

PARLIAMENTARY ELECTORATES AND ELECTIONS (AMENDMENT)  
BILL.

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*SCHEDULE of Amendments referred to in Message of 23rd December, 1921.*

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Page 2, clause 2. *Omit* subclause (4).

Pages 6 and 7, clause 2. *Omit* subclause (21).

Page 7, clause 2, line 27. *After* "position" *insert* "where it lastly occurs therein"

Pages 9 and 10, clause 2. *Omit* subclause (41).

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 6 December, 1921.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 23rd December, 1921.*

## New South Wales.



ANNO DUODECIMO

## GEORGII V REGIS.

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Act No. , 1921.

An Act to amend the Parliamentary Electorates and Elections Act, 1912, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King'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:—

1. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1921," and shall be construed with the Parliamentary Electorates and Elections Act, 1912, and any Acts amending the

37027

1—A

the

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Parliamentary Electorates and Elections (Amendment).*

the same. The Parliamentary Electorates and Elections Act, 1912, as so amended, is hereinafter called the Principal Act.

2. The Principal Act is amended in the following respects:—

- (1) By omitting section one and substituting therefor the following new section:—
1. This Act may be cited as the "Parliamentary Electorates and Elections Act, 1912," and is divided into the following Parts:—
- PART I.—SHORT TITLE AND INTERPRETATION—ss. 1-3.
- PART II.—NUMBER OF MEMBERS AND ELECTORAL DISTRICTS—ss. 3A-19.
- PART III.—QUALIFICATION OF ELECTORS—ss. 20-21A.
- PART IV.—OFFICERS AND ROLLS AND OBLIGATION TO ENROL—ss. 22-67.
- PART V.—ELECTIONS—ss. 68-154.
- PART VI.—ELECTION PETITIONS—ss. 155-174.
- PART VII.—MISCELLANEOUS—ss. 176-186.
- PART VIII.—AMENDMENTS OF CONSTITUTION ACT, 1902—ss. 187-188;
- (2) by omitting subsection two of section 3A, and substituting therefor the following new subsection:—
- (2) The method of voting and of counting the votes at any general election shall be as stated in the regulations in the Thirteenth Schedule to this Act.
- (3) by omitting the proviso to section thirteen;
- ~~(4) by omitting paragraph (b) of subsection three of section twenty;~~
- (5) by omitting sections thirty-six to forty-five, both inclusive;

Amendment  
of s. 1 of  
Principal  
Act.

Short title,  
arrangement,  
&c.

Sec. 13.

Sec. 20.

Secs. 36-45.



*Parliamentary Electorates and Elections (Amendment).*

(6 5) by omitting section forty-six and substituting Sec. 46.  
therefor the following new section :—

5        46. (1) There shall be rolls for each polling-  
place area in a district. The polling-place area  
rolls for a district shall together form the roll  
for a district. Rolls to be prepared, printed, and published.

10        (2) When the revision of the list for a  
district is completed the revised list shall be  
the roll for the district. The rolls for all dis-  
tricts shall be printed on or before the first  
day of October in the year in which the lists  
have been prepared under section twenty-three.  
A roll for any particular district shall be  
printed whenever the Minister so directs.

15        (3) Supplemental rolls setting out addi-  
tions and alterations since the last print shall  
also be prepared and, whenever practicable,  
printed immediately previous to any election,  
and at such other times as the Minister directs.

20        (4) A supplemental roll shall be deemed  
to be part of the roll for the district to which  
it relates.

25        (5) The date to which any roll or  
supplemental roll is made up shall appear in  
such roll or supplemental roll.

30        (6) The rolls shall be in the form of  
Schedule Three, and shall describe the surname,  
christian name, place of residence, occupation  
and sex of each elector, and shall contain such  
other particulars as may be prescribed.

(7) The surname of electors on every  
roll shall be arranged in alphabetical order.

35        (8) The last printed copies of the rolls  
and of the supplemental rolls for each district  
shall be open for public inspection at the office  
of the registrar and at the offices of each  
deputy-registrar for the district, and at such  
other places as the Chief Electoral Officer  
directs, without fee, and shall be obtainable at  
40        the office of such registrar and deputy-registrars  
and



*Parliamentary Electorates and Elections (Amendment).*

and of the Government Printer, and at such other places as the Chief Electoral Officer may direct, at the prices prescribed.

5 Every roll kept by a registrar or deputy-registrar shall be open for public inspection at their respective offices at such times as may be prescribed, without fee.

10 (9) No roll shall be invalidated by South reason only that it is not prepared, issued, Australian Act, 1908, s. 64. kept, or published in the place or manner required by this Act, nor by reason of any error in the copying or printing of the same;

(7 6) by omitting paragraph (c) of section forty-seven; Sec. 47.

15 (8 7) by omitting section fifty; Sec. 50.

(9 8) by omitting, in subsection one of section fifty-two, the words "under this Act" and substituting therefor the words "or to be changed to another polling-place area"; Sec. 52 (1).

20 (10 9) by inserting after section fifty-two the following new short heading and sections:— New short heading and sections after s. 52.

*Enrolment to be compulsory.*

25 52A. (1) Every person who is not enrolled for the district for which he is entitled to be enrolled shall fill in a claim for enrolment or application to transfer, as the case requires, and forward the same to the registrar or deputy-registrar of the district in which he resides. Enrolment compulsory.

30 (2) Any person who fails to comply with the requirements of this section within twenty-eight days after he has become entitled to apply for enrolment or transfer, shall be liable to a penalty not exceeding two pounds.

35 52B. (1) The Inspector-General of Police, when directed to do so by the Minister, shall prepare lists of the names of persons who are not enrolled for the district for which they are entitled to be enrolled. Lists of persons not enrolled to be compiled.

40 (2) The officer compiling any such list shall make a declaration in the form prescribed.

(3)



*Parliamentary Electorates and Elections (Amendment).*

(3) The lists shall be forwarded by the Inspector-General of Police to the registrar of the district for which the person named on the list is entitled to be enrolled.

5 (4) It shall be the duty of the registrar in each district to whom any such list is forwarded to take the necessary steps to secure observance of the provisions of this Act with regard to compulsory enrolment ;

10 ~~(11 10)~~ by omitting, in paragraph (b) of section fifty-Sec. 55. five, the words "or altered" and substituting therefor the words "altered or abolished" ;

~~(12 11)~~ by adding at the end of section fifty-six the Sec. 56. words following:—"for the purpose of this section a writ shall be deemed to issue at six o'clock in the afternoon of the day upon which the writ was issued" ;

~~(13 12)~~ by omitting in subsection one and subsection Sec. 59. two of section fifty-nine the word "Minister" and substituting therefor the words "Principal Electoral Registrar" ;

20 ~~(14 13)~~ by omitting section sixty and substituting Sec. 60. therefor the following new section :—

25 60. (1) The Inspector-General of Police, Scrutiny by when directed to do so by the Minister, shall police. cause a scrutiny to be made of the roll for each district.

30 (2) The officer making the scrutiny shall mark on the roll the names of all persons who have died or ceased to reside in the district, and such other particulars as may be prescribed, and shall make a declaration in the form prescribed.

35 (3) The roll so marked shall be forwarded by the Inspector-General of Police to the registrar of the district, who shall cause action to be taken for any alteration of the rolls thereby rendered necessary ;

40 ~~(15 14)~~ by omitting section sixty-four and substituting Sec. 64. therefor the following new section :—

64. (1) The registrar shall forthwith give Notice o notice of the objection to the person objected objection. to.



*Parliamentary Electorates and Elections (Amendment).*

5 to. The notice shall be in the prescribed form, and may be served by posting it to the last-known place of abode of the person objected to, or, if that is not known, then to the place of abode appearing on the roll. The regulations may provide for the publication and advertisement of lists of persons objected to and of objectors.

10 (2) An objection on the ground that a person does not reside in a district for which he is enrolled shall not be entertained, unless it alleges that the person objected to does not reside in any part of the district and has not so resided for at least one month last past ;

15 (16 15) by inserting, in subsection one of section sixty-six, after the words "posting of the notice" the words "or if lists of persons objected to are published or advertised pursuant to the regulations after the expiration of a period fixed by the regulations";

20 (17 16) by inserting after section sixty-six the following new section :—

25 66A. Where a person is entitled to have his name changed to another polling-place area in the district for which he is enrolled, his name shall not be removed from the roll unless such change has been completed ;

(18 17) by omitting section 67A ;

30 (19 18) by omitting, in section seventy-three, the words "on the twenty-eighth day" and substituting therefor the words "on a day not later than the fortieth day";

(20 19) by omitting in subsection one of section seventy-four the words "the polling-places";

35 (21) by inserting after section seventy-four the following new section :—

40 74A. (1) Notwithstanding anything to the contrary contained in this or any other Act, whenever any vacancy occurs in the Assembly by any member resigning his seat therein for the purpose of seeking election in New South

Wales

Common-wealth Act, 1918-1919, s. 55 (4).

Sec. 66 (1).

Sec. 66A.

Removal of name from roll.

Sec. 67A.

Sec. 73.

Sec. 74 (1).

Sec. 74A.

Issue of writ delayed where member resigns to seek election in Federal Parliament.

Tas. Act, 1907, No. 6, s. 60 ; 1917, No. 65, s. 2.



Wales for the Parliament of the Commonwealth of Australia, if such member, when tendering his resignation, notifies in writing to the Speaker his intention to seek such election, and his intention, in the event of his failing to secure such election, to again become a candidate for the vacancy aforesaid, then the filling of such vacancy shall be delayed until the result of the said Commonwealth election shall have been first officially declared by the returning officer.

