

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. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 11 June, 1936, A.M.

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

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, June, 1936.

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. , 1936.

An Act to alter the law relating to the qualifications of electors in municipalities and shires, and the law relating to the qualifications of citizens of the City of Sydney; for these and certain other purposes to amend the Local Government Act, 1919, the Sydney Corporation Act, 1932, 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
5 the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Local Government (Amendment) Act, 1936."

5669

77—A

(2)

Short title and
division into
Parts.

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

Local Government (Amendment).

(2) This Act is divided into Parts as follows:—

PART I—PRELIMINARY.

PART II—AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

5 DIVISION 1—*Preliminary.*

DIVISION 2—*Disqualifications and Franchise.*

DIVISION 3—*Accounts—Wards and Ridings.*

PART III—AMENDMENT OF THE SYDNEY CORPORATION ACT, 1932-1934.

10 DIVISION 1—*Preliminary.*

DIVISION 2—*Franchise and Disqualifications.*

DIVISION 3—*Cost of lists and rolls.*

DIVISION 4—*Polls of ratepayers and citizens.*

PART II.

15 AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

DIVISION 1—*Preliminary.*

20 (2.) (1) This Part of this Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts. Construction.

(2) The Local Government Act, 1919, as so amended, is in this Part of this Act referred to as the Principal Act.

25 3. For the purposes only of the preparation of an original roll required to be prepared for each area under the Principal Act during the year one thousand nine hundred and thirty-seven, and of any matters necessary or incidental to such preparation, the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified. Commencement of Division 2 of this Part.

30 And upon the completion of the preparation of such original roll in any area the provisions of Division 2 of this Part shall come into operation in that area for all purposes whatsoever.

(a)

Local Government (Amendment).

- 6 (a) the preparation of original rolls (including the various matters referred to in subsection one of section sixty-five of the Principal Act) for the triennial ordinary elections of aldermen and councillors in the month of December, one thousand nine hundred and thirty-seven; and
- (b) the conduct of such ordinary triennial elections in the said year; and
- 10 (c) matters necessary or incidental to the preparation of such original rolls, and the conduct of such elections,
- the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified.

15 And on the date upon which the triennial ordinary elections of aldermen and councillors in the year one thousand nine hundred and thirty-seven are held, the provisions of Division 2 of this Part shall come into operation for all purposes whatsoever.

DIVISION 2—Disqualifications and Franchise.

4. The Principal Act is amended—

- 20 (a) by inserting after paragraph (b) of subsection two of section thirty the following new paragraph:—

Amendment of Act No. 41, 1919.

Sec. 30 (2). (Disqualifications.)

- (b1) he has not before nomination or appointment, paid in respect of his occupation of any parcel of ratable land within the area all moneys due and payable by him by way of rent in respect of any period before the end of the month preceding that in which nomination day falls or his appointment is made.
- 25
- 30

25 This paragraph shall not apply to or in respect of a person where the amount of such moneys so unpaid in respect of his occupation of a parcel of ratable land does not exceed a sum equivalent to the rental for a period of eight weeks payable by him in respect of such occupation.

(b)

Local Government (Amendment).

(b) by inserting after subsection six of section seventy-one the following new subsection:—

Sec. 71.
(Nominations.)

(7) (a) Without limiting the extent of the powers of rejection of nominations lawfully exercisable by the returning officer, the returning officer shall reject the nomination of any person unless within the time and in the manner prescribed, such person has furnished to the returning officer a declaration in or to the effect of the form prescribed signed by the person proposed to be nominated setting out that he is not disqualified for civic office by virtue of paragraph (b1) of subsection two of section thirty of this Act.

(b) Any person who makes a wilfully false statement in any such declaration shall be liable on summary conviction to a penalty not exceeding fifty pounds.

5. 4. (1) The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

(a) by omitting from subsection one of section fifty-one the words "of ratable land in the ward or riding or an occupier of land in the ward or riding" and by inserting in lieu thereof the words "or occupier of ratable land in the ward or riding";

Sec. 51.
(Franchise—requisite qualifications.)

(b) (i) by omitting from paragraph (c) of section fifty-two the words "Crown land" and by inserting in lieu thereof the words "land owned by the Crown";

Sec. 52.
(Correction.)

(ii) by omitting from paragraph (d) of the same section the words "Crown land" and by inserting in lieu thereof the words "land owned by the Crown";

(c) (i) by inserting in paragraph (a) of section fifty-four after the word "section" the words "nor as a lodger or boarder";

Sec. 54.
(Occupiers.)

(ii)

Local Government (Amendment).

(ii) by omitting paragraph (d) of the same section and by inserting in lieu thereof the following new paragraphs:—

- 5 (d) he has been continuously during the three months next preceding such prescribed day resident within the area and a share-farmer of ratable land—that is to say, a person holding a written license to occupy and cultivate ratable land of a yearly value of five pounds or upwards in consideration of sharing the produce of such land, or, in the case of land used as a dairy farm, sharing the produce of such use, or of the animals grazing thereon; or
- 10
- 15 (e) he is a resident manager of any ratable land (other than land owned by the Crown which is under lease, promise, or contract of lease from the Crown) which, with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards: Provided that this shall only apply in shires; or
- 20
- 25 (f) he is resident, as caretaker for the owner or lessee, upon any ratable land which, with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards; or
- 30
- 35 (g) he is a soldier or sailor within the meaning of this Act, and has been continuously during the three months next preceding such prescribed day resident within the municipality or shire.

40 (d) by omitting from paragraph (a) of section fifty-five the words “subsection three of section twenty of the Parliamentary Electorates and twenty

Sec. 55.
(Disqualification of electors and of voters.)

Local Government (Amendment).

5 Elections Act, 1912, the provisions of which subsection" and by inserting in lieu thereof the words "section twenty-one of the Parliamentary Electorates and Elections Act, 1912-1935, the provisions of which section."

(2) The Local Government (Amendment) Act, 1927, is amended by omitting paragraph (b) of subsection one of section five.

Amendment of Act No. 33, 1927.
Sec. 5 (1) (b).
(Statute Law revision.)

10 (3) The Local Government (Amendment) Act, 1928, is amended by omitting section four.

Amendment of Act No. 41, 1928.
Sec. 4.
(Statute Law revision.)

(4) The Sydney Corporation (Amendment) Act, 1934, is amended by omitting section twenty-eight.

Amendment of Act No. 9, 1934.
Sec. 28.
(Statute Law revision.)

6. 5. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

15 (a) by inserting at the end of subsection four of section twenty-three the following proviso:—

Sec. 23.
(Representation in wards in municipalities.)

Provided that the same number of aldermen shall be elected for each of the wards into which a municipality is divided.

20 (b) by inserting at the end of section fifty-eight the following new subsection:—

Sec. 58.
(Certain municipalities excluded.)

(6) This section shall not apply to or in respect of any municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act.

25 (c) by inserting next after section fifty-eight the following new section:—

New sec. 58A.

30 58A. (1) (a) Subject to paragraph (d) of this subsection, the provisions of paragraphs (b) and (c) of this subsection shall apply to and in respect of each municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act and which is not at the date upon which His Majesty's assent to this Act is signified, divided into wards.

Division into wards of certain municipalities.

(b)

Local Government (Amendment).

(b) Each municipality shall, by proclamation, be divided into either three or four wards.

(c) (i) The council of each municipality shall before such date as may be proclaimed in relation thereto submit to the Minister a proposal for the division of the municipality into wards.

(ii) Such proposal shall have regard to population and number of electors, value of ratable land, community or diversity of interest, lines of communication and physical features.

(d) The Governor may by proclamation declare that the provisions of paragraphs (b) and (c) of this subsection shall not apply to or in respect of any municipality referred to in paragraph (a) of this subsection, and any such proclamation shall have effect according to its tenor.

A proclamation under this paragraph may be revoked by a subsequent proclamation, and upon such revocation the provisions of paragraphs (b) and (c) of this subsection shall apply to and in respect of the municipality to which the proclamation so revoked relates.

(2) The Governor may from time to time by proclamation alter any division into wards for the time being in force of any municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act:

Provided that—

(a) before any such alteration is made the prescribed notice shall be given, and the council or any elector of the municipality may make written representations with regard thereto;

(b) in making such alteration the municipality shall be divided into either three or four wards;

(c)

Local Government (Amendment).

5 (c) such alteration shall not affect the representation of the municipality on its council until the next following ordinary election of the council, or such earlier time as may be proclaimed.

10 (3) Where pursuant to this section a municipality is divided into wards, or a division of a municipality into wards is altered, the Governor may by proclamation specify the name to be given to any ward, and may from time to time by proclamation alter the name of any such ward.

7. 6. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

15 (a) by inserting at the end of subsection three of section seventy-three the following new paragraph:—

Sec. 73 (3).
(Proportional representation.)

20 (b) On receipt of a petition signed by not less than one-fifth in number of the enrolled electors of an area to which the system of election according to the principles of proportional representation has **either before or after the commencement of the Local Government (Amendment) Act, 1936**, by proclamation been so applied, praying that

25 a poll be taken on the question of revoking such proclamation, the council shall forthwith take such poll and shall certify the decision thereof to the Governor.

30 Where the decision of the poll is in favour of such revocation, the Governor shall by a further proclamation revoke the proclamation applying such system to that area.

35 (b) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

Sec. 73 (4).
(Voting.)

(4) Except where the system of election according to the principles of proportional representation

Local Government (Amendment).

representation is in force in any area contested elections shall be conducted by ballot, and the following provisions of this subsection shall have effect:—

5 (a) The ballot papers for a contested election shall be in or to the effect of the form set out in Schedule Five to this Act.

10 (b) An elector shall record his vote on a ballot paper as follows:—He shall vote for not less than the prescribed number of candidates by placing the figure "1" in the square opposite the name of the candidate for whom he votes as his first preference and by placing the figures "2," "3," "4" (and so on as the case requires) in the squares respectively opposite the names of so many other candidates as will, with the candidate for whom he votes as his first preference, complete the prescribed number.

cf. Sydney Corporation Act, 1932-1934, s. 35 (4).

15 The elector may, in addition, indicate the order of his preference for as many more candidates as he pleases by placing in the squares respectively opposite their names other figures next in numerical order after the figures already placed by him on the ballot paper.

20 In this paragraph "the prescribed number" means a number equal to twice the number of the candidates to be elected, plus one, or, if there are fewer candidates than that number, the total number of candidates.

30 (c) The method of counting the votes to ascertain the result of the election shall be as prescribed in Schedule Six to this Act.

Sydney Corporation Act, 1932-1934, s. 40 (1A).

(d)

Local Government (Amendment).

