

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 March, 1969, A.M.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1969.

An Act to increase the number of members of the Legislative Assembly; to make further provisions with respect to the number and distribution of electoral districts in New South Wales and the conduct of elections; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912-1965; and for purposes connected therewith.

BE

Parliamentary Electorates and Elections (Amendment).

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

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1969".

Short title and citation.

(2) The Parliamentary Electorates and Elections Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912–1969.

2. (1) The Parliamentary Electorates and Elections Act, 1912–1965, is amended—

Amendment of Act No. 41, 1912.

(a) by omitting from section four the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Sec. 4. (Number of members of Assembly.)

(b) by omitting from section five the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Sec. 5. (Number of electorates.)

(c) by omitting section thirteen and by inserting in lieu thereof the following section:—

Subst. sec. 13.

13. It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act.

Redistribution of electoral districts by commissioners, &c.

The first distribution after the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1969, shall commence upon the day on which the names of the persons appointed as Electoral Districts Commissioners are published in the Gazette pursuant to subsection three

Parliamentary Electorates and Elections (Amendment).

three of section six of this Act; such day shall be a day within six months after the assent of Her Majesty to that Act has been signified.

Subsequent distributions shall commence upon the expiration of six years from the date on which the last preceding distribution commenced.

(d) by omitting section seventeen;

Sec. 17.
(Maps of districts to be deposited.)

(e) (i) by omitting from subsection one of section 17A the word "ninety-four" wherever occurring and by inserting in lieu thereof the word "ninety-six";

Sec. 17A.
(Method of distribution, &c.)

(ii) by omitting from the same section the word "Sydney" wherever occurring and by inserting in lieu thereof the word "Central";

(iii) by omitting from the same section the word "forty-eight" wherever occurring and by inserting in lieu thereof the word "sixty-three";

(iv) by omitting from the same section the word "forty-six" wherever occurring and by inserting in lieu thereof the word "thirty-three";

(v) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) Due consideration shall be given to—

(i) the then existing boundaries of electoral districts;

(ii) community or diversity of interest;

(iii) lines of communication;

(iv) physical features;

(v) distance from the seat of Government;

(vi)

Parliamentary Electorates and Elections (Amendment).

- (vi) density of population; and
 (vii) demographic trends.
- (vi) by omitting from the same section the word
 "twenty" wherever occurring and by inserting
 5 in lieu thereof the word "fifteen";
- (vii) by omitting paragraph (b) of subsection five
 of the same section and by inserting in lieu
 thereof the following paragraph :—
- (b) Due consideration shall be given to—
- 10 (i) the then existing boundaries of
 electoral districts;
- (ii) community or diversity of
 interest;
- (iii) lines of communication;
- 15 (iv) physical features;
- (v) distance from the seat of
 Government;
- (vi) density of population; and
 (vii) demographic trends.
- 20 (f) by omitting Division A of Schedule Twenty-one and
 by inserting in lieu thereof the following ^{Schedule} ~~Twenty-one.~~
 Division :—

DIVISION A.

Sec. 17A.

Boundaries of the Central Area

- 25 COMMENCING on the shore of the South Pacific Ocean at the inter-
 section with the eastern prolongation of the southern boundary of
 portion 93, Parish of Stowell, County of Gloucester and bounded
 thence by that prolongation and that boundary and the southern bound-
 aries of portions 154 and 89 westerly, a western boundary of the
 30 latter portion northerly, the northern boundaries of portion 145 of
 that parish and portion 9, Parish of Stockton, westerly and the
 western boundary of the latter portion southerly to the shore of
 Fullerton Cove; by that shore of that cove formed in part by the
 eastern shores of Dunn's, Wallis and Smith's Islands generally south-
 35 westerly and south-easterly, and left bank of the North Channel of
 the

Parliamentary Electorates and Elections (Amendment).