(2) If the member so resigning his seat, and notifying the Speaker as aforesaid, fails to secure election for the Parliament of the Commonwealth the Speaker shall communicate to the Assembly the name of the person who has so resigned and has notified the Speaker as aforesaid, and such person shall thereupon be deemed to be elected as a member to fill the vacancy aforesaid;

- 20 by adding at the end of section seventy-seven Sec. 77.  
the words "the returning officer may in like  
manner appoint one or more persons to count  
or assist in counting the absent or postal  
25 votes";
- (23 21) by omitting in section seventy-eight the word Sec. 78  
"position" **where it lastly occurs therein**, and  
substituting therefor the word "election";
- (24 22) by omitting in subsection two of section Sec. 79.  
seventy-nine the words "one hundred" and  
substituting therefor the word "six";
- 30 (25 23) (a) by inserting in section eighty-four, after Sec. 84.  
paragraph (e), the following new para-  
graph :—
- 35 (f) abolish any polling-place area.
- (b) by omitting in the proviso to section  
eighty-four the words "or altered" and  
substituting therefor the words "altered  
or abolished";
- 40 (26 24) by omitting in section eighty-seven the words 87.  
"a deputy" and substituting therefor the  
words "one or more deputies"; (27 25)



*Parliamentary Electorates and Elections (Amendment).*

- (27 25) by omitting in section ninety-five the words Sec. 95.  
 "seven o'clock" and substituting therefor the  
 words "eight o'clock";
- 5 (28 26) by inserting, in subsection one of section ninety- Sec. 97 (1).  
 seven, after the words "absent from such area"  
 the words "and makes and signs before the  
 presiding officer a declaration in the form of  
 Schedule Nine";
- 10 (29 27) by inserting after section one hundred and Sec. 101A.  
 one the following new section :—  
 101A. Where a claimant or applicant has Person notified that his name is on the roll may vote.  
 been notified in the form prescribed under  
 section fifty-one that his name has been added  
 to the roll, such claimant or applicant, upon  
 15 production of the notification and upon making  
 a declaration in the form of Schedule Twelve,  
 shall be entitled to vote at any election for the  
 district mentioned in the notification notwith-  
 standing that his name is not on the roll for  
 20 such district. But no person shall be entitled  
 at any election to vote more than once or for  
 more than one district;
- (30 28) by inserting, in section one hundred and eight, Sec. 108.  
 after the words "or is unable to write" the  
 25 words "or desires that the returning officer or  
 deputy shall record his vote for him";
- (31 29) by omitting, in paragraph (g) of section 114H, Sec. 114H.  
 the words "paragraph (c)" and substituting  
 therefor the words "paragraph (f)";
- 30 (32 30) by omitting, in paragraph (d) of section 114K, Sec. 114K.  
 the words "paragraph (c)" and substituting  
 therefor the words "paragraph (f)";
- (33 31) by inserting, in section 114L, after the words Sec. 114L.  
 "the returning officer" the words "or the  
 35 officer assisting him";
- (34 32) by inserting, in section one hundred and seven- Sec. 117.  
 teen, after the words "he is enrolled" the  
 words "or the officer assisting him";
- 40 (35 33) by inserting, in subsection one of section one Sec. 118 (1).  
 hundred and eighteen, after the words "the  
 returning officer" the words "or the officer  
 assisting him"; (36 34)



*Parliamentary Electorates and Elections (Amendment).*

- (36 34) by omitting, in section one hundred and twenty-three, the words "the close of the poll" and substituting therefor the words "ascertaining the total number of primary votes recorded for each candidate";
- (37 35) by inserting, in section one hundred and twenty-four, after the words "the returning officer" the words "a list of the total number of primary votes recorded for each candidate and also";
- (38 36) by inserting, in section one hundred and twenty-five, after the words "deputy returning officers" the words "the list of primary votes";
- (39 37) by inserting after subsection three of section one hundred and twenty-six the following new subsection :—
- (4) The writ for the electoral district which includes Lord Howe Island may be returned, notwithstanding that the result of the poll has not been received from Lord Howe Island, if the result of the election for the district cannot be affected thereby. It shall be permissible for the returning officer to accept information as to the votes polled at Lord Howe Island which is transmitted to him by cable or wireless, and which he is satisfied is authentic, in lieu of the list referred to in section one hundred and twenty-four;
- (40 38) by omitting, in section one hundred and fifty-one, the words "next preceding section" and substituting therefor the words "last preceding section";
- (41) by inserting after section 176B the following new section :—
- 176c. (1) On and after the date of issue and before the return of any writ for any election every article, report, letter, or other matter commenting upon any candidate or political party, printed and published in any newspaper, circular, pamphlet or dodger, shall be signed by the author or authors, giving his or their true name and address, or names and addresses,

Sec. 123.

Sec. 124.

Sec. 125.

Sec. 126.

Information by cable or wireless as to votes polled at Lord Howe Island.

Sec. 151.

Sec. 176c.

Articles to be signed.

at



*Parliamentary Electorates and Elections (Amendment).*

5 at the end of the said article, report, letter, or other matter, or where part only of the article, report, letter, or matter appears in any issue of a newspaper, circular, pamphlet, or dodger, at the end of that part.

10 (2) No newspaper editor or proprietor shall permit in any newspaper which he edits or owns the publication of any unsigned article, report, or letter, or other matter commenting upon any candidate or political party after the issue and before the return of the writ for any election.

15 (3) Any person contravening the provisions of this section shall be guilty of an offence, and liable upon conviction to a penalty not exceeding fifty pounds;

(42 39) by inserting the following new Schedules :—

Schs. 9, 12 and 13.

SCHEDULE NINE.

20 *Form of declaration to be signed by a voter before voting at any polling-place for the district, but outside the polling-place area, for which he is enrolled.*

Electoral District of.....

.....Polling-place.

25 I declare that I am the person whose name appears on the polling-place area roll for the Electoral District of [*here insert name of district*], as set out opposite my signature, and that I have not voted either here or at any other polling-place at this election; and I promise that if I am permitted to vote here, I will not vote at this election at any other polling-place.

30 Declared before me, the day of , 19 .

Presiding Officer.

NOTE.—If any person wilfully makes a false declaration he is liable to imprisonment for six months.

35 SCHEDULE TWELVE.

*Declaration where person, notified under s. 51 that his name has been added to roll, applies to vote.*

Electoral District of.....

.....Polling-place.

40 I declare that I am the person referred to in the notification now produced by me as set forth below, and that I am still qualified



*Parliamentary Electorates and Elections (Amendment).*

qualified to vote for the same district, that I have not voted here or at any other polling-place at this election, and I promise that if I am permitted to vote here I will not vote at this election at any other polling-place.

5

(Signature of declarant.)  
Declared before me, the day of , 192 .  
Presiding Officer.

Surname.	Christian Name.	Place of Residence.	Occupation.	Polling-place area.
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10

NOTE.—If any person wilfully makes a false declaration he is liable to imprisonment for six months.

SCHEDULE THIRTEEN.

Sec. 3A.

REGULATIONS.

GENERAL ELECTIONS.

15

*Preliminary.*

1. In these Regulations, unless the contrary intention appears,— Definitions.

20

“Returning Officer” means Returning Officer for the district.

“Quota” means the number of votes sufficient to elect a candidate.

“Surplus” means the number of votes which a candidate has obtained, at any stage of the scrutiny, over and above the quota.

25

“Continuing candidate” means a candidate not already declared elected or excluded from the poll.

*Forms.*

30

2. A ballot-paper, other than an absent voters’ or postal ballot-paper, shall be in the form of Schedule A to these Regulations. Form of ballot-papers.

In printing such ballot-papers—

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(a) the names of all candidates duly nominated shall be printed in alphabetical order according to their surnames; such surnames shall be printed in more conspicuous type than that used for the christian names;

40

(b) if there are two or more candidates of the same surname, their names shall be printed according to the alphabetical order of their christian names, or if their christian names are the same, then according to the alphabetical order of their residences, arranged and stated on the ballot-paper;

45

(c) where similarity in the names of two or more candidates is likely to cause confusion, the Chief Electoral Officer or the Returning Officer for the district may arrange the names, with such description or addition as will distinguish them from one another.

3. An absent voter’s ballot-paper shall be in the form of Schedule A or Schedule B. Form of absent voters’ papers.

4.



*Parliamentary Electorates and Elections (Amendment).*

4. An application for a postal vote certificate and form of postal ballot-paper shall be in the form of Schedule C. Form of postal ballot-papers.

A postal vote certificate shall be in the form of Schedule D.

A postal ballot-paper shall be in the form of Schedule E.

*Method of Voting.*

5. (a) At a general election the votes on a ballot-paper in the form of Schedule A in an electoral district represented by five members shall be recorded by the elector by placing the figure 1 within or substantially within the square opposite the name of the candidate for whom he votes as his first preference, and by giving contingent votes for at least four of the remaining candidates by placing the figures 2, 3, 4, and 5 within or substantially within the squares opposite the names of such candidates respectively so as to indicate by such numerical sequence the order of his preference. Recording votes on ballot-paper. Schedule A.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by placing the figures 6, 7, 8 and so on within the squares opposite the names of the respective candidates to indicate in numerical sequence the order of his preference.

(b) At a general election the votes on a ballot-paper in the form of Schedule A in an electoral district represented by three members, shall be recorded by the elector by placing the figure 1 within, or substantially within, the square opposite the name of the candidate for whom he votes as his first preference and by giving contingent votes for at least two of the remaining candidates by placing the figures 2 and 3 within, or substantially within, the squares opposite the names of such candidates respectively so as to indicate by such numerical sequence the order of his preference.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by placing the figures 4, 5, 6, and so on within the squares opposite the names of the respective candidates to indicate in numerical sequence the order of his preference.

6. (a) At a general election the votes on a ballot-paper in a form other than that prescribed in Schedule A shall be recorded by the elector by writing opposite to the square containing the figure 1 the name of the candidate for whom he votes as his first preference, and in an electoral district represented by five members, by giving contingent votes for at least four of the remaining candidates by writing their names respectively opposite the squares containing the figures 2, 3, 4 and 5. Recording votes on other ballot-papers.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 6, 7, 8, and so on, the names of the respective candidates to indicate in numerical sequence the order of his preference.

(b)



*Parliamentary Electorates and Elections (Amendment).*

(b) At a general election the votes on a ballot-paper in a form other than that prescribed in Schedule A shall be recorded by the elector by writing opposite the square containing the figure 1 the name of the candidate for whom he votes as his first preference, and in an electoral district represented by three members, by giving contingent votes for at least two of the remaining candidates by writing their names respectively opposite the squares containing the figures 2 and 3, on such paper so as to indicate by such numerical sequence the order of his preference.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 4, 5, and 6, and so on, the names of the respective candidates to indicate in numerical sequence the order of his preference.

7. Unless a voter marks his ballot-paper as prescribed by Informal papers. the two last preceding Regulations respectively his vote shall be informal. Provided that if in the opinion of the Returning Officer the voter's intentions is clearly indicated on the ballot-paper, such ballot-paper shall be treated as formal.