(d) The ballot paper shall be informal and *Ibid.* s. 46. shall be rejected at the count if—

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(i) it is not authenticated by the initials of the returning officer or in such other manner as may be prescribed; or

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(ii) the figure "1" standing alone indicating a first preference for some candidate is not placed on the ballot paper; or

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(iii) the figure "1" standing alone indicating a first preference is placed opposite the name of more than one candidate; or

(iv) it has upon it any mark or writing by which in the opinion of the returning officer the voter can be identified; or

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(v) it has no vote indicated on it or it does not indicate the voter's first preference for one candidate and his consecutive preferences for so many other candidates as will, with the candidate for whom he votes as his first preference, be equal in number to the prescribed number as defined in paragraph (b) of this subsection.

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(e) A ballot paper shall not be informal for any reason other than the reasons specified in paragraph (d) of this subsection, but shall be given effect to according to the voter's intention, so far as his intention is clear.

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(f) Notwithstanding anything to the contrary in this subsection at any election at which only one candidate is to be elected, and at which there are not more than two candidates, a ballot paper shall not be informal

Local Government (Amendment).

informal by reason only of the fact that the voter has indicated his vote by placing in one square the figure "1" or a cross, and by leaving the other square blank, and in that case the cross shall be deemed to be equivalent to the figure "1."

(e) by inserting next after Schedule Four the following new Schedules:—

New Schedules Five and Six.

SCHEDULE FIVE.

BALLOT-PAPER.

ELECTION of [Aldermen (or an Alderman)] or [Council- Sec. 73 (4).
lors or a Councillor] on the day of , 19 ,
for Ward of the Municipality of or
for Riding of the Shire of

List of Candidates for Election.

Names. Addresses.

☐
☐
☐
☐

The number of aldermen or councillors to be elected is

Directions.—In marking his vote on this ballot-paper the voter must place in the squares respectively opposite the names of at least [here insert the number which represents twice the number of aldermen or councillors as the case may be to be elected plus one, or if the number of candidates is less than that number, the total number of candidates] candidates, the figures "1," "2," "3," "4," and so on up to and inclusive of the number [here insert the number which represents twice the number of aldermen or councillors as the case may be to be elected plus one, or if the number of candidates is less than that number, the total number of candidates], so as to indicate the order of his preference for such candidates and if there are any more candidates may in addition indicate the order of his preference for as many of them as he pleases by placing in the squares respectively opposite their names other figures next in numerical order after those already used by him.

SCHEDULE

Local Government (Amendment).

SCHEDULE SIX.

METHOD OF COUNTING VOTES AT CONTESTED ELECTIONS.

Division 1.

Sec. 73 (4).

5 Where one candidate only is to be elected at an election he votes should be counted and the result of the election ascertained by the returning officer, or under his direction and supervision, in accordance with the following provision:

10 (a) The unrejected ballot-papers shall be arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate.

15 (b) The total number of first preferences given for each candidate on such ballot-papers shall then be counted.

20 (c) The candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

(d) If no candidate has received an absolute majority of first preference votes a second count shall be made.

25 (e) On the second count the candidate who has received the fewest first preference votes shall be excluded, and each unexhausted ballot-paper shall be counted to the candidate next in the order of the voter's preference.

30 (f) If a candidate then has an absolute majority of votes he shall be declared elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his unexhausted ballot-papers to the continuing candidate next in the order of the voter's preference shall be repeated until one candidate has received an absolute majority of votes.

35 (g) The candidate who has received an absolute majority of votes shall be declared elected.

40 *Division 2.*

Where two candidates are to be elected at an election the votes shall be counted and the result

Local Government (Amendment).

result of the election ascertained by the returning officer or under his direction and supervision, in accordance with the following provisions:—

(a) One of the candidates shall be elected in accordance with the provisions of Division 1 of this Schedule.

(b) All the unrejected ballot-papers shall be rearranged under the names of the respective candidates in accordance with the first preference indicated thereon, except that each ballot-paper on which a first preference is indicated shall be placed in the parcel of the candidate next in the order of the voter's preference.

(c) The number of ballot-papers in the parcel of each candidate shall then be counted and the total number of votes so counted to each candidate shall be ascertained.

(d) If a candidate then has an absolute majority of votes he shall be elected, but if no candidate has an absolute majority of votes, the count shall proceed as provided in paragraphs (d) (e) and (f) of Division 1 of this Schedule, until one candidate has received an absolute majority of votes:

Provided that in the application of paragraphs (d) and (e) of Division 1 of this Schedule, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this Division.

(e) The candidate who has received an absolute majority of votes shall be elected.

Division 3.

Where three or more candidates are to be elected at an election in any ward or riding two of the candidates shall be elected in accordance with the provisions of Division 1 and Division 2 of this Schedule.

The third and each subsequent candidate shall be elected in the manner provided in Division 2 of this Schedule as regards the election of the second candidate:

Provided that a ballot-paper on which a first preference is marked shall be placed in the parcel of the continuing candidate next in the order of the voter's preference.

Division 4.

1. In the process of counting under Division 1 or Division 2 or Division 3, as the case may be, of this Schedule

Local Government (Amendment).

Schedule, exhausted ballot-papers shall be set aside as finally dealt with and shall thenceforth not be taken into account in the election of a candidate under that particular Division.

5 2. (a) When a candidate is elected or excluded, each ballot-paper counted to him shall be deemed to be exhausted if there is not in the ballot-paper which is indicated upon it a next preference for one continuing candidate.

10 (b) "Next preference" in paragraph (a) of this rule includes the first of the subsequent preferences marked on the ballot-paper which is not given to an elected or excluded candidate: Provided that where there is a breaking of preferences marked on a ring of preferences marked on a ballot-paper (other than a break necessitating the rejection of the ballot-paper as informal in pursuance of sub-paragraph (v) of paragraph (d) of subsection four of section seventy-three of this Act), only those preferences preceding the break shall be taken into account.

15 3. (a) If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the returning officer shall determine by lot between them which of them shall be excluded.

20 (b) If in the final count for the election of a candidate, two candidates have an equal number of votes, the returning officer shall decide by his casting vote which shall be elected; but except as provided in this paragraph he shall not vote at the election.

25 4. In this Schedule—

30 "Continuing candidate" means a candidate not already elected or excluded from the count.

35 "An absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers. The casting vote of the returning officer given in pursuance of paragraph (b) of Rule 3 of this Division shall be included in reckoning an absolute majority of votes.

"Unrejected ballot-papers" means all ballot-papers not rejected as informal.

40 "Determine by lot" means determine in accordance with the following directions:—

The names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification, and mixed and drawn at random, the candidate or candidates shall, for the purpose of exclusion from the count, be excluded in the order in which their names are drawn.

DIVISION

*Local Government (Amendment).*DIVISION 3—*Accounts—Wards and Ridings.*

8. 7. (1) The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

5 (a) by inserting next after subsection two of section one hundred and six the following new sub-
section:—

Sec. 106.
(Funds.)

10 (3) (a) The division of any area into wards or ridings shall not be taken into account in applying a fund to any purpose.

15 (b) The Governor may from time to time by proclamation declare that as from a date specified in the proclamation, paragraph (a) of this subsection shall not apply to or in respect of any area mentioned in the proclamation, and may revoke any such proclamation by a subsequent proclamation.

A proclamation under this paragraph shall have effect according to its tenor.

20 (b) by inserting next after subsection two of section two hundred and six the following new subsection:—

Sec. 206.
(Ward and
riding ac-
counts.)

(3) (a) The council shall not keep ward or riding accounts.

25 (b) The Governor may from time to time by proclamation declare that as from a date specified in the proclamation, paragraph (a) of this subsection shall not apply to or in respect of the council of any area mentioned in the proclamation, and may revoke any such proclamation by a subsequent proclamation.

A proclamation under this paragraph shall have effect according to its tenor.

(2) This section shall commence upon the first day
30 of January, one thousand nine hundred and thirty-seven.

PART

Local Government (Amendment).

PART III.

AMENDMENT OF THE SYDNEY CORPORATION ACT, 1932-1934.

DIVISION 1—*Preliminary.*

9. 8. (1) This Part of this Act shall be read and construed with the Sydney Corporation Act, 1932-1934, as amended by subsequent Acts. Construc-
tion and
citation.

(2) The Sydney Corporation Act, 1932-1934, as so amended is in this Part referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the Sydney Corporation Act, 1932-1936.

10. 9. For the purposes only of the preparation of rolls of citizens required to be prepared under the Principal Act during the year one thousand nine hundred and thirty-seven and of any matters necessary or incidental to such preparation, the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified. Commence-
ment of
Division 2
of this Part.

And upon the completion of the preparation of such rolls of citizens the provisions of Division 2 of this Part shall come into operation for all purposes whatsoever.

- (a) the collection of lists of citizens, the revision of such lists and the preparation and completion of rolls of citizens and of ratepayers in the year one thousand nine hundred and thirty-seven, pursuant to the Principal Act as amended by this Act; and
- (b) the conduct of the triennial ordinary election of aldermen to be held in December of the year one thousand nine hundred and thirty-seven; and
- (c) matters necessary or incidental to the collection and revision of such lists, the preparation and completion of such rolls and the conduct of such election,

the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified.

And on the date upon which the triennial ordinary election of aldermen in December of the year one thousand nine hundred and thirty-seven is held the provisions of Division 2 of this Part shall come into operation for all purposes whatsoever.

DIVISION

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. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 June, 1936, A.M.*

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

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, June, 1936.*

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. , 1936.

An Act to alter the law relating to the qualifications of electors in municipalities and shires, and the law relating to the qualifications of citizens of the City of Sydney; for these and certain other purposes to amend the Local Government Act, 1919, the Sydney Corporation Act, 1932, 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
5 the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Local Government (Amendment) Act, 1936."

5669

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(2)

Short title and
division into
Parts.

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

Local Government (Amendment).

(2) This Act is divided into Parts as follows:—

PART I—PRELIMINARY.

PART II—AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

5 DIVISION 1—*Preliminary.*

DIVISION 2—*Disqualifications and Franchise.*

DIVISION 3—*Accounts—Wards and Ridings.*

PART III—AMENDMENT OF THE SYDNEY CORPORATION ACT, 1932-1934.

10 DIVISION 1—*Preliminary.*

DIVISION 2—*Franchise and Disqualifications.*

DIVISION 3—*Cost of lists and rolls.*

DIVISION 4—*Polls of ratepayers and citizens.*

PART II.

15 AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

DIVISION 1—*Preliminary.*

20 ^{2.} (1) This Part of this Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts. Construction.

(2) The Local Government Act, 1919, as so amended, is in this Part of this Act referred to as the Principal Act.

25 ^{3.} For the purposes only of the preparation of an original roll required to be prepared for each area under the Principal Act during the year one thousand nine hundred and thirty-seven, and of any matters necessary or incidental to such preparation, the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified. Commencement of Division 2 of this Part.

30 And upon the completion of the preparation of such original roll in any area the provisions of Division 2 of this Part shall come into operation in that area for all purposes whatsoever.

