

New South Wales.



ANNO QUINTO

GEORGI VI REGIS.

Act No. 32, 1941.

An Act to alter the law relating to the qualifications of citizens of the City of Sydney and of electors in municipalities and shires; to make further provision in relation to the preparation of rolls of citizens in the said city; to amend the Sydney Corporation Act, 1932-1940, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 27th August, 1941.]

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Local Government (Electoral Provisions) Act, 1941."

Short title
and division
into Parts.

Local Government (Electoral Provisions).

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

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

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

PART II.

AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

DIVISION 1.—*Construction and citation.*

Construction
and citation.

2. (1) This Part shall be read and construed with the Sydney Corporation Act, 1932-1940, as amended by subsequent Acts.

(2) The Sydney Corporation Act, 1932-1940, as so amended, is in this Part referred to as the Principal Act.

(3) The Principal Act as amended by this Part of this Act may be cited as the Sydney Corporation Act, 1932-1941.

DIVISION 2.—*Election of Aldermen of City of Sydney.*

3. (1) The Principal Act is amended—

(a) by omitting from subsection one of section nineteen the word "Monday" wherever occurring, and by inserting in lieu thereof the word "Saturday";

(b) by omitting from subsection one of section twenty the word "Monday" and by inserting in lieu thereof the word "Saturday."

(2) The Local Government (Elections) Act, 1940, is amended—

(a) by omitting from subsection one of section five the word "Monday" where secondly occurring and by inserting in lieu thereof the word "Saturday";

(b) by omitting from subsection three of the same section the word "Monday" and by inserting in lieu thereof the word "Saturday."

4.

Amendment
of Act No.
58, 1932.

Sec. 19.
(Day of
election.)

Sec. 20.
(Conse-
quential.)

Amendment
of Act No.
39, 1940,
s. 5.
(Conse-
quential.)

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4. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified, and ending upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, the provisions of this section shall have effect. Extension of franchise.

(2) Every person—

- (a) whose name appears on an electoral roll as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and
- (b) whose place of living as stated in such electoral roll is situated within any ward of the city; and
- (c) who continues for the time being to reside at such place of living; and
- (d) whose name is not included on the citizens' roll for the ward in which such place of living is situated or for any other ward of the city,

shall for the purposes of the Principal Act be deemed to be a citizen and to be enrolled on the citizens' roll for the ward within which such place of living is situated.

(3) The declaration required by subsection one of section forty-two of the Principal Act to be made and subscribed by each person claiming to vote at an election under Part V of that Act shall, where the person claiming to vote is a person referred to in subsection two of this section, be in or to the effect of the form set out in Schedule I to this Act in lieu of the form contained in the Eleventh Schedule to the Principal Act.

DIVISION 3.—Preparation of citizens' rolls and alteration of franchise.

5. (1) As soon as practicable after the first Saturday in December, one thousand nine hundred and forty-one, the Municipal Council of Sydney shall cause original rolls of citizens to be prepared. Council to prepare original roll.

(2)

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(2) Such rolls shall be prepared under and in accordance with the provisions of the Principal Act as amended by this Division of this Part of this Act.

(3) Within seven days after the completion of the preparation of such rolls, the Minister shall by notification published in the Gazette give public notice of the fact that such rolls have been prepared.

(4) Upon the publication of such notification such rolls shall be the citizens' rolls for the city, and all citizens' rolls theretofore in force shall cease to have any further force or effect.

Commence-
ment of
s. 7.

6. (1) For the purposes only of the preparation of the citizens' rolls referred to in section five of this Act, and of matters necessary for or incidental to such preparation, section seven of this Act shall be deemed to commence upon the first Saturday in December, one thousand nine hundred and forty-one.

(2) Upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, section seven of this Act shall come into operation for all purposes.

Amendment
of Act No.
58, 1932.
Parts III and
IV.

7. (1) The Principal Act is amended by omitting Part III, Part IV and Part IVA and by inserting in lieu thereof the following Part:—

PART III.

QUALIFICATION OF CITIZENS AND PREPARATION OF
ROLLS.

DIVISION 1.—*Interpretation.*

Interpre-
tation.

9. In this Part "prescribed" means prescribed by regulations made under this Part.

DIVISION 2.—*Qualification of Citizens.*

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

10. Subject to the provisions of this Act, and unless disqualified by this or any other Act, every person being a natural-born or naturalised British subject of the full age of twenty-one years, whether
male

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male or female, married or unmarried, shall, if he has the requisite qualification, be qualified to be a citizen, and shall be entitled—

- (a) to be enrolled for the ward in respect of which he has the requisite qualification; and
- (b) to vote at any election of aldermen for the ward.

11. (1) In order to have the requisite qualification of a citizen in respect of a ward, a person must on the day prescribed for enrolment be either an owner or ratepaying lessee of ratable property in the ward or an occupier of property in the ward.

Meaning of
requisite
qualification.
cf. Act No.
41, 1919,
s. 51.

(2) For the purposes of this Part, ratable property shall include all property upon which any rate is leviable or levied 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.

12. A person shall be an “owner” for the purposes of enrolment and voting if—

Qualification
of an owner.
cf. *Ibid.*
s. 52.

- (a) he is jointly or severally the owner of ratable property; or
- (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, promise, or contract of lease from the Crown of ratable Crown land; or
- (d) he is the resident manager of a lease, promise, or contract of lease from the Crown of ratable Crown land.

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Qualifica-
tion of
a ratepay-
ing lessee.
cf. Act No.
41, 1919,
s. 53.

13. A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if—

- (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
- (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.

Qualifica-
tion of an
occupier.
cf. *Ibid.*
s. 54.

14. A person shall be an "occupier" for the purposes of enrolment and voting, if—

- (a) he has been continuously during the three months next preceding the prescribed day for enrolment in joint or several occupation as direct tenant (but not as ratepaying lessee within the preceding section) of the owners or ratepaying lessees of ratable property of the yearly value of five pounds or upwards; or
- (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: Provided that the body corporate or trustees may not nominate more than one person for enrolment as occupier in any one ward; or
- (c) he is, upon such prescribed day, enrolled on the electoral roll for any electoral district and his place of living as described on that roll is within the ward.

In

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In this paragraph "electoral roll" means the electoral roll for an electoral district compiled under the Parliamentary Electorates and Elections Act, 1912-1941:

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 of the tenants or occupiers evidenced by agreement signed by such majority and delivered to the town clerk, or, failing such agreement, according to the alphabetical order of their surnames.

15. 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, 1912-1941, the provisions of which section shall, *mutatis mutandis*, apply to enrolment and voting under this Act.

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

16. (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)

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

(3) A person possessing qualification for enrolment in respect of several parcels of ratable property in a ward but actually enrolled in respect of one parcel of ratable property therein who ceases to hold qualification in respect of that parcel 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 parcel in the same ward and so satisfies the returning officer.

DIVISION 3.—*Preparation of citizens' rolls.*

17. (1) Within a reasonable time before each general election of the council and whenever required by regulation the council shall, and at any other time the council may, cause an original roll of citizens to be prepared.

(2) In each year other than those in which an original roll is prepared the council shall cause supplementary rolls to be prepared.

18. (1) The preparation of an original roll shall consist of—

- (a) the compilation of a list of persons who appear to have the requisite qualification of citizens;
- (b) the exhibition of the list for public information;
- (c) the receipt of claims and objections to enrolment;
- (d) the revision of the list and the determination of the claims and objections by a revision court;
- (e) the signing of the lists as revised by the revision court.

(2) The preparation of a supplementary roll shall consist of—

- (a) the compilation of a list of persons not already enrolled who appear to have the requisite

Council to
prepare
rolls.

cf. Act No.
41, 1919,
s. 64.

Method of
preparation
of rolls.

Ibid. s. 65.

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requisite qualification for enrolment; and of the additions and omissions which it is necessary to make to and from the existing roll because of errors, changes of qualification, changes of name by marriage, changes of residence, death, loss of qualification, or other sufficient reason;

- (b) the exhibition of the list for public information;
- (c) the receipt of claims and objections to enrolment;
- (d) the revision of the list and the determination of the claims and objections by a revision court;
- (e) the signing of the list as revised, and the signing and initialling of a copy of the existing roll with the necessary changes made therein, by the revision court.

(3) Subject to this Act rolls shall be prepared as prescribed.

(4) Rolls shall be prepared separately for each ward of the city and the rolls for all the wards, shall, taken together, be the roll of citizens for the city.

18A. (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 in writing to the town clerk naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed 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

Enrolment
of persons
holding
qualifica-
tion in
more than
one ward.
cf. Act No.
41, 1919,
s. 66.

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in one ward only. He may give notice in writing to the town clerk, naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed the town clerk may decide the question.

Declaration.
cf. Act No.
41, 1919,
s. 67.

18B. Any person making a claim or objection to be laid before the revision court may be required to make a declaration in the presence of a witness and in the prescribed form.

Revision court.
Ibid. s. 68.

18c. Any stipendiary magistrate shall constitute a revision court.

Powers of
revision
court.
Ibid. s. 69.

18D. (1) A revision court shall hear claims and objections and revise the lists of citizens as prescribed.

(2) A revision court shall for the purposes of this Act have the powers of a Court of Petty Sessions, and the appointment and procedure of such revision court shall be as prescribed.

DIVISION 4.—*Rolls of Ratepayers.*

Qualification
of rate-
payer.
cf. *Ibid.*
s. 79.

18E. A person shall be entitled to be enrolled as a ratepayer if—

- (a) he is enrolled on the roll of citizens for the city; and
- (b) his enrolment on that roll is as owner, or as ratepaying lessee, or as lessee of Crown lands, or as tenant of lands vested in the Commissioner for Railways or as tenant of lands vested in the Maritime Services Board; and
- (c) he retains the qualification under which he was enrolled on that roll.

Roll of
rate-
payers.
cf. *Ibid.*
s. 80.

18F. (1) When lists of citizens are being prepared the town clerk shall include in the entry of the name and other particulars of each person entitled to be enrolled as a ratepayer the word "ratepayer."

(2) When the lists are being revised the entry or omission of the word "ratepayer" may be the subject of a claim or objection and shall be subject to revision by the revision court. (3)

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(3) A roll of citizens with the word "ratepayer" entered against various names as directed in this section shall be also a roll of ratepayers; and when so used all names thereon against which the word "ratepayer" is not entered shall be disregarded.

(4) Where a poll of ratepayers of any portion of the city other than a complete ward is to be taken, the council may direct the preparation of a special roll of ratepayers holding qualifications in respect of property in that portion only. In such case the roll of ratepayers to be used at the poll shall be prepared, revised and adopted as prescribed.

18G. (1) The council may for its information and guidance on any matter under this or any other Act take a poll of citizens or ratepayers as it thinks appropriate.

Optional
polls.
cf. Act No.
41, 1919,
s. 81.

(2) At any poll of ratepayers under this Act any person enrolled on the roll of ratepayers for the city or part thereof in respect of which the poll is being taken shall, if he has the qualification under which he was enrolled (or any qualification which would entitle him to enrolment as a ratepayer), be a ratepayer and entitled to vote.

(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.

18H. Where the council is required by this Act to take a poll of citizens or ratepayers the decision shall be in accordance with the majority of the votes cast: Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

Compulsory
polls.
cf. *Ibid.*
s. 82.

DIVISION 5.—Regulations.

18I. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which

Regulations.

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which by this Part of this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying this Part of this Act into effect.

(2) In particular, but without prejudice to the generality of the provisions of subsection one of this section, the Governor may make regulations for and with respect to—

- (a) the preparation of the rolls, including the fixing of times for the preparation of such rolls;
- (b) the appointment and notification of days for enrolment;
- (c) the printing, notification, inspection and sale of rolls;
- (d) the taking of polls of citizens and polls of ratepayers for any purpose of this Act;
- (e) the ordering of a recount of the votes at any poll; the payment of the cost of recount by the applicant or the council; the redeclaration of the result of a poll; and the consequences thereof;
- (f) the method of voting at any poll, and whether by post or by personal attendance at a polling place;
- (g) the application, *mutatis mutandis*, to the taking of a poll, of the provisions of this Act relating to the conduct of an election of aldermen, either generally, or with such amendments, omissions or additions as the regulations may prescribe.

(3) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof. Such penalty shall be recoverable in a summary manner.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date specified in such regulations;

(c)

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- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

- (2) The Principal Act is further amended—

Consequential
amendments
of Act No.
58, 1932.

- (a) by omitting from section one the matter relating to Part III, Part IV and Part IVA and by inserting in lieu thereof the following matter:—

Sec. 1.
(Division
into Parts.)

PART III.—QUALIFICATION OF CITIZENS AND
PREPARATION OF ROLLS—SS. 9–18I.

- (b) (i) by inserting in subsection one of section two after the definition of “Rate” the following new definition:—

Sec. 2.
(Definition.)

“Ratepayer” means a person on the roll of ratepayers.

- (ii) by omitting from the same subsection the definition of “Rolls” and by inserting in lieu thereof the following definition:—

“Roll” means roll under this Act.

- (c) by omitting paragraph (d) of subsection one of section two hundred and sixty-three;
(d) by omitting the Fourth Schedule, Schedule 4A, the Fifth, Sixth and Seventh Schedules.

Sec. 263 (1)
(d).
(By-laws.)

Schedules.

(3) (a) The Sydney Corporation (Amendment) Act, 1934, is amended by omitting sections five, six and seven.

Consequential
amendment of
Act No. 9,
1934.

(b) The Local Government (Amendment) Act, 1937, is amended by omitting section thirteen.

Consequential
amendment of
Act No. 10,
1937.

(c)

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Consequential
amendment of
Act No. 7,
1940.

(c) The Sydney Corporation (Amendment) Act, 1940, is amended by omitting paragraphs (a) (b) (c) (d) (e) (h) and (i) of section two.

DIVISION 4.—*Miscellaneous amendments of Sydney Corporation Act, 1932-1940.*

Amendment
of Act No.
58, 1932.

8. The Principal Act is further amended—

Sec. 24 (1) (c).
(Persons dis-
qualified.)

(a) by omitting from paragraph (c) of subsection one of section twenty-four the words “the Crown or”;

Sec. 27 (1).
(Returning
officer.)

(b) by omitting from subsection one of section twenty-seven the word “citizen” and by inserting in lieu thereof the word “person”;

Sec. 31.
(Polling
places.)

(c) by omitting from subsection one of section thirty-one the words “one or more polling-place or polling-places in and for each ward as he may deem necessary” and by inserting in lieu thereof the words “two or more polling-places in and for each ward”;

Sec. 34.
(Hours of
voting.)

(d) by omitting from section thirty-four the words “half-past seven o’clock” and by inserting in lieu thereof the words “eight o’clock.”

Substituted
subsec. (1)
of sec. 35.

(e) by omitting subsection one of section thirty-five and by inserting in lieu thereof the following subsection:—

Mode of
voting.

(1) (a) Each person claiming to vote as a citizen shall enter unattended, unless in case of necessity, into the booth or room in which the ballot-box is kept.