*Counting of First Preferences.*

8. Immediately upon the close of the poll the person presiding at a polling-place shall, in the presence and subject to the inspection of such of the scrutineers as choose to be present, and the poll clerks (if any), but of no other persons, open the ballot-box and—

- (a) count the number of first preferences recorded for the respective candidates, and place them in separate parcels according to the names of the candidates for whom such first preferences are recorded, rejecting all informal ballot-papers; Count by Presiding Officer.
- (b) count the number of and place in another parcel all the ballot-papers which have been rejected as informal; and
- (c) seal such parcels and transmit them to the Returning Officer for the district.

9. The Returning Officer shall count the number of first preferences recorded for each candidate, rejecting all informal ballot-papers, and shall proceed with the scrutiny. But if he is satisfied, after inquiry, that any absent voters' ballot-papers have been lost, destroyed, or mislaid, and that those ballot-papers, if counted, could not alter the result of the poll, he may proceed with the scrutiny and declare the result of the poll without counting such ballot-papers. Count by Returning Officer.

10. The aggregate number of first preferences shall be divided by one more than the number of candidates to be elected, and the quotient (disregarding any remainder), increased by one, shall be the quota, and (except as herein-after provided in Regulations 17 and 18) no candidate shall be elected until he obtains a number of votes equal to or greater than the quota. To find the quota.

11.



*Parliamentary Electorates and Elections (Amendment).*

11. (1) Any candidate who has, upon the first preferences being counted, a number of first preferences equal to or greater than the quota shall thereupon be declared elected. Candidates who have the quota to be elected.

5 (2) If the number of first preferences obtained by any candidate is equal to the quota, the whole of the voting-papers on which a first preference is recorded for such elected candidate shall be set aside as finally dealt with. If first preference s equal quota.

*Surplus on First Count.*

10 12. If the number of first preferences obtained by any candidate is in excess of the quota, then, subject to paragraphs (vii) and (viii) of this Regulation, the surplus shall be transferred to the continuing candidates next in the order of the voters' respective preferences, in the following manner:— Surplus to be transferred

15 (i) All the ballot-papers on which a first preference is recorded for the elected candidate shall be re-examined, and the number of second preferences, or (in the case provided for in Regulation 20) third or next consecutive preferences, recorded thereon for each continuing candidate shall be counted. Ballot-papers re-examined and second preferences counted.

20 (ii) The surplus shall be divided by the total number of first preferences recorded for such elected candidate, and the first three figures of the resulting decimal fraction (afterwards called the transfer value) shall be found. Transfer value.

25 (iii) The number of second or other preferences, ascertained in paragraph 1, to be recorded for each continuing candidate shall be multiplied by the transfer value. Multiply second preferences by transfer value.

30 (iv) The resulting number, disregarding any fractional remainder, shall be the number of votes to be credited to each continuing candidate, and added to the number of votes obtained by him on the counting of the first preferences. Result.

35 (v) From the papers on which a second or other preference is recorded for any continuing candidate, there shall be selected at random a number equal to the number of votes directed by the last preceding paragraph to be credited to him, and these shall be placed in a separate parcel and transferred to him. Transfer as many papers to each candidate as he receives votes.

40 (vi) All papers of the elected candidate not transferred under the foregoing provisions shall be set aside as finally dealt with. Set aside other papers.

45 (vii) A transfer of votes under this Regulation shall not be made unless the surplus of the elected candidate, together with any other surpluses not transferred, exceeds the difference between the number of votes of the two continuing candidates lowest on the poll. Postponement of transfer.

(viii)



*Parliamentary Electorates and Elections (Amendment).*

- (viii) The foregoing provisions of this Regulation shall take effect subject to the provisions of Regulation 18, and if at any time there is one remaining vacancy which can be filled under that Regulation no further transfer under this Regulation shall be made.

Vacancies to be filled under Regulation 18, if possible.

*Surplus on Transfer.*

13. (a) If by a transfer under these Regulations, whether of a surplus on the count of first preferences or of a surplus under this Regulation, the number of votes obtained by a candidate is raised to or above the quota, he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him.
- 10
- (b) If by a transfer the number of votes obtained by a candidate is raised to, but not above the quota, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.
- 15
- (c) If by a transfer the number of votes obtained by a candidate is raised above the quota, then, subject to paragraphs (iii) and (iv) of this Regulation, his surplus shall be transferred to the continuing candidates next in the order of the voters' respective preferences in the following manner:—
- 20
- (i) The ballot-papers transferred to the elected candidate in the last transfer shall be re-examined, and the number of next consecutive preferences recorded for each continuing candidate thereon counted.
- 25
- (ii) The transfer value shall be found, the surplus transferred and the papers dealt with in similar manner as is directed in Regulation 12 for the transfer of a surplus arising at the first count.
- 30
- (iii) A transfer of votes under this Regulation shall not be made unless the surplus of the elected candidate, together with any other surpluses not transferred, exceeds the difference in numbers between the votes of the two continuing candidates lowest on the poll.
- 35
- (iv) The foregoing provisions of this Regulation shall take effect subject to the provisions of Regulation 18, and if at any time there is one remaining vacancy which can be filled under that Regulation no further transfer under this Regulation shall be made.
- 40
14. (a) Where, on the counting of the first preferences, or on any transfer, more than one candidate has a surplus, then, unless there is an untransferred surplus obtained at a previous
- 45

If transfer raises candidate up to or above quota, he to be elected.

If votes exactly equal to quota, voting papers to be set aside.

Surplus to be transferred.

Voting papers of last transfer re-examined and third choices counted.

If greater than surplus, surplus to be transferred as in Regulation 12.

Postponement of transfer.

Vacancies to be filled under Regulation 18, if possible.

Largest surplus to be first transferred.



*Parliamentary Electorates and Elections (Amendment).*

previous count or transfer, the largest of such first-mentioned surpluses shall be transferred, then the next largest and so on.

5 But if there is an untransferred surplus or surpluses obtained at a previous count or transfer, such last-mentioned surplus or surpluses shall be first transferred before those caused by subsequent transfers are dealt with.

10 (b) Where two or more surpluses are equal at the first count the Returning Officer shall decide which surplus shall be first dealt with. In any other case the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with; and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate's surplus shall be first dealt with.

If surpluses equal, last difference to decide.

*Exclusion of Lowest Candidates.*

20 15. If, after the first preferences have been counted, and transfers of surpluses have been made as aforesaid, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, then, subject to Regulation 18, the candidate lowest on the poll shall be excluded, and all the votes obtained by him shall be transferred in one transfer to the continuing candidates who, on the papers on which such votes are recorded, are next in the order of the voters' respective preferences.

When all surpluses dealt with, candidate lowest on poll to be excluded and his votes transferred.

30 16. (a) Where the number of votes obtained by a candidate is raised to or above the quota by any such transfer as aforesaid, he shall thereupon be declared elected; and in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him.

If transfer raises candidate up to quota, he to be declared elected.

35 (b) Where the number of votes obtained by a candidate is raised to, but not above, the quota by any such transfer as aforesaid, the whole of the ballot-papers on which such votes are recorded shall be set aside as finally dealt with.

If votes equal quota, ballot-papers to be set aside.

40 (c) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed by Regulation 13.

Surplus to be transferred.

45 17. The same process of excluding the candidate lowest on the poll and transferring to other candidates his votes shall, except in the case provided for in the next following Regulation, be repeated until all the candidates, except the number required to be elected, have been excluded, and the continuing candidates, who have not already been so declared, shall then be declared elected.

Process of exclusion to continue.



*Parliamentary Electorates and Elections (Amendment).*

18. If only one vacancy remains unfilled, and the number of votes of some one continuing candidate exceeds the total number of the votes of the other continuing candidates, together with the number of any surplus votes not transferred, the first-mentioned candidate shall be declared elected.

19. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then, whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers, or in case of the exclusion of a candidate on the first count, the Returning Officer shall decide which candidate shall be first excluded.

If lowest candidates equal, last difference to decide.

*General Provisions.*

20. In determining which candidate is next in order of the voters' preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voters' preference shall be determined as if the names of such candidates had not been on the ballot-paper.

If a candidate elected or excluded, his name not considered.

21. Where on any transfer it is found that on any ballot-paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared elected or excluded, such ballot-paper shall be set aside as exhausted.

Exhausted votes.



Parliamentary Electorates and Elections (Amendment).

## SCHEDULES.

## SCHEDULE A.

**PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.**

5

*Ballot-paper.*

NEW SOUTH WALES.

**Electoral district of [here insert name of district].****Election of Members of the Legislative Assembly.**

CANDIDATES.

10

☐**BROOKMAN, John**☐**CRANE, Joseph**☐**FRENCH, Charles**☐**KING, William**☐**WILSON, Henry**

15

☐**WRIGHT, James**

N.B.—In the case of an Electoral District represented by five members indicate your vote by marking within the square opposite the names of five of the candidates the numbers 1, 2, 3, 4 and 5 to indicate the order of your preference. You may, if so desired, give contingent votes for all or any of the remaining 20 candidates by placing the figures 6, 7, 8 and so on within the square opposite the names of the respective candidates to indicate in numerical sequence the order of your preference.

In the case of an Electoral District represented by three members indicate your vote by marking within the square opposite the names of three of the 25 candidates, the numbers 1, 2, and 3 to indicate the order of your preference. You may, if you so desire, give contingent votes for all or any of the remaining candidates by placing the figures 4, 5, 6 and so on within the square opposite the names of the respective candidates to indicate in numerical sequence the order of your preference.



*Parliamentary Electorates and Elections (Amendment).*

## SCHEDULE B.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.*Absent voter's ballot-paper.*

5

NEW SOUTH WALES.

Electoral district of [*here insert name of district*].

Election of Members of the Legislative Assembly.

10

1	..... (First Preference.)
2	..... (Second Preference.)
3	..... (Third Preference.)
4	..... (Fourth Preference.)
5	..... (Fifth Preference.)
6	.....

NOTE.—In the case of an Electoral District represented by five members, the elector shall indicate his vote by writing the names of five of the candidates opposite the squares containing the figures 1, 2, 3, 4, and 5 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 6, 7, 8 and so on to indicate the order of his preference.

In the case of an Electoral District represented by three members the elector shall indicate his vote by writing the names of three of the candidates opposite the squares containing the figures 1, 2, and 3 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 4, 5, 6 and so on to indicate the order of his preference.