(a)

Local Government (Amendment).

- 6 (a) the preparation of original rolls (including the various matters referred to in subsection one of section sixty-five of the Principal Act) for the triennial ordinary elections of aldermen and councillors in the month of December, one thousand nine hundred and thirty-seven; and
- (b) the conduct of such ordinary triennial elections in the said year; and
- 10 (c) matters necessary or incidental to the preparation of such original rolls, and the conduct of such elections, the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified.

15 And on the date upon which the triennial ordinary elections of aldermen and councillors in the year one thousand nine hundred and thirty-seven are held, the provisions of Division 2 of this Part shall come into operation for all purposes whatsoever.

DIVISION 2—Disqualifications and Franchise.

4. The Principal Act is amended—

- 20 (a) by inserting after paragraph (b) of subsection two of section thirty the following new paragraph:—

- (b1) he has not before nomination or appointment, paid in respect of his occupation of any parcel of ratable land within the area all moneys due and payable by him by way of rent in respect of any period before the end of the month preceding that in which nomination day falls or his appointment is made.

25 This paragraph shall not apply to or in respect of a person where the amount of such moneys so unpaid in respect of his occupation of a parcel of ratable land does not exceed a sum equivalent to the rental for a period of eight weeks payable by him in respect of such occupation.

(b)

Amendment of
Act No. 41,
1919.

Sec. 30 (2).
(Disqualifications.)

Local Government (Amendment).

5 (b) by inserting after subsection six of section Sec. 71.
seventy-one the following new subsection:— (Nominations.)

5 (7) (a) Without limiting the extent of the
powers of rejection of nominations lawfully
exercisable by the returning officer, the
returning officer shall reject the nomination
of any person unless within the time and in the
manner prescribed, such person has furnished
to the returning officer a declaration in or to
10 the effect of the form prescribed signed by the
person proposed to be nominated setting out
that he is not disqualified for civic office by
virtue of paragraph (b1) of subsection two of
section thirty of this Act.

15 (b) Any person who makes a wilfully
false statement in any such declaration shall be
liable on summary conviction to a penalty not
exceeding fifty pounds.

5. 4. (1) The Principal Act is further amended—

Further
amendment
of Act No. 41,
1919.

20 (a) by omitting from subsection one of section fifty- Sec. 51.
one the words "of ratable land in the ward or (Franchise
riding or an occupier of land in the ward or —requisite
riding" and by inserting in lieu thereof the qualifications.)
words "or occupier of ratable land in the ward
25 or riding";

(b) (i) by omitting from paragraph (c) of section Sec. 52.
fifty-two the words "Crown land" and by (Correc-
inserting in lieu thereof the words "land tion.)
owned by the Crown";

30 (ii) by omitting from paragraph (d) of the same
section the words "Crown land" and by
inserting in lieu thereof the words "land
owned by the Crown";

35 (c) (i) by inserting in paragraph (a) of section Sec. 54.
fifty-four after the word "section" the (Occu-
words "nor as a lodger or boarder"; piers.)

(ii)

Local Government (Amendment).

(ii) by omitting paragraph (d) of the same section and by inserting in lieu thereof the following new paragraphs:—

- 5 (d) he has been continuously during the three months next preceding such prescribed day resident within the area and a share-farmer of ratable land—that is to say, a person holding a written license to occupy and cultivate ratable land of a yearly value of five pounds or upwards in consideration of sharing the produce of such land, or, in the case of land used as a dairy farm, sharing the produce of such use, or of the animals grazing thereon; or
- 10
- 15 (e) he is a resident manager of any ratable land (other than land owned by the Crown which is under lease, promise, or contract of lease from the Crown) which, with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards: Provided that this shall only apply in shires; or
- 20
- 25 (f) he is resident, as caretaker for the owner or lessee, upon any ratable land which, with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards; or
- 30
- 35 (g) he is a soldier or sailor within the meaning of this Act, and has been continuously during the three months next preceding such prescribed day resident within the municipality or shire.

40 (d) by omitting from paragraph (a) of section fifty-five the words “subsection three of section twenty of the Parliamentary Electorates and twenty

Sec. 55.
(Disqualification of electors and of voters.)

Local Government (Amendment).

5 Elections Act, 1912, the provisions of which subsection" and by inserting in lieu thereof the words "section twenty-one of the Parliamentary Electorates and Elections Act, 1912-1935, the provisions of which section."

(2) The Local Government (Amendment) Act, 1927, is amended by omitting paragraph (b) of subsection one of section five.

Amendment of Act No. 33, 1927.
Sec. 5 (1) (b).
(Statute Law revision.)

10 (3) The Local Government (Amendment) Act, 1928, is amended by omitting section four.

Amendment of Act No. 41, 1928.
Sec. 4.
(Statute Law revision.)

(4) The Sydney Corporation (Amendment) Act, 1934, is amended by omitting section twenty-eight.

Amendment of Act No. 9, 1934.
Sec. 28.
(Statute Law revision.)

6. 5. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

15 (a) by inserting at the end of subsection four of section twenty-three the following proviso:—

Sec. 23.
(Representation in wards in municipalities.)

Provided that the same number of aldermen shall be elected for each of the wards into which a municipality is divided.

20 (b) by inserting at the end of section fifty-eight the following new subsection:—

Sec. 58.
(Certain municipalities excluded.)

(6) This section shall not apply to or in respect of any municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act.

25 (c) by inserting next after section fifty-eight the following new section:—

New sec. 58A.

30 58A. (1) (a) Subject to paragraph (d) of this subsection, the provisions of paragraphs (b) and (c) of this subsection shall apply to and in respect of each municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act and which is not at the date upon which His Majesty's assent to this Act is signified, divided into wards.

Division into wards of certain municipalities.

(b)

Local Government (Amendment).

(b) Each municipality shall, by proclamation, be divided into either three or four wards.

5

(c) (i) The council of each municipality shall before such date as may be proclaimed in relation thereto submit to the Minister a proposal for the division of the municipality into wards.

10

(ii) Such proposal shall have regard to population and number of electors, value of ratable land, community or diversity of interest, lines of communication and physical features.

15

(d) The Governor may by proclamation declare that the provisions of paragraphs (b) and (c) of this subsection shall not apply to or in respect of any municipality referred to in paragraph (a) of this subsection, and any such proclamation shall have effect according to its tenor.

20

A proclamation under this paragraph may be revoked by a subsequent proclamation, and upon such revocation the provisions of paragraphs (b) and (c) of this subsection shall apply to and in respect of the municipality to which the proclamation so revoked relates.

25

(2) The Governor may from time to time by proclamation alter any division into wards for the time being in force of any municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act:

30

Provided that—

35

(a) before any such alteration is made the prescribed notice shall be given, and the council or any elector of the municipality may make written representations with regard thereto;

40

(b) in making such alteration the municipality shall be divided into either three or four wards;

(c)

Local Government (Amendment).

5 (c) such alteration shall not affect the representation of the municipality on its council until the next following ordinary election of the council, or such earlier time as may be proclaimed.

10 (3) Where pursuant to this section a municipality is divided into wards, or a division of a municipality into wards is altered, the Governor may by proclamation specify the name to be given to any ward, and may from time to time by proclamation alter the name of any such ward.

7. 6. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

15 (a) by inserting at the end of subsection three of section seventy-three the following new paragraph:—

Sec. 73 (3). (Proportional representation.)

20 (b) On receipt of a petition signed by not less than one-fifth in number of the enrolled electors of an area to which the system of election according to the principles of proportional representation has **either before or after the commencement of the Local Government (Amendment) Act, 1936**, by proclamation been so applied, praying that

25 a poll be taken on the question of revoking such proclamation, the council shall forthwith take such poll and shall certify the decision thereof to the Governor.

30 Where the decision of the poll is in favour of such revocation, the Governor shall by a further proclamation revoke the proclamation applying such system to that area.

35 (b) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

Sec. 73 (4). (Voting.)

(4) Except where the system of election according to the principles of proportional representation

Local Government (Amendment).

representation is in force in any area contested elections shall be conducted by ballot, and the following provisions of this subsection shall have effect:—

5 (a) The ballot papers for a contested election shall be in or to the effect of the form set out in Schedule Five to this Act.

10 (b) An elector shall record his vote on a ballot paper as follows:— He shall vote for not less than the prescribed number of candidates by placing the figure "1" in the square opposite the name of the candidate for whom he votes as his first preference and by placing the figures "2," "3," "4" (and so on as the case requires) in the squares respectively opposite the names of so many other candidates as will, with the candidate for whom he votes as his first preference, complete the prescribed number.

cf. Sydney Corporation Act, 1932-1934, s. 35 (4).

25 The elector may, in addition, indicate the order of his preference for as many more candidates as he pleases by placing in the squares respectively opposite their names other figures next in numerical order after the figures already placed by him on the ballot paper.

30 In this paragraph "the prescribed number" means a number equal to twice the number of the candidates to be elected, plus one, or, if there are fewer candidates than that number, the total number of candidates.

35 (c) The method of counting the votes to ascertain the result of the election shall be as prescribed in Schedule Six to this Act.

Sydney Corporation Act, 1932-1934, s. 40 (1A).

(d)

Local Government (Amendment).

(d) The ballot paper shall be informal and *Ibid.* s. 46. shall be rejected at the count if—

5

(i) it is not authenticated by the initials of the returning officer or in such other manner as may be prescribed; or

10

(ii) the figure "1" standing alone indicating a first preference for some candidate is not placed on the ballot paper; or

(A) 11.393 11.393

(iii) the figure "1" standing alone indicating a first preference is placed opposite the name of more than one candidate; or

15

(iv) it has upon it any mark or writing by which in the opinion of the returning officer the voter can be identified; or

20

(v) it has no vote indicated on it or it does not indicate the voter's first preference for one candidate and his consecutive preferences for so many other candidates as will, with the candidate for whom he votes as his first preference, be equal in number to the prescribed number as defined in paragraph (b) of this subsection.

25

30

(e) A ballot paper shall not be informal for any reason other than the reasons specified in paragraph (d) of this subsection, but shall be given effect to according to the voter's intention, so far as his intention is clear.

35

(f) Notwithstanding anything to the contrary in this subsection at any election at which only one candidate is to be elected, and at which there are not more than two candidates, a ballot paper shall not be

informal

Local Government (Amendment).

informal by reason only of the fact that the voter has indicated his vote by placing in one square the figure "1" or a cross, and by leaving the other square blank, and in that case the cross shall be deemed to be equivalent to the figure "1."

(e) by inserting next after Schedule Four the following new Schedules:—

New Schedules Five and Six.

10

SCHEDULE FIVE.

BALLOT-PAPER.

ELECTION of [Aldermen (or an Alderman)] or [Council- Sec. 73 (4).
lors or a Councillor] on the day of , 19 ,
for Ward of the Municipality of or
15 for Riding of the Shire of

List of Candidates for Election.