(b) If such person makes the declaration required by section forty-two, and answers satisfactorily any questions which may be put to him under that section, the presiding officer or poll clerk shall give him a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.

(c) The presiding officer or poll clerk shall thereupon on a copy of the roll specially provided for that purpose, draw a line through
the

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the name of such person as it appears on that roll, to denote that such person has received a ballot-paper for the purpose of voting as a citizen at the election.

- (f) by inserting next after section thirty-five the New sec. 35A.
following new section:—

35A. (1) If on any person claiming to vote at any polling-place it is found that a line has been drawn through such person's name upon the roll specially provided for that polling-place as mentioned in subsection one of section thirty-five of this Act, as indicating that he has already received a ballot-paper, the presiding officer shall put to the person so claiming to vote the questions prescribed in subsection two of section forty-two of this Act. Tender of second vote. cf. Act No. 41, 1912, s. 106.

If such person answers such questions satisfactorily and, in accordance with this section, makes the declaration required by subsection one of section forty-two of this Act he may be permitted to vote.

(2) For the purpose of giving effect to the provisions of subsection one of this section, the following provisions shall be observed:—

- (a) (i) The form of declaration may be printed or written on an envelope addressed to the returning officer.
- (ii) After the declaration has been made the presiding officer shall give to the voter a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.
- (iii) The voter shall take such ballot-paper into an inner compartment and there without delay record his vote on the ballot-paper as prescribed by subsection four of section thirty-five of this Act;

(iv)

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- (iv) The voter shall then fold the ballot-paper so that the vote cannot be seen without unfolding it, and at once return the ballot-paper so folded to the presiding officer.
- (v) The presiding officer shall then in the presence of the voter forthwith enclose the ballot-paper in the envelope bearing the declaration of the voter and securely fasten the envelope.
- (b) Every envelope containing a vote given under this section shall be promptly delivered to the returning officer after the close of the poll.
- (c) The returning officer or the officer assisting him shall in the presence of the scrutineers examine the declaration on the envelope containing the ballot-paper; and, if after making such inquiries as he may deem necessary, it appears to him that the person whose name is signed to the declaration is entitled to vote, he shall accept the ballot-paper for further scrutiny but otherwise he shall reject the ballot-paper without opening the envelope.

If he accepts the ballot-paper for further scrutiny, he shall open the envelope without destroying the declaration and extract the ballot-paper, and shall, without unfolding it, place the ballot-paper in the ballot-box used at the polling-place at which the vote was tendered.
- (d) When the votes to which this section refers have been dealt with in the manner provided in paragraph (c) of this subsection, the returning officer or the officer assisting him shall open and
proceed

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proceed with the scrutiny of the ballot-papers which have been accepted for further scrutiny.

- (e) At the scrutiny the returning officer or the officer assisting him shall open the ballot-papers, and shall allow and count those which are formal, and shall disallow and reject those which are informal

(3) Where the claim of any person to vote under this section is refused the presiding officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof.

The presiding officer shall sign the note in the presence of such scrutineers as are present.

Any of those scrutineers may also sign the note.

- (g) by inserting at the end of subsection one of section forty-two the following proviso:—

Sec. 42 (1).
(Declaration—
postal
voting.)

Provided that in the case of a person voting by post the declaration shall be made and subscribed before a person who is an authorised witness within the meaning of the Parliamentary Electorates and Elections Act, 1912-1941.

PART III.

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

DIVISION 1.—*Construction.*

9. (1) This Part 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 referred to as the Principal Act.

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DIVISION 2.—*Election of Aldermen and Councillors.*

Extension
of franchise.

10. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified and ending upon the eighth day of October, one thousand nine hundred and forty-two, the provisions of this section shall have effect.

(2) Every person—

- (a) whose name appears on an electoral roll, as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and
- (b) whose place of living as stated in such electoral roll is situated within any ward or riding of an area; and
- (c) who continues for the time being to reside at such place of living; and
- (d) whose name is not included on the local government roll for the ward or riding in which such place of living is situated or for any other ward or riding of the same area,

shall for the purposes of the Principal Act be deemed to be an elector and to be enrolled on the local government roll for the ward or riding within which such place of living is situated.

(3) (a) A person referred to in subsection two of this section shall, before being permitted to vote at any election under the Principal Act for the ward or riding for which he is deemed to be enrolled under that subsection, make and subscribe before the returning officer or presiding officer a declaration in or to the effect of the form prescribed in Schedule II to this Act.

(b) In the case of a person voting by post, the declaration shall be made and subscribed before an authorised witness.

The ordinances may prescribe the persons or classes of persons who shall be authorised witnesses for the purposes of this paragraph.

(4) Every person wilfully making a false declaration under this section shall be deemed guilty of a misdemeanour.

(5)

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(5) In this section "local government roll" means roll of electors prepared under the Principal Act.

DIVISION 3.—Alteration of franchise.

11. (1) For the purposes only of the preparation in the year one thousand nine hundred and forty-two of any rolls required by or under the Principal Act to be prepared by the council of each area and of matters necessary for or incidental to such preparation, section twelve of this Act shall be deemed to commence upon the first Saturday in December, one thousand nine hundred and forty-one.

Commence-
ment of
s. 12.

(2) Upon the eighth day of October, one thousand nine hundred and forty-two, section twelve of this Act shall come into operation for all purposes.

12. The Principal Act is amended by omitting paragraph (d) of section fifty-four and by inserting in lieu thereof the following paragraph:—

Amendment
of Act No.
41, 1919,
s. 54.

(d) he is upon such prescribed day enrolled on the electoral roll for any electoral district and his place of living as described on that roll is within the ward or riding.

In this paragraph "electoral roll" means the electoral roll for an electoral district compiled under the Parliamentary Electorates and Elections Act, 1912-1941.

13. Ordinance number ten made under the Local Government Act, 1919, as proclaimed in the Gazette of the twenty-fourth day of December, one thousand nine hundred and nineteen, and all amendments thereof made by subsequent proclamations are hereby rescinded.

Repeal of
Ordinance
No. 10.
Postal
voting.

SCHEDULE I.

SYDNEY CORPORATION ACT, 1932-1941.

Voter's Declaration.

I, A.B., do solemnly and sincerely declare that—

- (1) I am the person named in the electoral roll for the electoral district of _____ as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one, my name being numbered on that roll as in the margin hereto:

(2)

Local Government (Electoral Provisions).

- (2) My place of living as stated in such electoral roll is within ward of the city;
- (3) I continue to reside at the said place of living;
- (4) I am not already enrolled on the citizens' roll prepared under Part IV of the Sydney Corporation Act, 1932-1940, for this ward, or on a citizens' roll so prepared for any other ward;
- (5) I have not already voted in this ward or in any other ward at this election.

A.B.

Made and subscribed before me this
of 194 .

day

C.D. Presiding Officer.

SCHEDULE II.

LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

Voter's Declaration.

I, A.B., do solemnly and sincerely declare that—

- (1) I am the person named in the electoral roll for the electoral district of as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one, my name being numbered on that roll as in the margin hereto;
- (2) My place of living as stated in such electoral roll is within ward (or riding) of the municipality } of shire
- (3) I continue to reside at the said place of living;
- (4) I am not already enrolled on the roll of electors prepared under the Local Government Act, 1919, as amended by subsequent Acts for this ward (or riding) or on a roll of electors so prepared for any other ward (or riding) in this municipality (or shire);
- (5) I have not already voted in this ward or in any other ward at this election.

A.B.

Made and subscribed before me this
of 194 .

day

C.D. Presiding Officer.

By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1941.

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, 21 August, 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. 32, 1941.

An Act to alter the law relating to the qualifications of citizens of the City of Sydney and of electors in municipalities and shires; to make further provision in relation to the preparation of rolls of citizens in the said city; to amend the Sydney Corporation Act, 1932-1940, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.
[Assented to, 27th August, 1941.]

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Local Government (Electoral Provisions) Act, 1941."

Short title
and division
into Parts.

(2)

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

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Local Government (Electoral Provisions).

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

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

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

PART II.

AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

DIVISION 1.—*Construction and citation.*

Construction and citation. 2. (1) This Part shall be read and construed with the Sydney Corporation Act, 1932-1940, as amended by subsequent Acts.

(2) The Sydney Corporation Act, 1932-1940, as so amended, is in this Part referred to as the Principal Act.

(3) The Principal Act as amended by this Part of this Act may be cited as the Sydney Corporation Act, 1932-1941.

DIVISION 2.—*Election of Aldermen of City of Sydney.*

Amendment of Act No. 58, 1932. Sec. 19. (Day of election.) 3. (1) The Principal Act is amended—

(a) by omitting from subsection one of section nineteen the word "Monday" wherever occurring, and by inserting in lieu thereof the word "Saturday";

Sec. 20. (Consequential.) (b) by omitting from subsection one of section twenty the word "Monday" and by inserting in lieu thereof the word "Saturday."

Amendment of Act No. 39, 1940, s. 5. (Consequential.) (2) The Local Government (Elections) Act, 1940, is amended—

(a) by omitting from subsection one of section five the word "Monday" where secondly occurring and by inserting in lieu thereof the word "Saturday";

(b) by omitting from subsection three of the same section the word "Monday" and by inserting in lieu thereof the word "Saturday."

4.

Local Government (Electoral Provisions).

4. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified, and ending upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, the provisions of this section shall have effect. Extension of franchise.

(2) Every person—

- (a) whose name appears on an electoral roll as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and
- (b) whose place of living as stated in such electoral roll is situated within any ward of the city; and
- (c) who continues for the time being to reside at such place of living; and
- (d) whose name is not included on the citizens' roll for the ward in which such place of living is situated or for any other ward of the city,

shall for the purposes of the Principal Act be deemed to be a citizen and to be enrolled on the citizens' roll for the ward within which such place of living is situated.

(3) The declaration required by subsection one of section forty-two of the Principal Act to be made and subscribed by each person claiming to vote at an election under Part V of that Act shall, where the person claiming to vote is a person referred to in subsection two of this section, be in or to the effect of the form set out in Schedule I to this Act in lieu of the form contained in the Eleventh Schedule to the Principal Act.

DIVISION 3.—Preparation of citizens' rolls and alteration of franchise.

5. (1) As soon as practicable after the first Saturday in December, one thousand nine hundred and forty-one, the Municipal Council of Sydney shall cause original rolls of citizens to be prepared. Council to prepare original roll.

(2)

Local Government (Electoral Provisions).

(2) Such rolls shall be prepared under and in accordance with the provisions of the Principal Act as amended by this Division of this Part of this Act.

(3) Within seven days after the completion of the preparation of such rolls, the Minister shall by notification published in the Gazette give public notice of the fact that such rolls have been prepared.

(4) Upon the publication of such notification such rolls shall be the citizens' rolls for the city, and all citizens' rolls theretofore in force shall cease to have any further force or effect.

Commence-
ment of
s. 7.

6. (1) For the purposes only of the preparation of the citizens' rolls referred to in section five of this Act, and of matters necessary for or incidental to such preparation, section seven of this Act shall be deemed to commence upon the first Saturday in December, one thousand nine hundred and forty-one.

(2) Upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, section seven of this Act shall come into operation for all purposes.

Amendment
of Act No.
58, 1932.
Parts III and
IV.

7. (1) The Principal Act is amended by omitting Part III, Part IV and Part IV_A and by inserting in lieu thereof the following Part:—

PART III.

QUALIFICATION OF CITIZENS AND PREPARATION OF ROLLS.

DIVISION 1.—*Interpretation.*

Interpre-
tation.

9. In this Part "prescribed" means prescribed by regulations made under this Part.

DIVISION 2.—*Qualification of Citizens.*

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

10. Subject to the provisions of this Act, and unless disqualified by this or any other Act, every person being a natural-born or naturalised British subject of the full age of twenty-one years, whether
male

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male or female, married or unmarried, shall, if he has the requisite qualification, be qualified to be a citizen, and shall be entitled—

- (a) to be enrolled for the ward in respect of which he has the requisite qualification; and
- (b) to vote at any election of aldermen for the ward.

11. (1) In order to have the requisite qualification of a citizen in respect of a ward, a person must on the day prescribed for enrolment be either an owner or ratepaying lessee of ratable property in the ward or an occupier of property in the ward.

Meaning of
requisite
qualification.
cf. Act No.
41, 1919,
s. 51.

(2) For the purposes of this Part, ratable property shall include all property upon which any rate is leviable or levied 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.

12. A person shall be an “owner” for the purposes of enrolment and voting if—

Qualification
of an owner.

- (a) he is jointly or severally the owner of ratable property; or
- (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, promise, or contract of lease from the Crown of ratable Crown land; or
- (d) he is the resident manager of a lease, promise, or contract of lease from the Crown of ratable Crown land.

cf. *Ibid.*
s. 52.

Local Government (Electoral Provisions).

Qualifica-
tion of
a ratepay-
ing lessee.
cf. Act No.
41, 1919,
s. 53.

13. A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if—

- (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
- (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.

Qualifica-
tion of an
occupier.
cf. *Ibid.*
s. 54.

14. A person shall be an "occupier" for the purposes of enrolment and voting, if—

- (a) he has been continuously during the three months next preceding the prescribed day for enrolment in joint or several occupation as direct tenant (but not as ratepaying lessee within the preceding section) of the owners or ratepaying lessees of ratable property of the yearly value of five pounds or upwards; or
- (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: Provided that the body corporate or trustees may not nominate more than one person for enrolment as occupier in any one ward; or
- (c) he is, upon such prescribed day, enrolled on the electoral roll for any electoral district and his place of living as described on that roll is within the ward.

In

Local Government (Electoral Provisions).

In this paragraph "electoral roll" means the electoral roll for an electoral district compiled under the Parliamentary Electorates and Elections Act, 1912-1941:

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 of the tenants or occupiers evidenced by agreement signed by such majority and delivered to the town clerk, or, failing such agreement, according to the alphabetical order of their surnames.

15. 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, 1912-1941, the provisions of which section shall, *mutatis mutandis*, apply to enrolment and voting under this Act.

Disquali-
fication.
cf. Act No.
41, 1919,
s. 55.

16. (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)

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

(3) A person possessing qualification for enrolment in respect of several parcels of ratable property in a ward but actually enrolled in respect of one parcel of ratable property therein who ceases to hold qualification in respect of that parcel 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 parcel in the same ward and so satisfies the returning officer.

DIVISION 3.—Preparation of citizens' rolls.

Council to
prepare
rolls.
cf. Act No.
41, 1919,
s. 64.

17. (1) Within a reasonable time before each general election of the council and whenever required by regulation the council shall, and at any other time the council may, cause an original roll of citizens to be prepared.

(2) In each year other than those in which an original roll is prepared the council shall cause supplementary rolls to be prepared.

Method of
preparation
of rolls.
Ibid. s. 65.

