>Richard</p> <p><input type="checkbox"/> HAMMOND<br/>Marrett</p> | <p style="text-align: center;"><b>GROUP C</b></p> <p><input type="checkbox"/> BROOKMAN<br/>John</p> <p><input type="checkbox"/> CRANE<br/>Jillie</p> <p><input type="checkbox"/> IUC<br/>Peter</p> | <p style="text-align: center;"><b>GROUP D</b></p> <p><input type="checkbox"/> JONES<br/>Frederick</p> <p><input type="checkbox"/> JOHNSON<br/>Alice</p> <p><input type="checkbox"/> WATSON<br/>Reginald</p> | <p style="text-align: center;"><b>GROUP E</b></p> <p><input type="checkbox"/> YOUNG<br/>David</p> <p><input type="checkbox"/> TAYLOR<br/>George</p> <p><input type="checkbox"/> ASSAF<br/>Joseph</p> | <p style="text-align: center;"><b>GROUP F</b></p> <p><input type="checkbox"/> O'KEEFE<br/>John</p> <p><input type="checkbox"/> McAULIFFE<br/>Pat</p> <p><input type="checkbox"/> WHITE<br/>Veronica</p> | <p style="text-align: center;"><b>GROUP G</b></p> <p><input type="checkbox"/> RODGERS<br/>Jodie</p> <p><input type="checkbox"/> PASCALIS<br/>Sasha</p> <p><input type="checkbox"/> REID<br/>Lisa</p> <p><input type="checkbox"/> ADLER<br/>Greg</p> |
|--|---|--|---|--|---|--|---|---|

\* Here insert name of registered party or composite name to be printed \*\* Here insert name of registered party to be printed \*\*\* Here insert name of registered party or word "Independent" to be printed

**Form 6 Child-related conduct declaration**

(Clause 13)

(Parliamentary Electorates and Elections Act 1912 (Section 81L))

**Notice to candidates**

As part of the nomination process, all candidates for the Legislative Assembly and the Legislative Council are required by the *Parliamentary Electorates and Elections Act 1912* to make a child-related conduct declaration.

You are required to:

- read the Notice to candidates and the Attachment,
- sign the Notice to candidates acknowledging that you have read the Notice and the Attachment,
- complete and sign Part A,
- if required to because of an answer given in Part A—complete and sign Part B,
- return the declaration to the New South Wales Electoral Commission with your nomination form and deposit.

If you do not complete, sign and return these forms, your nomination will not be valid.

#### Not legal advice

**The *Parliamentary Electorates and Elections Act 1912* specifies what must be declared in this declaration. The information contained in this form about what must be declared is intended as general guidance for candidates only. You should seek independent legal advice if you have any specific legal queries about whether any conviction, proceeding or order must be declared in your declaration.**

#### Guidance on which offences must be included in declaration

Your declaration must set out and describe any of the following convictions, proceedings or court orders:

- any conviction against you for a **child sexual offence**, which includes (but is not limited to) offences against children involving sexual activity or acts of indecency punishable by 12 months or more imprisonment, child pornography offences or offences involving child abuse material (within the meaning of Division 15A of Part 3 of the *Crimes Act 1900*) if punishable by 12 months or more imprisonment and similar offences committed outside New South Wales (see the definition set out in the Attachment),
- any conviction against you for **child murder**,
- any **criminal proceedings** ever commenced against you for child murder or child sexual offences. This includes criminal charges laid against you that were subsequently withdrawn for any reason or which did not lead to a conviction. This also includes proceedings where you were found not guilty or where your conviction was subsequently quashed on appeal,
- any **relevant apprehended violence order** which has ever been made by a court against you, being an order made on the application of a police officer or other public official, for the protection of a child from sexual activity or acts of indecency.

#### **A child is a person under 18 years of age.**

You must include any convictions, proceedings or court orders against you in your current name or any former name.

#### Offence for false statement and disqualification

It is a **serious offence** for you to make a false statement on this form, **punishable by up to five (5) years imprisonment**. If you are elected as a member of either House of Parliament, and are convicted of such an offence, **your seat will become vacant because of that conviction**.

#### Declaration will be public

Your declaration will be made public by the New South Wales Electoral Commissioner, and if you are elected, it will be audited by the Commission for Children and Young People and a report will be prepared on the results of that audit and provided to the Presiding Officer of the House of Parliament to which you have been elected. That report will then be made public.

#### Criminal records check

A criminal records check will be carried out on the National CrimTrac Database for all candidates who are successful at the election. This check will identify offences or proceedings required to be disclosed as part of this form. This criminal records check is carried out at the request of the Commission for Children and Young People in accordance with the *Parliamentary Electorates and Elections Act 1912* and is carried out for the purpose of verifying that the information disclosed by you in this form is correct and accurate.

If a criminal records check is required to be carried out, you will be required to provide proof of identity in the form required by the Commission for Children and Young People.