Names.

Addresses.

☐
☐
☐
☐

20

The number of aldermen or councillors to be elected is

25

Directions.—In marking his vote on this ballot-paper the voter must place in the squares respectively opposite the names of at least [here insert the number which represents twice the number of aldermen or councillors as the case may be to be elected plus one, or if the number of candidates is less than that number, the total number of candidates] candidates, the figures "1," "2," "3," "4," and so on up to and inclusive of the number [here insert the number which represents twice the number of aldermen or councillors as the case may be to be elected plus one, or if the number of candidates is less than that number, the total number of candidates], so as to indicate the order of his preference for such candidates and if there are any more candidates may in addition indicate the order of his preference for as many of them as he pleases by placing in the squares respectively opposite their names other figures next in numerical order after those already used by him.

30

35

40

SCHEDULE

Local Government (Amendment).

SCHEDULE SIX.

METHOD OF COUNTING VOTES AT CONTESTED ELECTIONS.

Division 1.

Sec. 73 (4).

5 Where one candidate only is to be elected at an election he votes should be counted and the result of the election ascertained by the returning officer, or under his direction and supervision, in accordance with the following provision s:—

10 (a) The unrejected ballot-papers shall be arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate.

15 (b) The total number of first preferences given for each candidate on such ballot-papers shall then be counted.

20 (c) The candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

25 (d) If no candidate has received an absolute majority of first preference votes a second count shall be made.

30 (e) On the second count the candidate who has received the fewest first preference votes shall be excluded, and each unexhausted ballot-paper shall be counted to the candidate next in the order of the voter's preference.

35 (f) If a candidate then has an absolute majority of votes he shall be declared elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his unexhausted ballot-papers to the continuing candidate next in the order of the voter's preference shall be repeated until one candidate has received an absolute majority of votes.

40 (g) The candidate who has received an absolute majority of votes shall be declared elected.

Division 2.

Where two candidates are to be elected at an election the votes shall be counted and the result

Local Government (Amendment).

result of the election ascertained by the returning officer or under his direction and supervision, in accordance with the following provisions:—

(a) One of the candidates shall be elected in accordance with the provisions of Division 1 of this Schedule.

(b) All the unrejected ballot-papers shall be rearranged under the names of the respective candidates in the first preference indicated thereon, except that each ballot-paper on which a first preference is indicated shall be placed in the parcel of the candidate next in the order of the voter's preference.

(c) The number of ballot-papers in the parcel of each candidate shall then be counted and the total number of votes so counted to each candidate shall be ascertained.

(d) If a candidate then has an absolute majority of votes he shall be elected, but if no candidate has an absolute majority of votes, the count shall proceed as provided in paragraphs (d) (e) and (f) of Division 1 of this Schedule, until one candidate has received an absolute majority of votes:

Provided that in the application of paragraphs (d) and (e) of Division 1 of this Schedule, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this Division.

(e) The candidate who has received an absolute majority of votes shall be elected.

Division 3.

Where three or more candidates are to be elected at an election in any ward or riding two of the candidates shall be elected in accordance with the provisions of Division 1 and Division 2 of this Schedule.

The third and each subsequent candidate shall be elected in the manner provided in Division 2 of this Schedule as regards the election of the second candidate:

Provided that a ballot-paper on which a first preference is marked shall be placed in the parcel of the continuing candidate next in the order of the voter's preference.

Division 4.

1. In the process of counting under Division 1 or Division 2 or Division 3, as the case may be, of this Schedule

Local Government (Amendment).

Schedule, exhausted ballot-papers shall be set aside as finally dealt with and shall thenceforth not be taken into account in the election of a candidate under that particular Division.

5 2. (a) When a candidate is elected or excluded, each ballot-paper counted to him shall be deemed to be exhausted if there is not in the ballot-paper which is indicated upon it a next preference for one continuing candidate.

10 (b) "Next preference" in paragraph (a) of this rule includes the first of the subsequent preferences marked on the ballot-paper which is not given to an elected or excluded candidate: Provided that where there is a breaking of preferences marked on a ballot-paper (other than a break necessitating the rejection of the ballot-paper as informal in pursuance of sub-paragraph (v) of paragraph (d) of subsection four of section seventy-three of this Act), only those preferences preceding the break shall be taken into account.

15 3. (a) If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the returning officer shall determine by lot between them which of them shall be excluded.

20 (b) If in the final count for the election of a candidate, two candidates have an equal number of votes, the returning officer shall decide by his casting vote which shall be elected; but except as provided in this paragraph he shall not vote at the election.

4. In this Schedule—

30 "Continuing candidate" means a candidate not already elected or excluded from the count.

35 "An absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers. The casting vote of the returning officer given in pursuance of paragraph (b) of Rule 3 of this Schedule shall be included in reckoning an absolute majority of votes.

"Unrejected ballot-papers" means all ballot-papers not rejected as informal.

40 "Determine by lot" means determine in accordance with the following directions:—

45 The names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification, and mixed and drawn at random, the candidate or candidates shall, for the purpose of exclusion from the count, be excluded in the order in which their names are drawn.

DIVISION

*Local Government (Amendment).*DIVISION 3—*Accounts—Wards and Ridings.*

8. 7. (1) The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

5 (a) by inserting next after subsection two of section one hundred and six the following new sub- Sec. 106.
section:— (Funds.)

10 (3) (a) The division of any area into wards or ridings shall not be taken into account in applying a fund to any purpose.

15 (b) The Governor may from time to time by proclamation declare that as from a date specified in the proclamation, paragraph (a) of this subsection shall not apply to or in respect of any area mentioned in the proclamation, and may revoke any such proclamation by a subsequent proclamation.

A proclamation under this paragraph shall have effect according to its tenor.

20 (b) by inserting next after subsection two of section two hundred and six the following new sub- Sec. 206.
section:— (Ward and riding accounts.)

(3) (a) The council shall not keep ward or riding accounts.

25 (b) The Governor may from time to time by proclamation declare that as from a date specified in the proclamation, paragraph (a) of this subsection shall not apply to or in respect of the council of any area mentioned in the proclamation, and may revoke any such proclamation by a subsequent proclamation.

A proclamation under this paragraph shall have effect according to its tenor.

(2) This section shall commence upon the first day
30 of January, one thousand nine hundred and thirty-seven.

PART

Local Government (Amendment).

PART III.

AMENDMENT OF THE SYDNEY CORPORATION ACT, 1932-1934.

DIVISION 1—*Preliminary.*

9. 8. (1) This Part of this Act shall be read and construed with the Sydney Corporation Act, 1932-1934, as amended by subsequent Acts. Construction and citation.

(2) The Sydney Corporation Act, 1932-1934, as so amended is in this Part referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the Sydney Corporation Act, 1932-1936.

10. 9. For the purposes only of the preparation of rolls of citizens required to be prepared under the Principal Act during the year one thousand nine hundred and thirty-seven and of any matters necessary or incidental to such preparation, the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified. Commencement of Division 2 of this Part.

And upon the completion of the preparation of such rolls of citizens the provisions of Division 2 of this Part shall come into operation for all purposes whatsoever.

(a) the collection of lists of citizens, the revision of such lists and the preparation and completion of rolls of citizens and of ratepayers in the year one thousand nine hundred and thirty-seven, pursuant to the Principal Act as amended by this Act; and

(b) the conduct of the triennial ordinary election of aldermen to be held in December of the year one thousand nine hundred and thirty-seven; and

(c) matters necessary or incidental to the collection and revision of such lists, the preparation and completion of such rolls and the conduct of such election,

the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified.

And on the date upon which the triennial ordinary election of aldermen in December of the year one thousand nine hundred and thirty-seven is held the provisions of Division 2 of this Part shall come into operation for all purposes whatsoever.

DIVISION

*Local Government (Amendment).*DIVISION 2—*Franchise and Disqualifications.*

10. (1) The Principal Act is amended by omitting section nine and by inserting in lieu thereof the following sections:—

Amendment of
Act No. 58,
1932, s. 9.

5 9. (1) Subject to the provisions of this Act and unless disqualified by this or any other Act, every person being a natural-born or naturalized British subject of the full age of twenty-one years, whether male or female, married or unmarried, shall, if he has the requisite qualification, be qualified to be a citizen, and shall be entitled—

Qualifica-
tions of
citizens.
cf. Act No.
41, 1919,
s. 50.

10 (a) to be placed on the citizens' roll for the ward in respect of which he has the requisite qualification; and

15 (b) to vote at any election of aldermen for that ward.

(2) In order to have the requisite qualification of a citizen in respect of a ward a person must, on the first day of May of the year in which a roll is to be prepared as hereinafter provided (which day is in this section referred to as "the prescribed day") be either an owner, ratepaying lessee, or occupier of ratable property in the ward.

Meaning of
"requisite
qualifica-
tion."

25 For the purposes of this Part "ratable property" shall include all property which is liable to be assessed or rated in respect of any rate under this Act.

(3) A person who on the prescribed day possesses one or more qualifications for enrolment shall not be deemed to lose his right to enrolment merely because of a change of qualification or a loss of one of his qualifications between the prescribed day and the last day for the receipt of claims for enrolment.

cf. Act No.
41, 1919,
s. 51 (3).

35 (4) A person shall be an "owner" for the purposes of enrolment and voting if—

(a) he is jointly or severally the owner of ratable property; or

Local Government (Amendment).

(b) he is the person nominated in writing as a citizen by a body corporate which is, or trustees who are, such owner as aforesaid:

Provided that the body corporate or trustees may not nominate more than one person for enrolment as owner in any one ward; or

(c) he is the holder of a lease from the Crown of ratable property; or

(d) he is the resident manager of a lease from the Crown of ratable property.

(5) A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if—

Qualification of a ratepaying lessee.

(a) he is severally the lessee of ratable property, and under a lease in writing or other document of title relating to such property, liable to pay to any person the whole or any part of any rates which may be made and levied under this Act in respect of such property;

cf. Act No. 41, 1919, s. 53.

or

(b) he is jointly such lessee as aforesaid and so liable as aforesaid; or

(c) he is the person nominated in writing as a citizen by a body corporate which is, or trustees who are, such lessee so liable as aforesaid:

Provided that the body corporate or trustees may not nominate more than one person for enrolment as ratepaying lessee in any one ward.

(6) A person shall be an "occupier" for the purposes of enrolment and voting if—

cf. *Ibid.* s. 54.

(a) he has been continuously, during the three months next preceding the prescribed day, in joint or several occupation as direct tenant (but not as ratepaying lessee within the preceding subsection nor as a lodger or boarder) of the owners or ratepaying lessees of ratable property of the yearly value of five pounds or upwards; or

(b)

Local Government (Amendment).