18. (1) The preparation of an original roll shall consist of—

- (a) the compilation of a list of persons who appear to have the requisite qualification of citizens;
- (b) the exhibition of the list for public information;
- (c) the receipt of claims and objections to enrolment;
- (d) the revision of the list and the determination of the claims and objections by a revision court;
- (e) the signing of the lists as revised by the revision court.

(2) The preparation of a supplementary roll shall consist of—

- (a) the compilation of a list of persons not already enrolled who appear to have the requisite

Local Government (Electoral Provisions).

requisite qualification for enrolment; and of the additions and omissions which it is necessary to make to and from the existing roll because of errors, changes of qualification, changes of name by marriage, changes of residence, death, loss of qualification, or other sufficient reason;

- (b) the exhibition of the list for public information;
- (c) the receipt of claims and objections to enrolment;
- (d) the revision of the list and the determination of the claims and objections by a revision court;
- (e) the signing of the list as revised, and the signing and initialling of a copy of the existing roll with the necessary changes made therein, by the revision court.

(3) Subject to this Act rolls shall be prepared as prescribed.

(4) Rolls shall be prepared separately for each ward of the city and the rolls for all the wards, shall, taken together, be the roll of citizens for the city.

18A. (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 in writing to the town clerk naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed 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

Enrolment
of persons
holding
qualifica-
tion in
more than
one ward.

cf. Act No.
41, 1919,
s. 66.

Local Government (Electoral Provisions).

in one ward only. He may give notice in writing to the town clerk, naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed the town clerk may decide the question.

Declaration.
cf. Act No.
41, 1919,
s. 67.

18B. Any person making a claim or objection to be laid before the revision court may be required to make a declaration in the presence of a witness and in the prescribed form.

Revision court.
Ibid. s. 68.

18c. Any stipendiary magistrate shall constitute a revision court.

Powers of
revision
court.
Ibid. s. 69.

18d. (1) A revision court shall hear claims and objections and revise the lists of citizens as prescribed.

(2) A revision court shall for the purposes of this Act have the powers of a Court of Petty Sessions, and the appointment and procedure of such revision court shall be as prescribed.

DIVISION 4.—*Rolls of Ratepayers.*

Qualification
of rate-
payer.
cf. *Ibid.*
s. 79.

18E. A person shall be entitled to be enrolled as a ratepayer if—

- (a) he is enrolled on the roll of citizens for the city; and
- (b) his enrolment on that roll is as owner, or as ratepaying lessee, or as lessee of Crown lands, or as tenant of lands vested in the Commissioner for Railways or as tenant of lands vested in the Maritime Services Board; and
- (c) he retains the qualification under which he was enrolled on that roll.

Roll of
rate-
payers.
cf. *Ibid.*
s. 80.

18F. (1) When lists of citizens are being prepared the town clerk shall include in the entry of the name and other particulars of each person entitled to be enrolled as a ratepayer the word "ratepayer."

(2) When the lists are being revised the entry or omission of the word "ratepayer" may be the subject of a claim or objection and shall be subject to revision by the revision court.

(3)

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(3) A roll of citizens with the word "ratepayer" entered against various names as directed in this section shall be also a roll of ratepayers; and when so used all names thereon against which the word "ratepayer" is not entered shall be disregarded.

(4) Where a poll of ratepayers of any portion of the city other than a complete ward is to be taken, the council may direct the preparation of a special roll of ratepayers holding qualifications in respect of property in that portion only. In such case the roll of ratepayers to be used at the poll shall be prepared, revised and adopted as prescribed.

18G. (1) The council may for its information and guidance on any matter under this or any other Act take a poll of citizens or ratepayers as it thinks appropriate.

Optional
polls.
cf. Act No.
41, 1919,
s. 81.

(2) At any poll of ratepayers under this Act any person enrolled on the roll of ratepayers for the city or part thereof in respect of which the poll is being taken shall, if he has the qualification under which he was enrolled (or any qualification which would entitle him to enrolment as a ratepayer), be a ratepayer and entitled to vote.

(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.

18H. Where the council is required by this Act to take a poll of citizens or ratepayers the decision shall be in accordance with the majority of the votes cast: Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

Compulsory
polls.
cf. *Ibid.*
s. 82.

DIVISION 5.—Regulations.

18I. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which

Regulations,

Local Government (Electoral Provisions).

which by this Part of this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying this Part of this Act into effect.

(2) In particular, but without prejudice to the generality of the provisions of subsection one of this section, the Governor may make regulations for and with respect to—

- (a) the preparation of the rolls, including the fixing of times for the preparation of such rolls;
- (b) the appointment and notification of days for enrolment;
- (c) the printing, notification, inspection and sale of rolls;
- (d) the taking of polls of citizens and polls of ratepayers for any purpose of this Act;
- (e) the ordering of a recount of the votes at any poll; the payment of the cost of recount by the applicant or the council; the redeclaration of the result of a poll; and the consequences thereof;
- (f) the method of voting at any poll, and whether by post or by personal attendance at a polling place;
- (g) the application, *mutatis mutandis*, to the taking of a poll, of the provisions of this Act relating to the conduct of an election of aldermen, either generally, or with such amendments, omissions or additions as the regulations may prescribe.

(3) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof. Such penalty shall be recoverable in a summary manner.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date specified in such regulations;

(c)

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- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

- (2) The Principal Act is further amended—

Consequential
amendments
of Act No.
58, 1932.

- (a) by omitting from section one the matter relating to Part III, Part IV and Part IV_A and by inserting in lieu thereof the following matter:—

Sec. 1.
(Division
into Parts.)

PART III.—QUALIFICATION OF CITIZENS AND
PREPARATION OF ROLLS—SS. 9-18I.

- (b) (i) by inserting in subsection one of section two after the definition of “Rate” the following new definition:—

Sec. 2.
(Definition.)

“Ratepayer” means a person on the roll of ratepayers.

- (ii) by omitting from the same subsection the definition of “Rolls” and by inserting in lieu thereof the following definition:—

“Roll” means roll under this Act.

- (c) by omitting paragraph (d) of subsection one of section two hundred and sixty-three;

Sec. 263 (1)
(d).
(By-laws.)

- (d) by omitting the Fourth Schedule, Schedule 4A, the Fifth, Sixth and Seventh Schedules.

Schedules.

- (3) (a) The Sydney Corporation (Amendment) Act, 1934, is amended by omitting sections five, six and seven.

Consequential
amendment of
Act No. 9,
1934.

- (b) The Local Government (Amendment) Act, 1937, is amended by omitting section thirteen.

Consequential
amendment of
Act No. 10,
1937.

(c)

Local Government (Electoral Provisions).

Consequential
amendment of
Act No. 7,
1940.

(c) The Sydney Corporation (Amendment) Act, 1940, is amended by omitting paragraphs (a) (b) (c) (d) (e) (h) and (i) of section two.

DIVISION 4.—*Miscellaneous amendments of Sydney Corporation Act, 1932-1940.*

Amendment
of Act No.
58, 1932.

Sec. 24 (1) (c).
(Persons dis-
qualified.)

Sec. 27 (1).
(Returning
officer.)

Sec. 31.
(Polling
places.)

Sec. 34.
(Hours of
voting.)

Substituted
subsec. (1)
of sec. 35.

Mode of
voting.

8. The Principal Act is further amended—

- (a) by omitting from paragraph (c) of subsection one of section twenty-four the words “the Crown or”;
- (b) by omitting from subsection one of section twenty-seven the word “citizen” and by inserting in lieu thereof the word “person”;
- (c) by omitting from subsection one of section thirty-one the words “one or more polling-place or polling-places in and for each ward as he may deem necessary” and by inserting in lieu thereof the words “two or more polling-places in and for each ward”;
- (d) by omitting from section thirty-four the words “half-past seven o’clock” and by inserting in lieu thereof the words “eight o’clock.”
- (e) by omitting subsection one of section thirty-five and by inserting in lieu thereof the following subsection:—

(1) (a) Each person claiming to vote as a citizen shall enter unattended, unless in case of necessity, into the booth or room in which the ballot-box is kept.

(b) If such person makes the declaration required by section forty-two, and answers satisfactorily any questions which may be put to him under that section, the presiding officer or poll clerk shall give him a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.

(c) The presiding officer or poll clerk shall thereupon on a copy of the roll specially provided for that purpose, draw a line through
the

Local Government (Electoral Provisions).

the name of such person as it appears on that roll, to denote that such person has received a ballot-paper for the purpose of voting as a citizen at the election.

- (f) by inserting next after section thirty-five the following new section:—

35A. (1) If on any person claiming to vote at any polling-place it is found that a line has been drawn through such person's name upon the roll specially provided for that polling-place as mentioned in subsection one of section thirty-five of this Act, as indicating that he has already received a ballot-paper, the presiding officer shall put to the person so claiming to vote the questions prescribed in subsection two of section forty-two of this Act.

Tender of
second vote.
cf. Act No.
41, 1912,
s. 106.

If such person answers such questions satisfactorily and, in accordance with this section, makes the declaration required by subsection one of section forty-two of this Act he may be permitted to vote.

(2) For the purpose of giving effect to the provisions of subsection one of this section, the following provisions shall be observed:—

- (a) (i) The form of declaration may be printed or written on an envelope addressed to the returning officer.
- (ii) After the declaration has been made the presiding officer shall give to the voter a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.
- (iii) The voter shall take such ballot-paper into an inner compartment and there without delay record his vote on the ballot-paper as prescribed by subsection four of section thirty-five of this Act;

(iv)

Local Government (Electoral Provisions).

- (iv) The voter shall then fold the ballot-paper so that the vote cannot be seen without unfolding it, and at once return the ballot-paper so folded to the presiding officer.
- (v) The presiding officer shall then in the presence of the voter forthwith enclose the ballot-paper in the envelope bearing the declaration of the voter and securely fasten the envelope.
- (b) Every envelope containing a vote given under this section shall be promptly delivered to the returning officer after the close of the poll.
- (c) The returning officer or the officer assisting him shall in the presence of the scrutineers examine the declaration on the envelope containing the ballot-paper; and, if after making such inquiries as he may deem necessary, it appears to him that the person whose name is signed to the declaration is entitled to vote, he shall accept the ballot-paper for further scrutiny but otherwise he shall reject the ballot-paper without opening the envelope.

If he accepts the ballot-paper for further scrutiny, he shall open the envelope without destroying the declaration and extract the ballot-paper, and shall, without unfolding it, place the ballot-paper in the ballot-box used at the polling-place at which the vote was tendered.
- (d) When the votes to which this section refers have been dealt with in the manner provided in paragraph (c) of this subsection, the returning officer or the officer assisting him shall open and proceed

Local Government (Electoral Provisions).

proceed with the scrutiny of the ballot-papers which have been accepted for further scrutiny.

- (e) At the scrutiny the returning officer or the officer assisting him shall open the ballot-papers, and shall allow and count those which are formal, and shall disallow and reject those which are informal

(3) Where the claim of any person to vote under this section is refused the presiding officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof.

The presiding officer shall sign the note in the presence of such scrutineers as are present.

Any of those scrutineers may also sign the note.

- (g) by inserting at the end of subsection one of section forty-two the following proviso:—

Sec. 42 (1).
(Declara-
tion—
postal
voting.)

Provided that in the case of a person voting by post the declaration shall be made and subscribed before a person who is an authorised witness within the meaning of the Parliamentary Electorates and Elections Act, 1912-1941.

PART III.

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

DIVISION 1.—*Construction.*

9. (1) This Part 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 referred to as the Principal Act.

DIVISION

Local Government (Electoral Provisions).

DIVISION 2.—*Election of Aldermen and Councillors.*

Extension
of franchise.

10. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified and ending upon the eighth day of October, one thousand nine hundred and forty-two, the provisions of this section shall have effect.

(2) Every person—

- (a) whose name appears on an electoral roll, as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and
- (b) whose place of living as stated in such electoral roll is situated within any ward or riding of an area; and
- (c) who continues for the time being to reside at such place of living; and
- (d) whose name is not included on the local government roll for the ward or riding in which such place of living is situated or for any other ward or riding of the same area,

shall for the purposes of the Principal Act be deemed to be an elector and to be enrolled on the local government roll for the ward or riding within which such place of living is situated.

(3) (a) A person referred to in subsection two of this section shall, before being permitted to vote at any election under the Principal Act for the ward or riding for which he is deemed to be enrolled under that subsection, make and subscribe before the returning officer or presiding officer a declaration in or to the effect of the form prescribed in Schedule II to this Act.

(b) In the case of a person voting by post, the declaration shall be made and subscribed before an authorised witness.

The ordinances may prescribe the persons or classes of persons who shall be authorised witnesses for the purposes of this paragraph.

cf. Act No.
58, 1932,
s. 42 (3).

(4) Every person wilfully making a false declaration under this section shall be deemed guilty of a misdemeanour.

(5)

Local Government (Electoral Provisions).

(5) In this section "local government roll" means roll of electors prepared under the Principal Act.

DIVISION 3.—Alteration of franchise.

11. (1) For the purposes only of the preparation in the year one thousand nine hundred and forty-two of any rolls required by or under the Principal Act to be prepared by the council of each area and of matters necessary for or incidental to such preparation, section twelve of this Act shall be deemed to commence upon the first Saturday in December, one thousand nine hundred and forty-one.

Commence-
ment of
s. 12.

(2) Upon the eighth day of October, one thousand nine hundred and forty-two, section twelve of this Act shall come into operation for all purposes.

12. The Principal Act is amended by omitting paragraph (d) of section fifty-four and by inserting in lieu thereof the following paragraph:—

Amendment
of Act No.
41, 1919,
s. 54.

(d) he is upon such prescribed day enrolled on the electoral roll for any electoral district and his place of living as described on that roll is within the ward or riding.

In this paragraph "electoral roll" means the electoral roll for an electoral district compiled under the Parliamentary Electorates and Elections Act, 1912-1941.

13. Ordinance number ten made under the Local Government Act, 1919, as proclaimed in the Gazette of the twenty-fourth day of December, one thousand nine hundred and nineteen, and all amendments thereof made by subsequent proclamations are hereby rescinded.

Repeal of
Ordinance
No. 10.
Postal
voting.

SCHEDULE I.

SYDNEY CORPORATION ACT, 1932-1941.

Voter's Declaration.

I, A.B., do solemnly and sincerely declare that—

(1) I am the person named in the electoral roll for the electoral district of _____ as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one, my name being numbered on that roll as in the margin hereto;

(2)

- (2) My place of living as stated in such electoral roll is within ward of the city;
- (3) I continue to reside at the said place of living;
- (4) I am not already enrolled on the citizens' roll prepared under Part IV of the Sydney Corporation Act, 1932-1940, for this ward, or on a citizens' roll so prepared for any other ward;
- (5) I have not already voted in this ward or in any other ward at this election.

Made and subscribed before me this _____ day
of _____ 194 .
A.B.
C.D. Presiding Officer.

LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

I, A.B., do solemnly and sincerely declare that—

- (1) I am the person named in the electoral roll for the electoral district of _____ as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one, my name being numbered on that roll as in the margin hereto;
- (2) My place of living as stated in such electoral roll is within _____ ward (*or riding*) of the
municipality } of
shire }
- (3) I continue to reside at the said place of living;
- (4) I am not already enrolled on the roll of electors prepared under the Local Government Act, 1919, as amended by subsequent Acts for this ward (*or riding*) or on a roll of electors so prepared for any other ward (*or riding*) in this municipality (*or shire*);
- (5) I have not already voted in this ward or in any other ward at this election.

A.B.

Made and subscribed before me this day
of 194 .

C.D., Presiding Officer.

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

WAKEHURST,
Governor.

Government House,
Sydney, 27th August, 1941.

LOCAL GOVERNMENT (ELECTORAL PROVISIONS) BILL.

Schedule of the Amendments referred to in Message of 20th August, 1941.

No. 1.—Page 10, clause 7, lines 27 and 28. *Omit* “Railway Commissioners for New South Wales” *insert* “**Commissioner for Railways**”

No. 2.—Page 19, clause 11, line 6. *Omit* “the supplementary rolls required by” *insert* “**any rolls required by or under**”

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 August, 1941.

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

W. K. CHARLTON,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 20th August, 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. , 1941.

An Act to alter the law relating to the qualifications of citizens of the City of Sydney and of electors in municipalities and shires; to make further provision in relation to the preparation of rolls of citizens in the said city; to amend the Sydney Corporation Act, 1932-1940, the Local Government Act, 1919, and certain other Acts 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 :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Local Government (Electoral Provisions) Act, 1941."

Short title
and division
into Parts.

78467 7—A

(2)

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

Local Government (Electoral Provisions).

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

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

5 PART III.—AMENDMENT OF LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

PART II.

AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

DIVISION 1.—*Construction and citation.*

10 2. (1) This Part shall be read and construed with the Sydney Corporation Act, 1932-1940, as amended by sub-
sequent Acts. Construction and citation.

(2) The Sydney Corporation Act, 1932-1940, as so amended, is in this Part referred to as the Principal
15 Act.

(3) The Principal Act as amended by this Part of this Act may be cited as the Sydney Corporation Act, 1932-1941.

DIVISION 2.—*Election of Aldermen of City of Sydney.*

20 3. (1) The Principal Act is amended—

(a) by omitting from subsection one of section nineteen the word "Monday" wherever occurring, and by inserting in lieu thereof the word "Saturday"; Amendment of Act No. 58, 1932.
Sec. 19.
(Day of election.)

25 (b) by omitting from subsection one of section twenty the word "Monday" and by inserting in lieu thereof the word "Saturday." Sec. 20.
(Consequential.)

(2) The Local Government (Elections) Act, 1940, is amended— Amendment of Act No. 39, 1940, s. 5.

30 (a) by omitting from subsection one of section five the word "Monday" where secondly occurring and by inserting in lieu thereof the word "Saturday"; (Consequential.)

35 (b) by omitting from subsection three of the same section the word "Monday" and by inserting in lieu thereof the word "Saturday."

4.

Local Government (Electoral Provisions).

4. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified, and ending upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, the provisions of this section shall have effect. Extension of franchise.

(2) Every person—

10 (a) whose name appears on an electoral roll as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and

(b) whose place of living as stated in such electoral roll is situated within any ward of the city; and

15 (c) who continues for the time being to reside at such place of living; and

(d) whose name is not included on the citizens' roll for the ward in which such place of living is situated or for any other ward of the city,

20 shall for the purposes of the Principal Act be deemed to be a citizen and to be enrolled on the citizens' roll for the ward within which such place of living is situated.

(3) The declaration required by subsection one of section forty-two of the Principal Act to be made and
25 subscribed by each person claiming to vote at an election under Part V of that Act shall, where the person claiming to vote is a person referred to in subsection two of this section, be in or to the effect of the form set out in Schedule I to this Act in lieu of the form contained in the
30 Eleventh Schedule to the Principal Act.

DIVISION 3.—Preparation of citizens' rolls and alteration of franchise.

5. (1) As soon as practicable after the first Saturday in December, one thousand nine hundred and forty-one,
35 the Municipal Council of Sydney shall cause original rolls of citizens to be prepared. Council to prepare original roll.

(2)

Local Government (Electoral Provisions).

(2) Such rolls shall be prepared under and in accordance with the provisions of the Principal Act as amended by this Division of this Part of this Act.

(3) Within seven days after the completion of the preparation of such rolls, the Minister shall by notification published in the Gazette give public notice of the fact that such rolls have been prepared.

(4) Upon the publication of such notification such rolls shall be the citizens' rolls for the city, and all citizens' rolls theretofore in force shall cease to have any further force or effect.

6. (1) For the purposes only of the preparation of the citizens' rolls referred to in section five of this Act, and of matters necessary for or incidental to such preparation, section seven of this Act shall be deemed to commence upon the first Saturday in December, one thousand nine hundred and forty-one.

Commencement of s. 7.

(2) Upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, section seven of this Act shall come into operation for all purposes.

7. (1) The Principal Act is amended by omitting Part III, Part IV and Part IV^A and by inserting in lieu thereof the following Part:—

Amendment of Act No. 58, 1932. Parts III and IV.

PART III.

QUALIFICATION OF CITIZENS AND PREPARATION OF ROLLS.

DIVISION 1.—*Interpretation.*

9. In this Part "prescribed" means prescribed by regulations made under this Part.

Interpretation.

DIVISION 2.—*Qualification of Citizens.*

10. Subject to the provisions of this Act, and unless disqualified by this or any other Act, every person being a natural-born or naturalised British subject of the full age of twenty-one years, whether male

Qualification of citizens. cf. Act No. 41, 1919, s. 50.

Local Government (Electoral Provisions).

male or female, married or unmarried, shall, if he has the requisite qualification, be qualified to be a citizen, and shall be entitled—

5 (a) to be enrolled for the ward in respect of which he has the requisite qualification; and

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

10 11. (1) In order to have the requisite qualification of a citizen in respect of a ward, a person must on the day prescribed for enrolment be either an owner or ratepaying lessee of ratable property in the ward or an occupier of property in the ward. Meaning of requisite qualification. cf. Act No. 41, 1919, s. 51.

15 (2) For the purposes of this Part, ratable property shall include all property upon which any rate is leviable or levied under this Act.

20 (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.

25 12. A person shall be an "owner" for the purposes of enrolment and voting if— Qualification of an owner. cf. Ibid. s. 52.

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

30 (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

35 (c) he is the holder of a lease, promise, or contract of lease from the Crown of ratable Crown land; or

(d) he is the resident manager of a lease, promise, or contract of lease from the Crown of ratable Crown land.

Local Government (Electoral Provisions).

13. A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if—

Qualifica-
tion of
a ratepay-
ing lessee.
cf. Act No.
41, 1919,
s. 53.

- 5 (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
- 10 (b) he is jointly such lessee as aforesaid and so liable as aforesaid; or
- 15 (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.

20 14. A person shall be an "occupier" for the purposes of enrolment and voting, if—

Qualifica-
tion of an
occupier.
cf. *Ibid.*
s. 54.

- 25 (a) he has been continuously during the three months next preceding the prescribed day for enrolment in joint or several occupation as direct tenant (but not as ratepaying lessee within the preceding section) of the owners or ratepaying lessees of ratable property of the yearly value of five pounds or upwards; or
- 30 (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: Provided that the body corporate or trustees may not nominate more than
- 35 one person for enrolment as occupier in any one ward; or
- 40 (c) he is, upon such prescribed day, enrolled on the electoral roll for any electoral district and his place of living as described on that roll is within the ward.

In

Local Government (Electoral Provisions).

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

5 (3) A person possessing qualification for enrolment in respect of several parcels of ratable property in a ward but actually enrolled in respect of one parcel of ratable property therein who ceases to hold qualification in respect of that parcel shall not
10 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 parcel in the same ward and so satisfies the returning officer.

DIVISION 3.—Preparation of citizens' rolls.

15 17. (1) Within a reasonable time before each general election of the council and whenever required by regulation the council shall, and at any other time the council may, cause an original roll of citizens to be prepared. Council to prepare rolls. cf. Act No. 41, 1919, s. 64.

20 (2) In each year other than those in which an original roll is prepared the council shall cause supplementary rolls to be prepared.

18. (1) The preparation of an original roll shall consist of— Method of preparation of rolls. Ibid. s. 65.

- 25 (a) the compilation of a list of persons who appear to have the requisite qualification of citizens;
- (b) the exhibition of the list for public information;
- 30 (c) the receipt of claims and objections to enrolment;
- (d) the revision of the list and the determination of the claims and objections by a revision court;
- 35 (e) the signing of the lists as revised by the revision court.

(2) The preparation of a supplementary roll shall consist of—

- 40 (a) the compilation of a list of persons not already enrolled who appear to have the requisite

Local Government (Electoral Provisions).

In this paragraph "electoral roll" means the electoral roll for an electoral district compiled under the Parliamentary Electorates and Elections Act, 1912-1941:

5 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
10 the property jointly tenanted or occupied as afore-
said 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
15 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 of the tenants or occupiers evidenced by
agreement signed by such majority and delivered to
20 the town clerk, or, failing such agreement, according
to the alphabetical order of their surnames.

15. 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, 1912-1941, the provisions of which section shall, mutatis mutandis, apply to enrolment and voting under this Act.

30 16. (1) Subject to this Act a person shall not be entitled to vote unless—
 (a) his name is on the roll for the ward for which he claims to vote; and
 (b) he retains the requisite qualification and fulfils the conditions and requirements prescribed in respect of voting:

35 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)

Local Government (Electoral Provisions).

- requisite qualification for enrolment; and of the additions and omissions which it is necessary to make to and from the existing roll because of errors, changes of qualification, changes of name by marriage, changes of residence, death, loss of qualification, or other sufficient reason;
- 5 (b) the exhibition of the list for public information;
- 10 (c) the receipt of claims and objections to enrolment;
- (d) the revision of the list and the determination of the claims and objections by a revision court;
- 15 (e) the signing of the list as revised, and the signing and initialling of a copy of the existing roll with the necessary changes made therein, by the revision court.
- 20 (3) Subject to this Act rolls shall be prepared as prescribed.
- (4) Rolls shall be prepared separately for each ward of the city and the rolls for all the wards, shall, taken together, be the roll of citizens for the city.
- 25 18A. (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.
- 30 (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 in writing to the town clerk naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed shall be enrolled in the ward in which he is qualified as owner or as ratepaying lessee.
- 35 (4) A person qualified for enrolment as occupier in more than one ward shall be enrolled
- 40 in

Enrolment
of persons
holding
qualifica-
tion in
more than
one ward.

cf. Act No.
41, 1919,
s. 66.

Local Government (Electoral Provisions).

in one ward only. He may give notice in writing to the town clerk, naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed the town clerk may decide the question.

18B. Any person making a claim or objection to be laid before the revision court may be required to make a declaration in the presence of a witness and in the prescribed form.

Declaration.
cf. Act No.
41, 1919,
s. 67.

18C. Any stipendiary magistrate shall constitute a revision court.

Revision court.
Ibid. s. 68.

18D. (1) A revision court shall hear claims and objections and revise the lists of citizens as prescribed.

Powers of
revision
court.
Ibid. s. 69.

(2) A revision court shall for the purposes of this Act have the powers of a Court of Petty Sessions, and the appointment and procedure of such revision court shall be as prescribed.

DIVISION 4.—Rolls of Ratepayers.

18E. A person shall be entitled to be enrolled as a ratepayer if—

Qualification
of rate-
payer.

(a) he is enrolled on the roll of citizens for the city; and

cf. *Ibid.*
s. 79.

(b) his enrolment on that roll is as owner, or as ratepaying lessee, or as lessee of Crown lands, or as tenant of lands vested in the ~~Railway Commissioners for New South Wales~~, **Commissioner for Railways** or as tenant of lands vested in the Maritime Services Board; and

(c) he retains the qualification under which he was enrolled on that roll.

Roll of
rate-
payers.
cf. *Ibid.*
s. 80.

18F. (1) When lists of citizens are being prepared the town clerk shall include in the entry of the name and other particulars of each person entitled to be enrolled as a ratepayer the word "ratepayer."

(2) When the lists are being revised the entry or omission of the word "ratepayer" may be the subject of a claim or objection and shall be subject to revision by the revision court.

(3)

Local Government (Electoral Provisions).

(3) A roll of citizens with the word "ratepayer" entered against various names as directed in this section shall be also a roll of ratepayers; and when so used all names thereon against which the word "ratepayer" is not entered shall be disregarded.

(4) Where a poll of ratepayers of any portion of the city other than a complete ward is to be taken, the council may direct the preparation of a special roll of ratepayers holding qualifications in respect of property in that portion only. In such case the roll of ratepayers to be used at the poll shall be prepared, revised and adopted as prescribed.

18G. (1) The council may for its information and guidance on any matter under this or any other Act take a poll of citizens or ratepayers as it thinks appropriate.

Optional
polls.
cf. Act No.
41, 1919,
s. 81.

(2) At any poll of ratepayers under this Act any person enrolled on the roll of ratepayers for the city or part thereof in respect of which the poll is being taken shall, if he has the qualification under which he was enrolled (or any qualification which would entitle him to enrolment as a ratepayer), be a ratepayer and entitled to vote.

(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.

18H. Where the council is required by this Act to take a poll of citizens or ratepayers the decision shall be in accordance with the majority of the votes cast: Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

Compulsory
polls.
cf. *Ibid.*
s. 82.

DIVISION 5.—Regulations.

18I. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which

Regulations.

Local Government (Electoral Provisions).

which by this Part of this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying this Part of this Act into effect.

5 (2) In particular, but without prejudice to the generality of the provisions of subsection one of this section, the Governor may make regulations for and with respect to—

- 10 (a) the preparation of the rolls, including the fixing of times for the preparation of such rolls;
- (b) the appointment and notification of days for enrolment;
- 15 (c) the printing, notification, inspection and sale of rolls;
- (d) the taking of polls of citizens and polls of ratepayers for any purpose of this Act;
- (e) the ordering of a recount of the votes at any poll; the payment of the cost of recount by the applicant or the council; the redeclaration of the result of a poll; and the consequences thereof;
- 20 (f) the method of voting at any poll, and whether by post or by personal attendance at a polling place;
- 25 (g) the application, *mutatis mutandis*, to the taking of a poll, of the provisions of this Act relating to the conduct of an election of aldermen, either generally, or with such amendments, omissions or additions as the
- 30 regulations may prescribe.

(3) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof. Such penalty shall be recoverable in a summary

35 manner.

- (4) The regulations shall—
- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date specified in such regulations;
- 40

(c)

Local Government (Electoral Provisions).

5 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

10 (5) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) The Principal Act is further amended—

Consequential amendments of Act No. 58, 1932.

15 (a) by omitting from section one the matter relating to Part III, Part IV and Part IVA and by inserting in lieu thereof the following matter:—

Sec. 1.
(Division into Parts.)