## SCHEDULE C.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.*Application for a Postal Vote Certificate and a Postal Ballot-paper.*

This application should be made and sent, after the issue of the Writ for the election to which it relates and before polling day, to the Returning Officer for the District for which the elector is enrolled; but if the elector has reason to believe that it may not in the ordinary course of post reach that officer so as to enable him to send a Postal Vote Certificate and a Postal Ballot-paper to the elector in time to permit of his voting at the election, the application may, for purposes of expedition, be made and sent to some other Returning Officer.

In



*Parliamentary Electorates and Elections (Amendment).*

In order that a Postal Ballot-paper may be admitted to the scrutiny the envelope in which it is contained must be received, prior to the close of the Poll, by the Returning Officer for the District in respect of which the elector claims to vote.

Number.....  
Postal Vote Certificate  
and Postal Ballot-paper  
issued / / 19  
Initials of the  
Returning Officer  
for the District  
of.....

To the Returning Officer for the Electoral District of (1)

(1) Here insert  
name of district.

5 I, (2) , hereby apply for a Postal Vote  
Certificate and a Postal Ballot-paper to enable me to vote by post at the forthcoming  
Election of Members of the Legislative Assembly.

(2) Here insert  
christian names,  
surname, place  
of living, and  
occupation as  
appearing on the  
Roll.

I declare

(1) That I am an elector enrolled on the Electoral Roll for the (3)

(3) Here insert  
name of polling  
place area.

10 polling-place area of the District of (4)

(4) Here insert  
name of district.

(2) That the ground on which I apply to vote by post is—

- (a) that I will not throughout the hours of polling on polling day be within fifteen  
miles by the nearest practicable route of any polling booth open in the State  
for the purposes of an election ;  
15 (b) that I will throughout the hours of polling on polling day be travelling under  
conditions which will preclude me from attending at any polling booth to vote ;  
(c) that I am seriously ill or infirm, and by reason of such illness or infirmity will  
be precluded from attending at any polling booth to vote ;  
20 (d) that I will, by approaching maternity, be precluded from attending at any  
polling booth to vote.

NOTE.—The elector will strike out any of the above grounds which do not apply to  
his or her particular case.

An elector shall not make, and a person shall not induce an elector to make, any  
false statement in an application for a postal vote certificate and a postal ballot-paper,  
25 or in the declaration contained in such application.

Penalty : Fifty pounds, or imprisonment for One month.

I request that a postal vote certificate and a postal ballot-paper may be  
forwarded to me at the following address :—

30 Signed by the elector in his own hand-  
writing in my presence—

(Signature of Authorized Witness, in his  
own handwriting)—

(Title under which witness acts as  
Authorized Witness)—

Signature of Elector (in own handwriting)—

35 Dated at the day of 19

The



*Parliamentary Electorates and Elections (Amendment).*

The following persons are authorized witnesses, namely:—All Commonwealth Divisional Returning Officers, State Returning Officers, and officers of the Public Service of the Commonwealth permanently employed in the office of any Commonwealth Electoral Officer of a State or Divisional Returning Officer; all Commonwealth or State Electoral Registrars and Deputy Registrars; all Postmasters or Postmistresses or postal officials in charge of post offices; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State; all Justices of the Peace; all Head Teachers in the employment of a State Education Department; all officers of the Department of Trade and Customs; all members of the Police Force of the Commonwealth or of a State; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State; all legally qualified Medical Practitioners; all Officers in charge of Quarantine Stations; all Officers in charge of Lighthouses; all Pilots in the service of the Commonwealth or of a State, or of any local governing body; all Telegraph Line Repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties; all Railway Station-masters and Night Officers in charge who are permanently employed in the Railway Service of the Commonwealth or of a State; all Superintendents of Mercantile Marine and their Deputies while permanently employed in the Public Service of the Commonwealth or of a State; and all persons or classes of persons, employed in the Public Service of the Commonwealth or of a State, who are declared by proclamation to be authorized witnesses.

No person who is a candidate at any election shall be an authorized witness at that election.

## OBLIGATIONS OF AUTHORIZED WITNESSES.

An authorized witness shall not witness the signature of any elector to an application for a postal vote certificate and a postal ballot-paper unless—

- (a) he has satisfied himself as to the identity of the applicant;
- (b) he has seen the applicant sign the application in his (the applicant's) own handwriting; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiry from the applicant or otherwise that the statements contained in the application are true.

Penalty: Fifty pounds, or imprisonment for One month.

The authorized witness shall sign his name in his own handwriting on the application in the space provided for the purpose, and shall add the title under which he acts as an authorized witness, and the date.

## SCHEDULE D.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.

Reg. No. 41

## POSTAL VOTE CERTIFICATE.

I hereby certify that \_\_\_\_\_ of \_\_\_\_\_ is entitled  
to vote by post at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, in the Electoral District of \_\_\_\_\_.

Returning Officer for the Electoral District of \_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed by the voter in his own handwriting in my presence—

(Signature of Authorized Witness in his own handwriting)—

(Title under which Witness acts as Authorized Witness)—

(Signature of Voter in his own handwriting)—

Address—

50

Date

19

AUTHORIZED



*Parliamentary Electorates and Elections (Amendment).*

- AUTHORIZED WITNESSES.**—The following persons are authorized witnesses, namely:—All Commonwealth Divisional Returning Officers, State Returning Officers, and officers of the Public Service of the Commonwealth permanently employed in the office of any Commonwealth Electoral Officer of a State or Divisional Returning Officer; all Commonwealth or State Electoral Registrars and Deputy Registrars; all Postmasters or Postmistresses or postal officials in charge of post offices; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State; all Justices of the Peace; all Head Teachers in the employment of a State Education Department; all officers of the Department of Trade and Customs; all members of the Police Force of the Commonwealth or of a State; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State; all legally qualified Medical Practitioners; all Officers in charge of Quarantine Stations; all Officers in charge of Lighthouses; all Pilots in the service of the Commonwealth or of a State, or of any local governing body; all Telegraph Line Repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties; all Railway Station-masters and Night Officers in charge who are permanently employed in the Railway Service of the Commonwealth or of a State; all Superintendents of Mercantile Marine and their Deputies while permanently employed in the Public Service of the Commonwealth or of a State; and all persons or classes of persons, employed in the Public Service of the Commonwealth or of a State, who are declared by proclamation to be authorized witnesses within the meaning of this Act.
- No person who is a candidate at any election shall be an authorized witness at that election.
- NOTES.**—(1) *The attention of the Voter and Authorized Witness is specially directed to the necessity of strictly observing the instructions indorsed on the back of each postal ballot-paper, and to the fact that this envelope containing the postal ballot-paper (after having been marked by the voter) must be forthwith posted or delivered to the Returning Officer to whom it is addressed, by the Voter, or by the person to whom it is entrusted by the Voter for the purpose of posting or delivery.*
- (2) *Any person to whom an envelope containing or purporting to contain a postal ballot-paper is entrusted by a voter for the purpose of posting or delivery to a Returning Officer, and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.*
- Penalty: Fifty pounds, or imprisonment for One month.

30

**SCHEDULE E.**

*[Front of Form.]*

**PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.**

*Postal Ballot-paper.*

35

**NEW SOUTH WALES.**

Electoral district of

Election of Members of the Legislative Assembly.

40

1	..... (First Preference.)
2	..... (Second Preference.)
3	..... (Third Preference.)
4	..... (Fourth Preference.)
5	..... (Fifth Preference.)
6	.....

**NOTE.**—The elector should carefully read the directions for his guidance printed on the back of this ballot-paper, and in particular note that he must not mark his vote thereon until after he has first exhibited the ballot-paper (unmarked) to the authorized witness.

*[Bac*



*Parliamentary Electorates and Elections (Amendment).*

[Back of Form.]

*Directions to Elector and Authorized Witness.*

- (a) The elector shall exhibit his unmarked postal ballot-paper and his postal vote certificate to the authorized witness.
- 5 (b) The elector shall then and there, in the presence of the authorized witness, sign his name in his own handwriting on the postal vote certificate, in the place provided for the signature of the voter.
- (c) The authorized witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness, and the date.
- 10 (d) The elector shall then and there in the presence of the authorized witness, but so that the authorized witness cannot see the vote, indicate his vote in an Electoral District represented by five members by writing the names of five of the candidates opposite the squares containing the figures 1, 2, 3, 4, and 5 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 6, 7, 8 and so on to indicate the order of his preference. In the case of an Electoral District represented by three members the elector shall indicate his vote by writing the names of three of the candidates opposite the squares containing the figures 1, 2, and 3 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 4, 5, 6, and so on, to indicate the order of his preference. He shall then fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorized witness.
- 15 20 25 (e) The authorized witness shall then and there place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.
- 30 (f) If the elector's sight is so impaired that he cannot vote without assistance, the authorized witness, if so requested by the elector, shall mark the elector's vote on the ballot-paper in the presence of a witness, and shall then and there fold the ballot-paper so that the vote cannot be seen, place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.
- 35

*Further Directions to Authorized Witness.*

- 40 The authorized witness shall not, unless the elector's sight is so impaired that he cannot vote without assistance, look at or make himself acquainted with the vote given by the elector, and, except as provided in paragraph (f) of the preceding Directions, shall not suffer or permit any person (other than the elector) to see or become acquainted with the elector's vote, or to assist the elector to vote, or to interfere in any way with the elector in relation to his vote.
- 45 Every authorized witness shall—
- (a) comply with the preceding directions in so far as they are to be complied with on his part;
- (b) see that the preceding directions are complied with by every elector voting by post before him, and by every person present when the elector votes; and
- 50 (c) refrain from disclosing any knowledge of the vote of any elector voting by post before him.

Penalty : One hundred pounds, or imprisonment for Three months.

*Duty*



*Parliamentary Electorates and Elections (Amendment).*

*Duty of Persons Present when an Elector Votes by Post.*

Any person present when an elector is before an authorized witness for the purpose of voting by post shall—

- 5 (a) obey all directions of the authorized witness ;
- (b) refrain from making any communication whatever to the elector in relation to his vote ;
- (c) refrain from assisting the elector or in any manner interfering with him in relation to his vote ;
- 10 (d) except as provided in paragraph (f) of the Directions to Elector and Authorized Witness, refrain from looking at the elector's vote or from doing anything whereby he might become acquainted with the elector's vote.

Penalty : One hundred pounds, or imprisonment for Three months.

*Duty of Person to whom an Envelope containing a Postal Ballot-paper is entrusted for Posting or Delivery.*

- 15 Any person to whom an envelope containing or purporting to contain a postal ballot-paper is entrusted by a voter for the purpose of posting or delivery to a Returning Officer, and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.