- 5 (b) he is the person nominated in writing as a citizen by a body corporate which is, or by trustees who are, in occupation as tenant or occupier as aforesaid of ratable property of the yearly value of five pounds or upwards:

10 Provided that the body corporate or trustees may not nominate more than one person for enrolment as occupier in any one ward; or

- 15 (c) he is resident, as caretaker for the owner or lessee, upon any ratable property which, with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards; or

- 20 (d) he is a person who was a member of the Commonwealth Naval or Military Forces (including a member of the Imperial Reserve residing in New South Wales before 1915) and who enlisted or was appointed for active service outside Australia in the Great War, 1914-1918, in connection with naval or military preparations or operations, or in connection with the army medical or nursing service, and has been continuously resident within the ward during the period of three months next preceding the prescribed day:

30 Provided that where the property jointly tenanted or occupied as aforesaid is of less yearly value than ten pounds only one of the joint tenants or occupiers shall be entitled to be placed on the roll, and where the property jointly tenanted or occupied as aforesaid is of the yearly value of ten pounds or upwards, such number of the joint tenants or occupiers as, when divided into the said yearly value, gives a quotient of five pounds with a remainder of less than five pounds shall be entitled to be placed on the roll; and the joint tenants or occupiers who shall be so entitled shall, in either case, be determined by a

majority

Local Government (Amendment).

majority of the tenants or occupiers evidenced by agreement signed by such majority and handed to the collector of the roll for the ward, and delivered by him with the list to the chamber magistrate of the Central Police Court, or failing such agreement, according to the alphabetical order of the surnames of the tenants or occupiers.

9A. A person shall be disqualified to be a citizen and shall not be entitled to be enrolled or to vote if, at the time for enrolment or for holding an election, as the case may be, he is subject to any of the disqualifications mentioned in section twenty-one of the Parliamentary Electorates and Elections Act, 1912-1935, the provisions of which section shall, mutatis mutandis, apply to enrolment and voting under this Act.

Disqualifica-
tion of
electors and
of voters.

cf. Act No.
41, 1919,
s. 55.

9B. (1) Subject to this Act a person shall not be entitled to vote unless—

Persons not
entitled
to vote.

(a) his name is on the roll for the ward for which he claims to vote; and

cf. *Ibid.*
s. 56.

(b) he retains the requisite qualification and fulfils the conditions and requirements prescribed in respect of voting:

Provided that a married woman who is enrolled under her name prior to marriage may vote under that name, pending correction of the rolls.

(2) A person shall not cease to retain the requisite qualification by reason only of a change of residence within the same ward or by reason only of a change of qualification.

(3) A person possessing qualification for enrolment in respect of several properties in a ward, but actually enrolled in respect of one property therein who ceases to hold qualification in respect of that property shall not on that account be debarred from voting at an election held within twelve months after so ceasing, if he retains a qualifying interest in another property in the same ward and so satisfies the returning officer.

Retention of
qualifica-
tion to vote.

Local Government (Amendment).

9c. (1) A person shall not be enrolled more than once in respect of the same ward.

Enrolment of person holding qualification in more than one ward.

(2) A person may be enrolled in respect of each ward in which he is qualified as owner or as ratepaying lessee.

Act No. 41, 1919, s. 66 (2).

(3) A person qualified for enrolment as owner or as ratepaying lessee in any ward who is also qualified for enrolment in another ward as occupier shall not be enrolled under both of these qualifications. He may give notice to the chamber magistrate of the Central Police Court naming the ward in which he elects to be enrolled; and failing such notice before the expiration of the time prescribed for making out the list of citizens shall be enrolled in the ward in which he is qualified as owner or as ratepaying lessee.

Ibid. s. 66 (3).

(4) A person qualified for enrolment as occupier in more than one ward shall be enrolled in one ward only. He may give notice to the chamber magistrate of the Central Police Court naming the ward in which he elects to be enrolled; and failing such notice before the expiration of the time prescribed for making out the list of citizens the chamber magistrate of the Central Police Court may decide the question.

(2) The Principal Act is further amended—

Consequential Amendments of Act No. 58, 1932.

(a) by omitting from the heading relating to Part III in section one the symbols "s. 9" and by inserting in lieu thereof the symbols "ss. 9, 9A, 9B, 9c."

Sec. 1. (Division into Parts.)

(b) by omitting from subparagraph (i) of paragraph (a1) of subsection one of section eleven the words "paragraph (b) or paragraph (c) or paragraph (d) of subsection one" and by inserting in lieu thereof the words "paragraph (a) or paragraph (c) or paragraph (d) of subsection six";

Sec. 11 (1) (a1). (Declaration.)

(c)

Local Government (Amendment).

- (c) by omitting from subsection (1A) of section thirteen the words "paragraph (b) or paragraph (c) or paragraph (d) of subsection one" and by inserting in lieu thereof the words "paragraph (a) or paragraph (c) or paragraph (d) of subsection six"; Sec. 13 (1A).
(Declarations on claims.)
- (d) (i) by omitting from subparagraph (i) of paragraph (a) of section 18A the words "paragraph (a) of subsection one" and by inserting in lieu thereof the words "subsection four or in subsection five"; Sec. 18A.
(Qualification of rate-payers.)
- (ii) by omitting from subparagraph (ii) of the same paragraph all words commencing with the word "paragraph" down to and including the words "such property" and by inserting in lieu thereof the words "subsection four or in subsection five of section nine of this Act, he is, by virtue of any provision of this Act liable to pay to the council the whole or any part of any rates which may be made or levied under this Act upon the property in respect of which he is qualified for enrolment";
- (e) by omitting Schedule 4A and by inserting in lieu thereof the following Schedule:— Substituted
Schedule 4A.

SCHEDULE 4A.

DECLARATION BY OCCUPIER.

Sec. 11 (1)
(a1).
Sec. 13 (1A).

Surname

Other names (in full)

Address

Ward

I, the person abovenamed, hereby claim enrolment as "occupier" on the Citizens' Roll of Ward
of the City of Sydney on the following grounds:—

I am a natural-born (or naturalized) British subject of the full age of twenty-one years or upwards and

*(a) I have been continuously during the three months next preceding the first day of May, 19 , in joint (or several) occupation as direct tenant (but not as a ratepaying lessee, nor as a lodger or boarder) of the owner or ratepaying lessee of ratable

Local Government (Amendment).

ratable property situated in the abovenamed ward of the yearly value of pounds. The said property consists of (*here insert description of property, stating whether the claimant is tenant of the whole or only part of it, and if the latter, what part*).

* The names of my co-tenants are as follows:—

*(b) I am resident as caretaker for the owner or lessee upon ratable property situated in the abovementioned ward which, with or without any houses or other buildings thereon is of the yearly value of pounds.

*(c) (i) I am a person who was a member of the Commonwealth Naval or Military Forces (or I was a member of the Imperial Reserve residing in New South Wales before 1915), and who enlisted or was appointed for active service outside Australia in the Great War, 1914-1918, in connection with naval or military preparations or operations or in connection with the army medical or nursing services; and

(ii) I have been continuously resident in the abovementioned ward during the period of three months next preceding the first day of May, 19 .

I declare that to the best of my knowledge and belief the information stated above is true and correct in every particular.

(Signature of Claimant)

(Date)

(Witness to signature of Claimant)

(Address)

(Capacity in which witness signs)†

*Strike out paragraphs which are inapplicable.

†The witness must be either a justice of the peace, the town clerk, a clergyman, barrister, solicitor, legally qualified medical practitioner, bank manager, postmaster, school teacher, storekeeper or officer of police.

(f) by omitting from the footnote to the Sixth Schedule the words "paragraph (b) or paragraph (c) or paragraph (d) of subsection one of section nine of the Sydney Corporation Act, 1932-1934" and by inserting in lieu thereof the words "paragraph (a) or paragraph (c) or paragraph (d) of subsection six of section nine of the Sydney Corporation Act, 1932-1936."

(3)

Local Government (Amendment).

(3) The Sydney Corporation (Amendment) Act, 1934, is amended—

Amendments
of Act No. 9,
1934.
(Revision.)
Sec. 5.

(a) by omitting section five;

5 (b) by omitting paragraph (b) of subsection one of section six.

Sec. 6 (1)
(b).

12- 11. The Principal Act is further amended—

Further
amendment
of Act No. 58,
1932.

(a) by inserting after paragraph (g) of subsection one of section twenty-four the following new paragraphs:—

Sec. 24.
(Disqualifi-
cations.)

10 (h) any person who has not before the close of nominations for an election paid all moneys in excess of the sum of five shillings that were at any time before the end of the month preceding that in which the day of the close of nominations falls, due by him to the council.

15 (i) any person who has not before the close of nominations for an election paid, in respect of his occupation of any parcel of ratable property within the city, all moneys due and payable by him by way of rent, in respect of any period before the end of the month preceding that in which the day of the close of nominations falls.

20 This paragraph shall not apply to or in respect of a person, where the amount of such moneys so unpaid does not exceed a sum equivalent to the rental for a period of four weeks payable by him in respect of such occupation;

25 (b) by inserting after subsection one of section twenty-eight the following new subsection:—

Sec. 28.
(Nominations.)

30 (1A) (a) No such nomination shall be received and no proceedings in respect of the same shall be taken unless it be accompanied by a declaration in or to the effect of the form prescribed signed by the person nominated setting out that

he

Local Government (Amendment).

he is not disqualified by virtue of paragraph (i) of subsection one of section twenty four of this Act.

- 5 (b) Any person who makes a wilfully false statement in any such declaration shall be liable on summary conviction to a penalty not exceeding fifty pounds.

DIVISION 3.—Cost of lists and rolls.

12. (1) The Principal Act is further amended—

Further amendment of Act No. 58, 1932.

- 10 (a) by omitting paragraph (b) of subsection one of section eleven;
(b) by inserting next after section sixteen the following new section:—

15 16A. The council shall pay into the Treasury a sum fixed by the Colonial Treasurer as the cost of collecting, printing, preparing and revising the lists and rolls of citizens, and of any work incidental thereto.

20 (2) This section shall be deemed to have commenced upon the tenth day of August, one thousand nine hundred and thirty four.

DIVISION 4.—Polls of ratepayers and citizens.

13. The Principal Act is further amended by inserting after subsection two of section 18c the following new subsection:—

Further amendment of Act No. 58, 1932. Sec. 18c.

(3) (a) A citizen shall not vote more than once at any poll of citizens.

(b) A ratepayer shall not vote more than once at any poll of ratepayers.

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. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 June, 1936, A.M.*

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. , 1936.

An Act to alter the law relating to the qualifications of electors in municipalities and shires, and the law relating to the qualifications of citizens of the City of Sydney; for these and certain other purposes to amend the Local Government Act, 1919, the Sydney Corporation Act, 1932, 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
5 the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Local Government (Amendment) Act, 1936."

Short title and
division into
Parts.

Local Government (Amendment).

(2) This Act is divided into Parts as follows:—

PART I—PRELIMINARY.