A report will be prepared for the Presiding Officer of the House of Parliament to which you have been elected using the information obtained from the criminal records check. That report will identify whether your declaration is accurate, and if not, details of any discrepancies. The report will only deal with those offences or proceedings that are required to be disclosed as part of this form. The report will be made public. In addition, if there are any discrepancies, information may also be provided to the NSW Police Force or the Director of Public Prosecutions for prosecution action.

This criminal records check is required to be carried out in accordance with the provisions of the *Parliamentary Electorates and Elections Act 1912*. A failure to sign the consent below will mean that your nomination to be a candidate for the election will not be valid.

Which parts of the Declaration to complete

You must complete Part A of the declaration. If in Part A you declare that you have ever been subject to any of the relevant convictions, proceedings or orders, you must then provide sufficient details in Part B of the declaration to identify those offences, proceedings or orders.

How to complete the declaration

Other than your signature, you should print in BLOCK letters in **black** pen.

Acknowledgement and consent

Please sign below to indicate that you:

- 1 I have read and understood the information above and in the Attachment, and
- 2 consent to the criminal records check using the National CrimTrac Database being carried out.

Surname

Given names

Signature of candidate

Date:

ATTACHMENT

For the purposes of Division 5A of Part 5 of the *Parliamentary Electorates and Elections Act 1912*, **child sexual offence** means:

- (a) an offence involving sexual activity or acts of indecency that was committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more, and that was committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material (within the meaning of Division 15A of Part 3 of the *Crimes Act 1900*) that is so punishable), or
- (b) an offence involving sexual activity or acts of indecency that was committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more if committed in New South Wales, and that was committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material (within the meaning of Division 15A of Part 3 of the *Crimes Act 1900*) that is so punishable), or
- (c) an offence under section 80D or 80E of the *Crimes Act 1900*, where the person against whom the offence is committed is a child, or
- (d) an offence under sections 91D–91G of the *Crimes Act 1900* (other than if committed by a child prostitute) or a similar offence under a law other than a law of New South Wales, or

- (e) an offence under section 91H, 578B or 578C (2A) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales, or
- (f) an offence an element of which is an intention to commit an offence referred to in the preceding paragraphs, or
- (g) an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs.

An offence that was a child sexual offence at the time of its commission is not a child sexual offence for the purposes of that Division if the conduct constituting the offence has ceased to be an offence in New South Wales.

An offence involving sexual activity or an act of indecency is not a child sexual offence for the purposes of that Division if the conduct constituting the offence:

- (a) occurred in a public place, and
- (b) would not have constituted an offence in New South Wales if the place were not a public place.

For the purposes of that Division, section 579 of the *Crimes Act 1900* (which relates to older convictions dealt with by way of recognizance) does not apply to or in respect of a child sexual offence.

### Candidate declaration

#### Part A

(Answer questions 1–4 by ticking the relevant box in **black** pen)

- 1 Have you ever been convicted of a child sexual offence\*?  
 No  
 Yes
- 2 Have you ever been convicted of the murder of a child?  
 No  
 Yes
- 3 Have any criminal proceedings\* ever been commenced against you for the murder of a child, or for a child sexual offence\*, other than proceedings relating to a conviction disclosed under questions 1 or 2?  
 No  
 Yes
- 4 Have you ever had a relevant apprehended violence order\* made against you?  
 No  
 Yes

**In completing this declaration, you should have regard to the *Parliamentary Electorates and Elections Act 1912*, and the Notice to candidates and the Attachment to the notice that are part of this declaration.**

**\*See the Notice to candidates for the meaning of these terms. In particular, a *relevant apprehended violence order* is an apprehended violence order that has been made by a court, on the application of a police officer or other public official, for the protection of a child from sexual activity or acts of indecency.**



**I DECLARE THAT** the answers I have made in this Part to questions 1–4 state the matters required to be stated under section 81L (1) of the *Parliamentary Electorates and Elections Act 1912*.

Surname

Given names

Signature of candidate

Date:

**Part B**

(Print using BLOCK letters in **black** pen)

**I DECLARE THAT** the following list identifies all convictions, proceedings or orders in my current name and any former name that I am required to identify under section 81L (2) of the *Parliamentary Electorates and Elections Act 1912*:

1 Convictions for child murder and/or child sexual offences, including findings of guilt where no conviction was recorded, and name under which those convictions were recorded:

.....  
.....  
.....  
.....  
.....  
.....

2 Criminal proceedings for child murder and/or child sexual offences, and name under which those charges were laid:

(a) Charges laid against me that are currently before the courts:

.....  
.....  
.....  
.....

(b) Charges laid against me but withdrawn before or during trial:

.....  
.....  
.....  
.....

(c) Charges for which I was tried but found not guilty at trial:

.....  
.....  
.....  
.....

(d) Charges for which I was tried and convicted but found to be not guilty on appeal:

.....  
.....  
.....  
.....

(e) Charges for which I was found guilty but for which I was subsequently pardoned:

.....  
.....  
.....  
.....

(f) Any other charges or indictments not declared in the above categories:

.....  
 .....  
 .....  
 .....

3 Relevant apprehended violence orders, and name under which those orders were made:

.....  
 .....  
 .....  
 .....  
 .....  
 .....