Penalty : Fifty pounds, or imprisonment for One month.

- 20 **3.** Section two of the Proclamations Validation Act, 1919, and all regulations purporting to have been made under section 3A of the Principal Act are repealed.

Amendment of  
Proclamations  
Validation Act  
1919.



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,  
and, having this day passed, is now ready for presentation to the  
LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 6 December, 1921.*

## New South Wales.



ANNO DUODECIMO

## GEORGI V REGIS.

\*\*\*\*\*

Act No. , 1921.

An Act to amend the Parliamentary Electorates  
and Elections Act, 1912, and certain other  
Acts; and for purposes connected therewith.

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of New South  
Wales in Parliament assembled, and by the authority of  
5 the same, as follows:—

**1.** This Act may be cited as the "Parliamentary Short title.  
Electorates and Elections (Amendment) Act, 1921,"  
and shall be construed with the Parliamentary Elec-  
torates and Elections Act, 1912, and any Acts amending  
the



*Parliamentary Electorates and Elections (Amendment).*

the same. The Parliamentary Electorates and Elections Act, 1912, as so amended, is hereinafter called the Principal Act.

2. The Principal Act is amended in the following  
5 respects :—

(1) By omitting section one and substituting therefor the following new section :—

1. This Act may be cited as the “Parliamentary Electorates and Elections Act, 1912,” and is divided into the following Parts :—

PART I.—SHORT TITLE AND INTERPRETATION—ss. 1-3.

PART II.—NUMBER OF MEMBERS AND ELECTORAL DISTRICTS—ss. 3A-19.

PART III.—QUALIFICATION OF ELECTORS—ss. 20-21A.

PART IV.—OFFICERS AND ROLLS AND OBLIGATION TO ENROL—ss. 22-67.

PART V.—ELECTIONS—ss. 68-154.

PART VI. — ELECTION PETITIONS — ss. 155-174.

PART VII.—MISCELLANEOUS—ss. 176-186.

PART VIII.—AMENDMENTS OF CONSTITUTION ACT, 1902—ss. 187-188;

(2) by omitting subsection two of section 3A, Sec. 3A, and substituting therefor the following new subsection :—

(2) The method of voting and of counting the votes at any general election shall be as stated in the regulations in the Thirteenth Schedule to this Act.

(3) by omitting the proviso to section thirteen ; Sec. 13.

(4) by omitting paragraph (b) of subsection three of section twenty ; Sec. 20.

(5) by omitting sections thirty-six to forty-five, both inclusive ; Secs. 36-45.

(6)



*Parliamentary Electorates and Elections (Amendment).*

- (6) by omitting section forty-six and substituting Sec. 46—  
therefor the following new section :—

5      46. (1) There shall be rolls for each polling-  
place area in a district. The polling-place area  
rolls for a district shall together form the roll  
for a district. Rolls to be  
prepared,  
printed, and  
published.

10      (2) When the revision of the list for a  
district is completed the revised list shall be  
the roll for the district. The rolls for all dis-  
tricts shall be printed on or before the first  
day of October in the year in which the lists  
have been prepared under section twenty-three.  
A roll for any particular district shall be  
printed whenever the Minister so directs.

15      (3) Supplemental rolls setting out addi-  
tions and alterations since the last print shall  
also be prepared and, whenever practicable,  
printed immediately previous to any election,  
and at such other times as the Minister directs.

20      (4) A supplemental roll shall be deemed  
to be part of the roll for the district to which  
it relates.

25      (5) The date to which any roll or  
supplemental roll is made up shall appear in  
such roll or supplemental roll.

30      (6) The rolls shall be in the form of  
Schedule Three, and shall describe the surname,  
christian name, place of residence, occupation  
and sex of each elector, and shall contain such  
other particulars as may be prescribed.

(7) The surname of electors on every  
roll shall be arranged in alphabetical order.

35      (8) The last printed copies of the rolls  
and of the supplemental rolls for each district  
shall be open for public inspection at the office  
of the registrar and at the offices of each  
deputy-registrar for the district, and at such  
other places as the Chief Electoral Officer  
directs, without fee, and shall be obtainable at  
40      the office of such registrar and deputy-registrars  
and



*Parliamentary Electorates and Elections (Amendment).*

and of the Government Printer, and at such other places as the Chief Electoral Officer may direct, at the prices prescribed.

5 Every roll kept by a registrar or deputy-registrar shall be open for public inspection at their respective offices at such times as may be prescribed, without fee.

10 (9) No roll shall be invalidated by reason only that it is not prepared, issued, kept, or published in the place or manner required by this Act, nor by reason of any error in the copying or printing of the same;

(7) by omitting paragraph (c) of section forty-seven; South Australian Act, 1908, s. 64.

15 (8) by omitting section fifty; Sec. 47.

(9) by omitting, in subsection one of section fifty-two, the words "under this Act" and substituting therefor the words "or to be changed to another polling-place area"; Sec. 50.

20 (10) by inserting after section fifty-two the following new short heading and sections:— Sec. 52 (1).

*Enrolment to be compulsory.*

25 52A. (1) Every person who is not enrolled for the district for which he is entitled to be enrolled shall fill in a claim for enrolment or application to transfer, as the case requires, and forward the same to the registrar or deputy-registrar of the district in which he resides. Enrolment compulsory.

30 (2) Any person who fails to comply with the requirements of this section within twenty-eight days after he has become entitled to apply for enrolment or transfer, shall be liable to a penalty not exceeding two pounds.

35 52B. (1) The Inspector-General of Police, when directed to do so by the Minister, shall prepare lists of the names of persons who are not enrolled for the district for which they are entitled to be enrolled. Lists of persons not enrolled to be compiled.

40 (2) The officer compiling any such list shall make a declaration in the form prescribed.

(3)



*Parliamentary Electorates and Elections (Amendment).*

- (3) The lists shall be forwarded by the Inspector-General of Police to the registrar of the district for which the person named on the list is entitled to be enrolled.
- 5 (4) It shall be the duty of the registrar in each district to whom any such list is forwarded to take the necessary steps to secure observance of the provisions of this Act with regard to compulsory enrolment;
- 10 (11) by omitting, in paragraph (b) of section fifty-five, the words "or altered" and substituting therefor the words "altered or abolished";
- (12) by adding at the end of section fifty-six the words following:—"for the purpose of this section a writ shall be deemed to issue at six o'clock in the afternoon of the day upon which the writ was issued";
- 15 (13) by omitting in subsection one and subsection two of section fifty-nine the word "Minister" and substituting therefor the words "Principal Electoral Registrar";
- 20 (14) by omitting section sixty and substituting therefor the following new section:—
- 25 60. (1) The Inspector-General of Police, when directed to do so by the Minister, shall cause a scrutiny to be made of the roll for each district.
- (2) The officer making the scrutiny shall mark on the roll the names of all persons who have died or ceased to reside in the district, and such other particulars as may be prescribed, and shall make a declaration in the form prescribed.
- 30 (3) The roll so marked shall be forwarded by the Inspector-General of Police to the registrar of the district, who shall cause action to be taken for any alteration of the rolls thereby rendered necessary;
- 35 (15) by omitting section sixty-four and substituting therefor the following new section:—
- 40 64. (1) The registrar shall forthwith give notice of the objection to the person objected to.



*Parliamentary Electorates and Elections (Amendment).*

5 to. The notice shall be in the prescribed form, and may be served by posting it to the last-known place of abode of the person objected to, or, if that is not known, then to the place of abode appearing on the roll. The regulations may provide for the publication and advertisement of lists of persons objected to and of objectors.

10 (2) An objection on the ground that a Commonwealth Act, 1918-1919, s. 55 (4). person does not reside in a district for which he is enrolled shall not be entertained, unless it alleges that the person objected to does not reside in any part of the district and has not so resided for at least one month last past ;

15 (16) by inserting, in subsection one of section sixty-six, after the words "posting of the notice" the words "or if lists of persons objected to are published or advertised pursuant to the regulations after the expiration of a period fixed by the regulations";

20 (17) by inserting after section sixty-six the following new section :—

25 66A. Where a person is entitled to have his name changed to another polling-place area in the district for which he is enrolled, his name shall not be removed from the roll unless such change has been completed ;

(18) by omitting section 67A ;

30 (19) by omitting, in section seventy-three, the words "on the twenty-eighth day" and substituting therefor the words "on a day not later than the fortieth day" ;

(20) by omitting in subsection one of section seventy-four the words "the polling-places" ;

35 (21) by inserting after section seventy-four the following new section :—

40 74A. (1) Notwithstanding anything to the contrary contained in this or any other Act, whenever any vacancy occurs in the Assembly by any member resigning his seat therein for the purpose of seeking election in New South Wales

Removal of name from roll.

Sec. 67A.

Sec. 73.

Sec. 74 (1).

Sec. 74A.

Issue of writ delayed where member resigns to seek election in Federal Parliament.  
Tas. Act, 1907, No. 6, s. 60 ;  
1917, No. 65, s. 2.