PART III.—QUALIFICATION OF CITIZENS AND PREPARATION OF ROLLS—SS. 9–18i.

20 (b) (i) by inserting in subsection one of section two after the definition of “Rate” the following new definition:—

Sec. 2.
(Definition.)

“Ratepayer” means a person on the roll of ratepayers.

25 (ii) by omitting from the same subsection the definition of “Rolls” and by inserting in lieu thereof the following definition:—

“Roll” means roll under this Act.

(c) by omitting paragraph (d) of subsection one of section two hundred and sixty-three;

Sec. 263 (1)
(d).
(By-laws.)

30 (d) by omitting the Fourth Schedule, Schedule 4A, the Fifth, Sixth and Seventh Schedules.

Schedules.

(3) (a) The Sydney Corporation (Amendment) Act, 1934, is amended by omitting sections five, six and seven.

Consequential amendment of Act No. 9, 1934.

35 (b) The Local Government (Amendment) Act, 1937, is amended by omitting section thirteen.

Consequential amendment of Act No. 10, 1937.

(c)

Local Government (Electoral Provisions).

(c) The Sydney Corporation (Amendment) Act, 1940, is amended by omitting paragraphs (a) (b) (c) (d) (e) (h) and (i) of section two.

Consequential amendment of Act No. 7, 1940.

DIVISION 4.—*Miscellaneous amendments of Sydney Corporation Act, 1932-1940.*

8. The Principal Act is further amended—

Amendment of Act No. 58, 1932.

- (a) by omitting from paragraph (c) of subsection one of section twenty-four the words “the Crown or”;
- 10 (b) by omitting from subsection one of section twenty-seven the word “citizen” and by inserting in lieu thereof the word “person”;
- 15 (c) by omitting from subsection one of section thirty-one the words “one or more polling-place or polling-places in and for each ward as he may deem necessary” and by inserting in lieu thereof the words “two or more polling-places in and for each ward”;
- 20 (d) by omitting from section thirty-four the words “half-past seven o’clock” and by inserting in lieu thereof the words “eight o’clock.”
- (e) by omitting subsection one of section thirty-five and by inserting in lieu thereof the following subsection:—
- 25 (1) (a) Each person claiming to vote as a citizen shall enter unattended, unless in case of necessity, into the booth or room in which the ballot-box is kept.
- 30 (b) If such person makes the declaration required by section forty-two, and answers satisfactorily any questions which may be put to him under that section, the presiding officer or poll clerk shall give him a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.
- 35 (c) The presiding officer or poll clerk shall thereupon on a copy of the roll specially provided for that purpose, draw a line through the

Sec. 24 (1) (c). (Persons disqualified.)

Sec. 27 (1). (Returning officer.)

Sec. 31. (Polling places.)

Sec. 34. (Hours of voting.)

Substituted subsec. (1) of sec. 35.

Mode of voting.

Local Government (Electoral Provisions).

the name of such person as it appears on that roll, to denote that such person has received a ballot-paper for the purpose of voting as a citizen at the election.

- 5 (f) by inserting next after section thirty-five the following new section:— New sec. 35A.

10 35A. (1) If on any person claiming to vote at any polling-place it is found that a line has been drawn through such person's name upon the roll specially provided for that polling-
place as mentioned in subsection one of section thirty-five of this Act, as indicating that he has already received a ballot-paper, the
15 presiding officer shall put to the person so claiming to vote the questions prescribed in subsection two of section forty-two of this Act.

If such person answers such questions satisfactorily and, in accordance with this
20 section, makes the declaration required by subsection one of section forty-two of this Act he may be permitted to vote.

(2) For the purpose of giving effect to the provisions of subsection one of this section,
25 the following provisions shall be observed:—

- (a) (i) The form of declaration may be printed or written on an envelope addressed to the returning officer.
(ii) After the declaration has been made
30 the presiding officer shall give to the voter a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.
(iii) The voter shall take such ballot-
35 paper into an inner compartment and there without delay record his vote on the ballot-paper as prescribed by subsection four of section thirty-five of this Act;
40

(iv)

Tender of
second vote.
cf. Act No.
41, 1912,
s. 106.

Local Government (Electoral Provisions).

- 5 (iv) The voter shall then fold the ballot-paper so that the vote cannot be seen without unfolding it, and at once return the ballot-paper so folded to the presiding officer.
- 10 (v) The presiding officer shall then in the presence of the voter forthwith enclose the ballot-paper in the envelope bearing the declaration of the voter and securely fasten the envelope.
- 15 (b) Every envelope containing a vote given under this section shall be promptly delivered to the returning officer after the close of the poll.
- 20 (c) The returning officer or the officer assisting him shall in the presence of the scrutineers examine the declaration on the envelope containing the ballot-paper; and, if after making such inquiries as he may deem necessary, it appears to him that the person whose name is signed to the declaration is entitled to vote, he shall accept the
- 25 ballot-paper for further scrutiny but otherwise he shall reject the ballot-paper without opening the envelope.
- 30 If he accepts the ballot-paper for further scrutiny, he shall open the envelope without destroying the declaration and extract the ballot-paper, and shall, without unfolding it, place the ballot-paper in the ballot-box used at the polling-place at which the vote was
- 35 tendered.
- 40 (d) When the votes to which this section refers have been dealt with in the manner provided in paragraph (c) of this subsection, the returning officer or the officer assisting him shall open and proceed

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proceed with the scrutiny of the ballot-papers which have been accepted for further scrutiny.

5 (e) At the scrutiny the returning officer or the officer assisting him shall open the ballot-papers, and shall allow and count those which are formal, and shall disallow and reject those which are informal.

10 (3) Where the claim of any person to vote under this section is refused the presiding officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof.

15 The presiding officer shall sign the note in the presence of such scrutineers as are present.

Any of those scrutineers may also sign the note.

20 (g) by inserting at the end of subsection one of section forty-two the following proviso:—

Sec. 42 (1).
(Declara-
tion—
postal
voting.)

25 Provided that in the case of a person voting by post the declaration shall be made and subscribed before a person who is an authorised witness within the meaning of the Parliamentary Electorates and Elections Act, 1912-1941,

PART III.

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

30

DIVISION 1.—*Construction.*

9. (1) This Part shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts.

Construc-
tion.

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

*Local Government (Electoral Provisions).*DIVISION 2.—*Election of Aldermen and Councillors.*

10. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified and ending upon the eighth day of October, one thousand nine hundred and forty-two, the provisions of this section shall have effect. Extension of franchise.

(2) Every person—

- 10 (a) whose name appears on an electoral roll, as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and
- 15 (b) whose place of living as stated in such electoral roll is situated within any ward or riding of an area; and
- (c) who continues for the time being to reside at such place of living; and
- 20 (d) whose name is not included on the local government roll for the ward or riding in which such place of living is situated or for any other ward or riding of the same area,

shall for the purposes of the Principal Act be deemed to be an elector and to be enrolled on the local government roll for the ward or riding within which such place of living is situated.

(3) (a) A person referred to in subsection two of this section shall, before being permitted to vote at any election under the Principal Act for the ward or riding for which he is deemed to be enrolled under that subsection, make and subscribe before the returning officer or presiding officer a declaration in or to the effect of the form prescribed in Schedule II to this Act.

(b) In the case of a person voting by post, the declaration shall be made and subscribed before an authorised witness.

The ordinances may prescribe the persons or classes of persons who shall be authorised witnesses for the purposes of this paragraph.

(4) Every person wilfully making a false declaration under this section shall be deemed guilty of a misdemeanour. cf. Act No. 58, 1932, s. 42 (3).

(5)

Local Government (Electoral Provisions).

(5) In this section "local government roll" means roll of electors prepared under the Principal Act.

DIVISION 3.—Alteration of franchise.

11. (1) For the purposes only of the preparation in
5 the year one thousand nine hundred and forty-two of
the supplementary rolls required by **any rolls required by**
or under the Principal Act to be prepared by the council
of each area and of matters necessary for or incidental
to such preparation, section twelve of this Act shall be
10 deemed to commence upon the first Saturday in December,
one thousand nine hundred and forty-one.

Commence-
ment of
s. 12.

(2) Upon the eighth day of October, one thousand
nine hundred and forty-two, section twelve of this Act
shall come into operation for all purposes.

15 12. The Principal Act is amended by omitting
paragraph (d) of section fifty-four and by inserting in
lieu thereof the following paragraph:—

Amendment
of Act No.
41, 1919,
s. 54.

(d) he is upon such prescribed day enrolled on the
electoral roll for any electoral district and his
20 place of living as described on that roll is with-
in the ward or riding.

In this paragraph "electoral roll" means the
electoral roll for an electoral district compiled
under the Parliamentary Electorates and
25 Elections Act, 1912-1941.

13. Ordinance number ten made under the Local
Government Act, 1919, as proclaimed in the Gazette of
the twenty-fourth day of December, one thousand nine
hundred and nineteen, and all amendments thereof made
30 by subsequent proclamations are hereby rescinded.

Repeal of
Ordinance
No. 10.
Postal
voting.

SCHEDULE I.

SYDNEY CORPORATION ACT, 1932-1941.

Voter's Declaration.

I, A.B., do solemnly and sincerely declare that—

35 (1) I am the person named in the electoral roll for the electoral
district of as compiled under the Parlia-
mentary Electorates and Elections Act, 1912-1941, on the
eighteenth day of April, one thousand nine hundred and
forty-one, my name being numbered on that roll as in the
40 margin hereto;

(2)

Local Government (Electoral Provisions).

- (2) My place of living as stated in such electoral roll is within ward of the city;
- (3) I continue to reside at the said place of living;
- 5 (4) I am not already enrolled on the citizens' roll prepared under Part IV of the Sydney Corporation Act, 1932-1940, for this ward, or on a citizens' roll so prepared for any other ward;
- (5) I have not already voted in this ward or in any other ward at this election.
- 10 A.B.
- Made and subscribed before me this day
- of 194 .
- C.D. Presiding Officer.

SCHEDULE II.

LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

15

Voter's Declaration.

I, A.B., do solemnly and sincerely declare that—

- (1) I am the person named in the electoral roll for the electoral district of as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the
- 20 eighteenth day of April, one thousand nine hundred and forty-one, my name being numbered on that roll as in the margin hereto;
- (2) My place of living as stated in such electoral roll is within ward (or riding) of the
- 25 municipality } of shire
- (3) I continue to reside at the said place of living;
- (4) I am not already enrolled on the roll of electors prepared
- 30 under the Local Government Act, 1919, as amended by subsequent Acts for this ward (or riding) or on a roll of electors so prepared for any other ward (or riding) in this municipality (or shire);
- (5) I have not already voted in this ward or in any other ward at this election.
- 35

A.B.

Made and subscribed before me this day

of 194 .

C.D. Presiding Officer.

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 August, 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. , 1941.

An Act to alter the law relating to the qualifications of citizens of the City of Sydney and of electors in municipalities and shires; to make further provision in relation to the preparation of rolls of citizens in the said city; to amend the Sydney Corporation Act, 1932-1940, the Local Government Act, 1919, and certain other Acts 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 the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Local Government (Electoral Provisions) Act, 1941."

Short title
and division
into Parts.

Local Government (Electoral Provisions).

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

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

5 PART III.—AMENDMENT OF LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

PART II.

AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

DIVISION 1.—*Construction and citation.*

10 2. (1) This Part shall be read and construed with the Sydney Corporation Act, 1932-1940, as amended by subsequent Acts. Construction and citation.

(2) The Sydney Corporation Act, 1932-1940, as so amended, is in this Part referred to as the Principal Act.

(3) The Principal Act as amended by this Part of this Act may be cited as the Sydney Corporation Act, 1932-1941.

DIVISION 2.—*Election of Aldermen of City of Sydney.*

20 3. (1) The Principal Act is amended—

(a) by omitting from subsection one of section nineteen the word "Monday" wherever occurring, and by inserting in lieu thereof the word "Saturday"; Amendment of Act No. 58, 1932. Sec. 19. (Day of election.)

25 (b) by omitting from subsection one of section twenty the word "Monday" and by inserting in lieu thereof the word "Saturday." Sec. 20. (Consequential.)

(2) The Local Government (Elections) Act, 1940, is amended— Amendment of Act No. 39, 1940, s. 5.

30 (a) by omitting from subsection one of section five the word "Monday" where secondly occurring and by inserting in lieu thereof the word "Saturday"; (Consequential.)

35 (b) by omitting from subsection three of the same section the word "Monday" and by inserting in lieu thereof the word "Saturday."

Local Government (Electoral Provisions).

4. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified, and ending upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, the provisions of this section shall have effect. Extension of franchise.

(2) Every person—

(a) whose name appears on an electoral roll as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and

(b) whose place of living as stated in such electoral roll is situated within any ward of the city; and

(c) who continues for the time being to reside at such place of living; and

(d) whose name is not included on the citizens' roll for the ward in which such place of living is situated or for any other ward of the city,

shall for the purposes of the Principal Act be deemed to be a citizen and to be enrolled on the citizens' roll for the ward within which such place of living is situated.

(3) The declaration required by subsection one of section forty-two of the Principal Act to be made and subscribed by each person claiming to vote at an election under Part V of that Act shall, where the person claiming to vote is a person referred to in subsection two of this section, be in or to the effect of the form set out in Schedule I to this Act in lieu of the form contained in the Eleventh Schedule to the Principal Act.

DIVISION 3.—Preparation of citizens' rolls and alteration of franchise.

5. (1) As soon as practicable after the first Saturday in December, one thousand nine hundred and forty-one, the Municipal Council of Sydney shall cause original rolls of citizens to be prepared. Council to prepare original roll.

(2)

Local Government (Electoral Provisions).

(2) Such rolls shall be prepared under and in accordance with the provisions of the Principal Act as amended by this Division of this Part of this Act.

(3) Within seven days after the completion of the preparation of such rolls, the Minister shall by notification published in the Gazette give public notice of the fact that such rolls have been prepared.

(4) Upon the publication of such notification such rolls shall be the citizens' rolls for the city, and all citizens' rolls theretofore in force shall cease to have any further force or effect.

6. (1) For the purposes only of the preparation of the citizens' rolls referred to in section five of this Act, and of matters necessary for or incidental to such preparation, section seven of this Act shall be deemed to commence upon the first Saturday in December, one thousand nine hundred and forty-one.

Commencement of s. 7.

(2) Upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, section seven of this Act shall come into operation for all purposes.

7. (1) The Principal Act is amended by omitting Part III, Part IV and Part IVA and by inserting in lieu thereof the following Part:—

Amendment of Act No. 58, 1932. Parts III and IV.

25

PART III.

QUALIFICATION OF CITIZENS AND PREPARATION OF ROLLS.

DIVISION 1.—*Interpretation.*

9. In this Part "prescribed" means prescribed by regulations made under this Part.

Interpretation.

30

DIVISION 2.—*Qualification of Citizens.*

10. Subject to the provisions of this Act, and unless disqualified by this or any other Act, every person being a natural-born or naturalised British subject of the full age of twenty-one years, whether male

Qualification of citizens. cf. Act No. 41, 1919, s. 50.