the Hunter River and the left bank of the Hunter River upwards to the eastern prolongation of the northern boundary of portion 59 (rem.), Parish of Alnwick, County of Northumberland; by that prolongation and part of that boundary westerly to the Main Northern Railway; by that railway north-westerly to the eastern boundary of portion 47, by part of that boundary southerly and part of the southern boundary of that portion westerly to the New England State Highway; by that highway north-westerly to an eastern boundary of portion 46, by part of that boundary southerly and a southern boundary westerly to the eastern boundary of portion 92, Parish of Stockrington; by part of the eastern boundary of that portion, the eastern boundary of portion 12, prolongation across a road and eastern boundary of portion 66 southerly to the northern boundary of portion 68; by part of that boundary easterly and the eastern boundary of that portion southerly to a northern boundary of portion 81; by part of that boundary easterly, an eastern boundary southerly, a southern boundary westerly and an eastern boundary southerly to the north-eastern corner of portion 86; by the northern boundary of that portion westerly, the western boundaries of that portion, portion 83 and portion 89 southerly to the northern boundary of portion 63, Parish of Teralba; by part of that northern boundary westerly and the western boundary of that portion and its prolongation southerly to the northern boundary of portion 126; by part of that boundary and the western boundary of that portion westerly and southerly, the northern boundary of portion 125 westerly and part of the western boundary southerly to a public road traversing portions 64 and 66; by that road north-westerly to the north-eastern corner of Trigonometrical Reserve 4,030 and a line south-westerly to Great Sugarloaf Trigonometrical Station on the range forming the boundary between the Land Districts of Maitland and Newcastle, in part being known as Sugar Loaf Range; by that range and the range forming the boundary between the Land Districts of Maitland and Windsor and the Land Districts of Newcastle and Gosford, in part being known as Judge Dowling's Range generally south-westerly to the northern boundary of the Parish of St. Albans; by that boundary generally westerly to the Macdonald River; by that river upwards to the range separating the Parishes of Yengo and Weeny, County of Hunter from the Parishes of Windsor and Ivory in that County; by that range generally westerly and Mellong Range generally southerly to the southern boundary of the Parish of Six Brothers; by that boundary westerly to the Colo River; by that river downwards to the eastern boundary of the Parish of Wheeny, County of Cook; by that boundary, in part Wheeny Creek, and the eastern boundary, in part Burrealow Creek, of the Parish of Burrealow generally southerly to the Grose River; by that river upwards to Wentworth Creek, by that creek upwards to the eastern boundary of the Parish of Woodford; by that boundary and the eastern boundaries of the Parishes of Linden and Cooba and a prolongation southerly to a southern shore of Lake Burragorang, being the stored waters of the Warragamba Dam; by that shore and an

Parliamentary Electorates and Elections (Amendment).

an eastern shore of that lake generally southerly to a point being the westerly prolongation of the northern boundary of portion 129, Parish of Burragorang, County of Camden; by that prolongation, the northern boundaries of portions 129 and 130, the end of a closed road, the northern boundary of portion 45 and a prolongation of that boundary easterly to Werriberrie or Monkey Creek; by that creek downwards to the southern boundary of the Parish of Weromba; by that boundary, being in part Spring Creek generally easterly to the northern boundary of portion 16, Parish of Picton; by that boundary easterly, the eastern boundaries of that portion and portions 132 and 84 southerly and the north-eastern boundary of portion 85 south-easterly to Evelyns Range; by that range, Razorback Range and Donalds Range north-easterly and south-easterly to the western boundary of portion 9, Parish of Camden; by part of that western boundary northerly and the southern boundary of portion 5 easterly to the Nepean River, by that river and the Cataract River upwards to the Cataract Dam Storage Reservoir; by that reservoir generally south-easterly to a southern boundary of the Parish of Wallandoola; by that boundary westerly, southerly and again westerly to the south-western corner of portion 11; by a prolongation of the southern boundary of portion 11 westerly to the Cordeaux River; by that river, in part Cordeaux Dam Storage Reservoir upwards to the western boundary of portion 282, Parish of Kembla; by that boundary and part of the western boundary of portion 297 southerly to the Illawarra Coast Range; by that range generally south-westerly to the northern boundary of portion 299; by that boundary and the northern boundaries of portions 48, 49 and a northern boundary of portion 59 generally easterly, an eastern boundary of portion 59 southerly and a northern boundary of that portion easterly to Mullet Creek; by that creek upwards to the western boundary of portion 15, Parish of Calderwood; by that boundary and the western boundary of portion 51 southerly and by the south-western boundary of that portion south-easterly to Macquarie Rivulet; by that rivulet downwards to Frazers Creek, forming in part a southern boundary of portion 4, Parish of Terragong; by that creek upwards and the south-western boundaries of portions 4 and 5 south-easterly and part of the southern boundary of portion 5 easterly to the Illawarra Railway Line; by that railway line southerly to Saltwater Creek; by that creek and the Minnamurra River downwards to the shore of the South Pacific Ocean; and by that shore generally north-easterly to the point of commencement, inclusive of all islands lying off the coast of the Area above defined, the waters of Botany Bay, Port Jackson and Port Hunter and islands therein, together with Lord Howe Island.