PART II—AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

5 DIVISION 1—*Preliminary.*

DIVISION 2—*Disqualifications and Franchise.*

DIVISION 3—*Accounts—Wards and Ridings.*

PART III—AMENDMENT OF THE SYDNEY CORPORATION ACT, 1932-1934.

10 DIVISION 1—*Preliminary.*

DIVISION 2—*Franchise and Disqualifications.*

DIVISION 3—*Cost of lists and rolls.*

DIVISION 4—*Polls of ratepayers and citizens.*

PART II.

15 AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

DIVISION 1—*Preliminary.*

2. (1) This Part of this Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts. Construc-
tion.

(2) The Local Government Act, 1919, as so amended, is in this Part of this Act referred to as the Principal Act.

3. For the purposes only of the preparation of an original roll required to be prepared for each area under the Principal Act during the year one thousand nine hundred and thirty-seven, and of any matters necessary or incidental to such preparation, the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified. Commence-
ment of
Division 2
of this
Part.

And upon the completion of the preparation of such original roll in any area the provisions of Division 2 of this Part shall come into operation in that area for all purposes whatsoever.

DIVISION

Local Government (Amendment).

DIVISION 2—*Disqualifications and Franchise.*

4. The Principal Act is amended—

Amendment of
Act No. 41,
1919.

- (a) by inserting after paragraph (b) of subsection two of section thirty the following new paragraph:—

Sec. 30 (2).
(Disqualifications.)

(b1) he has not before nomination or appointment, paid in respect of his occupation of any parcel of ratable land within the area all moneys due and payable by him by way of rent in respect of any period before the end of the month preceding that in which nomination day falls or his appointment is made.

This paragraph shall not apply to or in respect of a person where the amount of such moneys so unpaid in respect of his occupation of a parcel of ratable land does not exceed a sum equivalent to the rental for a period of eight weeks payable by him in respect of such occupation.

- (b) by inserting after subsection six of section seventy-one the following new subsection:—

Sec. 71.
(Nominations.)

(7) (a) Without limiting the extent of the powers of rejection of nominations lawfully exercisable by the returning officer, the returning officer shall reject the nomination of any person unless within the time and in the manner prescribed, such person has furnished to the returning officer a declaration in or to the effect of the form prescribed signed by the person proposed to be nominated setting out that he is not disqualified for civic office by virtue of paragraph (b1) of subsection two of section thirty of this Act.

(b) Any person who makes a wilfully false statement in any such declaration shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Local Government (Amendment).

5. (1) The Principal Act is further amended—

Further
amendment
of Act No. 41,
1919.

- 5 (a) by omitting from subsection one of section fifty- Sec. 51.
one the words "of ratable land in the ward or (Franchise
riding or an occupier of land in the ward or —requisite
riding" and by inserting in lieu thereof the qualifica-
words "or occupier of ratable land in the ward tions.)
or riding";
- 10 (b) (i) by omitting from paragraph (c) of section Sec. 52.
fifty-two the words "Crown land" and by (Correc-
inserting in lieu thereof the words "land tion.)
owned by the Crown";
- 15 (ii) by omitting from paragraph (d) of the same
section the words "Crown land" and by
inserting in lieu thereof the words "land
owned by the Crown";
- 20 (c) (i) by inserting in paragraph (a) of section Sec. 54.
fifty-four after the word "section" the (Occu-
words "nor as a lodger or boarder"; piers.)
- (ii) by omitting paragraph (d) of the same sec-
tion and by inserting in lieu thereof the
following new paragraphs:—
- 25 (d) he has been continuously during the
three months next preceding such
prescribed day resident within the
area and a share-farmer of ratable
land—that is to say, a person holding
a written license to occupy and culti-
vate ratable land of a yearly value of
five pounds or upwards in considera-
tion of sharing the produce of such
land, or, in the case of land used as a
dairy farm, sharing the produce of
such use, or of the animals grazing
thereon; or

(e)

Local Government (Amendment).

- 5 (e) he is a resident manager of any
ratable land (other than land owned
by the Crown which is under lease,
promise, or contract of lease from
the Crown) which, with or without
any houses or other buildings thereon,
is of a yearly value of five pounds or
upwards: Provided that this shall
only apply in shires; or
- 10 (f) he is resident, as caretaker for the
owner or lessee, upon any ratable
land which, with or without any
houses or other buildings thereon, is
of a yearly value of five pounds or
upwards; or
- 15 (g) he is a soldier or sailor within the
meaning of this Act, and has been
continuously during the three months
next preceding such prescribed day
resident within the municipality or
shire.
- 20 (d) by omitting from paragraph (a) of section
fifty-five the words "subsection three of section
twenty of the Parliamentary Electorates and
Elections Act, 1912, the provisions of which sub-
section" and by inserting in lieu thereof the
words "section twenty-one of the Parliamentary
Electorates and Elections Act, 1912-1935, the
provisions of which section." Sec. 55.
(Disquali-
fication of
electors and
of voters.)
- 25 (2) The Local Government (Amendment) Act,
1927, is amended by omitting paragraph (b) of subsec-
tion one of section five. Amendment of
Act No. 33,
1927.
Sec. 5 (1) (b).
(Statute Law
revision.)
- 30 (3) The Local Government (Amendment) Act,
1928, is amended by omitting section four. Amendment of
Act No. 41,
1928.
Sec. 4.
(Statute Law
revision.)
- 35 (4) The Sydney Corporation (Amendment) Act,
1934, is amended by omitting section twenty-eight. Amendment of
Act No. 9,
1934.
Sec. 28.
(Statute Law
revision.)

Local Government (Amendment).

6. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

- (a) by inserting at the end of subsection four of section twenty-three the following proviso:—

Sec. 23.
(Representation in wards in municipalities.)

Provided that the same number of aldermen shall be elected for each of the wards into which a municipality is divided.

- (b) by inserting at the end of section fifty-eight the following new subsection:—

Sec. 58.
(Certain municipalities excluded.)

(6) This section shall not apply to or in respect of any municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act.

- (c) by inserting next after section fifty-eight the following new section:—

New sec. 58A.

58A. (1) (a) Subject to paragraph (d) of this subsection, the provisions of paragraphs (b) and (c) of this subsection shall apply to and in respect of each municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act and which is not at the date upon which His Majesty's assent to this Act is signified, divided into wards.

Division into wards of certain municipalities.

(b) Each municipality shall, by proclamation, be divided into either three or four wards.

(c) (i) The council of each municipality shall before such date as may be proclaimed in relation thereto submit to the Minister a proposal for the division of the municipality into wards.

(ii) Such proposal shall have regard to population and number of electors, value of ratable land, community or diversity of interest, lines of communication and physical features.

(d)

Local Government (Amendment).

(d) The Governor may by proclamation declare that the provisions of paragraphs (b) and (c) of this subsection shall not apply to or in respect of any municipality referred to in paragraph (a) of this subsection, and any such proclamation shall have effect according to its tenor.

A proclamation under this paragraph may be revoked by a subsequent proclamation, and upon such revocation the provisions of paragraphs (b) and (c) of this subsection shall apply to and in respect of the municipality to which the proclamation so revoked relates.

(2) The Governor may from time to time by proclamation alter any division into wards for the time being in force of any municipality which is wholly or partly within the Sydney Metropolitan Area as described in Schedule Four to this Act:

Provided that—

(a) before any such alteration is made the prescribed notice shall be given, and the council or any elector of the municipality may make written representations with regard thereto;

(b) in making such alteration the municipality shall be divided into either three or four wards;

(c) such alteration shall not affect the representation of the municipality on its council until the next following ordinary election of the council, or such earlier time as may be proclaimed.

(3) Where pursuant to this section a municipality is divided into wards, or a division of a municipality into wards is altered, the Governor may by proclamation specify the name to be given to any ward, and may from time to time by proclamation alter the name of any such ward.

Local Government (Amendment).

7. The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

- (a) by inserting at the end of subsection three of section seventy-three the following new paragraph:—

Sec. 73 (3).
(Proportional
representation.)

- 5 (b) On receipt of a petition signed by not less than one-fifth in number of the enrolled electors of an area to which the system of election according to the principles of proportional representation has by proclamation been so applied, praying that
- 10 a poll be taken on the question of revoking such proclamation, the council shall forthwith take such poll and shall certify the decision thereof to the Governor.

- 15 Where the decision of the poll is in favour of such revocation, the Governor shall by a further proclamation revoke the proclamation applying such system to that area.

- 20 (b) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

Sec. 73 (4).
(Voting.)

- 25 (4) Except where the system of election according to the principles of proportional representation is in force in any area contested elections shall be conducted by ballot, and the following provisions of this subsection shall have effect:—

- 30 (a) The ballot papers for a contested election shall be in or to the effect of the form set out in Schedule Five to this Act.

- 35 (b) An elector shall record his vote on a ballot paper as follows:—He shall vote for not less than the prescribed number of candidates by placing the figure "1" in the square opposite the name of the candidate for whom he votes as his first preference and by placing the figures "2," "3," "4" (and so on as the case requires)

cf. Sydney
Corporation
Act, 1932-
1934,
s. 35 (4).

Local Government (Amendment).

5

requires) in the squares respectively opposite the names of so many other candidates as will, with the candidate for whom he votes as his first preference, complete the prescribed number.

10

The elector may, in addition, indicate the order of his preference for as many more candidates as he pleases by placing in the squares respectively opposite their names other figures next in numerical order after the figures already placed by him on the ballot paper.

15

In this paragraph "the prescribed number" means a number equal to twice the number of the candidates to be elected, plus one, or, if there are fewer candidates than that number, the total number of candidates.

20

- (c) The method of counting the votes to ascertain the result of the election shall be as prescribed in Schedule Six to this Act. Sydney Corporation Act, 1932-1934, s. 40 (1A).

25

- (d) A ballot paper shall be informal and shall be rejected at the count if— Ibid. s. 46.

30

- (i) it is not authenticated by the initials of the returning officer or in such other manner as may be prescribed; or

- (ii) the figure "1" standing alone indicating a first preference for some candidate is not placed on the ballot-paper; or

35

- (iii) the figure "1" standing alone indicating a first preference is placed opposite the name of more than one candidate; or

(iv)

Local Government (Amendment).

- (iv) it has upon it any mark or writing by which in the opinion of the returning officer the voter can be identified; or
- 5 (v) it has no vote indicated on it or it does not indicate the voter's first preference for one candidate and his consecutive preferences for so many other candidates as will, with the candidate for whom he votes as his first preference, be equal in number to the prescribed number as defined in paragraph (b) of this subsection.
- 10
- 15 (e) A ballot-paper shall not be informal for any reason other than the reasons specified in paragraph (d) of this subsection, but shall be given effect to according to the voter's intention, so far as his intention is clear.
- 20
- 25 (f) Notwithstanding anything to the contrary in this subsection at any election at which only one candidate is to be elected, and at which there are not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has indicated his vote by placing in one square the figure "1" or a cross, and by leaving the other square blank, and in that case the cross shall be deemed to be equivalent to the figure
- 30 "1."