35

Local Government (Electoral Provisions).

male or female, married or unmarried, shall, if he has the requisite qualification, be qualified to be a citizen, and shall be entitled—

5 (a) to be enrolled for the ward in respect of which he has the requisite qualification; and

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

10 11. (1) In order to have the requisite qualification of a citizen in respect of a ward, a person must on the day prescribed for enrolment be either an owner or ratepaying lessee of ratable property in the ward or an occupier of property in the ward.

Meaning of
requisite
qualification.
cf. Act No.
41, 1919,
s. 51.

15 (2) For the purposes of this Part, ratable property shall include all property upon which any rate is leviable or levied under this Act.

20 (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.

25 12. A person shall be an "owner" for the purposes of enrolment and voting if—

Qualification
of an owner.

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

cf. *Ibid.*
s. 52.

30 (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

35 (c) he is the holder of a lease, promise, or contract of lease from the Crown of ratable Crown land; or

(d) he is the resident manager of a lease, promise, or contract of lease from the Crown of ratable Crown land.

Local Government (Electoral Provisions).

13. A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if—

Qualifica-
tion of
a ratepay-
ing lessee.
cf. Act No.
41, 1919,
s. 53.

5

(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

10

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

15

(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.

20

14. A person shall be an "occupier" for the purposes of enrolment and voting, if—

Qualifica-
tion of an
occupier.
cf. *Ibid.*
s. 54.

25

(a) he has been continuously during the three months next preceding the prescribed day for enrolment in joint or several occupation as direct tenant (but not as ratepaying lessee within the preceding section) of the owners or ratepaying lessees of ratable property of the yearly value of five pounds or upwards; or

30

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

35

40

(c) he is, upon such prescribed day, enrolled on the electoral roll for any electoral district and his place of living as described on that roll is within the ward.

In

Local Government (Electoral Provisions).

In this paragraph "electoral roll" means the electoral roll for an electoral district compiled under the Parliamentary Electorates and Elections Act, 1912-1941:

- 5 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
10 the property jointly tenanted or occupied as afore-
said 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
15 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 of the tenants or occupiers evidenced by
agreement signed by such majority and delivered to
20 the town clerk, or, failing such agreement, according
to the alphabetical order of their surnames.

15. 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, 1912-1941, the provisions of which section shall, mutatis mutandis, apply to enrolment and voting under this Act.
- Disquali-
fication.
cf. Act No.
41, 1919,
s. 55.

- 30 16. (1) Subject to this Act a person shall not be
entitled to vote unless—
- (a) his name is on the roll for the ward for which he claims to vote; and
- (b) he retains the requisite qualification and fulfils the conditions and requirements pre-
35 scribed in respect of voting:
- Persons not
entitled to
vote.
cf. *Ibid.*
s. 56.

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

Local Government (Electoral Provisions).

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

- 5 (3) A person possessing qualification for enrolment in respect of several parcels of ratable property in a ward but actually enrolled in respect of one parcel of ratable property therein who ceases to hold qualification in respect of that parcel shall not
10 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 parcel in the same ward and so satisfies the returning officer.

DIVISION 3.—Preparation of citizens' rolls.

- 15 17. (1) Within a reasonable time before each general election of the council and whenever required by regulation the council shall, and at any other time the council may, cause an original roll of citizens to be prepared.

Council to prepare rolls.
cf. Act No. 41, 1919, s. 64.

- 20 (2) In each year other than those in which an original roll is prepared the council shall cause supplementary rolls to be prepared.

18. (1) The preparation of an original roll shall consist of—

Method of preparation of rolls.
Ibid. s. 65.

- 25 (a) the compilation of a list of persons who appear to have the requisite qualification of citizens;
(b) the exhibition of the list for public information;
30 (c) the receipt of claims and objections to enrolment;
(d) the revision of the list and the determination of the claims and objections by a revision court;
35 (e) the signing of the lists as revised by the revision court.

(2) The preparation of a supplementary roll shall consist of—

- 40 (a) the compilation of a list of persons not already enrolled who appear to have the requisite

Local Government (Electoral Provisions).

- requisite qualification for enrolment; and of the additions and omissions which it is necessary to make to and from the existing roll because of errors, changes of qualification, changes of name by marriage, changes of residence, death, loss of qualification, or other sufficient reason;
- (b) the exhibition of the list for public information;
- (c) the receipt of claims and objections to enrolment;
- (d) the revision of the list and the determination of the claims and objections by a revision court;
- (e) the signing of the list as revised, and the signing and initialling of a copy of the existing roll with the necessary changes made therein, by the revision court.
- (3) Subject to this Act rolls shall be prepared as prescribed.
- (4) Rolls shall be prepared separately for each ward of the city and the rolls for all the wards, shall, taken together, be the roll of citizens for the city.
- 18A. (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 in writing to the town clerk naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed 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

Enrolment of persons holding qualification in more than one ward.

cf. Act No. 41, 1919, s. 66.

Local Government (Electoral Provisions).

in one ward only. He may give notice in writing to the town clerk, naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed the town clerk may decide the question.

18B. Any person making a claim or objection to be laid before the revision court may be required to make a declaration in the presence of a witness and in the prescribed form.

Declaration.
cf. Act No.
41, 1919,
s. 67.

18c. Any stipendiary magistrate shall constitute a revision court.

Revision court.
Ibid. s. 68.

18d. (1) A revision court shall hear claims and objections and revise the lists of citizens as prescribed.

Powers of
revision
court.
Ibid. s. 69.

(2) A revision court shall for the purposes of this Act have the powers of a Court of Petty Sessions, and the appointment and procedure of such revision court shall be as prescribed.

DIVISION 4.—Rolls of Ratepayers.

18E. A person shall be entitled to be enrolled as a ratepayer if—

Qualification
of rate-
payer.

(a) he is enrolled on the roll of citizens for the city; and

cf. *Ibid.*
s. 79.

(b) his enrolment on that roll is as owner, or as ratepaying lessee, or as lessee of Crown lands, or as tenant of lands vested in the Railway Commissioners for New South Wales, or as tenant of lands vested in the Maritime Services Board; and

(c) he retains the qualification under which he was enrolled on that roll.

18F. (1) When lists of citizens are being prepared the town clerk shall include in the entry of the name and other particulars of each person entitled to be enrolled as a ratepayer the word "ratepayer."

Roll of
rate-
payers.
cf. *Ibid.*
s. 80.

(2) When the lists are being revised the entry or omission of the word "ratepayer" may be the subject of a claim or objection and shall be subject to revision by the revision court.

(3)

Local Government (Electoral Provisions).

(3) A roll of citizens with the word "ratepayer" entered against various names as directed in this section shall be also a roll of ratepayers; and when so used all names thereon against which the word "ratepayer" is not entered shall be disregarded.

(4) Where a poll of ratepayers of any portion of the city other than a complete ward is to be taken, the council may direct the preparation of a special roll of ratepayers holding qualifications in respect of property in that portion only. In such case the roll of ratepayers to be used at the poll shall be prepared, revised and adopted as prescribed.

18G. (1) The council may for its information and guidance on any matter under this or any other Act take a poll of citizens or ratepayers as it thinks appropriate.

Optional
polls.
cf. Act No.
41, 1919,
s. 81.

(2) At any poll of ratepayers under this Act any person enrolled on the roll of ratepayers for the city or part thereof in respect of which the poll is being taken shall, if he has the qualification under which he was enrolled (or any qualification which would entitle him to enrolment as a ratepayer), be a ratepayer and entitled to vote.

(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.

18H. Where the council is required by this Act to take a poll of citizens or ratepayers the decision shall be in accordance with the majority of the votes cast: Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

Compulsory
polls.
cf. *Ibid.*
s. 82.

DIVISION 5.—Regulations.

18I. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which

Regulations.

Local Government (Electoral Provisions).

which by this Part of this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying this Part of this Act into effect.

5 (2) In particular, but without prejudice to the generality of the provisions of subsection one of this section, the Governor may make regulations for and with respect to—

- 10 (a) the preparation of the rolls, including the fixing of times for the preparation of such rolls;
- (b) the appointment and notification of days for enrolment;
- 15 (c) the printing, notification, inspection and sale of rolls;
- (d) the taking of polls of citizens and polls of ratepayers for any purpose of this Act;
- (e) the ordering of a recount of the votes at any poll; the payment of the cost of recount
- 20 by the applicant or the council; the redeclaration of the result of a poll; and the consequences thereof;
- (f) the method of voting at any poll, and whether by post or by personal attendance
- 25 at a polling place;
- (g) the application, *mutatis mutandis*, to the taking of a poll, of the provisions of this Act relating to the conduct of an election
- 30 of aldermen, either generally, or with such amendments, omissions or additions as the regulations may prescribe.

 (3) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof. Such penalty shall be recoverable in a summary

35 manner.

 (4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date specified in such regulations;
- 40 (c)

Local Government (Electoral Provisions).

(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

5

(5) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

10

(2) The Principal Act is further amended—

Consequential
amendments
of Act No.
58, 1932.

(a) by omitting from section one the matter relating to Part III, Part IV and Part IVA and by inserting in lieu thereof the following matter:—

15

Sec. 1.
(Division
into Parts.)

PART III.—QUALIFICATION OF CITIZENS AND
PREPARATION OF ROLLS—ss. 9-18l.

(b) (i) by inserting in subsection one of section two after the definition of "Rate" the following new definition:—

20

Sec. 2.
(Definition.)

"Ratepayer" means a person on the roll of ratepayers.

(ii) by omitting from the same subsection the definition of "Rolls" and by inserting in lieu thereof the following definition:—

25

"Roll" means roll under this Act.

(c) by omitting paragraph (d) of subsection one of section two hundred and sixty-three;

30

Sec. 263 (1)
(d).
(By-laws.)

(d) by omitting the Fourth Schedule, Schedule 4A, the Fifth, Sixth and Seventh Schedules.

Schedules.

(3) (a) The Sydney Corporation (Amendment) Act, 1934, is amended by omitting sections five, six and seven.

Consequential
amendment of
Act No. 9,
1934.

(b) The Local Government (Amendment) Act, 1937, is amended by omitting section thirteen.

35

Consequential
amendment of
Act No. 10,
1937.

(c)

Local Government (Electoral Provisions).

(c) The Sydney Corporation (Amendment) Act, 1940, is amended by omitting paragraphs (a) (b) (c) (d) (e) (h) and (i) of section two, Consequential amendment of Act No. 7, 1940.

5 **DIVISION 4.—Miscellaneous amendments of Sydney Corporation Act, 1932-1940.**

8. The Principal Act is further amended—

- | | | | |
|----|-----|--|---|
| | (a) | by omitting from paragraph (c) of subsection one of section twenty-four the words "the Crown or"; | Amendment of Act No. 58, 1932.
Sec. 24 (1) (c).
(Persons disqualified.) |
| 10 | (b) | by omitting from subsection one of section twenty-seven the word "citizen" and by inserting in lieu thereof the word "person"; | Sec. 27 (1).
(Returning officer.) |
| 15 | (c) | by omitting from subsection one of section thirty-one the words "one or more polling-place or polling-places in and for each ward as he may deem necessary" and by inserting in lieu thereof the words "two or more polling-places in and for each ward"; | Sec. 31.
(Polling places.) |
| 20 | (d) | by omitting from section thirty-four the words "half-past seven o'clock" and by inserting in lieu thereof the words "eight o'clock." | Sec. 34.
(Hours of voting.) |
| | (e) | by omitting subsection one of section thirty-five and by inserting in lieu thereof the following subsection:— | Substituted subsec. (1) of sec. 35. |
| 25 | | (1) (a) Each person claiming to vote as a citizen shall enter unattended, unless in case of necessity, into the booth or room in which the ballot-box is kept. | Mode of voting. |
| 30 | | (b) If such person makes the declaration required by section forty-two, and answers satisfactorily any questions which may be put to him under that section, the presiding officer or poll clerk shall give him a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back. | |
| 35 | | (c) The presiding officer or poll clerk shall thereupon on a copy of the roll specially provided for that purpose, draw a line through the | |

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the name of such person as it appears on that roll, to denote that such person has received a ballot-paper for the purpose of voting as a citizen at the election.

- 5 (f) by inserting next after section thirty-five the New sec. 35A.
following new section:—

10 35A. (1) If on any person claiming to vote at any polling-place it is found that a line has been drawn through such person's name upon the roll specially provided for that polling-
place as mentioned in subsection one of section thirty-five of this Act, as indicating that he has already received a ballot-paper, the
15 presiding officer shall put to the person so claiming to vote the questions prescribed in subsection two of section forty-two of this Act.

If such person answers such questions satisfactorily and, in accordance with this
20 section, makes the declaration required by subsection one of section forty-two of this Act he may be permitted to vote.

(2) For the purpose of giving effect to the provisions of subsection one of this section,
25 the following provisions shall be observed:—

- (a) (i) The form of declaration may be printed or written on an envelope addressed to the returning officer.
(ii) After the declaration has been made
30 the presiding officer shall give to the voter a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.
(iii) The voter shall take such ballot-
35 paper into an inner compartment and there without delay record his vote on the ballot-paper as prescribed by subsection four of section thirty-five of this Act;
40

(iv)

Tender of
second vote.
cf. Act No.
41, 1912,
s. 106.

Local Government (Electoral Provisions).

- 5 (iv) The voter shall then fold the ballot-paper so that the vote cannot be seen without unfolding it, and at once return the ballot-paper so folded to the presiding officer.
- 10 (v) The presiding officer shall then in the presence of the voter forthwith enclose the ballot-paper in the envelope bearing the declaration of the voter and securely fasten the envelope.
- 15 (b) Every envelope containing a vote given under this section shall be promptly delivered to the returning officer after the close of the poll.
- 20 (c) The returning officer or the officer assisting him shall in the presence of the scrutineers examine the declaration on the envelope containing the ballot-paper; and, if after making such inquiries as he may deem necessary, it appears to him that the person whose name is signed to the declaration is entitled to vote, he shall accept the ballot-paper for further scrutiny but
- 25 otherwise he shall reject the ballot-paper without opening the envelope.
- 30 If he accepts the ballot-paper for further scrutiny, he shall open the envelope without destroying the declaration and extract the ballot-paper, and shall, without unfolding it, place the ballot-paper in the ballot-box used at the polling-place at which the vote was
- 35 tendered.
- 40 (d) When the votes to which this section refers have been dealt with in the manner provided in paragraph (c) of this subsection, the returning officer or the officer assisting him shall open and proceed

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proceed with the scrutiny of the ballot-papers which have been accepted for further scrutiny.

(e) At the scrutiny the returning officer or the officer assisting him shall open the ballot-papers, and shall allow and count those which are formal, and shall disallow and reject those which are informal.

(3) Where the claim of any person to vote under this section is refused the presiding officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof.

The presiding officer shall sign the note in the presence of such scrutineers as are present.

Any of those scrutineers may also sign the note.