(2) (a) For the purposes of the first distribution of electoral districts after the day upon which the assent of Her Majesty to this Act is signified and of any matters necessary

or

Parliamentary Electorates and Elections (Amendment).

or incidental to such distribution the amendments made by subsection one of this section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(b) Upon the day upon which the proclamation
5 in respect of the first distribution of electoral districts as aforesaid is published in the Gazette pursuant to subsection two of section fifteen of the Parliamentary Electorates and Elections Act, 1912, as subsequently amended, the amendments made by paragraphs (c), (d), (e) and (f) of subsection
10 one of this section shall come into force for all purposes.

(c) The amendments made by paragraphs (a) and (b) of subsection one of this section shall apply to and in respect of, and shall come into force for all purposes as on and from, the general election next following the day upon
15 which the proclamation referred to in paragraph (b) of this subsection is published in the Gazette.

3. The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—

Further
amendment
of Act No.
41, 1912.

(a) by omitting from section twenty-one the words “is
20 under sentence for any offence punishable under the law of New South Wales or of any other part of the King’s Dominions by imprisonment for one year or longer” and by inserting in lieu thereof the words
25 “sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence”;

Sec. 21.
(Disqualifi-
cations.)

(b) (i) by inserting next after paragraph (a) of
30 subsection one of section thirty-nine the following new paragraph :—

Sec. 39.
(Alteration
of rolls.)

(a1) altering any particulars of the enrol-
ment of an elector necessitated—

(i) by the numbering or re-
numbering or naming or re-
naming of his place of
35 residence;

(ii)

Parliamentary Electorates and Elections (Amendment).

- (ii) by the naming or re-naming of a street, public place or locality; or
- (iii) for any other like reason;
- 5 (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—
 - (d) removing the name of an elector who has been convicted and sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence;
- 10
- (c) (i) by omitting from paragraph (a) of subsection two of section forty-one the words "The clerk or prescribed officer of any court in which any person of the age of twenty-one years or upwards is convicted of an offence punishable by imprisonment for one year or longer and is under sentence therefor shall, within three days" and by inserting in lieu thereof the words "The Comptroller-General of Prisons shall, in respect of any person of the age of twenty-one years or upwards who is in prison pursuant to his being sentenced to a term of imprisonment of one year or longer, as soon as possible";
- 15
- 20
- 25
- (ii) by omitting paragraphs (b) and (c) of the same subsection.
- 4. (1) The Parliamentary Electorates and Elections Act, 30 1912-1965, is further amended—
 - (a) (i) by inserting in paragraph (c) of subsection three of section one hundred and six after the word "promptly" the words "delivered by a person authorised in that behalf by the returning officer or";
 - (ii)
- 35

Sec. 41. (Information as to deaths and convictions.)

Further amendment of Act No. 41, 1912.

Sec. 106. (Duty of returning officer when a second vote is tendered for one name.)

Parliamentary Electorates and Elections (Amendment).

- (ii) by inserting in paragraph (d) of the same subsection after the word "who" the words "delivers or";
- 5 (b) by omitting from subsection two of section 114A the words "in Schedule Thirteen to this Act";
- (c) by omitting from subsection two of section 114D the words "in Schedule Fourteen to this Act";
- 10 (d) by omitting from paragraph (b) of section 114L the words "envelope bearing the certificate was posted or delivered" and by inserting in lieu thereof the words "vote contained in the envelope was recorded";
- 15 (e) by inserting in section one hundred and sixteen after the word "promptly" the words "delivered by the returning officer or a person authorised in that behalf by him or";
- 20 (f) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 120C the words "polling-place area" and by inserting in lieu thereof the word "subdivision";
- (g) by omitting section 120H and by inserting in lieu thereof the following section :—
- 25 120H. The procedure in relation to the enforcement of the provisions of sections 120A to 120G, both inclusive, of this Act, and the imposition and recovery of penalties for offences against those sections shall be as set out in Schedule Twenty to this Act and where such Schedule has been amended or replaced by regulations under this Act as set out
- 30 in the Schedule as so amended or replaced.