- (c) by inserting next after Schedule Four the following new Schedules:—

New Schedules
Five and Six.

35

SCHEDULE FIVE.

BALLOT-PAPER.

ELECTION of [Aldermen (or an Alderman)] or [Council-
lors or a Councillor] on the day of 19 , Sec. 73 (4).
for Ward of the Municipality of or
40 for Riding of the Shire of

List

Local Government (Amendment).

List of Candidates for Election.

Names.

Addresses.

☐
☐
☐
☐

The number of aldermen or councillors to be elected is

5 *Directions.*—In marking his vote on this ballot-paper the voter must place in the squares respectively opposite the names of at least [here insert the number which represents twice the number of aldermen or councillors as the case may be to be elected plus one, or if the number of candidates is less than that number, the total number of candidates] candidates, the figures "1," "2," "3," "4," and 10 so on up to and inclusive of the number [here insert the number which represents twice the number of aldermen or councillors as the case may be to be elected plus one, or if the number of candidates is less than that number, the total number of candidates], so as to indicate the order of his preference for such candidates and if there are any 15 more candidates may in addition indicate the order of his preference for as many of them as he pleases by placing 20 in the squares respectively opposite their names other figures next in numerical order after those already used by him.

SCHEDULE SIX.

METHOD OF COUNTING VOTES AT CONTESTED ELECTIONS.

25

Division 1.

Sec. 73 (4).

Where one candidate only is to be elected at an election in any ward or riding the votes should be counted and the result of the election ascertained by the returning officer, or under his direction and supervision, in accordance with the following provisions:—

3

- (a) The unrejected ballot-papers shall be arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate.

35

(b)

Local Government (Amendment).

- (b) The total number of first preferences given for each candidate on such ballot-papers shall then be counted.
- 5 (c) The candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.
- 10 (d) If no candidate has received an absolute majority of first preference votes a second count shall be made.
- 15 (e) On the second count the candidate who has received the fewest first preference votes shall be excluded, and each unexhausted ballot-paper counted to him shall be counted to the candidate next in the order of the voter's preference.
- 20 (f) If a candidate then has an absolute majority of votes he shall be declared elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his unexhausted ballot-papers to the continuing candidate next in the order of the voter's preference shall be repeated until one candidate has received an absolute majority of votes.
- 25 (g) The candidate who has received an absolute majority of votes shall be declared elected.

Division 2.

Where two candidates are to be elected at an election in any ward or riding the votes shall be counted and the result of the election ascertained by the returning officer or under his direction and supervision, in accordance with the following provisions:—

- 30 (a) One of the candidates shall be elected in accordance with the provisions of Division 1 of this Schedule.
- 35 (b) All the unrejected ballot-papers shall be rearranged under the names of the respective candidates in accordance with the first preference indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated shall be placed in the parcel of the candidate next in the order of the voter's preference.
- 40 (c) The number of ballot-papers in the parcel of each candidate shall then be counted and the total number of votes so counted to each candidate shall be ascertained.
- 45 (d)

Local Government (Amendment).

(d) If a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the count shall proceed as provided in paragraphs (d) (e) and (f) of Division 1 of this Schedule, until one candidate has received an absolute majority of votes:

Provided that in the application of paragraphs (d) and (e) of Division 1 of this Schedule, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this Division.

(e) The candidate who has received an absolute majority of votes shall be elected.

Division 3.

Where three or more candidates are to be elected at an election in any ward or riding two of the candidates shall be elected in accordance with the provisions of Division 1 and Division 2 of this Schedule.

The third and each subsequent candidate shall be elected in the manner provided in Division 2 of this Schedule as regards the election of the second candidate:

Provided that a ballot-paper on which a first preference for any elected candidate is marked shall be placed in the parcel of the continuing candidate next in the order of the voter's preference.

Division 4.

1. In the process of counting under Division 1 or Division 2 or Division 3, as the case may be, of this Schedule, exhausted ballot-papers shall be set aside as finally dealt with and shall thenceforth not be taken into account in the election of a candidate under that particular Division.

2. (a) When a candidate is elected or excluded, each ballot-paper counted to him shall be deemed to be exhausted if there is not indicated upon it a next preference for one continuing candidate.

(b) "Next preference" in paragraph (a) of this rule includes the first of the subsequent preferences marked on the ballot-paper which is not given to an elected or excluded candidate: Provided that where there is a break in the consecutive numbering of preferences marked on a ballot-paper (other than a break necessitating the rejection of

Local Government (Amendment).

of the ballot-paper as informal in pursuance of subparagraph (v) of paragraph (d) of subsection four of section seventy-three of this Act), only those preferences preceding the break shall be taken into account.

5 3. (a) If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the returning officer shall determine by lot between them which of them shall be excluded.

10 (b) If in the final count for the election of a candidate, two candidates have an equal number of votes, the returning officer shall decide by his casting vote which shall be elected; but except as provided in this paragraph he shall not vote at the election.

4. In this Schedule—

15 “Continuing candidate” means a candidate not already elected or excluded from the count.

20 “An absolute majority of votes” means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers. The casting vote of the returning officer given in pursuance of paragraph (b) of Rule 3 of this Division of this Schedule shall be included in reckoning an absolute majority of votes.

25 “Unrejected ballot-papers” means all ballot-papers not rejected as informal.

“Determine by lot” means determine in accordance with the following directions:—

30 The names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification, and mixed and drawn at random, the candidate or candidates shall, for the purpose of exclusion from the count, be excluded in the order in which their names are drawn.

35 DIVISION 3—*Accounts—Wards and Ridings.*

8. (1) The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

(a) by inserting next after subsection two of section Sec. 106.
one hundred and six the following new sub- (Funds.)
section:—

40 (3) (a) The division of any area into wards or ridings shall not be taken into account in applying a fund to any purpose.

(b)

Local Government (Amendment).

5 (b) The Governor may from time to time by proclamation declare that as from a date specified in the proclamation, paragraph (a) of this subsection shall not apply to or in respect of any area mentioned in the proclamation, and may revoke any such proclamation by a subsequent proclamation.

A proclamation under this paragraph shall have effect according to its tenor.

10 (b) by inserting next after subsection two of section two hundred and six the following new subsection:—

Sec. 206.
(Ward and riding accounts.)

(3) (a) The council shall not keep ward or riding accounts.

15 (b) The Governor may from time to time by proclamation declare that as from a date specified in the proclamation, paragraph (a) of this subsection shall not apply to or in respect of the council of any area mentioned in the proclamation, and may revoke any such proclamation by a subsequent proclamation.

A proclamation under this paragraph shall have effect according to its tenor.

20 (2) This section shall commence upon the first day of January, one thousand nine hundred and thirty-seven.

PART III.

AMENDMENT OF THE SYDNEY CORPORATION ACT, 1932-1934.

DIVISION 1—*Preliminary.*

30 9. (1) This Part of this Act shall be read and construed with the Sydney Corporation Act, 1932-1934, as amended by subsequent Acts.

Construction and citation.

(2) The Sydney Corporation Act, 1932-1934, as so amended is in this Part referred to as the Principal Act.

(3)

Local Government (Amendment).

(3) The Principal Act as amended by this Act may be cited as the Sydney Corporation Act, 1932-1936.

10. For the purposes only of the preparation of rolls of citizens required to be prepared under the Principal Act during the year one thousand nine hundred and thirty-seven and of any matters necessary or incidental to such preparation, the provisions of Division 2 of this Part shall commence upon the date upon which His Majesty's assent to this Act is signified.

Commence-
ment of
Division 2
of this Part.

10 And upon the completion of the preparation of such rolls of citizens the provisions of Division 2 of this Part shall come into operation for all purposes whatsoever.

DIVISION 2—Franchise and Disqualifications.

11. (1) The Principal Act is amended by omitting section nine and by inserting in lieu thereof the following sections:—

Amendment of
Act No. 58,
1932, s. 9.

9. (1) Subject to the provisions of this Act and unless disqualified by this or any other Act, every person being a natural-born or naturalized British subject of the full age of twenty-one years, whether male or female, married or unmarried, shall, if he has the requisite qualification, be qualified to be a citizen, and shall be entitled—

Qualifica-
tions of
citizens.
cf. Act No.
41, 1919,
s. 50.

(a) to be placed on the citizens' roll for the ward in respect of which he has the requisite qualification; and

(b) to vote at any election of aldermen for that ward.

(2) In order to have the requisite qualification of a citizen in respect of a ward a person must, on the first day of May of the year in which a roll is to be prepared as hereinafter provided (which day is in this section referred to as "the prescribed day") be either an owner, ratepaying lessee, or occupier of ratable property in the ward.

Meaning of
"requisite
qualifica-
tion."

For

Local Government (Amendment).

For the purposes of this Part "ratable property" shall include all property which is liable to be assessed or rated in respect of any rate under this Act.

- 5 (3) A person who on the prescribed day pos-
 sesses one or more qualifications for enrolment shall not be deemed to lose his right to enrolment merely because of a change of qualification or a loss of one of his qualifications between the prescribed day and the
 10 last day for the receipt of claims for enrolment.

(4) A person shall be an "owner" for the purposes of enrolment and voting if—

- (a) he is jointly or severally the owner of
 ratable property; or
 15 (b) he is the person nominated in writing as a citizen by a body corporate which is, or trustees who are, such owner as aforesaid:

20 Provided that the body corporate or trustees may not nominate more than one person for enrolment as owner in any one ward; or

- (c) he is the holder of a lease from the Crown of ratable property; or
 (d) he is the resident manager of a lease from
 25 the Crown of ratable property.

(5) A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if—

- 30 (a) he is severally the lessee of ratable property, and under a lease in writing or other document of title relating to such property, liable to pay to any person the whole or any part of any rates which may be made and levied under this Act in respect of such property; or
 35 (b) he is jointly such lessee as aforesaid and so liable as aforesaid; or

Local Government (Amendment).

- (c) he is the person nominated in writing as a citizen by a body corporate which is, or trustees who are, such lessee so liable as aforesaid:

5 Provided that the body corporate or trustees may not nominate more than one person for enrolment as ratepaying lessee in any one ward.

- 10 (6) A person shall be an "occupier" for the purposes of enrolment and voting if— cf. Act No. 41, 1919, s. 54.

15 (a) he has been continuously, during the three months next preceding the prescribed day, in joint or several occupation as direct tenant (but not as ratepaying lessee within the preceding subsection nor as a lodger or boarder) of the owners or ratepaying lessees of ratable property of the yearly value of five pounds or upwards; or

20 (b) he is the person nominated in writing as a citizen by a body corporate which is, or by trustees who are, in occupation as tenant or occupier as aforesaid of ratable property of the yearly value of five pounds or upwards:

25 Provided that the body corporate or trustees may not nominate more than one person for enrolment as occupier in any one ward; or

30 (c) he is resident, as caretaker for the owner or lessee, upon any ratable property which, with or without any houses or other buildings thereon, is of a yearly value of five pounds or upwards; or

35 (d) he is a person who was a member of the Commonwealth Naval or Military Forces (including a member of the Imperial Reserve residing in New South Wales before 1915)

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5 1915) and who enlisted or was appointed for active service outside Australia in the Great War, 1914-1918, in connection with naval or military preparations or operations, or in connection with the army medical or nursing service, and has been continuously resident within the ward during the period of three months next preceding the prescribed day:

10 Provided that where the property jointly tenanted or occupied as aforesaid is of less yearly value than ten pounds only one of the joint tenants or occupiers shall be entitled to be placed on the roll, and where
15 the property jointly tenanted or occupied as aforesaid is of the yearly value of ten pounds or upwards, such number of the joint tenants or occupiers as, when divided into the said yearly value, gives a quotient of five pounds with a remainder of less than five pounds shall be entitled to be placed on the roll; and
20 the joint tenants or occupiers who shall be so entitled shall, in either case, be determined by a majority of the tenants or occupiers evidenced by agreement signed by such majority and handed to the collector of the roll for the ward, and delivered
25 by him with the list to the chamber magistrate of the Central Police Court, or failing such agreement, according to the alphabetical order of the surnames of the tenants or occupiers.

30 9A. A person shall be disqualified to be a citizen and shall not be entitled to be enrolled or to vote if, at the time for enrolment or for holding an election, as the case may be, he is subject to any of the disqualifications mentioned in section twenty-one of the Parliamentary Electorates and Elections Act, 1912-1935, the provisions of which section shall, mutatis mutandis, apply to enrolment and voting under this Act.

Disqualification of electors and of voters.
cf. Act No. 41, 1919, s. 55.

35 9B. (1) Subject to this Act a person shall not be entitled to vote unless—

40 (a) his name is on the roll for the ward for which he claims to vote; and

Persons not entitled to vote.
cf. *Ibid.* s. 56.

(b)

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(b) he retains the requisite qualification and fulfils the conditions and requirements prescribed in respect of voting:

Provided that a married woman who is enrolled under her name prior to marriage may vote under that name, pending correction of the rolls.

(2) A person shall not cease to retain the requisite qualification by reason only of a change of residence within the same ward or by reason only of a change of qualification.

(3) A person possessing qualification for enrolment in respect of several properties in a ward, but actually enrolled in respect of one property therein who ceases to hold qualification in respect of that property shall not on that account be debarred from voting at an election held within twelve months after so ceasing, if he retains a qualifying interest in another property in the same ward and so satisfies the returning officer.

9c. (1) A person shall not be enrolled more than once in respect of the same ward.

(2) A person may be enrolled in respect of each ward in which he is qualified as owner or as ratepaying lessee.

(3) A person qualified for enrolment as owner or as ratepaying lessee in any ward who is also qualified for enrolment in another ward as occupier shall not be enrolled under both of these qualifications. He may give notice to the chamber magistrate of the Central Police Court naming the ward in which he elects to be enrolled; and failing such notice before the expiration of the time prescribed for making out the list of citizens shall be enrolled in the ward in which he is qualified as owner or as ratepaying lessee.

(4) A person qualified for enrolment as occupier in more than one ward shall be enrolled in one ward only. He may give notice to the chamber magistrate of the Central Police Court naming the ward

in

Retention of qualification to vote.

Enrolment of person holding qualification in more than one ward.

Act No. 41, 1919, s. 66 (2).

Ibid. s. 66 (3).

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5 in which he elects to be enrolled; and failing such notice before the expiration of the time prescribed for making out the list of citizens the chamber magistrate of the Central Police Court may decide the question.

(2) The Principal Act is further amended—

Consequential
Amendments of
Act No. 58,
1932.

- 10 (a) by omitting from the heading relating to Part III in section one the symbols "s. 9" and by inserting in lieu thereof the symbols "ss. 9, 9A, 9B, 9c." Sec. 1.
(Division
into Parts.)
- 15 (b) by omitting from subparagraph (i) of paragraph (a1) of subsection one of section eleven the words "paragraph (b) or paragraph (c) or paragraph (d) of subsection one" and by inserting in lieu thereof the words "paragraph (a) or paragraph (c) or paragraph (d) of subsection six"; Sec. 11 (1)
(a1).
(Declara-
tion.)
- 20 (c) by omitting from subsection (1A) of section thirteen the words "paragraph (b) or paragraph (c) or paragraph (d) of subsection one" and by inserting in lieu thereof the words "paragraph (a) or paragraph (c) or paragraph (d) of subsection six"; Sec. 13 (1A).
(Declara-
tions on
claims.)
- 25 (d) (i) by omitting from subparagraph (i) of paragraph (a) of section 18A the words "paragraph (a) of subsection one" and by inserting in lieu thereof the words "subsection four or in subsection five"; Sec. 18A.
(Quali-
fication
of rate-
payers.)
- 30 (ii) by omitting from subparagraph (ii) of the same paragraph all words commencing with the word "paragraph" down to and including the words "such property" and by inserting in lieu thereof the words "subsection four or in subsection five of section
- 35 nine of this Act, he is, by virtue of any provision of this Act liable to pay to the council the whole or any part of any rates which may be made or levied under this Act upon the property in respect of which he is
- 40 qualified for enrolment"; (e)

Local Government (Amendment).

- (e) by omitting Schedule 4A and by inserting in lieu thereof the following Schedule:—

Substituted
Schedule 4A.

SCHEDULE 4A.

Sec. 11 (1)
(a1).

DECLARATION BY OCCUPIER.

Sec. 13 (1A).

- 5 Surname
Other names (in full)
Address
Ward
- 10 I, the person abovenamed, hereby claim enrolment as
"occupier" on the Citizens' Roll of Ward
of the City of Sydney on the following grounds:—
- I am a natural-born (or naturalized) British subject of
the full age of twenty-one years or upwards and
- 15 *(a) I have been continuously during the three months
next preceding the first day of May, 19 , in
joint (or several) occupation as direct tenant (but
not as a ratepaying lessee, nor as a lodger or
boarder) of the owner or ratepaying lessee of
20 ratable property situated in the abovenamed ward
of the yearly value of pounds. The
said property consists of (*here insert description
of property, stating whether the claimant is tenant
of the whole or only part of it, and if the latter,
what part*).
- 25 * The names of my co-tenants are as follows:—
- *(b) I am resident as caretaker for the owner or lessee
upon ratable property situated in the above-
mentioned ward which, with or without any houses
or other buildings thereon is of the yearly value
30 of pounds.
- *(c) (i) I am a person who was a member of the
Commonwealth Naval or Military Forces (or
I was a member of the Imperial Reserve re-
siding in New South Wales before 1915), and
35 who enlisted or was appointed for active
service outside Australia in the Great War,
1914-1918, in connection with naval or
military preparations or operations or in
connection with the army medical or nursing
40 services; and
- (ii) I have been continuously resident in the
abovementioned ward during the period of
three months next preceding the first day of
May, 19 .

Local Government (Amendment).

I declare that to the best of my knowledge and belief the information stated above is true and correct in every particular.

(Signature of Claimant)

(Date)

(Witness to signature of Claimant)

(Address)

(Capacity in which witness signs)†

*Strike out paragraphs which are inapplicable.

†The witness must be either a justice of the peace, the town clerk, a clergyman, barrister, solicitor, legally qualified medical practitioner, bank manager, postmaster, school teacher, storekeeper or officer of police.

- (f) by omitting from the footnote to the Sixth Schedule the words "paragraph (b) or paragraph (c) or paragraph (d) of subsection one of section nine of the Sydney Corporation Act, 1932-1934" and by inserting in lieu thereof the words "paragraph (a) or paragraph (c) or paragraph (d) of subsection six of section nine of the Sydney Corporation Act, 1932-1936."

(3) The Sydney Corporation (Amendment) Act, 1934, is amended—

Amendments
of Act No. 9,
1934.
(Revision.)

- (a) by omitting section five;
- (b) by omitting paragraph (b) of subsection one of section six.

Sec. 5.

Sec. 6 (1)
(b).

12. The Principal Act is further amended—

Further
amendment
of Act No. 58,
1932.

- (a) by inserting after paragraph (g) of subsection one of section twenty-four the following new paragraphs:—

Sec. 24.
(Disqualifi-
cations.)

- (h) any person who has not before the close of nominations for an election paid all moneys in excess of the sum of five shillings that were at any time before the end of the month preceding that in which the day of the close of nominations falls, due by him to the council;
- (i) any person who has not before the close of nominations for an election paid, in respect of his occupation of any parcel of
- ratable

5 ratable property within the city, all
 moneys due and payable by him by way
 of rent, in respect of any period before
 the end of the month preceding that in
 which the day of the close of nominations
 falls.

10 This paragraph shall not apply to or in
 respect of a person, where the amount of
 such moneys so unpaid does not exceed a
 sum equivalent to the rental for a period
 of four weeks payable by him in respect
 of such occupation;

5 (b) by inserting after subsection one of section Sec. 28.
 twenty-eight the following new subsection:— (Nominations.)
 (1A) (a) No such nomination shall be received
 and no proceedings in respect of the same shall
 be taken unless it be accompanied by a declara-
 tion in or to the effect of the form prescribed
 signed by the person nominated setting out that
 he is not disqualified by virtue of paragraph (i)
 of subsection one of section twenty-four of this
 Act.

0 (b) Any person who makes a wilfully
 false statement in any such declaration shall be
 liable on summary conviction to a penalty not
 exceeding fifty pounds.

5 DIVISION 3.—*Cost of lists and rolls.*

13. (1) The Principal Act is further amended—
 Further
amendment
of Act No.
58, 1932.

0 (a) by omitting paragraph (b) of subsection one of Sec. 11 (1)
 section eleven; (b).

(b) by inserting next after section sixteen the fol- New s. 16A.
 lowing new section:—

5 16A. The council shall pay into the Treasury Cost of lists
 a sum fixed by the Colonial Treasurer as the and rolls.
 cost of collecting, printing, preparing and revis-
 ing the lists and rolls of citizens, and of any
 work incidental thereto.

(2) This section shall be deemed to have com-
 menced upon the tenth day of August, one thousand nine
 hundred and thirty-four.

DIVISION

Local Government (Amendment).

DIVISION 4.—Polls of ratepayers and citizens.

14. The Principal Act is further amended by inserting after subsection two of section 18c the following new subsection:—

Further
amendment
of Act No.
58, 1932.
Sec. 18c.

- 5 (3) (a) A citizen shall not vote more than once at any poll of citizens. (Polls.)
- (b) A ratepayer shall not vote more than once at any poll of ratepayers.