(g) by inserting at the end of subsection one of section forty-two the following proviso:—

Sec. 42 (1).
(Declara-
tion—
postal
voting.)

Provided that in the case of a person voting by post the declaration shall be made and subscribed before a person who is an authorised witness within the meaning of the Parliamentary Electorates and Elections Act, 1912-1941.

PART III.

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

DIVISION 1.—*Construction.*

9. (1) This Part shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts.

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

*Local Government (Electoral Provisions).*DIVISION 2.—*Election of Aldermen and Councillors.*

10. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified and ending upon the eighth day of October, one thousand nine hundred and forty-two, the provisions of this section shall have effect. Extension of franchise.

(2) Every person—

- (a) whose name appears on an electoral roll, as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and
- (b) whose place of living as stated in such electoral roll is situated within any ward or riding of an area; and
- (c) who continues for the time being to reside at such place of living; and
- (d) whose name is not included on the local government roll for the ward or riding in which such place of living is situated or for any other ward or riding of the same area,

shall for the purposes of the Principal Act be deemed to be an elector and to be enrolled on the local government roll for the ward or riding within which such place of living is situated.

(3) (a) A person referred to in subsection two of this section shall, before being permitted to vote at any election under the Principal Act for the ward or riding for which he is deemed to be enrolled under that subsection, make and subscribe before the returning officer or presiding officer a declaration in or to the effect of the form prescribed in Schedule II to this Act.

(b) In the case of a person voting by post, the declaration shall be made and subscribed before an authorised witness.

The ordinances may prescribe the persons or classes of persons who shall be authorised witnesses for the purposes of this paragraph.

(4) Every person wilfully making a false declaration under this section shall be deemed guilty of a misdemeanour. cf. Act No. 58, 1932, s. 42 (3).

(5)

Local Government (Electoral Provisions).

(5) In this section "local government roll" means roll of electors prepared under the Principal Act.

DIVISION 3.—Alteration of franchise.

11. (1) For the purposes only of the preparation in
5 the year one thousand nine hundred and forty-two of
the supplementary rolls required by the Principal Act
to be prepared by the council of each area and of matters
necessary for or incidental to such preparation, section
twelve of this Act shall be deemed to commence upon
10 the first Saturday in December, one thousand nine
hundred and forty-one.

Commence-
ment of
s. 12.

(2) Upon the eighth day of October, one thousand
nine hundred and forty-two, section twelve of this Act
shall come into operation for all purposes.

15 12. The Principal Act is amended by omitting
paragraph (d) of section fifty-four and by inserting in
lieu thereof the following paragraph:—

Amendment
of Act No.
41, 1919,
s. 54.

(d) he is upon such prescribed day enrolled on the
electoral roll for any electoral district and his
20 place of living as described on that roll is with-
in the ward or riding.

In this paragraph "electoral roll" means the
electoral roll for an electoral district compiled
under the Parliamentary Electorates and
25 Elections Act, 1912-1941.

13. Ordinance number ten made under the Local
Government Act, 1919, as proclaimed in the Gazette of
the twenty-fourth day of December, one thousand nine
hundred and nineteen, and all amendments thereof made
30 by subsequent proclamations are hereby rescinded.

Repeal of
Ordinance
No. 10.
Postal
voting.

SCHEDULE I.

SYDNEY CORPORATION ACT, 1932-1941.

Voter's Declaration.

I, A.B., do solemnly and sincerely declare that—

35 (1) I am the person named in the electoral roll for the electoral
district of as compiled under the Parlia-
mentary Electorates and Elections Act, 1912-1941, on the
eighteenth day of April, one thousand nine hundred and
forty-one, my name being numbered on that roll as in the
40 margin hereto;

(2)

Local Government (Electoral Provisions).

- (2) My place of living as stated in such electoral roll is within ward of the city;
- (3) I continue to reside at the said place of living;
- 5 (4) I am not already enrolled on the citizens' roll prepared under Part IV of the Sydney Corporation Act, 1932-1940, for this ward, or on a citizens' roll so prepared for any other ward;
- (5) I have not already voted in this ward or in any other ward at this election.

10 Made and subscribed before me this A.B. day
of 194 .
C.D. Presiding Officer.

SCHEDULE II.

LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

15 *Voter's Declaration.*

I, A.B., do solemnly and sincerely declare that—

- (1) I am the person named in the electoral roll for the electoral district of as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the
20 eighteenth day of April, one thousand nine hundred and forty-one, my name being numbered on that roll as in the margin hereto;
- (2) My place of living as stated in such electoral roll is within ward (or riding) of the
25 municipality } of
shire }
- (3) I continue to reside at the said place of living;
- (4) I am not already enrolled on the roll of electors prepared
30 under the Local Government Act, 1919, as amended by subsequent Acts for this ward (or riding) or on a roll of electors so prepared for any other ward (or riding) in this municipality (or shire);
- (5) I have not already voted in this ward or in any other ward
35 at this election.

Made and subscribed before me this A.B. day
of 194 .
C.D. Presiding Officer.

No. , 1941.

A BILL

To alter the law relating to the qualifications of citizens of the City of Sydney and of electors in municipalities and shires; to make further provision in relation to the preparation of rolls of citizens in the said city; to amend the Sydney Corporation Act, 1932-1940, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

[Mr. JAMES MCGIRR;—6 August, 1941.]

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 (Electoral Provisions) Act, 1941."

78467 7—A

(2)

Short title
and division
into Parts.

Local Government (Electoral Provisions).

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

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

5 PART III.—AMENDMENT OF LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

PART II.

AMENDMENT OF SYDNEY CORPORATION ACT, 1932-1940.

DIVISION 1.—*Construction and citation.*

10 2. (1) This Part shall be read and construed with the Sydney Corporation Act, 1932-1940, as amended by sub-
sequent Acts. Construction and citation.

(2) The Sydney Corporation Act, 1932-1940, as so amended, is in this Part referred to as the Principal
15 Act.

(3) The Principal Act as amended by this Part of this Act may be cited as the Sydney Corporation Act, 1932-1941.

DIVISION 2.—*Election of Aldermen of City of Sydney.*

20 3. (1) The Principal Act is amended—

(a) by omitting from subsection one of section nineteen the word "Monday" wherever occurring, and by inserting in lieu thereof the word "Saturday"; Amendment of Act No. 58, 1932.
Sec. 19.
(Day of election.)

25 (b) by omitting from subsection one of section twenty the word "Monday" and by inserting in lieu thereof the word "Saturday." Sec. 20.
(Consequential.)

(2) The Local Government (Elections) Act, 1940, is amended— Amendment of Act No. 39, 1940, s. 5.

30 (a) by omitting from subsection one of section five the word "Monday" where secondly occurring and by inserting in lieu thereof the word "Saturday"; (Consequential.)

35 (b) by omitting from subsection three of the same section the word "Monday" and by inserting in lieu thereof the word "Saturday."

Local Government (Electoral Provisions).

4. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified, and ending upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, the provisions of this section shall have effect. Extension of franchise.

(2) Every person—

(a) whose name appears on an electoral roll as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and

(b) whose place of living as stated in such electoral roll is situated within any ward of the city; and

(c) who continues for the time being to reside at such place of living; and

(d) whose name is not included on the citizens' roll for the ward in which such place of living is situated or for any other ward of the city,

shall for the purposes of the Principal Act be deemed to be a citizen and to be enrolled on the citizens' roll for the ward within which such place of living is situated.

(3) The declaration required by subsection one of section forty-two of the Principal Act to be made and subscribed by each person claiming to vote at an election under Part V of that Act shall, where the person claiming to vote is a person referred to in subsection two of this section, be in or to the effect of the form set out in Schedule I to this Act in lieu of the form contained in the Eleventh Schedule to the Principal Act.

DIVISION 3.—Preparation of citizens' rolls and alteration of franchise.

5. (1) As soon as practicable after the first Saturday in December, one thousand nine hundred and forty-one, the Municipal Council of Sydney shall cause original rolls of citizens to be prepared. Council to prepare original roll.

(2)

Local Government (Electoral Provisions).

(2) Such rolls shall be prepared under and in accordance with the provisions of the Principal Act as amended by this Division of this Part of this Act.

(3) Within seven days after the completion of the preparation of such rolls, the Minister shall by notification published in the Gazette give public notice of the fact that such rolls have been prepared.

(4) Upon the publication of such notification such rolls shall be the citizens' rolls for the city, and all citizens' rolls theretofore in force shall cease to have any further force or effect.

6. (1) For the purposes only of the preparation of the citizens' rolls referred to in section five of this Act, and of matters necessary for or incidental to such preparation, section seven of this Act shall be deemed to commence upon the first Saturday in December, one thousand nine hundred and forty-one.

Commence-
ment of
s. 7.

(2) Upon the date of the publication in the Gazette of the notification referred to in subsection three of section five of this Act, section seven of this Act shall come into operation for all purposes.

7. (1) The Principal Act is amended by omitting Part III, Part IV and Part IVA and by inserting in lieu thereof the following Part:—

Amendment
of Act No.
58, 1932.
Parts III and
IV.

25

PART III.

QUALIFICATION OF CITIZENS AND PREPARATION OF ROLLS.

DIVISION 1.—*Interpretation.*

9. In this Part "prescribed" means prescribed by regulations made under this Part.

Interpre-
tation.

DIVISION 2.—*Qualification of Citizens.*

10. Subject to the provisions of this Act, and unless disqualified by this or any other Act, every person being a natural-born or naturalised British subject of the full age of twenty-one years, whether male

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

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male or female, married or unmarried, shall, if he has the requisite qualification, be qualified to be a citizen, and shall be entitled—

- 5 (a) to be enrolled for the ward in respect of which he has the requisite qualification; and
(b) to vote at any election of aldermen for the ward.

10 11. (1) In order to have the requisite qualification of a citizen in respect of a ward, a person must on the day prescribed for enrolment be either an owner or ratepaying lessee of ratable property in the ward or an occupier of property in the ward.

Meaning of requisite qualification.
cf. Act No. 41, 1919, s. 51.

15 (2) For the purposes of this Part, ratable property shall include all property upon which any rate is leviable or levied under this Act.

20 (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.

25 12. A person shall be an "owner" for the purposes of enrolment and voting if—

Qualification of an owner.

- (a) he is jointly or severally the owner of ratable property; or
(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
30 (c) he is the holder of a lease, promise, or contract of lease from the Crown of ratable Crown land; or
35 (d) he is the resident manager of a lease, promise, or contract of lease from the Crown of ratable Crown land.

cf. *Ibid.* s. 52.

Local Government (Electoral Provisions).

13. A person shall be a "ratepaying lessee" for the purposes of enrolment and voting if—

Qualifica-
tion of
a ratepay-
ing lessee.
cf. Act No.
41, 1919,
s. 53.

- 5 (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
- 10 (b) he is jointly such lessee as aforesaid and so liable as aforesaid; or
- 15 (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.

14. A person shall be an "occupier" for the purposes of enrolment and voting, if—

Qualifica-
tion of an
occupier.
cf. *Ibid.*
s. 54.

- 20 (a) he has been continuously during the three months next preceding the prescribed day for enrolment in joint or several occupation as direct tenant (but not as ratepaying lessee within the preceding section) of the
- 25 owners or ratepaying lessees of ratable property of the yearly value of five pounds or upwards; or
- 30 (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: Provided that the body corporate
- 35 or trustees may not nominate more than one person for enrolment as occupier in any one ward; or
- 40 (c) he is, upon such prescribed day, enrolled on the electoral roll for any electoral district and his place of living as described on that roll is within the ward.

In

Local Government (Electoral Provisions).

In this paragraph "electoral roll" means the electoral roll for an electoral district compiled under the Parliamentary Electorates and Elections Act, 1912-1941:

5 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
10 the property jointly tenanted or occupied as afore-
said 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
15 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 of the tenants or occupiers evidenced by
agreement signed by such majority and delivered to
20 the town clerk, or, failing such agreement, according
to the alphabetical order of their surnames.

15. 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, 1912-1941, the provisions of which section shall, mutatis mutandis, apply to enrolment and voting under this Act.

Disquali-
fication.
cf. Act No.
41, 1919,
s. 55.

30 16. (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.

35 (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)

Local Government (Electoral Provisions).

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

5 (3) A person possessing qualification for enrolment in respect of several parcels of ratable property in a ward but actually enrolled in respect of one parcel of ratable property therein who ceases to hold qualification in respect of that parcel shall not
10 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 parcel in the same ward and so satisfies the returning officer.

DIVISION 3.—Preparation of citizens' rolls.

15 17. (1) Within a reasonable time before each general election of the council and whenever required by regulation the council shall, and at any other time the council may, cause an original roll of citizens to be prepared.

Council to prepare rolls.
cf. Act No. 41, 1919, s. 64.

20 (2) In each year other than those in which an original roll is prepared the council shall cause supplementary rolls to be prepared.

18. (1) The preparation of an original roll shall consist of—

- 25 (a) the compilation of a list of persons who appear to have the requisite qualification of citizens;
(b) the exhibition of the list for public information;
30 (c) the receipt of claims and objections to enrolment;
(d) the revision of the list and the determination of the claims and objections by a revision court;
35 (e) the signing of the lists as revised by the revision court.

Method of preparation of rolls.
Ibid. s. 65.

(2) The preparation of a supplementary roll shall consist of—

- 40 (a) the compilation of a list of persons not already enrolled who appear to have the requisite

Local Government (Electoral Provisions).

- requisite qualification for enrolment; and of the additions and omissions which it is necessary to make to and from the existing roll because of errors, changes of qualification, changes of name by marriage, changes of residence, death, loss of qualification, or other sufficient reason;
- 5 (b) the exhibition of the list for public information;
- 10 (c) the receipt of claims and objections to enrolment;
- (d) the revision of the list and the determination of the claims and objections by a revision court;
- 15 (e) the signing of the list as revised, and the signing and initialling of a copy of the existing roll with the necessary changes made therein, by the revision court.
- (3) Subject to this Act rolls shall be prepared
- 20 as prescribed.
- (4) Rolls shall be prepared separately for each ward of the city and the rolls for all the wards, shall, taken together, be the roll of citizens for the city.
- 25 18A. (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.
- 30 (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 in writing to the town clerk naming the ward in which he elects to be
- 35 enrolled, and failing such notice within the time prescribed shall be enrolled in the ward in which he is qualified as owner or as ratepaying lessee.
- 40 (4) A person qualified for enrolment as occupier in more than one ward shall be enrolled
- in

Enrolment
of persons
holding
qualifica-
tion in
more than
one ward.

cf. Act No.
41, 1919,
s. 66.

Local Government (Electoral Provisions).

in one ward only. He may give notice in writing to the town clerk, naming the ward in which he elects to be enrolled, and failing such notice within the time prescribed the town clerk may decide the question.

5

18B. Any person making a claim or objection to be laid before the revision court may be required to make a declaration in the presence of a witness and in the prescribed form.

Declaration.
cf. Act No.
41, 1919,
s. 67.

10

18c. Any stipendiary magistrate shall constitute a revision court.

Revision court.
Ibid. s. 68.

18d. (1) A revision court shall hear claims and objections and revise the lists of citizens as prescribed.

Powers of
revision
court.
Ibid. s. 69.

15

(2) A revision court shall for the purposes of this Act have the powers of a Court of Petty Sessions, and the appointment and procedure of such revision court shall be as prescribed.

DIVISION 4.—Rolls of Ratepayers.

20

18E. A person shall be entitled to be enrolled as a ratepayer if—

Qualification
of rate-
payer.
cf. *Ibid.*
s. 79.

(a) he is enrolled on the roll of citizens for the city; and

25

(b) his enrolment on that roll is as owner, or as ratepaying lessee, or as lessee of Crown lands, or as tenant of lands vested in the Railway Commissioners for New South Wales, or as tenant of lands vested in the Maritime Services Board; and

30

(c) he retains the qualification under which he was enrolled on that roll.

35

18F. (1) When lists of citizens are being prepared the town clerk shall include in the entry of the name and other particulars of each person entitled to be enrolled as a ratepayer the word "ratepayer."

Roll of
rate-
payers.
cf. *Ibid.*
s. 80.

(2) When the lists are being revised the entry or omission of the word "ratepayer" may be the subject of a claim or objection and shall be subject to revision by the revision court.

(3)

Local Government (Electoral Provisions).

(3) A roll of citizens with the word "ratepayer" entered against various names as directed in this section shall be also a roll of ratepayers; and when so used all names thereon against which the word "ratepayer" is not entered shall be disregarded.

(4) Where a poll of ratepayers of any portion of the city other than a complete ward is to be taken, the council may direct the preparation of a special roll of ratepayers holding qualifications in respect of property in that portion only. In such case the roll of ratepayers to be used at the poll shall be prepared, revised and adopted as prescribed.

18G. (1) The council may for its information and guidance on any matter under this or any other Act take a poll of citizens or ratepayers as it thinks appropriate.

Optional
polls.
cf. Act No.
41, 1919,
s. 81.

(2) At any poll of ratepayers under this Act any person enrolled on the roll of ratepayers for the city or part thereof in respect of which the poll is being taken shall, if he has the qualification under which he was enrolled (or any qualification which would entitle him to enrolment as a ratepayer), be a ratepayer and entitled to vote.

(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.

18H. Where the council is required by this Act to take a poll of citizens or ratepayers the decision shall be in accordance with the majority of the votes cast: Provided that in the case of the votes being equal the question shall be undetermined, and that if the decision of the poll is against the proposal voted upon the same question or one substantially the same shall not be again submitted to a poll for a period of at least one year.

Compulsory
polls.
cf. *Ibid.*
s. 82.

DIVISION 5.—Regulations.

18I. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which

Regulations.

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which by this Part of this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying this Part of this Act into effect.

5 (2) In particular, but without prejudice to the generality of the provisions of subsection one of this section, the Governor may make regulations for and with respect to—

- 10 (a) the preparation of the rolls, including the fixing of times for the preparation of such rolls;
- (b) the appointment and notification of days for enrolment;
- 15 (c) the printing, notification, inspection and sale of rolls;
- (d) the taking of polls of citizens and polls of ratepayers for any purpose of this Act;
- (e) the ordering of a recount of the votes at any poll; the payment of the cost of recount by the applicant or the council; the redeclaration of the result of a poll; and the consequences thereof;
- 20 (f) the method of voting at any poll, and whether by post or by personal attendance at a polling place;
- 25 (g) the application, *mutatis mutandis*, to the taking of a poll, of the provisions of this Act relating to the conduct of an election of aldermen, either generally, or with such amendments, omissions or additions as the regulations may prescribe.
- 30

 (3) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof. Such penalty shall be recoverable in a summary manner.

35

 (4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date specified in such regulations;
- 40

(c)

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5 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

10 (5) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House, disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) The Principal Act is further amended—

Consequential
amendments
of Act No.
58, 1932.

15 (a) by omitting from section one the matter relating to Part III, Part IV and Part IV_A and by inserting in lieu thereof the following matter:—

Sec. 1.
(Division
into Parts.)

PART III.—QUALIFICATION OF CITIZENS AND
PREPARATION OF ROLLS—SS. 9–18L.

20 (b) (i) by inserting in subsection one of section two after the definition of “Rate” the following new definition:—

Sec. 2.
(Definition.)

“Ratepayer” means a person on the roll of ratepayers.

25 (ii) by omitting from the same subsection the definition of “Rolls” and by inserting in lieu thereof the following definition:—

“Roll” means roll under this Act.

30 (c) by omitting paragraph (d) of subsection one of section two hundred and sixty-three;
(d) by omitting the Fourth Schedule, Schedule 4A, the Fifth, Sixth and Seventh Schedules.

Sec. 263 (1)
(d).
(By-laws.)

Schedules.

(3) (a) The Sydney Corporation (Amendment) Act, 1934, is amended by omitting sections five, six and seven.

Consequential
amendment of
Act No. 9,
1934.

35 (b) The Local Government (Amendment) Act, 1937, is amended by omitting section thirteen.

Consequential
amendment of
Act No. 10,
1937.

(c)

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(c) The Sydney Corporation (Amendment) Act, 1940, is amended by omitting paragraphs (a) (b) (c) (d) (e) (h) and (i) of section two.

Consequential amendment of Act No. 7, 1940.

DIVISION 4.—*Miscellaneous amendments of Sydney Corporation Act, 1932-1940.*

5

8. The Principal Act is further amended—

Amendment of Act No. 58, 1932.

- (a) by omitting from paragraph (c) of subsection one of section twenty-four the words “the Crown or”;
- 10 (b) by omitting from subsection one of section twenty-seven the word “citizen” and by inserting in lieu thereof the word “person”;
- 15 (c) by omitting from subsection one of section thirty-one the words “one or more polling-place or polling-places in and for each ward as he may deem necessary” and by inserting in lieu thereof the words “two or more polling-places in and for each ward”;
- 20 (d) by omitting from section thirty-four the words “half-past seven o’clock” and by inserting in lieu thereof the words “eight o’clock.”
- (e) by omitting subsection one of section thirty-five and by inserting in lieu thereof the following subsection:—
- 25 (1) (a) Each person claiming to vote as a citizen shall enter unattended, unless in case of necessity, into the booth or room in which the ballot-box is kept.
- 30 (b) If such person makes the declaration required by section forty-two, and answers satisfactorily any questions which may be put to him under that section, the presiding officer or poll clerk shall give him a ballot-paper according to the form in the Ninth Schedule hereto, after initialling the same on the back.
- 35 (c) The presiding officer or poll clerk shall thereupon on a copy of the roll specially provided for that purpose, draw a line through the

Sec. 24 (1) (c). (Persons disqualified.)

Sec. 27 (1). (Returning officer.)

Sec. 31. (Polling places.)

Sec. 34. (Hours of voting.)

Substituted subsec. (1) of sec. 35.

Mode of voting.

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the name of such person as it appears on that roll, to denote that such person has received a ballot-paper for the purpose of voting as a citizen at the election.

- 5 (f) by inserting next after section thirty-five the New sec. 35A.
following new section:—

10 35A. (1) If on any person claiming to vote at any polling-place it is found that a line has
been drawn through such person's name upon the roll specially provided for that polling-
place as mentioned in subsection one of sec- Tender of
second vote.
cf. Act No.
41, 1912,
s. 106.
tion thirty-five of this Act, as indicating that
he has already received a ballot-paper, the
15 presiding officer shall put to the person so
claiming to vote the questions prescribed in
subsection two of section forty-two of this
Act.

20 If such person answers such questions
satisfactorily and, in accordance with this
section, makes the declaration required by
subsection one of section forty-two of this Act
he may be permitted to vote.

25 (2) For the purpose of giving effect to
the provisions of subsection one of this section,
the following provisions shall be observed:—

- (a) (i) The form of declaration may be
printed or written on an envelope
addressed to the returning officer.
30 (ii) After the declaration has been made
the presiding officer shall give to
the voter a ballot-paper according
to the form in the Ninth Schedule
hereto, after initialling the same
on the back.
35 (iii) The voter shall take such ballot-
paper into an inner compartment
and there without delay record his
vote on the ballot-paper as pre-
scribed by subsection four of sec-
tion thirty-five of this Act;

(iv)

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- 5 (iv) The voter shall then fold the ballot-paper so that the vote cannot be seen without unfolding it, and at once return the ballot-paper so folded to the presiding officer.
- 10 (v) The presiding officer shall then in the presence of the voter forthwith enclose the ballot-paper in the envelope bearing the declaration of the voter and securely fasten the envelope.
- 15 (b) Every envelope containing a vote given under this section shall be promptly delivered to the returning officer after the close of the poll.
- 20 (c) The returning officer or the officer assisting him shall in the presence of the scrutineers examine the declaration on the envelope containing the ballot-paper; and, if after making such inquiries as he may deem necessary, it appears to him that the person whose name is signed to the declaration is entitled to vote, he shall accept the
- 25 ballot-paper for further scrutiny but otherwise he shall reject the ballot-paper without opening the envelope.
- 30 If he accepts the ballot-paper for further scrutiny, he shall open the envelope without destroying the declaration and extract the ballot-paper, and shall, without unfolding it, place the ballot-paper in the ballot-box used at the polling-place at which the vote was
- 35 tendered.
- 40 (d) When the votes to which this section refers have been dealt with in the manner provided in paragraph (c) of this subsection, the returning officer or the officer assisting him shall open and proceed

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proceed with the scrutiny of the ballot-papers which have been accepted for further scrutiny.

5 (e) At the scrutiny the returning officer or the officer assisting him shall open the ballot-papers, and shall allow and count those which are formal, and shall disallow and reject those which are informal.

10 (3) Where the claim of any person to vote under this section is refused the presiding officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof.

15 The presiding officer shall sign the note in the presence of such scrutineers as are present.

Any of those scrutineers may also sign the note.

20 (g) by inserting at the end of subsection one of section forty-two the following proviso:—

Sec. 42 (1).
(Declara-
tion—
postal
voting.)

25 Provided that in the case of a person voting by post the declaration shall be made and subscribed before a person who is an authorised witness within the meaning of the Parliamentary Electorates and Elections Act, 1912-1941.

PART III.

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

30

DIVISION 1.—*Construction.*

9. (1) This Part shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts.

Construc-
tion.

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

*Local Government (Electoral Provisions).*DIVISION 2.—*Election of Aldermen and Councillors.*

10. (1) During the period commencing on the date upon which His Majesty's Assent to this Act is signified and ending upon the eighth day of October, one thousand nine hundred and forty-two, the provisions of this section shall have effect. Extension of franchise.

(2) Every person—

- (a) whose name appears on an electoral roll, as compiled under the Parliamentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one; and
- (b) whose place of living as stated in such electoral roll is situated within any ward or riding of an area; and
- (c) who continues for the time being to reside at such place of living; and
- (d) whose name is not included on the local government roll for the ward or riding in which such place of living is situated or for any other ward or riding of the same area,

shall for the purposes of the Principal Act be deemed to be an elector and to be enrolled on the local government roll for the ward or riding within which such place of living is situated.

(3) (a) A person referred to in subsection two of this section shall, before being permitted to vote at any election under the Principal Act for the ward or riding for which he is deemed to be enrolled under that subsection, make and subscribe before the returning officer or presiding officer a declaration in or to the effect of the form prescribed in Schedule II to this Act.

(b) In the case of a person voting by post, the declaration shall be made and subscribed before an authorised witness.

The ordinances may prescribe the persons or classes of persons who shall be authorised witnesses for the purposes of this paragraph.

(4) Every person wilfully making a false declaration under this section shall be deemed guilty of a misdemeanour. cf. Act No. 58, 1932, s. 42 (3).

(5)

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(5) In this section "local government roll" means roll of electors prepared under the Principal Act.

DIVISION 3.—*Alteration of franchise.*

11. (1) For the purposes only of the preparation in
5 the year one thousand nine hundred and forty-two of
the supplementary rolls required by the Principal Act
to be prepared by the council of each area and of matters
necessary for or incidental to such preparation, section
twelve of this Act shall be deemed to commence upon
10 the first Saturday in December, one thousand nine
hundred and forty-one.

Commence-
ment of
s. 12.

(2) Upon the eighth day of October, one thousand
nine hundred and forty-two, section twelve of this Act
shall come into operation for all purposes.

15 12. The Principal Act is amended by omitting
paragraph (d) of section fifty-four and by inserting in
lieu thereof the following paragraph:—

Amendment
of Act No.
41, 1919,
s. 54.

(d) he is upon such prescribed day enrolled on the
electoral roll for any electoral district and his
place of living as described on that roll is with-
in the ward or riding.

20 In this paragraph "electoral roll" means the
electoral roll for an electoral district compiled
under the Parliamentary Electorates and
25 Elections Act, 1912-1941.

13. Ordinance number ten made under the Local
Government Act, 1919, as proclaimed in the Gazette of
the twenty-fourth day of December, one thousand nine
hundred and nineteen, and all amendments thereof made
30 by subsequent proclamations are hereby rescinded.

Repeal of
Ordinance
No. 10.
Postal
voting.

SCHEDULE I.

SYDNEY CORPORATION ACT, 1932-1941.

Voter's Declaration.

I, A.B., do solemnly and sincerely declare that—

35 (1) I am the person named in the electoral roll for the electoral
district of as compiled under the Parlia-
mentary Electorates and Elections Act, 1912-1941, on the
eighteenth day of April, one thousand nine hundred and
forty-one, my name being numbered on that roll as in the
40 margin hereto;

(2)

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- (2) My place of living as stated in such electoral roll is within ward of the city;
- (3) I continue to reside at the said place of living;
- 5 (4) I am not already enrolled on the citizens' roll prepared under Part IV of the Sydney Corporation Act, 1932-1940, for this ward, or on a citizens' roll so prepared for any other ward;
- (5) I have not already voted in this ward or in any other ward at this election.

10 Made and subscribed before me this A.B. day
of 194 .
C.D. Presiding Officer.

SCHEDULE II.

LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

15 *Voter's Declaration.*

I, A.B., do solemnly and sincerely declare that—

- (1) I am the person named in the electoral roll for the electoral district of as compiled under the Parlia-
20 mentary Electorates and Elections Act, 1912-1941, on the eighteenth day of April, one thousand nine hundred and forty-one, my name being numbered on that roll as in the margin hereto;
- (2) My place of living as stated in such electoral roll is within ward (or riding) of the
25 municipality } of
shire }
- (3) I continue to reside at the said place of living;
- (4) I am not already enrolled on the roll of electors prepared
30 under the Local Government Act, 1919, as amended by subsequent Acts for this ward (or riding) or on a roll of electors so prepared for any other ward (or riding) in this municipality (or shire);
- (5) I have not already voted in this ward or in any other ward
35 at this election.

Made and subscribed before me this A.B. day
of 194 .
C.D. Presiding Officer.