Regulations

Parliamentary Electorates and Elections (Amendment).

Regulations under this Act may amend Schedule Twenty to this Act or repeal and substitute the provisions therein as the Governor may approve.

- 5 (h) by omitting subsection two of section 122A and by inserting in lieu thereof the following subsection :—
- (2) Notwithstanding anything to the contrary in this Act, at any election at which there are—
- 10 (a) not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank ; or
- 15 (b) more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and has given contingent votes for all remaining candidates except one by placing the numbers "2", "3", "4" and so on in all
- 20 except one of the squares opposite the names of such candidates, leaving the remaining square blank, and it shall be deemed that the voter's last preference is for the candidate whose name is opposite
- 25 such square.
- (i) (i) by omitting from section one hundred and twenty-seven the words " , to be by him safely kept until the dissolution of Parliament";
- 30 (ii) by inserting at the end of the same section the following new paragraph :—
- Packets and parcels forwarded or transmitted under this section to the Clerk of the Assembly shall be by him safely kept until the period during which the validity of the

Sec. 122A.

(Ballot-papers not to be informal in certain circumstances.)

Sec. 127.

(Separate parcels to be enclosed in packets, sealed, &c.)

said

Parliamentary Electorates and Elections (Amendment).

said election may be disputed under the provisions of this Act has expired, or, where a petition has or petitions have been filed pursuant to section one hundred and fifty-five of this Act, the Court of Disputed Returns has determined the matters referred to in such petition or petitions, when such packets and parcels shall then be transmitted to the Electoral Commissioner.

5

10 (j) (i) by omitting subsections three and four of section 151B and by inserting in lieu thereof the following subsection :—

Sec. 151B.
(Exhibition
of posters.)

(3) Nothing in this section shall prohibit—

15 (a) the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the name of the party concerned; or

20 (b) the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre, or public hall licensed under the Theatres and Public Halls Act, 1908, as subsequently amended.

25

30

(ii) by omitting from subsection six of the same section the words “ten inches in length and six inches in width” and by inserting in lieu thereof the words “an area which is not more than one thousand two hundred square inches”;

35

(k)

Parliamentary Electorates and Elections (Amendment).

- (k) by omitting from section one hundred and fifty-eight the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred and fifty dollars"; Sec. 158. (Deposits as security for costs.)
- 5 (l) by omitting from section one hundred and eighty-four the word "six" and by inserting in lieu thereof the word "twelve"; Sec. 184. (Limitation of time, &c., for recovery of penalties, &c.)
- (m) by omitting Schedules Thirteen and Fourteen.
- (2) The amendments made by paragraphs (b), (c), 10 (h), (j) and (m) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
5. The Parliamentary Electorates and Elections Act, 1912-1965, is further amended— Further amendment of Act No. 41, 1912.
- 15 (a) by omitting from section thirty-four the words "one dollar and for any subsequent offence to a penalty not exceeding four dollars" wherever occurring and by inserting in lieu thereof the words "four dollars and for any subsequent offence to a penalty not exceeding ten dollars"; Sec. 34. (Compulsory enrolment and transfer.)
- 20 (b) by omitting from section thirty-eight the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 38. (Penalty on officer neglecting to enrol claimants.)
- 25 (c) by omitting from section fifty-one the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 51. (Witness to application must satisfy himself of truth of statements.)
- (d)

Parliamentary Electorates and Elections (Amendment).