**(Please attach a further sheet if additional space is required.)**

|         |             |                        |
|---------|-------------|------------------------|
| Surname | Given names | Signature of candidate |
|---------|-------------|------------------------|

Date:

**Form 7 Declaration of person of the Jewish persuasion objecting to vote on Saturday or day of a Jewish fast or festival**

(Clause 14 (b))

*(Parliamentary Electorates and Elections Act 1912 (Section 109))*

I, *(full name)*, am of the Jewish persuasion, and object on religious grounds to voting in the manner provided by the *Parliamentary Electorates and Elections Act 1912*.

**Note—**

This declaration may be made orally or in writing to an election official.

**Forms 8-15**

(Repealed)

**Form 16 Postal vote certificate**

(Clause 27)

*(Parliamentary Electorates and Elections Act 1912 (Section 114D))*

Application No:

Electoral district of *(place)* Roll No:

Subject to the *Parliamentary Electorates and Elections Act 1912*, *(name)* is entitled to vote by post at the election to be held on *(date)*

Date of issue: *(date)*

Signature of Electoral Commissioner or issuing returning officer:

State electoral district of:

**Certificate of voter**

I certify that the "signature of voter" hereunder is written by me with my own hand in the presence of the authorised witness. I declare I am entitled in accordance with the above Act to vote at this election as a postal voter.

Signature of voter: *(Signature or mark of elector)*

**Certificate of authorised witness**

I certify that the "Certificate of voter" was signed by the voter in my presence at (*place*) on the (*date*), and I act as an authorised witness:

(*Strike out whichever clauses do not apply*)

- (1) as an elector on the electoral roll for the State of New South Wales, or
- (2) as an elector on the Commonwealth electoral roll for the State or Territory of (*place*), or (*if outside Australia*)
- (3) under the following title:

Signature of authorised witness:

Name of authorised witness: (*Print in capital letters*)

Address of authorised witness:

**Note—**

The "Instructions for Postal Voters" should be carefully read by the witness before completing this declaration.

**Forms 17, 18**

(Repealed)

**Form 19 Registration of party—declaration of party membership**

(Clause 33)

(*Parliamentary Electorates and Elections Act 1912* (Section 66D))

To the Electoral Commissioner:

I, (*Print full name in BLOCK letters, as enrolled*) of (*Insert place of living as appearing on Electoral roll*) born (*Insert date of birth*) declare that I am a member of the following political party: (*Insert full name of the party as registered or to be registered*) and I consent to that party relying on my membership for the purposes of the party qualifying for registration under the *Parliamentary Electorates and Elections Act 1912*.

Signature of party member:

Date:

**Notes—**

**1** Each declaration of membership must be completed by (or at the direction of) the party member concerned and then signed by the member. Particulars to be completed are to be written by hand at the same time the form is signed. Each declaration of membership is to be made on a separate sheet of paper.

**2** The Electoral Commissioner may, in order to verify the requirements for registration of a party, request a person who signs a declaration of membership to confirm that the person is a member of the party and that the person completed and signed the form.

**Form 20 Registration of party—annual return**

(Clause 34)

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

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)

**Certificate under section 34 (1) (c) of *Oaths Act 1900***

*\*Please cross out any text that does not apply*

I [*insert name of witness*], a Justice of the Peace, certify the following matters concerning the making of this statutory declaration by the person who made it:

- 1 \*I saw the face of the person *or* \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering.
- 2 \*I have known the person for at least 12 months *or* \*I have confirmed the person's identity using an identification document and the document I relied on was [*describe identification document relied on*].

[*insert signature of witness*]

Date:

(*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.

**Column A**

**Column 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.

**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.

**Column A**

**Column 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.

## **Form 21 Penalty notice for failure to vote**

(Clause 36 (1))

*(Parliamentary Electorates and Elections Act 1912* (Section 120C))

Electoral district: *(place)* No on roll:

**If penalty is not paid or reason is not given within 28 days, court proceedings may be taken against you.**

Name and address of elector:

You are notified that electoral records show that you appear to have failed to vote at the election held on:

Under section 120F of the *Parliamentary Electorates and Elections Act 1912* the maximum penalty for failing to vote is 1 penalty unit (currently \$110).

**If you consider you have a sufficient reason for your failure to vote you should return this notice with an explanation you may wish to offer.**

Alternatively, you may dispose of the matter by:

- 1 Paying a penalty of *[specify penalty, which must not exceed \$55]* to the Electoral Commissioner within 28 days of the date of this notice, or
- 2 Having the matter dealt with by a Court, where the maximum penalty is 1 penalty unit (currently \$110) and court costs may also be payable.

### **Procedure for payment of penalty or offer of explanation**

Deliver or post the penalty or the explanation to the Electoral Commissioner.

*[Here insert the methods by which payment may be made.]*

### **Part payment of this penalty cannot be accepted**

The maximum penalty for any person giving a false reason for an elector's failure to vote is 1 penalty unit (currently \$110).

**This form must be forwarded with your payment or explanation.**

Indicate if receipt is required.

Electoral Commissioner:

Date: