

PARLIAMENTARY ELECTORATES AND ELECTIONS (AMENDMENT)  
BILL.

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*Schedule of the Amendment referred to in Message of 19th March, 1941.*

Page 2, clause 2, line 24. Omit "as enrolled" insert "**being the place of  
residence as enrolled**"





*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, 12 March, 1941.*

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

W. K. CHARLTON,  
*Clerk of the Parliamēnts.*  
*Legislative Council Chamber,*  
*Sydney, 19th March, 1941.*

## New South Wales.



ANNO QUINTO

## GEORGII VI REGIS.

\*\*\*\*\*

Act No. , 1941.

An Act to amend the Parliamentary Electorates and Elections Act, 1912-1935, in certain respects; 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 :—

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1941."

Short title,  
citation and  
commence-  
ment.

(2) The Parliamentary Electorates and Elections Act, 1912-1935, as amended by the Statute Law Revision  
10 Act, 1937, is in this Act referred to as the Principal Act.

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473—A

(3)

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



*Parliamentary Electorates and Elections (Amendment).*

(3) The Principal Act, as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Principal Act is amended—

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

Amendment of  
Act No. 41,  
1912.

Sec. 74.

New subsec.  
(3.)

10 (3) The Electoral Commissioner may, by telegram inform a returning officer of the issue of a writ and of the particulars thereof, and upon receipt by the returning officer of any such telegram he may take the steps required by subsection one of this section in all respects as if the writ had been received by him.

(Advice  
by telegram  
of issue  
of writ.)

15 (b) by omitting from section 75A the words “or substitute returning officer” wherever occurring and by inserting in lieu thereof the words  
20 “substitute returning officer, poll clerk or scrutineer”;

Sec. 75A.

(Qualifica-  
tion of  
returning  
officers, etc.)

(c) by inserting in subsection four of section seventy-nine after the words “*occupation, and place of residence*” the words “*as enrolled*”  
25 “*being the place of residence as enrolled*”;

Sec. 79 (4).

(Form of  
nomination.)

(d) by inserting in subsection one of section eighty-eight after the words “any question which I am legally bound to answer” the words “and I do further solemnly declare that I am an elector enrolled on the roll for the subdivision of ..... in the electoral district of .....”;  
30

Sec. 88(1).

(Declaration  
by returning  
officers, etc.)

(e) (i) by inserting in section ninety-one after the words “some question which I am legally bound to answer” the words “and I do further solemnly declare that I am an elector  
35

Sec. 91.

(Declaration  
by  
scrutineer.)



*Parliamentary Electorates and Elections (Amendment).*

elector enrolled on the roll for the sub-  
division of ..... in the elec-  
toral district of .....”;

- 5 (ii) by inserting at the end of the same section  
the following new subsection:—

(2) Any returning officer or deputy re-  
turning officer is authorised to receive any  
such declaration. Part IV of the Oaths  
10 Act, 1900-1936, shall apply to such declara-  
tion as if it were made under that Act.

- (2) The Principal Act is further amended—

- (a) by inserting after subsection two of section  
114D the following new subsection:—

15 (3) Before issuing a postal ballot-paper, the  
returning officer shall, if the particulars are not  
already printed thereon, insert on the ballot-  
paper the name of the electoral district for which  
the applicant declares that he is enrolled  
20 and the names of all the candidates for that  
district, arranged in alphabetical order accord-  
ing to their surnames in accordance with the  
provisions of section eighty-three of this Act.

- (b) by omitting from paragraph (d) of section  
114H the words “prescribed in Schedule Seven-  
25 teen of this Act” and by inserting in lieu  
thereof the words “directed on the ballot-  
paper”;

- (c) by inserting after section 114M the following  
new section:—

30 114N. If an elector to whom a postal ballot-  
paper has been issued, satisfies the returning  
officer who issued the same that he has spoilt  
his postal ballot-paper by mistake or accident,  
he may on giving it up, receive a new postal  
35 ballot-paper from the returning officer, who shall  
cancel and preserve the spoilt ballot-paper.

(d)

Further  
amendment  
of Act No.  
41, 1912.  
Sec. 114D.  
(Postal  
ballot-  
papers.)

Sec. 114H.  
(Marking  
postal  
ballot-  
paper.)

Spoilt postal  
ballot-  
paper.



Parliamentary Electorates and Elections (Amendment).

- (d) by omitting Schedule Thirteen and by inserting Schedule  
Thirteen.  
in lieu thereof the following Schedule:—

## SCHEDULE THIRTEEN.

PARLIAMENTARY ELECTORATES AND ELECTIONS  
ACT, 1912, AS AMENDED.

*Application for a Postal Vote Certificate and a  
Postal Ballot-paper.*

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

An applicant shall not be entitled to receive a Postal Vote Certificate and Postal Ballot-paper unless his application is received by the Returning Officer to whom it is addressed at least 38 hours prior to the hour at which the polling is to commence on the polling day for the Election.

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

## STATE ELECTIONS.

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

To the Returning Officer for the Electoral District of .....

Surname.	Christian Names (in full).	Place of Living as appearing on Roll.	Occupation.
I,			

hereby



*Parliamentary Electorates and Elections (Amendment).*

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

I declare that—

5 (1) I am an elector enrolled on the Electoral Roll for the Subdivision of \_\_\_\_\_ in the Electoral District of \_\_\_\_\_

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

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

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

25 (3) My place of living at the time when a Postal Vote Certificate and Postal Ballot-paper would, in the ordinary course of post, be delivered to me, will be as follows : \_\_\_\_\_

30 An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

PENALTY : Fifty Pounds, or imprisonment for one month.

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

35 Signature of } \_\_\_\_\_ Signature of } \_\_\_\_\_  
 Authorised } \_\_\_\_\_ of Elector } \_\_\_\_\_  
 Witness } \_\_\_\_\_  
 (In own handwriting.) (In own handwriting.)

40 (Title under which witness acts as Authorized Witness.)

Address of Authorized Witness \_\_\_\_\_

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

The



*Parliamentary Electorates and Elections (Amendment).*

The following persons are Authorized Witnesses, namely :—

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

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

## OBLIGATIONS OF AUTHORIZED WITNESSES.

35 An Authorized Witness shall not witness the signature of  
any elector to an application for a Postal Vote Certificate  
and Postal Ballot-paper unless—

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

45 **PENALTY:** *Fifty Pounds, or imprisonment for one month.*

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

- 50 (e) (i) by omitting from the heading to Schedule  
Fifteen the word "Members" and by  
inserting in lieu thereof the words "a  
member";

Schedule  
Fifteen.  
(Form of  
postal ballot-  
paper.)

(ii)



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting from the squares shown in the same Schedule the figures "1, 2, 3, 4";
- (iii) by omitting from paragraph (d) of the matter appearing under the heading "*Directions to Elector and Authorised Witness*" in the same Schedule all words commencing with the words "He shall write" down to and including the words "preference for them" and by inserting in lieu thereof the words—
- "He shall place the number '1' in the square opposite the name of the candidate for whom he desires to give his first preference vote, and shall give contingent votes for all the remaining candidates by placing the numbers '2,' '3,' '4' and so on as the case may require in the squares opposite the names of the remaining candidates in the order of his preference."
- (f) by omitting Schedule Seventeen.
- (3) The Principal Act is further amended—
- (a) (i) by omitting from paragraph (e) of subsection one of section one hundred and fifteen the words "Schedule Sixteen" and by inserting in lieu thereof the words "Schedule Four";
- (ii) by inserting after the word "Act" in the same paragraph the words "Before handing a ballot-paper to the elector the return-officer or deputy shall, if the particulars are not already printed thereon, insert on the ballot-paper the name of the electoral district and the names of all the candidates for that district arranged in alphabetical order according to their surnames in accordance with section eighty-three of this Act."
- (b) by omitting from paragraph (g) of subsection one of section one hundred and fifteen the words "prescribed in Schedule Seventeen of this Act, and shall then fold and fasten the ballot-paper

Schedule  
Seventeen.Further  
amendment of  
Act No. 41,  
1912.  
Sec. 115.  
(Absent  
voters).Sec. 115 (1)  
(g.)  
(Absent  
voter's  
ballot-  
paper.)



*Parliamentary Electorates and Elections (Amendment).*

- 5 ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened," and by inserting in lieu thereof the words "directed on the ballot-paper and shall then fold the ballot-paper so that the vote cannot be seen, and at once return the ballot-paper so folded";
- 10 (c) (i) by inserting in subsection two of section one hundred and fifteen after the words "printed or" the words "a partly printed and partly";
- 15 (ii) by omitting from the same subsection the words "blank paper" and by inserting in lieu thereof the words "paper with the name of the electoral district, the names of the candidates arranged in alphabetical order according to their surnames in accordance with the provisions of section eighty-three of this Act and the directions set out in Schedule Four of this Act as to the method of voting written thereon, which paper shall be";
- 20 (iii) by omitting from the same subsection the words "prescribed in Schedule Seventeen of this Act and then fold and fasten such paper as above prescribed" and by inserting in lieu thereof the words "directed on the paper and then fold such paper so that the vote cannot be seen and at once return the paper so folded to the returning officer or deputy";
- 25 (d) by omitting Schedule Sixteen.
- 30 (4) (a) The Parliamentary Electorates and Elections (Amendment) Act, 1926, is amended by omitting so much of paragraph twenty-two of section eight as repealed and substituted Schedule Thirteen of the Parliamentary Electorates and Elections Act, 1912.
- (b) The Parliamentary Electorates and Elections (Amendment) Act, 1928, is amended—
- 40 (i) by omitting subsections six and seven of section twenty-eight;
- (ii)

Sec. 115(2).  
(Absent voter's ballot-paper.)

Schedule Sixteen.  
Amendment consequential on subsections (2) and (3), Act No. 12, 1926, s. 8 (22).

Act No. 55, 1928.

Sec. 28 (6) (7).



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting subparagraph (ii) of paragraph (i) of subsection three of section thirty-five. Sec. 35 (3)  
(i) (ii).
- (c) The Parliamentary Electorates and Elections (Amendment) Act, 1929, is amended by omitting 5 paragraph (d) of section five. Act No. 33,  
1929.
- (5) The Principal Act is further amended— Further  
amendment of  
Act No. 41,  
1912.
- (a) by omitting from paragraph (a) of section 120B the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Sec 120B.  
(Compulsory  
voting.)
- 10 (b) by omitting from paragraph (a) of subsection one of section 120C the words “has failed” and by inserting in lieu thereof the words “appears to have failed”; Sec. 120C.  
(Compulsory  
voting.)
- 15 (c) by omitting from paragraph (a) of section 120E the words “did not” and by inserting in lieu thereof the words “appear to have failed to”; Sec. 120E.  
(Compulsory  
voting.)
- (d) by omitting from section 120F the word “excuse” wherever occurring and by inserting in lieu thereof the word “reason”; Sec. 120F.  
(Penalties.)
- 20 (e) (i) by omitting from subclause one of clause one of Schedule Twenty the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Schedule  
Twenty.
- 25 (ii) by omitting from clause two of the same Schedule the word “has” and by inserting in lieu thereof the words “appears to have”;
- 30 (iii) by omitting from the heading to Form 2 in the same Schedule the words “has failed” and by inserting in lieu thereof the words “appears to have failed”;
- 35 (iv) by inserting in the same Form after the words “you are notified that you” the words “appear to.”



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*Parliamentary Electorates and Elections (Amendment).*

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(6) The Principal Act is further amended by inserting at the end of clause three of Schedule Eighteen the following words:—

Further  
amendment  
of Act No.  
41, 1912.  
Schedule  
Eighteen.

5      The expression “determine by lot” means determine in accordance with the following direction:—

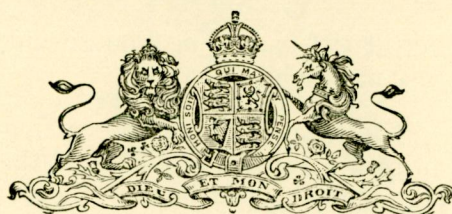
10      The names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is first drawn shall be excluded.



*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, 12 March, 1941.*

## New South Wales.



ANNO QUINTO

## GEORGII VI REGIS.

\*\*\*\*\*

Act No. , 1941.

An Act to amend the Parliamentary Electorates and Elections Act, 1912-1935, in certain respects; and for purposes connected therewith.

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

- 5 **1.** (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1941." Short title, citation and commencement.
- (2) The Parliamentary Electorates and Elections Act, 1912-1935, as amended by the Statute Law Revision Act, 1937, is in this Act referred to as the Principal Act.
- 10



*Parliamentary Electorates and Elections (Amendment).*

(3) The Principal Act, as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Principal Act is amended—

- |    |  |   |
|----|--|---|
|    |  | Amendment of<br>Act No. 41,<br>1912.                                |
|    | (a) by inserting at the end of section seventy-four the following new subsection:—   | Sec. 74.<br>New subsec.<br>(3.)                                     |
| 10 | (3) The Electoral Commissioner may, by telegram inform a returning officer of the issue of a writ and of the particulars thereof, and upon receipt by the returning officer of any such telegram he may take the steps required by subsection one of this section in all respects as if the writ had been received by him. | (Advice<br>by telegram<br>of issue<br>of writ.)                     |
| 15 |  |   |
| 20 | (b) by omitting from section 75A the words “or substitute returning officer” wherever occurring and by inserting in lieu thereof the words “substitute returning officer, poll clerk or scrutineer”;   | Sec. 75A.<br>(Qualifica-<br>tion of<br>returning<br>officers, etc.) |
|    | (c) by inserting in subsection four of section seventy-nine after the words “ <i>occupation, and place of residence</i> ” the words “ <i>as enrolled</i> ”;  | Sec. 79 (4).<br>(Form of<br>nomination.)                            |
| 25 | (d) by inserting in subsection one of section eighty-eight after the words “any question which I am legally bound to answer” the words “and I do further solemnly declare that I am an elector enrolled on the roll for the subdivision of ..... in the electoral district of .....”;                                      | Sec. 88(1).<br>(Declaration<br>by returning<br>officers, etc.)      |
| 30 |  |   |
| 35 | (e) (i) by inserting in section ninety-one after the words “some question which I am legally bound to answer” the words “and I do further solemnly declare that I am an elector  | Sec. 91.<br>(Declaration<br>by<br>scrutineer.)                      |



Parliamentary Electorates and Elections (Amendment).

elector enrolled on the roll for the sub-  
division of ..... in the elec-  
toral district of .....”;

- 5 (ii) by inserting at the end of the same section  
the following new subsection:—

(2) Any returning officer or deputy re-  
turning officer is authorised to receive any  
such declaration. Part IV of the Oaths  
10 Act, 1900-1936, shall apply to such declara-  
tion as if it were made under that Act.

- (2) The Principal Act is further amended—

- (a) by inserting after subsection two of section  
114D the following new subsection:—

Further  
amendment  
of Act No.  
41, 1912.

Sec. 114D.

(Postal  
ballot-  
papers.)

15 (3) Before issuing a postal ballot-paper, the  
returning officer shall, if the particulars are not  
already printed thereon, insert on the ballot-  
paper the name of the electoral district for which  
the applicant declares that he is enrolled  
and the names of all the candidates for that  
20 district, arranged in alphabetical order accord-  
ing to their surnames in accordance with the  
provisions of section eighty-three of this Act.

- (b) by omitting from paragraph (d) of section  
114H the words “prescribed in Schedule Seven-  
teen of this Act” and by inserting in lieu  
25 thereof the words “directed on the ballot-  
paper”;

Sec. 114H.

(Marking  
postal  
ballot-  
paper.)

- (c) by inserting after section 114M the following  
new section:—

Sec. 114N.

30 114N. If an elector to whom a postal ballot-  
paper has been issued, satisfies the returning  
officer who issued the same that he has spoilt  
his postal ballot-paper by mistake or accident,  
he may on giving it up, receive a new postal  
35 ballot-paper from the returning officer, who shall  
cancel and preserve the spoilt ballot-paper.

Spoilt postal  
ballot-  
paper.

(d)



*Parliamentary Electorates and Elections (Amendment).*

- (d) by omitting Schedule Thirteen and by inserting Schedule  
Thirteen.  
in lieu thereof the following Schedule:—

## SCHEDULE THIRTEEN.

PARLIAMENTARY ELECTORATES AND ELECTIONS  
ACT, 1912, AS AMENDED.

*Application for a Postal Vote Certificate and a  
Postal Ballot-paper.*

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

An applicant shall not be entitled to receive a Postal Vote Certificate and Postal Ballot-paper unless his application is received by the Returning Officer to whom it is addressed at least 38 hours prior to the hour at which the polling is to commence on the polling day for the Election.

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

## STATE ELECTIONS.

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

To the Returning Officer for the Electoral District of .....

Surname.	Christian Names (in full).	Place of Living as appearing on Roll.	Occupation.
I,			

hereby



*Parliamentary Electorates and Elections (Amendment).*

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

I declare that—

5 (1) I am an elector enrolled on the Electoral Roll for the Subdivision of \_\_\_\_\_ in the Electoral District of \_\_\_\_\_

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

10

(a) That I will not throughout the hours of polling on polling day be within ten miles by the nearest practicable route of any polling booth open in the State for the purposes of an Election;

15

(b) That I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from attending at any polling booth to vote;

20

(c) That I am seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote;

(d) That I will, by approaching maternity, be precluded from attending at any polling booth to vote.

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

25

(3) My place of living at the time when a Postal Vote Certificate and Postal Ballot-paper would, in the ordinary course of post, be delivered to me, will be as follows : \_\_\_\_\_

30

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

PENALTY : Fifty Pounds, or imprisonment for one month.

35

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

Signature of }  
Authorised }  
Witness }

(In own handwriting.)

Signature }  
of Elector }

(In own handwriting.)

40

(Title under which witness acts as Authorized Witness.)

Address of Authorized Witness \_\_\_\_\_

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

The



Parliamentary Electorates and Elections (Amendment).

The following persons are Authorized Witnesses, namely :—

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

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

## OBLIGATIONS OF AUTHORIZED WITNESSES.

35 An Authorized Witness shall not witness the signature of  
any elector to an application for a Postal Vote Certificate  
and Postal Ballot-paper unless—

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

45 **PENALTY:** *Fifty Pounds, or imprisonment for one month.*

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

- 50 (e) (i) by omitting from the heading to Schedule  
Fifteen the word "Members" and by  
inserting in lieu thereof the words "a  
member";

Schedule  
Fifteen.  
(Form of  
postal ballot-  
paper.)

(ii)



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting from the squares shown in the same Schedule the figures "1, 2, 3, 4";
- (iii) by omitting from paragraph (d) of the matter appearing under the heading "*Directions to Elector and Authorised Witness*" in the same Schedule all words commencing with the words "He shall write" down to and including the words "preference for them" and by inserting in lieu thereof the words—
- "He shall place the number '1' in the square opposite the name of the candidate for whom he desires to give his first preference vote, and shall give contingent votes for all the remaining candidates by placing the numbers '2,' '3,' '4' and so on as the case may require in the squares opposite the names of the remaining candidates in the order of his preference."
- (f) by omitting Schedule Seventeen.
- (3) The Principal Act is further amended—
- (a) (i) by omitting from paragraph (e) of subsection one of section one hundred and fifteen the words "Schedule Sixteen" and by inserting in lieu thereof the words "Schedule Four";
- (ii) by inserting after the word "Act" in the same paragraph the words "Before handing a ballot-paper to the elector the return-officer or deputy shall, if the particulars are not already printed thereon, insert on the ballot-paper the name of the electoral district and the names of all the candidates for that district arranged in alphabetical order according to their surnames in accordance with section eighty-three of this Act."
- (b) by omitting from paragraph (g) of subsection one of section one hundred and fifteen the words "prescribed in Schedule Seventeen of this Act, and shall then fold and fasten the ballot-paper
- Schedule Seventeen.
- Further amendment of Act No. 41, 1912.
- Sec. 115. (Absent voters).
- Sec. 115 (1) (g.) (Absent voter's ballot-paper.)



*Parliamentary Electorates and Elections (Amendment).*

- 5 ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened," and by inserting in lieu thereof the words "directed on the ballot-paper and shall then fold the ballot-paper so that the vote cannot be seen, and at once return the ballot-paper so folded";
- 10 (c) (i) by inserting in subsection two of section one hundred and fifteen after the words "printed or" the words "a partly printed and partly";
- 15 (ii) by omitting from the same subsection the words "blank paper" and by inserting in lieu thereof the words "paper with the name of the electoral district, the names of the candidates arranged in alphabetical order according to their surnames in accordance with the provisions of section eighty-three of this Act and the directions set out in Schedule Four of this Act as to the method of voting written thereon, which paper shall be";
- 20 (iii) by omitting from the same subsection the words "prescribed in Schedule Seventeen of this Act and then fold and fasten such paper as above prescribed" and by inserting in lieu thereof the words "directed on the paper and then fold such paper so that the vote cannot be seen and at once return the paper so folded to the returning officer or deputy";
- 25 (d) by omitting Schedule Sixteen.
- 30 (4) (a) The Parliamentary Electorates and Elections (Amendment) Act, 1926, is amended by omitting so much of paragraph twenty-two of section eight as repealed and substituted Schedule Thirteen of the Parliamentary Electorates and Elections Act, 1912.
- (b) The Parliamentary Electorates and Elections (Amendment) Act, 1928, is amended—
- 40 (i) by omitting subsections six and seven of section twenty-eight;
- (ii)

Sec. 115(2).  
(Absent voter's ballot-paper.)

Schedule Sixteen.  
Amendment consequential on subsections (2) and (3), Act No. 12, 1926, s. 8 (22).

Act No. 55, 1928.

Sec. 28 (6) (7).



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting subparagraph (ii) of paragraph (i) of subsection three of section thirty-five. Sec. 35 (3)  
(i) (ii).
- (c) The Parliamentary Electorates and Elections (Amendment) Act, 1929, is amended by omitting 5 paragraph (d) of section five. Act No. 33,  
1929.
- (5) The Principal Act is further amended— Further  
amendment of  
Act No. 41,  
1912.
- (a) by omitting from paragraph (a) of section 120B the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; See 120B.  
(Compulsory  
voting.)
- 10 (b) by omitting from paragraph (a) of subsection one of section 120c the words “has failed” and by inserting in lieu thereof the words “appears to have failed”; Sec. 120c.  
(Compulsory  
voting.)
- 15 (c) by omitting from paragraph (a) of section 120E the words “did not” and by inserting in lieu thereof the words “appear to have failed to”; Sec. 120E.  
(Compulsory  
voting.)
- (d) by omitting from section 120F the word “excuse” wherever occurring and by inserting in lieu thereof the word “reason”; Sec. 120F.  
(Penalties.)
- 20 (e) (i) by omitting from subclause one of clause one of Schedule Twenty the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Schedule  
Twenty.
- 25 (ii) by omitting from clause two of the same Schedule the word “has” and by inserting in lieu thereof the words “appears to have”;
- 30 (iii) by omitting from the heading to Form 2 in the same Schedule the words “has failed” and by inserting in lieu thereof the words “appears to have failed”;
- 35 (iv) by inserting in the same Form after the words “you are notified that you” the words “appear to.”



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*Parliamentary Electorates and Elections (Amendment).*

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(6) The Principal Act is further amended by inserting at the end of clause three of Schedule Eighteen the following words:—

Further  
amendment  
of Act No.  
41, 1912.  
Schedule  
Eighteen.

5      The expression “determine by lot” means determine in accordance with the following direction:—

10      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 whose name is first drawn shall be excluded.



No. , 1941.

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## A BILL

To amend the Parliamentary Electorates and Elections Act, 1912-1935, in certain respects; and for purposes connected therewith.

[MR. TONKING;—27 February, 1941.]

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**B**E 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:—

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1941." Short title, citation and commencement.  
(2) The Parliamentary Electorates and Elections Act, 1912-1935, as amended by the Statute Law Revision Act, 1937, is in this Act referred to as the Principal Act.  
10 (3) The Principal Act, as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1941.



*Parliamentary Electorates and Elections (Amendment).*

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Principal Act is amended—

Amendment of  
Act No. 41,  
1912.

- 5 (a) by omitting from subsection one of section thirty-nine the words "Provided further that where a registrar removes any such name he shall send by post to the elector whose name is so removed notice of the fact";
- 10 (b) by inserting at the end of section seventy-four the following new subsection:—
- 15 (3) The Electoral Commissioner may, by telegram inform a returning officer of the issue of a writ and of the particulars thereof, and upon receipt by the returning officer of any such telegram he may take the steps required by subsection one of this section in all respects as if the writ had been received by him.
- 20 (c) by omitting from section 75A the words "or substitute returning officer" wherever occurring and by inserting in lieu thereof the words "substitute returning officer, poll clerk or scrutineer";
- 25 (d) by inserting in subsection four of section seventy-nine after the words "*occupation, and place of residence*" the words "*as enrolled*";
- 30 (e) by inserting in subsection one of section eighty-eight after the words "any question which I am legally bound to answer" the words "and I do further solemnly declare that I am an elector enrolled on the roll for the subdivision of ..... in the electoral district of .....";
- 35 (f) (i) by inserting in section ninety-one after the words "some question which I am legally bound to answer" the words "and I do further solemnly declare that I am an elector

Sec. 39 (1).  
(Alteration  
of rolls.)

Sec. 74.  
New subsec.  
(3.)

(Advice  
by telegram  
of issue  
of writ.)

Sec. 75A.  
(Qualifica-  
tion of  
returning  
officers, etc.)

Sec. 79 (4).  
(Form of  
nomination.)

Sec. 88(1).  
(Declaration  
by returning  
officers, etc.)

Sec. 91.  
(Declaration  
by  
scrutineer.)



*Parliamentary Electorates and Elections (Amendment).*

elector enrolled on the roll for the sub-  
division of ..... in the elec-  
toral district of .....”;

- 5 (ii) by inserting at the end of the same section  
the following new subsection:—

(2) Any returning officer or deputy re-  
turning officer is authorised to receive any  
such declaration. Part IV of the Oaths  
10 Act, 1900-1936, shall apply to such declara-  
tion as if it were made under that Act.

- (2) The Principal Act is further amended—

- (a) by inserting after subsection two of section  
114D the following new subsection:—

Further  
amendment  
of Act No.  
41, 1912.

Sec. 114D.

(Postal  
ballot-  
papers.)

15 (3) Before issuing a postal ballot-paper, the  
returning officer shall, if the particulars are not  
already printed thereon, insert on the ballot-  
paper the name of the electoral district for which  
the applicant declares that he is enrolled  
20 and the names of all the candidates for that  
district, arranged in alphabetical order accord-  
ing to their surnames in accordance with the  
provisions of section eighty-three of this Act.

- (b) by omitting from paragraph (d) of section  
114H the words “prescribed in Schedule Seven-  
25 teen of this Act” and by inserting in lieu  
thereof the words “directed on the ballot-  
paper”;

Sec. 114H.

(Marking  
postal  
ballot-  
paper.)

- (c) by omitting section 114M and by inserting in  
lieu thereof the following section:—

Sec. 114M.

30 114M. If an elector to whom a postal ballot-  
paper has been issued, satisfies the returning  
officer who issued the same that he has spoilt  
his postal ballot-paper by mistake or accident,  
he may on giving it up, receive a new postal  
35 ballot-paper from the returning officer, who shall  
cancel and preserve the spoilt ballot-paper.

Spoilt postal  
ballot-  
paper.

(d)



*Parliamentary Electorates and Elections (Amendment).*

- (d) by omitting Schedule Thirteen and by inserting Schedule Thirteen.  
in lieu thereof the following Schedule:—

SCHEDULE THIRTEEN.

PARLIAMENTARY ELECTORATES AND ELECTIONS  
ACT, 1912, AS AMENDED.

*Application for a Postal Vote Certificate and a  
Postal Ballot-paper.*

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

An applicant shall not be entitled to receive a Postal Vote Certificate and Postal Ballot-paper unless his application is received by the Returning Officer to whom it is addressed at least 38 hours prior to the hour at which the polling is to commence on the polling day for the Election.

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

STATE ELECTIONS.

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

To the Returning Officer for the Electoral District of .....

Surname.	Christian Names (in full).	Place of Living as appearing on Roll.	Occupation.
I,			

hereby



*Parliamentary Electorates and Elections (Amendment).*

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

I declare that—

5

(1) I am an elector enrolled on the Electoral Roll for the Subdivision of \_\_\_\_\_ in the Electoral District of \_\_\_\_\_

10

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

15

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

20

(a) That I will not throughout the hours of polling on polling day be within ten miles by the nearest practicable route of any polling booth open in the State for the purposes of an Election;

(b) That I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from attending at any polling booth to vote;

(c) That I am seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote;

(d) That I will, by approaching maternity, be precluded from attending at any polling booth to vote.

25

(3) My place of living at the time when a Postal Vote Certificate and Postal Ballot-paper would, in the ordinary course of post, be delivered to me, will be as follows : \_\_\_\_\_

30

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

PENALTY : Fifty Pounds, or imprisonment for one month.

35

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

Signature of  
Authorized  
Witness

(In own handwriting.)

Signature  
of Elector

(In own handwriting.)

40

(Title under which witness acts as  
Authorized Witness.)

Address of Authorized Witness \_\_\_\_\_

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

The



*Parliamentary Electorates and Elections (Amendment).*

The following persons are Authorized Witnesses, namely :—

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

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

## OBLIGATIONS OF AUTHORIZED WITNESSES.

35 An Authorized Witness shall not witness the signature of  
any elector to an application for a Postal Vote Certificate  
and Postal Ballot-paper unless—

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

45 *PENALTY : Fifty Pounds, or imprisonment for one month.*

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

- 50 (e) (i) by omitting from the heading to Schedule  
Fifteen the word "Members" and by  
inserting in lieu thereof the words "a  
member";

Schedule  
Fifteen.  
(Form of  
postal ballot-  
paper.)

(ii)



Parliamentary Electorates and Elections (Amendment).

- (ii) by omitting from the squares shown in the same Schedule the figures "1, 2, 3, 4";
- (iii) by omitting from paragraph (d) of the matter appearing under the heading "*Directions to Elector and Authorised Witness*" in the same Schedule all words commencing with the words "He shall write" down to and including the words "preference for them" and by inserting in lieu thereof the words—
- "He shall place the number '1' in the square opposite the name of the candidate for whom he desires to give his first preference vote, and shall give contingent votes for all the remaining candidates by placing the numbers '2,' '3,' '4' and so on as the case may require in the squares opposite the names of the remaining candidates in the order of his preference."
- (f) by omitting Schedule Seventeen.
- (3) The Principal Act is further amended—
- (a) (i) by omitting from paragraph (e) of subsection one of section one hundred and fifteen the words "Schedule Sixteen" and by inserting in lieu thereof the words "Schedule Four";
- (ii) by inserting after the word "Act" in the same paragraph the words "Before handing a ballot-paper to the elector the return-officer or deputy shall, if the particulars are not already printed thereon, insert on the ballot-paper the name of the electoral district and the names of all the candidates for that district arranged in alphabetical order according to their surnames in accordance with section eighty-three of this Act."
- (b) by omitting from paragraph (g) of subsection one of section one hundred and fifteen the words "prescribed in Schedule Seventeen of this Act, and shall then fold and fasten the ballot-paper

Schedule  
Seventeen.Further  
amendment of  
Act No. 41,  
1912.  
Sec. 115.  
(Absent  
voters).Sec. 115 (1)  
(g.)  
(Absent  
voter's  
ballot-  
paper.)



*Parliamentary Electorates and Elections (Amendment).*

- 5 ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened," and by inserting in lieu thereof the words "directed on the ballot-paper and shall then fold the ballot-paper so that the vote cannot be seen, and at once return the ballot-paper so folded";
- 10 (c) (i) by inserting in subsection two of section one hundred and fifteen after the words "printed or" the words "a partly printed and partly";
- 15 (ii) by omitting from the same subsection the words "blank paper" and by inserting in lieu thereof the words "paper with the name of the electoral district, the names of the candidates arranged in alphabetical order according to their surnames in accordance with the provisions of section eighty-three of this Act and the directions set out in Schedule Four of this Act as to the method of voting written thereon, which paper shall be";
- 20 (iii) by omitting from the same subsection the words "prescribed in Schedule Seventeen of this Act and then fold and fasten such paper as above prescribed" and by inserting in lieu thereof the words "directed on the paper and then fold such paper so that the vote cannot be seen and at once return the paper so folded to the returning officer or deputy";
- 25 (d) by omitting Schedule Sixteen.
- 30 (4) (a) The Parliamentary Electorates and Elections (Amendment) Act, 1926, is amended by omitting so much of paragraph twenty-two of section eight as repealed and substituted Schedule Thirteen of the Parliamentary Electorates and Elections Act, 1912.
- (b) The Parliamentary Electorates and Elections (Amendment) Act, 1928, is amended—
- 40 (i) by omitting subsections six and seven of section twenty-eight;
- (ii)

Sec. 115(2).  
(Absent voter's ballot-paper.)

Schedule Sixteen.  
Amendment consequential on subsections (2) and (3), Act No. 12, 1926, s. 8 (22).

Act No. 55, 1928.

Sec. 28 (6) (7).



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting subparagraph (ii) of paragraph (i) of subsection three of section thirty-five. Sec. 35 (3)  
(i) (ii).
- (c) The Parliamentary Electorates and Elections (Amendment) Act, 1929, is amended by omitting 5 paragraph (d) of section five. Act No. 33,  
1929.
- (5) The Principal Act is further amended— Further  
amendment of  
Act No. 41,  
1912.
- (a) by omitting from paragraph (a) of section 120B the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Sec 120B.  
(Compulsory  
voting.)
- 10 (b) by omitting from paragraph (a) of subsection one of section 120C the words “has failed” and by inserting in lieu thereof the words “appears to have failed”; Sec. 120C.  
(Compulsory  
voting.)
- 15 (c) by omitting from paragraph (a) of section 120E the words “did not” and by inserting in lieu thereof the words “appear to have failed to”; Sec. 120E.  
(Compulsory  
voting.)
- (d) by omitting from section 120F the word “excuse” wherever occurring and by inserting in lieu thereof the word “reason”; Sec. 120F.  
(Penalties.)
- 20 (e) (i) by omitting from subclause one of clause one of Schedule Twenty the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Schedule  
Twenty.
- 25 (ii) by omitting from clause two of the same Schedule the word “has” and by inserting in lieu thereof the words “appears to have”;
- 30 (iii) by omitting from the heading to Form 2 in the same Schedule the words “has failed” and by inserting in lieu thereof the words “appears to have failed”;
- 35 (iv) by inserting in the same Form after the words “you are notified that you” the words “appear to.”



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*Parliamentary Electorates and Elections (Amendment).*

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(6) The Principal Act is further amended by inserting at the end of clause three of Schedule Eighteen the following words:—

Further  
amendment  
of Act No.  
41, 1912.

5 The expression “determine by lot” means determine in accordance with the following direction:—

Schedule  
Eighteen.

10 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 whose name is first drawn shall be excluded.



# New South Wales.



ANNO QUINTO

## GEORGI VI REGIS.

\*\*\*\*\*

### Act No. 6, 1941.

An Act to amend the Parliamentary Electorates and Elections Act, 1912-1935, in certain respects; and for purposes connected therewith. [Assented to, 28th March, 1941.]

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

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1941."

Short title,  
citation and  
commence-  
ment.

(2) The Parliamentary Electorates and Elections Act, 1912-1935, as amended by the Statute Law Revision Act, 1937, is in this Act referred to as the Principal Act.



*Parliamentary Electorates and Elections (Amendment).*

(3) The Principal Act, as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of  
Act No. 41,  
1912.

Sec. 74.

New subsec.  
(3.)

(Advice  
by telegram  
of issue  
of writ.)

**2. (1) The Principal Act is amended—**

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

(3) The Electoral Commissioner may, by telegram inform a returning officer of the issue of a writ and of the particulars thereof, and upon receipt by the returning officer of any such telegram he may take the steps required by subsection one of this section in all respects as if the writ had been received by him.

Sec. 75A.

(Qualifica-  
tion of  
returning  
officers, etc.)

- (b) by omitting from section 75A the words “or substitute returning officer” wherever occurring and by inserting in lieu thereof the words “substitute returning officer, poll clerk or scrutineer”;

Sec. 79 (4).

(Form of  
nomination.)

- (c) by inserting in subsection four of section seventy-nine after the words “*occupation, and place of residence*” the words “*being the place of residence as enrolled*”;

Sec. 88(1).

(Declaration  
by returning  
officers, etc.)

- (d) by inserting in subsection one of section eighty-eight after the words “any question which I am legally bound to answer” the words “and I do further solemnly declare that I am an elector enrolled on the roll for the subdivision of ..... in the electoral district of .....”;

Sec. 91.

(Declaration  
by  
scrutineer.)

- (e) (i) by inserting in section ninety-one after the words “some question which I am legally bound to answer” the words “and I do further solemnly declare that I am an elector



*Parliamentary Electorates and Elections (Amendment).*

elector enrolled on the roll for the sub-division of ..... in the electoral district of .....”;

- (ii) by inserting at the end of the same section the following new subsection:—

(2) Any returning officer or deputy returning officer is authorised to receive any such declaration. Part IV of the Oaths Act, 1900-1936, shall apply to such declaration as if it were made under that Act.

- (2) The Principal Act is further amended—

- (a) by inserting after subsection two of section 114D the following new subsection:—

Further amendment of Act No. 41, 1912.

Sec. 114D.

(Postal ballot-papers.)

(3) Before issuing a postal ballot-paper, the returning officer shall, if the particulars are not already printed thereon, insert on the ballot-paper the name of the electoral district for which the applicant declares that he is enrolled and the names of all the candidates for that district, arranged in alphabetical order according to their surnames in accordance with the provisions of section eighty-three of this Act.

- (b) by omitting from paragraph (d) of section 114H the words “prescribed in Schedule Seventeen of this Act” and by inserting in lieu thereof the words “directed on the ballot-paper”;

Sec. 114H.

(Marking postal ballot-paper.)

- (c) by inserting after section 114M the following new section:—

Sec. 114N.

114N. If an elector to whom a postal ballot-paper has been issued, satisfies the returning officer who issued the same that he has spoilt his postal ballot-paper by mistake or accident, he may on giving it up, receive a new postal ballot-paper from the returning officer, who shall cancel and preserve the spoilt ballot-paper.

Spoilt postal ballot-paper.

(d)



*Parliamentary Electorates and Elections (Amendment).*

Schedule  
Thirteen.

(d) by omitting Schedule Thirteen and by inserting in lieu thereof the following Schedule:—

SCHEDULE THIRTEEN.

PARLIAMENTARY ELECTORATES AND ELECTIONS  
ACT, 1912, AS AMENDED.

*Application for a Postal Vote Certificate and a  
Postal Ballot-paper.*

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

An applicant shall not be entitled to receive a Postal Vote Certificate and Postal Ballot-paper unless his application is received by the Returning Officer to whom it is addressed at least 38 hours prior to the hour at which the polling is to commence on the polling day for the Election.

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

STATE ELECTIONS.

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

To the Returning Officer for the Electoral District of .....

Surname.	Christian Names (in full).	Place of Living as appearing on Roll.	Occupation.
I,			



*Parliamentary Electorates and Elections (Amendment).*

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

I declare that—

- (1) I am an elector enrolled on the Electoral Roll for the Subdivision of.....in the Electoral District of .....
- (2) The ground on which I apply to vote by post is—
  - (a) That I will not throughout the hours of polling on polling day be within ten miles by the nearest practicable route of any polling booth open in the State for the purposes of an Election;
  - (b) That I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from attending at any polling booth to vote;
  - (c) That I am seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote;
  - (d) That I will, by approaching maternity, be precluded from attending at any polling booth to vote.

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

- (3) My place of living at the time when a Postal Vote Certificate and Postal Ballot-paper would, in the ordinary course of post, be delivered to me, will be as follows : .....

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

PENALTY : Fifty Pounds, or imprisonment for one month.

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

Signature of }  
 Authorised }  
 Witness }  
 (In own handwriting.)

Signature }  
 of Elector }  
 (In own handwriting.)

(Title under which witness acts as Authorized Witness.)

Address of Authorized Witness .....

Dated at.....the..... day of .....19.....



Parliamentary Electorates and Elections (Amendment).

The following persons are Authorized Witnesses, namely :—

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

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

## OBLIGATIONS OF AUTHORIZED WITNESSES.

An Authorized Witness shall not witness the signature of any elector to an application for a Postal Vote Certificate and Postal Ballot-paper unless—

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

*PENALTY : Fifty Pounds, or imprisonment for one month.*

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

- (e) (i) by omitting from the heading to Schedule Fifteen the word "Members" and by inserting in lieu thereof the words "a member";

(ii)



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting from the squares shown in the same Schedule the figures "1, 2, 3, 4";
- (iii) by omitting from paragraph (d) of the matter appearing under the heading "*Directions to Elector and Authorised Witness*" in the same Schedule all words commencing with the words "He shall write" down to and including the words "preference for them" and by inserting in lieu thereof the words—  

"He shall place the number '1' in the square opposite the name of the candidate for whom he desires to give his first preference vote, and shall give contingent votes for all the remaining candidates by placing the numbers '2,' '3,' '4' and so on as the case may require in the squares opposite the names of the remaining candidates in the order of his preference."
- (f) by omitting Schedule Seventeen. Schedule  
Seventeen.
- (3) The Principal Act is further amended— Further  
amendment of  
Act No. 41,  
1912.
- (a) (i) by omitting from paragraph (e) of subsection one of section one hundred and fifteen the words "Schedule Sixteen" and by inserting in lieu thereof the words "Schedule Four"; Sec. 115.  
(Absent  
voters).
- (ii) by inserting after the word "Act" in the same paragraph the words "Before handing a ballot-paper to the elector the return-officer or deputy shall, if the particulars are not already printed thereon, insert on the ballot-paper the name of the electoral district and the names of all the candidates for that district arranged in alphabetical order according to their surnames in accordance with section eighty-three of this Act."
- (b) by omitting from paragraph (g) of subsection one of section one hundred and fifteen the words "prescribed in Schedule Seventeen of this Act, and shall then fold and fasten the ballot-paper" Sec. 115 (1)  
(g.)  
(Absent  
voter's  
ballot-  
paper.)



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*Parliamentary Electorates and Elections (Amendment).*

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ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened," and by inserting in lieu thereof the words "directed on the ballot-paper and shall then fold the ballot-paper so that the vote cannot be seen, and at once return the ballot-paper so folded";

Sec. 115(2).  
(Absent  
voter's  
ballot-  
paper.)

- (c) (i) by inserting in subsection two of section one hundred and fifteen after the words "printed or" the words "a partly printed and partly";
- (ii) by omitting from the same subsection the words "blank paper" and by inserting in lieu thereof the words "paper with the name of the electoral district, the names of the candidates arranged in alphabetical order according to their surnames in accordance with the provisions of section eighty-three of this Act and the directions set out in Schedule Four of this Act as to the method of voting written thereon, which paper shall be";
- (iii) by omitting from the same subsection the words "prescribed in Schedule Seventeen of this Act and then fold and fasten such paper as above prescribed" and by inserting in lieu thereof the words "directed on the paper and then fold such paper so that the vote cannot be seen and at once return the paper so folded to the returning officer or deputy";

Schedule  
Sixteen.  
Amendment  
consequential  
on subsections  
(2) and (3),  
Act No. 12,  
1926, s. 8 (22).

(d) by omitting Schedule Sixteen.

(4) (a) The Parliamentary Electorates and Elections (Amendment) Act, 1926, is amended by omitting so much of paragraph twenty-two of section eight as repealed and substituted Schedule Thirteen of the Parliamentary Electorates and Elections Act, 1912.

(b) The Parliamentary Electorates and Elections (Amendment) Act, 1928, is amended—

Act No. 55,  
1928.

Sec. 28 (6)  
(7).

- (i) by omitting subsections six and seven of section twenty-eight;

(ii)



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting subparagraph (ii) of paragraph (i) of subsection three of section thirty-five. Sec. 35 (3)  
(i) (ii).
- (c) The Parliamentary Electorates and Elections (Amendment) Act, 1929, is amended by omitting paragraph (d) of section five. Act No. 33,  
1929.
- (5) The Principal Act is further amended— Further  
amendment of  
Act No. 41,  
1912.
- (a) by omitting from paragraph (a) of section 120B the words “ have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Sec 120B.  
(Compulsory  
voting.)
- (b) by omitting from paragraph (a) of subsection one of section 120c the words “has failed” and by inserting in lieu thereof the words “appears to have failed”; Sec. 120c.  
(Compulsory  
voting.)
- (c) by omitting from paragraph (a) of section 120E the words “did not” and by inserting in lieu thereof the words “appear to have failed to”; Sec. 120E.  
(Compulsory  
voting).
- (d) by omitting from section 120F the word “excuse” wherever occurring and by inserting in lieu thereof the word “reason”; Sec. 120F.  
(Penalties.)
- (e) (i) by omitting from subclause one of clause one of Schedule Twenty the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Schedule  
Twenty.
- (ii) by omitting from clause two of the same Schedule the word “has” and by inserting in lieu thereof the words “appears to have”;
- (iii) by omitting from the heading to Form 2 in the same Schedule the words “has failed” and by inserting in lieu thereof the words “appears to have failed”;
- (iv) by inserting in the same Form after the words “you are notified that you” the words “appear to.”



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*Parliamentary Electorates and Elections (Amendment).*

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Further  
amendment  
of Act No.  
41, 1912.  
Schedule  
Eighteen.

(6) The Principal Act is further amended by inserting at the end of clause three of Schedule Eighteen the following words:—

The expression “determine by lot” means determine in accordance with the following direction:—

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 whose name is first drawn shall be excluded.

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By Authority:

THOMAS HENRY TENNANT, Government Printer, Sydney, 1941.

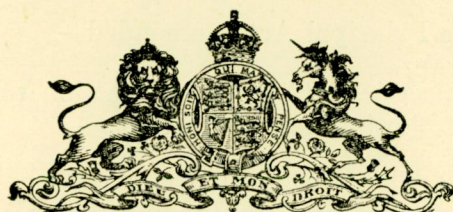
[6d.]



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 20 March, 1941.*

## New South Wales.



ANNO QUINTO

## GEORGII VI REGIS.

\*\*\*\*\*

### Act No. 6, 1941.

An Act to amend the Parliamentary Electorates and Elections Act, 1912-1935, in certain respects; and for purposes connected therewith. [Assented to, 28th March, 1941.]

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

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1941." Short title, citation and commencement.  
(2) The Parliamentary Electorates and Elections Act, 1912-1935, as amended by the Statute Law Revision Act, 1937, is in this Act referred to as the Principal Act.  
(3)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

W. W. HEDGES,  
*Chairman of Committees of the Legislative Assembly.*



Parliamentary Electorates and Elections (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1941.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of  
Act No. 41,  
1912.

Sec. 74.

New subsec.  
(3.)

(Advice  
by telegram  
of issue  
of writ.)

2. (1) The Principal Act is amended—

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

(3) The Electoral Commissioner may, by telegram inform a returning officer of the issue of a writ and of the particulars thereof, and upon receipt by the returning officer of any such telegram he may take the steps required by subsection one of this section in all respects as if the writ had been received by him.

Sec. 75A.

(Qualifica-  
tion of  
returning  
officers, etc.)

(b) by omitting from section 75A the words “or substitute returning officer” wherever occurring and by inserting in lieu thereof the words “substitute returning officer, poll clerk or scrutineer”;

Sec. 79 (4).

(Form of  
nomination.)

(c) by inserting in subsection four of section seventy-nine after the words “*occupation, and place of residence*” the words “*being the place of residence as enrolled*”;

Sec. 88(1).

(Declaration  
by returning  
officers, etc.)

(d) by inserting in subsection one of section eighty-eight after the words “any question which I am legally bound to answer” the words “and I do further solemnly declare that I am an elector enrolled on the roll for the subdivision of ..... in the electoral district of .....”;

Sec. 91.

(Declaration  
by  
scrutineer.)

(e) (i) by inserting in section ninety-one after the words “some question which I am legally bound to answer” the words “and I do further solemnly declare that I am an elector



*Parliamentary Electorates and Elections (Amendment).*

elector enrolled on the roll for the sub-  
division of ..... in the elec-  
toral district of .....”;

- (ii) by inserting at the end of the same section  
the following new subsection:—

(2) Any returning officer or deputy re-  
turning officer is authorised to receive any  
such declaration. Part IV of the Oaths  
Act, 1900-1936, shall apply to such declara-  
tion as if it were made under that Act.

- (2) The Principal Act is further amended—

Further  
amendment  
of Act No.  
41, 1912.  
Sec. 114D.

- (a) by inserting after subsection two of section  
114D the following new subsection:—

(Postal  
ballot-  
papers.)

(3) Before issuing a postal ballot-paper, the  
returning officer shall, if the particulars are not  
already printed thereon, insert on the ballot-  
paper the name of the electoral district for which  
the applicant declares that he is enrolled  
and the names of all the candidates for that  
district, arranged in alphabetical order accord-  
ing to their surnames in accordance with the  
provisions of section eighty-three of this Act.

- (b) by omitting from paragraph (d) of section  
114H the words “prescribed in Schedule Seven-  
teen of this Act” and by inserting in lieu  
thereof the words “directed on the ballot-  
paper”;

Sec. 114H.  
(Marking  
postal  
ballot-  
paper.)

- (c) by inserting after section 114M the following  
new section:—

Sec. 114N.

114N. If an elector to whom a postal ballot-  
paper has been issued, satisfies the returning  
officer who issued the same that he has spoilt  
his postal ballot-paper by mistake or accident,  
he may on giving it up, receive a new postal  
ballot-paper from the returning officer, who shall  
cancel and preserve the spoilt ballot-paper.

Spoilt postal  
ballot-  
paper.

(d)



*Parliamentary Electorates and Elections (Amendment).*Schedule  
Thirteen.

- (d) by omitting Schedule Thirteen and by inserting in lieu thereof the following Schedule:—

## SCHEDULE THIRTEEN.

PARLIAMENTARY ELECTORATES AND ELECTIONS  
ACT, 1912, AS AMENDED.

*Application for a Postal Vote Certificate and a  
Postal Ballot-paper.*

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

An applicant shall not be entitled to receive a Postal Vote Certificate and Postal Ballot-paper unless his application is received by the Returning Officer to whom it is addressed at least 38 hours prior to the hour at which the polling is to commence on the polling day for the Election.

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

## STATE ELECTIONS.

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

To the Returning Officer for the Electoral District of .....

Surname.	Christian Names (in full).	Place of Living as appearing on Roll.	Occupation.
I,			

hereby



*Parliamentary Electorates and Elections (Amendment).*

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

I declare that—

(1) I am an elector enrolled on the Electoral Roll for the Subdivision of \_\_\_\_\_ in the Electoral District of \_\_\_\_\_

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

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

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

(3) My place of living at the time when a Postal Vote Certificate and Postal Ballot-paper would, in the ordinary course of post, be delivered to me, will be as follows : \_\_\_\_\_

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

PENALTY : Fifty Pounds, or imprisonment for one month.

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

Signature of  
Authorized  
Witness

(In own handwriting.)

(Title under which witness acts as  
Authorized Witness.)

Signature  
of Elector

(In own handwriting.)

Address of Authorized Witness \_\_\_\_\_

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

The



Parliamentary Electorates and Elections (Amendment).

The following persons are Authorized Witnesses, namely —

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

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

## OBLIGATIONS OF AUTHORIZED WITNESSES.

An Authorized Witness shall not witness the signature of any elector to an application for a Postal Vote Certificate and Postal Ballot-paper unless—

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

*PENALTY : Fifty Pounds, or imprisonment for one month.*

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

Schedule  
Fifteen.  
(Form of  
postal ballot-  
paper.)

- (e) (i) by omitting from the heading to Schedule Fifteen the word "Members" and by inserting in lieu thereof the words "a member";

(ii)



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting from the squares shown in the same Schedule the figures "1, 2, 3, 4";
- (iii) by omitting from paragraph (d) of the matter appearing under the heading "*Directions to Elector and Authorised Witness*" in the same Schedule all words commencing with the words "He shall write" down to and including the words "preference for them" and by inserting in lieu thereof the words—

"He shall place the number '1' in the square opposite the name of the candidate for whom he desires to give his first preference vote, and shall give contingent votes for all the remaining candidates by placing the numbers '2,' '3,' '4' and so on as the case may require in the squares opposite the names of the remaining candidates in the order of his preference."

- (f) by omitting Schedule Seventeen.

Schedule  
Seventeen.

- (3) The Principal Act is further amended—

Further  
amendment of  
Act No. 41,  
1912.

- (a) (i) by omitting from paragraph (e) of subsection one of section one hundred and fifteen the words "Schedule Sixteen" and by inserting in lieu thereof the words "Schedule Four";

Sec. 115.  
(Absent  
voters).

- (ii) by inserting after the word "Act" in the same paragraph the words "Before handing a ballot-paper to the elector the return-officer or deputy shall, if the particulars are not already printed thereon, insert on the ballot-paper the name of the electoral district and the names of all the candidates for that district arranged in alphabetical order according to their surnames in accordance with section eighty-three of this Act."

- (b) by omitting from paragraph (g) of subsection one of section one hundred and fifteen the words "prescribed in Schedule Seventeen of this Act, and shall then fold and fasten the ballot-paper

Sec. 115 (1)  
(g.)  
(Absent  
voter's  
ballot-  
paper.)



*Parliamentary Electorates and Elections (Amendment).*

ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened," and by inserting in lieu thereof the words "directed on the ballot-paper and shall then fold the ballot-paper so that the vote cannot be seen, and at once return the ballot-paper so folded";

Sec. 115(2).  
(Absent  
voter's  
ballot-  
paper.)

(c) (i) by inserting in subsection two of section one hundred and fifteen after the words "printed or" the words "a partly printed and partly";

(ii) by omitting from the same subsection the words "blank paper" and by inserting in lieu thereof the words "paper with the name of the electoral district, the names of the candidates arranged in alphabetical order according to their surnames in accordance with the provisions of section eighty-three of this Act and the directions set out in Schedule Four of this Act as to the method of voting written thereon, which paper shall be";

(iii) by omitting from the same subsection the words "prescribed in Schedule Seventeen of this Act and then fold and fasten such paper as above prescribed" and by inserting in lieu thereof the words "directed on the paper and then fold such paper so that the vote cannot be seen and at once return the paper so folded to the returning officer or deputy";

Schedule  
Sixteen.  
Amendment  
consequential  
on subsections  
(2) and (3),  
Act No. 12,  
1926, s. 8 (22).

(d) by omitting Schedule Sixteen.

(4) (a) The Parliamentary Electorates and Elections (Amendment) Act, 1926, is amended by omitting so much of paragraph twenty-two of section eight as repealed and substituted Schedule Thirteen of the Parliamentary Electorates and Elections Act, 1912.

Act No. 55,  
1928.

(b) The Parliamentary Electorates and Elections (Amendment) Act, 1928, is amended—

Sec. 28 (6)  
(7).

(i) by omitting subsections six and seven of section twenty-eight;

(ii)



*Parliamentary Electorates and Elections (Amendment).*

- (ii) by omitting subparagraph (ii) of paragraph (i) of subsection three of section thirty-five. Sec. 35 (3)  
(i) (ii).

(c) The Parliamentary Electorates and Elections (Amendment) Act, 1929, is amended by omitting paragraph (d) of section five. Act No. 33,  
1929.

(5) The Principal Act is further amended—

Further  
amendment of  
Act No. 41,  
1912.

- (a) by omitting from paragraph (a) of section 120B the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Sec 120B.  
(Compulsory  
voting.)

- (b) by omitting from paragraph (a) of subsection one of section 120c the words “has failed” and by inserting in lieu thereof the words “appears to have failed”; Sec. 120c.  
(Compulsory  
voting.)

- (c) by omitting from paragraph (a) of section 120E the words “did not” and by inserting in lieu thereof the words “appear to have failed to”; Sec. 120E.  
(Compulsory  
voting.)

- (d) by omitting from section 120F the word “excuse” wherever occurring and by inserting in lieu thereof the word “reason”; Sec. 120F.  
(Penalties.)

- (e) (i) by omitting from subclause one of clause one of Schedule Twenty the words “have not recorded” and by inserting in lieu thereof the words “appear to have failed to record”; Schedule  
Twenty.

- (ii) by omitting from clause two of the same Schedule the word “has” and by inserting in lieu thereof the words “appears to have”;

- (iii) by omitting from the heading to Form 2 in the same Schedule the words “has failed” and by inserting in lieu thereof the words “appears to have failed”;

- (iv) by inserting in the same Form after the words “you are notified that you” the words “appear to.”

(6)



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*Parliamentary Electorates and Elections (Amendment).*

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Further  
amendment  
of Act No.  
41, 1912.  
Schedule  
Eighteen.

(6) The Principal Act is further amended by inserting at the end of clause three of Schedule Eighteen the following words:—

The expression “determine by lot” means determine in accordance with the following direction:—

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 whose name is first drawn shall be excluded.

*In the name and on behalf of His Majesty I assent to this Act.*

WAKEHURST,  
Governor.

*Government House,  
Sydney, 28th March, 1941.*