- (d) by omitting from section fifty-two the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 52. (Failure to transmit claim.)
- 5 (e) by omitting from subsection two of section fifty-five the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 55. (Regulations.)
- (f) by omitting from subsection two of section 87A the word "forty" and by inserting in lieu thereof the word "fifty"; Sec. 87A. (Mobile booths in hospitals, etc.)
- 10 (g) by omitting from subsection four of section ninety the word "ten" and by inserting in lieu thereof the word "twenty-five"; Sec. 90. (How scrutineers to be appointed.)
- (h) by omitting from subsection two of section ninety-three the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 93. (Who may be present at polling-booth.)
- 15 (i) by omitting from section ninety-six the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 96. (Permission to be granted to employees to go to polling-booth.)
- (j) by omitting from subsection two of section one hundred and eleven the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 111. (Ballot-paper not to be taken out of booth, &c.)
- 20 (k) by omitting from section one hundred and thirteen the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 113. (Penalty for obstructing elector from access to polling-booth.)
- 25 (l) by omitting from section 114I the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114I. (Duty of authorised witness.)

(m)

Parliamentary Electorates and Elections (Amendment).

- (m) (i) by omitting from subsection one of section 114J the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 114J. (Penalty for unlawfully marking ballot-paper.)
- 5 (ii) by omitting from subsection two of the same section the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; (Unlawfully opening postal ballot-paper.)
- 10 (n) by omitting from section 114K the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114K. (Duty of persons present when an elector votes by post.)
- (o) (i) by omitting from section 120F the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars"; Sec. 120F. (Penalties.)
- 15 (ii) by omitting from paragraph (b) of the proviso to the same section the word "four" and by inserting in lieu thereof the word "five";
- 20 (p) by omitting from section one hundred and twenty-nine the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 129. (Penalty of breaking seal of or opening parcel or packet.)
- (q) by omitting from section one hundred and thirty-five the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 135. (Violation of secrecy by officers, &c.)
- 25 (r) by omitting from section one hundred and thirty-six the words "of not less than twenty nor more than four hundred dollars" and by inserting in lieu thereof the words "not exceeding one thousand dollars"; Sec. 136. (Penalty for neglect, &c., by returning officer.)
- (s)

Parliamentary Electorates and Elections (Amendment).

- (s) by omitting from section one hundred and forty-seven the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 147. (Who guilty of the misdemeanour of bribery, &c.)
- 5 (t) by omitting from section one hundred and fifty the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 150. (Penalty for "treating".)
- (u) by omitting from subsection one of section 151A the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 151A. (Printing, &c., false information.)
- 10 (v) by omitting from section 151B the words "of not less than forty dollars and not exceeding one hundred dollars" wherever occurring and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 151B. (Exhibition of posters.)
- 15 (w) by omitting from section one hundred and fifty-two the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 152. (Persons incurring electoral expense without authority.)
- 20 (x) by omitting from section one hundred and fifty-four the words "not being less than ten dollars nor exceeding one hundred dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 154. (Wagers, &c., on result of elections prohibited.)
- 25 (y) by omitting from subsection one of section 176B the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 176B. (Disorderly conduct at public political meetings.)
- (z) by omitting from subsection five of section 176C the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176C. (Signature to electoral paper.)

(aa)

Parliamentary Electorates and Elections (Amendment).

- (aa) by omitting from subsection one of section 176D the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 176D.
(Untrue statements in forms.)
- 5 (ab) by omitting from section 176E the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176E.
(Witnessing electoral papers.)
- 10 (ac) by omitting from section one hundred and seventy-eight the words "of not less than twenty dollars nor more than two hundred dollars" and by inserting in lieu thereof the words "not exceeding five hundred dollars"; Sec. 178.
(Penalty on members of police force influencing voters, &c.)
- 15 (ad) by omitting from section one hundred and eighty-one the words "of not more than one hundred dollars, nor less than ten dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 181.
(Penalty for disobedience.)
- 20 (ae) (i) by omitting from paragraph (a) of clause five of Schedule Twenty the words "one dollar" and by inserting in lieu thereof the words "five dollars"; Schedule 20.
- 25 (ii) by omitting from Form 3 to that Schedule the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

[15c]

No. , 1969.

A BILL

To increase the number of members of the Legislative Assembly; to make further provisions with respect to the number and distribution of electoral districts in New South Wales and the conduct of elections; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912-1965; and for purposes connected therewith.

[MR WILLIS—18 *March*, 1969.]

BE

Parliamentary Electorates and Elections (Amendment).