*Parliamentary Electorates and Elections (Amendment).*

- Wales for the Parliament of the Commonwealth of Australia, if such member, when tendering his resignation, notifies in writing to the Speaker his intention to seek such election, and his intention, in the event of his failing to secure such election, to again become a candidate for the vacancy aforesaid, then the filling of such vacancy shall be delayed until the result of the said Commonwealth election shall have been first officially declared by the returning officer.
- (2) If the member so resigning his seat, and notifying the Speaker as aforesaid, fails to secure election for the Parliament of the Commonwealth the Speaker shall communicate to the Assembly the name of the person who has so resigned and has notified the Speaker as aforesaid, and such person shall thereupon be deemed to be elected as a member to fill the vacancy aforesaid;
- (22) by adding at the end of section seventy-seven Sec. 77. the words "the returning officer may in like manner appoint one or more persons to count or assist in counting the absent or postal votes";
- (23) by omitting in section seventy-eight the word Sec. 78. "position" and substituting therefor the word "election";
- (24) by omitting in subsection two of section Sec. 79. seventy-nine the words "one hundred" and substituting therefor the word "six";
- (25) (a) by inserting in section eighty-four, after Sec. 84. paragraph (e), the following new paragraph:—
- (f) abolish any polling-place area.
- (b) by omitting in the proviso to section eighty-four the words "or altered" and substituting therefor the words "altered or abolished";
- (26) by omitting in section eighty-seven the words Sec. 87. "a deputy" and substituting therefor the words "one or more deputies"; (27)



*Parliamentary Electorates and Elections (Amendment).*

- (27) by omitting in section ninety-five the words Sec. 95.  
 "seven o'clock" and substituting therefor the  
 words "eight o'clock";
- 5 (28) by inserting, in subsection one of section ninety- Sec. 97 (1).  
 seven, after the words "absent from such area"  
 the words "and makes and signs before the  
 presiding officer a declaration in the form of  
 Schedule Nine";
- 10 (29) by inserting after section one hundred and Sec. 101A.  
 one the following new section :—  
 101A. Where a claimant or applicant has Person notified that his name is on the roll may vote.  
 been notified in the form prescribed under  
 section fifty-one that his name has been added  
 to the roll, such claimant or applicant, upon  
 15 production of the notification and upon making  
 a declaration in the form of Schedule Twelve,  
 shall be entitled to vote at any election for the  
 district mentioned in the notification notwith-  
 20 standing that his name is not on the roll for  
 such district. But no person shall be entitled  
 at any election to vote more than once or for  
 more than one district;
- (30) by inserting, in section one hundred and eight, Sec. 108.  
 after the words "or is unable to write" the  
 25 words "or desires that the returning officer or  
 deputy shall record his vote for him";
- (31) by omitting, in paragraph (g) of section 114H, Sec. 114H.  
 the words "paragraph (c)" and substituting  
 therefor the words "paragraph (f)";
- 30 (32) by omitting, in paragraph (d) of section 114K, Sec. 114K.  
 the words "paragraph (c)" and substituting  
 therefor the words "paragraph (f)";
- (33) by inserting, in section 114L, after the words Sec. 114L.  
 "the returning officer" the words "or the  
 35 officer assisting him";
- (34) by inserting, in section one hundred and seven- Sec. 117.  
 teen, after the words "he is enrolled" the  
 words "or the officer assisting him";
- 40 (25) by inserting, in subsection one of section one Sec. 118 (1).  
 hundred and eighteen, after the words "the  
 returning officer" the words "or the officer  
 assisting him";

(36)



*Parliamentary Electorates and Elections (Amendment).*

- (36) by omitting, in section one hundred and twenty-three, the words "the close of the poll" and substituting therefor the words "ascertaining the total number of primary votes recorded for each candidate";
- (37) by inserting, in section one hundred and twenty-four, after the words "the returning officer" the words "a list of the total number of primary votes recorded for each candidate and also";
- (38) by inserting, in section one hundred and twenty-five, after the words "deputy returning officers" the words "the list of primary votes";
- (39) by inserting after subsection three of section one hundred and twenty-six the following new subsection:—
- (4) The writ for the electoral district which includes Lord Howe Island may be returned, notwithstanding that the result of the poll has not been received from Lord Howe Island, if the result of the election for the district cannot be affected thereby. It shall be permissible for the returning officer to accept information as to the votes polled at Lord Howe Island which is transmitted to him by cable or wireless, and which he is satisfied is authentic, in lieu of the list referred to in section one hundred and twenty-four;
- (40) by omitting, in section one hundred and fifty-one, the words "next preceding section" and substituting therefor the words "last preceding section";
- (41) by inserting after section 176B the following new section:—
- 176c. (1) On and after the date of issue and before the return of any writ for any election every article, report, letter, or other matter commenting upon any candidate or political party, printed and published in any newspaper, circular, pamphlet or dodger, shall be signed by the author or authors, giving his or their true name and address, or names and addresses,
- at

Sec. 123.

Sec. 124.

Sec. 125.

Sec. 126.

Information  
by cable or  
wireless as to  
votes polled  
at Lord Howe  
Island.

Sec. 151.

Sec. 176c.

Articles to be  
signed.



*Parliamentary Electorates and Elections (Amendment).*

5 at the end of the said article, report, letter, or other matter, or where part only of the article, report, letter, or matter appears in any issue of a newspaper, circular, pamphlet, or dodger, at the end of that part.

10 (2) No newspaper editor or proprietor shall permit in any newspaper which he edits or owns the publication of any unsigned article, report, or letter, or other matter commenting upon any candidate or political party after the issue and before the return of the writ for any election.

15 (3) Any person contravening the provisions of this section shall be guilty of an offence, and liable upon conviction to a penalty not exceeding fifty pounds;

(42) by inserting the following new Schedules :— Schs. 9 and 12.

SCHEDULE NINE.

20 *Form of declaration to be signed by a voter before voting at any polling-place for the district, but outside the polling-place area, for which he is enrolled.*

Electoral District of.....

.....Polling-place.

25 I declare that I am the person whose name appears on the polling-place area roll for the Electoral District of [*here insert name of district*], as set out opposite my signature, and that I have not voted either here or at any other polling-place at this election; and I promise that if I am permitted to vote here, I will not vote at this election at any other polling-place.

30 Declared before me, the day of , 19 .  
Presiding Officer.

NOTE.—If any person wilfully makes a false declaration he is liable to imprisonment for six months.

35 SCHEDULE TWELVE.

*Declaration where person, notified under s. 51 that his name has been added to roll, applies to vote.*

Electoral District of.....

.....Polling-place.

40 I declare that I am the person referred to in the notification now produced by me as set forth below, and that I am still qualified



*Parliamentary Electorates and Elections (Amendment).*

qualified to vote for the same district, that I have not voted here or at any other polling-place at this election, and I promise that if I am permitted to vote here I will not vote at this election at any other polling-place.

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(Signature of declarant.)

Declared before me, the            day of            , 192 .

Presiding Officer.

Surname.	Christian Name.	Place of Residence.	Occupation.	Polling-place area.
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10

NOTE.—If any person wilfully makes a false declaration he is liable to imprisonment for six months.

## SCHEDULE THIRTEEN.

See § A.

## REGULATIONS.

## GENERAL ELECTIONS.

*Preliminary.*

15

1. In these Regulations, unless the contrary intention appears,— Definitions.

“Returning Officer” means Returning Officer for the district.

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“Quota” means the number of votes sufficient to elect a candidate.

“Surplus” means the number of votes which a candidate has obtained, at any stage of the scrutiny, over and above the quota.

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“Continuing candidate” means a candidate not already declared elected or excluded from the poll.

*Forms.*

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2. A ballot-paper, other than an absent voters' or postal ballot-paper, shall be in the form of Schedule A to these Regulations. Form of ballot-papers.

In printing such ballot-papers—

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(a) the names of all candidates duly nominated shall be printed in alphabetical order according to their surnames; such surnames shall be printed in more conspicuous type than that used for the christian names;

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(b) if there are two or more candidates of the same surname, their names shall be printed according to the alphabetical order of their christian names, or if their christian names are the same, then according to the alphabetical order of their residences, arranged and stated on the ballot-paper;

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(c) where similarity in the names of two or more candidates is likely to cause confusion, the Chief Electoral Officer or the Returning Officer for the district may arrange the names, with such description or addition as will distinguish them from one another.

3. An absent voters' ballot-paper shall be in the form of Schedule A or Schedule B. Form of absent voters' papers.

4.



Parliamentary Electorates and Elections (Amendment).

4. An application for a postal vote certificate and form of postal ballot-paper shall be in the form of Schedule C. Form of postal ballot-papers.  
 A postal vote certificate shall be in the form of Schedule D.  
 A postal ballot-paper shall be in the form of Schedule E.

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*Method of Voting.*

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5. (a) At a general election the votes on a ballot-paper in the form of Schedule A in an electoral district represented by five members shall be recorded by the elector by placing the figure 1 within or substantially within the square opposite the name of the candidate for whom he votes as his first preference, and by giving contingent votes for at least four of the remaining candidates by placing the figures 2, 3, 4, and 5 within or substantially within the squares opposite the names of such candidates respectively so as to indicate by such numerical sequence the order of his preference.

Recording votes on ballot-paper. Schedule A.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by placing the figures 6, 7, 8 and so on within the squares opposite the names of the respective candidates to indicate in numerical sequence the order of his preference.

(b) At a general election the votes on a ballot-paper in the form of Schedule A in an electoral district represented by three members, shall be recorded by the elector by placing the figure 1 within, or substantially within, the square opposite the name of the candidate for whom he votes as his first preference and by giving contingent votes for at least two of the remaining candidates by placing the figures 2 and 3 within, or substantially within, the squares opposite the names of such candidates respectively so as to indicate by such numerical sequence the order of his preference.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by placing the figures 4, 5, 6, and so on within the squares opposite the names of the respective candidates to indicate in numerical sequence the order of his preference.

6. (a) At a general election the votes on a ballot-paper in a form other than that prescribed in Schedule A shall be recorded by the elector by writing opposite to the square containing the figure 1 the name of the candidate for whom he votes as his first preference, and in an electoral district represented by five members, by giving contingent votes for at least four of the remaining candidates by writing their names respectively opposite the squares containing the figures 2, 3, 4 and 5.

Recording votes on other ballot-papers.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 6, 7, 8, and so on, the names of the respective candidates to indicate in numerical sequence the order of his preference.

(b)



*Parliamentary Electorates and Elections (Amendment).*

(b) At a general election the votes on a ballot-paper in a form other than that prescribed in Schedule A shall be recorded by the elector by writing opposite the square containing the figure 1 the name of the candidate for whom he votes as his first preference, and in an electoral district represented by three members, by giving contingent votes for at least two of the remaining candidates by writing their names respectively opposite the squares containing the figures 2 and 3, on such paper so as to indicate by such numerical sequence the order of his preference.

He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing opposite the squares containing the figures 4, 5, and 6, and so on, the names of the respective candidates to indicate in numerical sequence the order of his preference.

7. Unless a voter marks his ballot-paper as prescribed by the two last preceding Regulations respectively his vote shall be informal. Provided that if in the opinion of the Returning Officer the voter's intentions is clearly indicated on the ballot-paper, such ballot-paper shall be treated as formal.

*Counting of First Preferences.*

8. Immediately upon the close of the poll the person presiding at a polling-place shall, in the presence and subject to the inspection of such of the scrutineers as choose to be present, and the poll clerks (if any), but of no other persons, open the ballot-box and—

(a) count the number of first preferences recorded for the respective candidates, and place them in separate parcels according to the names of the candidates for whom such first preferences are recorded, rejecting all informal ballot-papers;

(b) count the number of and place in another parcel all the ballot-papers which have been rejected as informal; and

(c) seal such parcels and transmit them to the Returning Officer for the district.