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

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1969". Short title and citation.
- (2) The Parliamentary Electorates and Elections Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1969.
2. (1) The Parliamentary Electorates and Elections Act, 1912-1965, is amended— Amendment of Act No. 41, 1912.
- (a) by omitting from section four the word "ninety-four" and by inserting in lieu thereof the word "ninety-six"; Sec. 4. (Number of members of Assembly.)
- (b) by omitting from section five the word "ninety-four" and by inserting in lieu thereof the word "ninety-six"; Sec. 5. (Number of electorates.)
- (c) by omitting section thirteen and by inserting in lieu thereof the following section :— Subst. sec. 13.
13. It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act. Redistribution of electoral districts by commissioners, &c.
- The first distribution after the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1969, shall commence upon the day on which the names of the persons appointed as Electoral Districts Commissioners are published in the Gazette pursuant to subsection three

Parliamentary Electorates and Elections (Amendment).

three of section six of this Act; such day shall be a day within six months after the assent of Her Majesty to that Act has been signified.

Subsequent distributions shall commence upon the expiration of six years from the date on which the last preceding distribution commenced.

(d) by omitting section seventeen;

Sec. 17.
(Maps of districts to be deposited.)

(e) (i) by omitting from subsection one of section 17A the word "ninety-four" wherever occurring and by inserting in lieu thereof the word "ninety-six";

Sec. 17A.
(Method of distribution, &c.)

(ii) by omitting from the same section the word "Sydney" wherever occurring and by inserting in lieu thereof the word "Central";

(iii) by omitting from the same section the word "forty-eight" wherever occurring and by inserting in lieu thereof the word "sixty-three";

(iv) by omitting from the same section the word "forty-six" wherever occurring and by inserting in lieu thereof the word "thirty-three";

(v) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) Due consideration shall be given to—

(i) the then existing boundaries of electoral districts;

(ii) community or diversity of interest;

(iii) lines of communication;

(iv) physical features;

(v) distance from the seat of Government;

(vi)

Parliamentary Electorates and Elections (Amendment).

- (vi) density of population; and
 (vii) demographic trends.
- (vi) by omitting from the same section the word
 "twenty" wherever occurring and by inserting
 in lieu thereof the word "fifteen";
- (vii) by omitting paragraph (b) of subsection five
 of the same section and by inserting in lieu
 thereof the following paragraph :—
- (b) Due consideration shall be given to—
- (i) the then existing boundaries of
 electoral districts;
- (ii) community or diversity of
 interest;
- (iii) lines of communication;
- (iv) physical features;
- (v) distance from the seat of
 Government;
- (vi) density of population; and
 (vii) demographic trends.
- (f) by omitting Division A of Schedule Twenty-one and
 by inserting in lieu thereof the following
 Division :—

Schedule
Twenty-one.

DIVISION A.

Sec. 17A.

Boundaries of the Central Area

- 25** COMMENCING on the shore of the South Pacific Ocean at the inter-
 section with the eastern prolongation of the southern boundary of
 portion 93, Parish of Stowell, County of Gloucester and bounded
 thence by that prolongation and that boundary and the southern bound-
 aries of portions 154 and 89 westerly, a western boundary of the
30 latter portion northerly, the northern boundaries of portion 145 of
 that parish and portion 9, Parish of Stockton, westerly and the
 western boundary of the latter portion southerly to the shore of
 Fullerton Cove; by that shore of that cove formed in part by the
 eastern shores of Dunn's, Wallis and Smith's Islands generally south-
35 westerly and south-easterly, and left bank of the North Channel of
 the

Parliamentary Electorates and Elections (Amendment).