9. The Returning Officer shall count the number of first preferences recorded for each candidate, rejecting all informal ballot-papers, and shall proceed with the scrutiny. But if he is satisfied, after inquiry, that any absent voters' ballot-papers have been lost, destroyed, or mislaid, and that those ballot-papers, if counted, could not alter the result of the poll, he may proceed with the scrutiny and declare the result of the poll without counting such ballot-papers.

10. The aggregate number of first preferences shall be divided by one more than the number of candidates to be elected, and the quotient (disregarding any remainder), increased by one, shall be the quota, and (except as herein-after provided in Regulations 17 and 18) no candidate shall be elected until he obtains a number of votes equal to or greater than the quota.

11.

Ballot-boxes to be opened.

Count by Presiding Officer.

Count by Returning Officer.

To find the quota.



*Parliamentary Electorates and Elections (Amendment).*

11. (1) Any candidate who has, upon the first preferences being counted, a number of first preferences equal to or greater than the quota shall thereupon be declared elected.

Candidates who have the quota to be elected.

(2) If the number of first preferences obtained by any candidate is equal to the quota, the whole of the voting-papers on which a first preference is recorded for such elected candidate shall be set aside as finally dealt with.

If first preferences equal quota.

*Surplus on First Count.*

12. If the number of first preferences obtained by any candidate is in excess of the quota, then, subject to paragraphs (vii) and (viii) of this Regulation, the surplus shall be transferred to the continuing candidates next in the order of the voters' respective preferences, in the following manner:—

Surplus to be transferred.

(i) All the ballot-papers on which a first preference is recorded for the elected candidate shall be re-examined, and the number of second preferences, or (in the case provided for in Regulation 20) third or next consecutive preferences, recorded thereon for each continuing candidate shall be counted.

Ballot-papers re-examined and second preferences counted.

(ii) The surplus shall be divided by the total number of first preferences recorded for such elected candidate, and the first three figures of the resulting decimal fraction (afterwards called the transfer value) shall be found.

Transfer value.

(iii) The number of second or other preferences, ascertained in paragraph 1, to be recorded for each continuing candidate shall be multiplied by the transfer value.

Multiply second preferences by transfer value.

(iv) The resulting number, disregarding any fractional remainder, shall be the number of votes to be credited to each continuing candidate, and added to the number of votes obtained by him on the counting of the first preferences.

Add on result.

(v) From the papers on which a second or other preference is recorded for any continuing candidate, there shall be selected at random a number equal to the number of votes directed by the last preceding paragraph to be credited to him, and these shall be placed in a separate parcel and transferred to him.

Transfer as many papers to each candidate as he receives votes.

(vi) All papers of the elected candidate not transferred under the foregoing provisions shall be set aside as finally dealt with.

Set aside other papers.

(vii) A transfer of votes under this Regulation shall not be made unless the surplus of the elected candidate, together with any other surpluses not transferred, exceeds the difference between the number of votes of the two continuing candidates lowest on the poll.

Postponement of transfer.

(viii)



*Parliamentary Electorates and Elections (Amendment).*

- (viii) The foregoing provisions of this Regulation shall take effect subject to the provisions of Regulation 18, and if at any time there is one remaining vacancy which can be filled under that Regulation no further transfer under this Regulation shall be made.

Vacancies to be filled under Regulation 18 if possible.

*Surplus on Transfer.*

13. (a) If by a transfer under these Regulations, whether of a surplus on the count of first preferences or of a surplus under this Regulation, the number of votes obtained by a candidate is raised to or above the quota, he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him.

If transfer raises candidate up to or above quota, he to be elected.

(b) If by a transfer the number of votes obtained by a candidate is raised to, but not above the quota, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.

If votes exactly equal to quota, voting papers to be set aside.

(c) If by a transfer the number of votes obtained by a candidate is raised above the quota, then, subject to paragraphs (iii) and (iv) of this Regulation, his surplus shall be transferred to the continuing candidates next in the order of the voters' respective preferences in the following manner:—

Surplus to be transferred.

(i) The ballot-papers transferred to the elected candidate in the last transfer shall be re-examined, and the number of next consecutive preferences recorded for each continuing candidate thereon counted.

Voting papers of last transfer re-examined and third choices counted.

(ii) The transfer value shall be found, the surplus transferred and the papers dealt with in similar manner as is directed in Regulation 12 for the transfer of a surplus arising at the first count.

If greater than surplus, surplus to be transferred as in Regulation 12.

(iii) A transfer of votes under this Regulation shall not be made unless the surplus of the elected candidate, together with any other surpluses not transferred, exceeds the difference in numbers between the votes of the two continuing candidates lowest on the poll.

Postponement of transfer.

(iv) The foregoing provisions of this Regulation shall take effect subject to the provisions of Regulation 18, and if at any time there is one remaining vacancy which can be filled under that Regulation no further transfer under this Regulation shall be made.

Vacancies to be filled under Regulation 18, if possible.

14. (a) Where, on the counting of the first preferences, or on any transfer, more than one candidate has a surplus, then, unless there is an untransferred surplus obtained at a previous

Largest surplus to be first transferred.



*Parliamentary Electorates and Elections (Amendment).*

previous count or transfer, the largest of such first-mentioned surpluses shall be transferred, then the next largest and so on.

But if there is an untransferred surplus or surpluses obtained at a previous count or transfer, such last-mentioned surplus or surpluses shall be first transferred before those caused by subsequent transfers are dealt with.

(b) Where two or more surpluses are equal at the first count the Returning Officer shall decide which surplus shall be first dealt with. In any other case the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with; and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate's surplus shall be first dealt with.

If surpluses equal, last difference to decide.

*Exclusion of Lowest Candidates.*

15. If, after the first preferences have been counted, and transfers of surpluses have been made as aforesaid, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, then, subject to Regulation 18, the candidate lowest on the poll shall be excluded, and all the votes obtained by him shall be transferred in one transfer to the continuing candidates who, on the papers on which such votes are recorded, are next in the order of the voters' respective preferences.

When all surpluses dealt with, candidate lowest on poll to be excluded and his votes transferred.

16. (a) Where the number of votes obtained by a candidate is raised to or above the quota by any such transfer as aforesaid, he shall thereupon be declared elected; and in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him.

If transfer raises candidate up to quota, he to be declared elected.

(b) Where the number of votes obtained by a candidate is raised to, but not above, the quota by any such transfer as aforesaid, the whole of the ballot-papers on which such votes are recorded shall be set aside as finally dealt with.

If votes equal quota, ballot-papers to be set aside.

(c) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed by Regulation 13.

Surplus to be transferred.

17. The same process of excluding the candidate lowest on the poll and transferring to other candidates his votes shall, except in the case provided for in the next following Regulation, be repeated until all the candidates, except the number required to be elected, have been excluded, and the continuing candidates, who have not already been so declared, shall then be declared elected.

Process of exclusion to continue.



Parliamentary Electorates and Elections (Amendment).

18. If only one vacancy remains unfilled, and the number of votes of some one continuing candidate exceeds the total number of the votes of the other continuing candidates, together with the number of any surplus votes not transferred, the first-mentioned candidate shall be declared elected.

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19. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then, whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers, or in case of the exclusion of a candidate on the first count, the Returning Officer shall decide which candidate shall be first excluded.

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*General Provisions.*

20. In determining which candidate is next in order of the voters' preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voters' preference shall be determined as if the names of such candidates had not been on the ballot-paper.

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21. Where on any transfer it is found that on any ballot-paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared elected or excluded, such ballot-paper shall be set aside as exhausted.

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Parliamentary Electorates and Elections (Amendment).

## SCHEDULES.

## SCHEDULE A.

**PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.**

5

*Ballot-paper.*

NEW SOUTH WALES.

**Electoral district of [here insert name of district].****Election of Members of the Legislative Assembly.**

CANDIDATES.

10

☐**BROOKMAN, John**☐**CRANE, Joseph**☐**FRENCH, Charles**☐**KING, William**☐**WILSON, Henry**

15

☐**WRIGHT, James**

N.B.—In the case of an Electoral District represented by five members indicate your vote by marking within the square opposite the names of five of the candidates the numbers 1, 2, 3, 4 and 5 to indicate the order of your preference. You may, if so desired, give contingent votes for all or any of the remaining

20 candidates by placing the figures 6, 7, 8 and so on within the square opposite the names of the respective candidates to indicate in numerical sequence the order of your preference.

In the case of an Electoral District represented by three members indicate your vote by marking within the square opposite the names of three of the

25 candidates, the numbers 1, 2, and 3 to indicate the order of your preference. You may, if you so desire, give contingent votes for all or any of the remaining candidates by placing the figures 4, 5, 6 and so on within the square opposite the names of the respective candidates to indicate in numerical sequence the order of your preference.

## SCHEDULE



*Parliamentary Electorates and Elections (Amendment).*

## SCHEDULE B.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.*Absent voter's ballot-paper.*

5

NEW SOUTH WALES.

Electoral district of [*here insert name of district*].

Election of Members of the Legislative Assembly.

10

1	..... (First Preference.)
2	..... (Second Preference.)
3	..... (Third Preference.)
4	..... (Fourth Preference.)
5	..... (Fifth Preference.)
6	.....

- NOTE.—In the case of an Electoral District represented by five members, the elector shall indicate his vote by writing the names of five of the candidates opposite the squares containing the figures 1, 2, 3, 4, and 5 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 6, 7, 8 and so on to indicate the order of his preference.
- 20 In the case of an Electoral District represented by three members the elector shall indicate his vote by writing the names of three of the candidates opposite the squares containing the figures 1, 2, and 3 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 4, 5, 6 and so on to indicate the order of his preference.
- 25

## SCHEDULE C.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.*Application for a Postal Vote Certificate and a Postal Ballot-paper.*

- 30 This application should be made and sent, after the issue of the Writ for the election to which it relates and before polling day, to the Returning Officer for the District for which the elector is enrolled; but if the elector has reason to believe that it may not in the ordinary course of post reach that officer so as to enable him to send a Postal Vote Certificate and a Postal Ballot-paper to the elector in time to permit of his voting
- 35 at the election, the application may, for purposes of expedition, be made and sent to some other Returning Officer.



*Parliamentary Electorates and Elections (Amendment).*

In order that a Postal Ballot-paper may be admitted to the scrutiny the envelope in which it is contained must be received, prior to the close of the Poll, by the Returning Officer for the District in respect of which the elector claims to vote.

Number.....  
Postal Vote Certificate  
and Postal Ballot-paper  
issued / / 19  
Initials of the  
Returning Officer  
for the District  
of.....

To the Returning Officer for the Electoral District of (1)

(1) Here insert  
name of district.

I, (2) , hereby apply for a Postal Vote Certificate and a Postal Ballot-paper to enable me to vote by post at the forthcoming Election of Members of the Legislative Assembly. (2) Here insert christian names, surname, place of living, and occupation as appearing on the Roll.

I declare

(1) That I am an elector enrolled on the Electoral Roll for the (3)

(3) Here insert  
name of polling  
place area.

10 polling-place area of the District of (4)

(4) Here insert  
name of district.

(2) That the ground on which I apply to vote by post is—

- (a) that I will not throughout the hours of polling on polling day be within fifteen miles by the nearest practicable route of any polling booth open in the State for the purposes of an election ;
- 15 (b) that I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from attending at any polling booth to vote ;
- (c) that I am seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote ;
- 20 (d) that I will, by approaching maternity, be precluded from attending at any polling booth to vote.

NOTE.—The elector will strike out any of the above grounds which do not apply to his or her particular case.

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a postal vote certificate and a postal ballot-paper, 25 or in the declaration contained in such application.

Penalty : Fifty pounds, or imprisonment for One month.

I request that a postal vote certificate and a postal ballot-paper may be forwarded to me at the following address :—

30 Signed by the elector in his own hand-  
writing in my presence—

(Signature of Authorized Witness, in his own handwriting) —

(Title under which witness acts as Authorized Witness) —

Signature of Elector (in own handwriting) —

35 Dated at the day of 19

The



*Parliamentary Electorates and Elections (Amendment).*

The following persons are authorized witnesses, namely:—All Commonwealth Divisional Returning Officers, State Returning Officers, and officers of the Public Service of the Commonwealth permanently employed in the office of any Commonwealth Electoral Officer of a State or Divisional Returning Officer; all Commonwealth or State Electoral Registrars and Deputy Registrars; all Postmasters or Postmistresses or postal officials in charge of post offices; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State; all Justices of the Peace; all Head Teachers in the employment of a State Education Department; all officers of the Department of Trade and Customs; all members of the Police Force of the Commonwealth or of a State; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State; all legally qualified Medical Practitioners; all Officers in charge of Quarantine Stations; all Officers in charge of Lighthouses; all Pilots in the service of the Commonwealth or of a State, or of any local governing body; all Telegraph Line Repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties; all Railway Station-masters and Night Officers in charge who are permanently employed in the Railway Service of the Commonwealth or of a State; all Superintendents of Mercantile Marine and their Deputies while permanently employed in the Public Service of the Commonwealth or of a State; and all persons or classes of persons, employed in the Public Service of the Commonwealth or of a State, who are declared by proclamation to be authorized witnesses.

No person who is a candidate at any election shall be an authorized witness at that election.

OBLIGATIONS OF AUTHORIZED WITNESSES.

An authorized witness shall not witness the signature of any elector to an application for a postal vote certificate and a postal ballot-paper unless—

- (a) he has satisfied himself as to the identity of the applicant;
- (b) he has seen the applicant sign the application in his (the applicant's) own handwriting; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiry from the applicant or otherwise that the statements contained in the application are true.

Penalty: Fifty pounds, or imprisonment for One month.

The authorized witness shall sign his name in his own handwriting on the application in the space provided for the purpose, and shall add the title under which he acts as an authorized witness, and the date.

SCHEDULE D.

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.

Reg. No. 41.

POSTAL VOTE CERTIFICATE.

I hereby certify that  
to vote by post at the election to be held on the \_\_\_\_\_ of \_\_\_\_\_ is entitled  
40 19 , in the Electoral District of \_\_\_\_\_ day of \_\_\_\_\_

Returning Officer for the Electoral District of \_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Signed by the voter in his own handwriting in my presence—

45 (Signature of Authorized Witness in his own handwriting)—

(Title under which Witness acts as Authorized Witness)—

(Signature of Voter in his own handwriting)—

Address—

50

Date

19 .

AUTHORIZED



*Parliamentary Electorates and Elections (Amendment).*

**AUTHORIZED WITNESSES.**—The following persons are authorized witnesses, namely:—All Commonwealth Divisional Returning Officers, State Returning Officers, and officers of the Public Service of the Commonwealth permanently employed in the office of any Commonwealth Electoral Officer of a State or Divisional Returning Officer; all Commonwealth or State Electoral Registrars and Deputy Registrars; all Postmasters or Postmistresses or postal officials in charge of post offices; all Police or Stipendiary or Special Magistrates of the Commonwealth or of a State; all Justices of the Peace; all Head Teachers in the employment of a State Education Department; all officers of the Department of Trade and Customs; all members of the Police Force of the Commonwealth or of a State; all Mining Wardens and Mining Wardens' Clerks in the Public Service of a State; all legally qualified Medical Practitioners; all Officers in charge of Quarantine Stations; all Officers in charge of Lighthouses; all Pilots in the service of the Commonwealth or of a State, or of any local governing body; all Telegraph Line Repairers permanently employed in the Public Service of the Commonwealth, who are in charge of working parties; all Railway Station-masters and Night Officers in charge who are permanently employed in the Railway Service of the Commonwealth or of a State; all Superintendents of Mercantile Marine and their Deputies while permanently employed in the Public Service of the Commonwealth or of a State; and all persons or classes of persons, employed in the Public Service of the Commonwealth or of a State, who are declared by proclamation to be authorized witnesses within the meaning of this Act.

No person who is a candidate at any election shall be an authorized witness at that election.

**NOTES.**—(1) *The attention of the Voter and Authorized Witness is specially directed to the necessity of strictly observing the instructions indorsed on the back of each postal ballot-paper, and to the fact that this envelope containing the postal ballot-paper (after having been marked by the voter) must be forthwith posted or delivered to the Returning Officer to whom it is addressed, by the Voter, or by the person to whom it is entrusted by the Voter for the purpose of posting or delivery.*

(2) *Any person to whom an envelope containing or purporting to contain a postal ballot-paper is entrusted by a voter for the purpose of posting or delivery to a Returning Officer, and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.*

Penalty: Fifty pounds, or imprisonment for One month.

## SCHEDULE E.

[Front of Form.]

PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, AND  
PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 1918.

Postal Ballot-paper.

NEW SOUTH WALES.

Electoral district of

Election of Members of the Legislative Assembly.

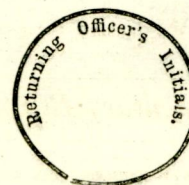
1	.....
	(First Preference.)
2	.....
	(Second Preference.)
3	.....
	(Third Preference.)
4	.....
	(Fourth Preference.)
5	.....
	(Fifth Preference.)
6	.....

**NOTE.**—The elector should carefully read the directions for his guidance printed on the back of this ballot-paper, and in particular note that he must not mark his vote thereon until after he has first exhibited the ballot-paper (unmarked) to the authorized witness.



*Parliamentary Electorates and Elections (Amendment).*

[Back of Form.]

*Directions to Elector and Authorized Witness.*

- (a) The elector shall exhibit his unmarked postal ballot-paper and his postal vote certificate to the authorized witness.
- 5 (b) The elector shall then and there, in the presence of the authorized witness, sign his name in his own handwriting on the postal vote certificate, in the place provided for the signature of the voter.
- 10 (c) The authorized witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness, and the date.
- 15 (d) The elector shall then and there in the presence of the authorized witness, but so that the authorized witness cannot see the vote, indicate his vote in an Electoral District represented by five members by writing the names of five of the candidates opposite the squares containing the figures 1, 2, 3, 4, and 5 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 6, 7, 8 and so on to indicate the order of his preference. In the case of an Electoral District represented by three members the elector shall indicate his vote by writing the names of three of the candidates opposite the squares containing the figures 1, 2, and 3 to indicate the order of his preference. He may, if he so desires, give contingent votes for all or any of the remaining candidates by writing the names of such candidates opposite the squares containing the figures 4, 5, 6, and so on, to indicate the order of his preference. He shall then fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorized witness.
- 20 (e) The authorized witness shall then and there place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.
- 25 (f) If the elector's sight is so impaired that he cannot vote without assistance, the authorized witness, if so requested by the elector, shall mark the elector's vote on the ballot-paper in the presence of a witness, and shall then and there fold the ballot-paper so that the vote cannot be seen, place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.
- 30
- 35

*Further Directions to Authorized Witness.*

40 The authorized witness shall not, unless the elector's sight is so impaired that he cannot vote without assistance, look at or make himself acquainted with the vote given by the elector, and, except as provided in paragraph (f) of the preceding Directions, shall not suffer or permit any person (other than the elector) to see or become acquainted with the elector's vote, or to assist the elector to vote, or to interfere in any way with the elector in relation to his vote.

45 Every authorized witness shall—

- (a) comply with the preceding directions in so far as they are to be complied with on his part;
- (b) see that the preceding directions are complied with by every elector voting by post before him, and by every person present when the elector votes; and
- 50 (c) refrain from disclosing any knowledge of the vote of any elector voting by post before him.

Penalty: One hundred pounds, or imprisonment for Three months.

*Duty*



*Parliamentary Electorates and Elections (Amendment).**Duty of Persons Present when an Elector Votes by Post.*

Any person present when an elector is before an authorized witness for the purpose of voting by post shall—

- 5 (a) obey all directions of the authorized witness ;
- (b) refrain from making any communication whatever to the elector in relation to his vote ;
- (c) refrain from assisting the elector or in any manner interfering with him in relation to his vote ;
- 10 (d) except as provided in paragraph (f) of the Directions to Elector and Authorized Witness, refrain from looking at the elector's vote or from doing anything whereby he might become acquainted with the elector's vote.

Penalty : One hundred pounds, or imprisonment for Three months.

*Duty of Person to whom an Envelope containing a Postal Ballot-paper is entrusted for Posting or Delivery.*

- 15 Any person to whom an envelope containing or purporting to contain a postal ballot-paper is entrusted by a voter for the purpose of posting or delivery to a Returning Officer, and who fails to forthwith post or deliver the envelope, shall be guilty of an offence.

Penalty : Fifty pounds, or imprisonment for One month.

- 20 **3.** Section two of the Proclamations Validation Act, 1919, Amendment of Proclamations Validation Act 1919. and all regulations purporting to have been made under section 3A of the Principal Act are repealed.