the Hunter River and the left bank of the Hunter River upwards to the eastern prolongation of the northern boundary of portion 59 (rem.), Parish of Alnwick, County of Northumberland; by that prolongation and part of that boundary westerly to the Main Northern Railway; by that railway north-westerly to the eastern boundary of portion 47, by part of that boundary southerly and part of the southern boundary of that portion westerly to the New England State Highway; by that highway north-westerly to an eastern boundary of portion 46, by part of that boundary southerly and a southern boundary westerly to the eastern boundary of portion 92, Parish of Stockrington; by part of the eastern boundary of that portion, the eastern boundary of portion 12, prolongation across a road and eastern boundary of portion 66 southerly to the northern boundary of portion 68; by part of that boundary easterly and the eastern boundary of that portion southerly to a northern boundary of portion 81; by part of that boundary easterly, an eastern boundary southerly, a southern boundary westerly and an eastern boundary southerly to the north-eastern corner of portion 86; by the northern boundary of that portion westerly, the western boundaries of that portion, portion 83 and portion 89 southerly to the northern boundary of portion 63, Parish of Teralba; by part of that northern boundary westerly and the western boundary of that portion and its prolongation southerly to the northern boundary of that portion 126; by part of that boundary and the western boundary of that portion westerly and southerly, the northern boundary of portion 125 westerly and part of the western boundary southerly to a public road traversing portions 64 and 66; by that road north-westerly to the north-eastern corner of Trigonometrical Reserve 4,030 and a line south-westerly to Great Sugarloaf Trigonometrical Station on the range forming the boundary between the Land Districts of Maitland and Newcastle, in part being known as Sugar Loaf Range; by that range and the range forming the boundary between the Land Districts of Maitland and Windsor and the Land Districts of Newcastle and Gosford, in part being known as Judge Dowling's Range generally south-westerly to the northern boundary of the Parish of St. Albans; by that boundary generally westerly to the Macdonald River; by that river upwards to the range separating the Parishes of Yengo and Weeney, County of Hunter from the Parishes of Windsor and Ivory in that County; by that range generally westerly and Mellong Range generally southerly to the southern boundary of the Parish of Six Brothers; by that boundary westerly to the Colo River; by that river downwards to the eastern boundary of the Parish of Wheeny, County of Cook; by that boundary, in part Wheeny Creek, and the eastern boundary, in part Buralow Creek, of the Parish of Buralow generally southerly to the Grose River; by that river upwards to Wentworth Creek, by that creek upwards to the eastern boundary of the Parish of Woodford; by that boundary and the eastern boundaries of the Parishes of Linden and Cooba and a prolongation southerly to a southern shore of Lake Burragorang, being the stored waters of the Warragamba Dam; by that shore and an

Parliamentary Electorates and Elections (Amendment).

an eastern shore of that lake generally southerly to a point being the westerly prolongation of the northern boundary of portion 129, Parish of Burratorang, County of Camden; by that prolongation, the northern boundaries of portions 129 and 130, the end of a closed road, the northern boundary of portion 45 and a prolongation of that boundary easterly to Werriberrie or Monkey Creek; by that creek downwards to the southern boundary of the Parish of Weromba; by that boundary, being in part Spring Creek generally easterly to the northern boundary of portion 16, Parish of Picton; by that boundary easterly, the eastern boundaries of that portion and portions 132 and 84 southerly and the north-eastern boundary of portion 85 south-easterly to Evelyns Range; by that range, Razorback Range and Donalds Range north-easterly and south-easterly to the western boundary of portion 9, Parish of Camden; by part of that western boundary northerly and the southern boundary of portion 5 easterly to the Nepean River, by that river and the Cataract River upwards to the Cataract Dam Storage Reservoir; by that reservoir generally south-easterly to a southern boundary of the Parish of Wallandoola; by that boundary westerly, southerly and again westerly to the south-western corner of portion 11; by a prolongation of the southern boundary of portion 11 westerly to the Cordeaux River; by that river, in part Cordeaux Dam Storage Reservoir upwards to the western boundary of portion 282, Parish of Kembla; by that boundary and part of the western boundary of portion 297 southerly to the Illawarra Coast Range; by that range generally south-westerly to the northern boundary of portion 299; by that boundary and the northern boundaries of portions 48, 49 and a northern boundary of portion 59 generally easterly, an eastern boundary of portion 59 southerly and a northern boundary of that portion easterly to Mullet Creek; by that creek upwards to the western boundary of portion 15, Parish of Calderwood; by that boundary and the western boundary of portion 51 southerly and by the south-western boundary of that portion south-easterly to Macquarie Rivulet; by that rivulet downwards to Frazers Creek, forming in part a southern boundary of portion 4, Parish of Terragong; by that creek upwards and the south-western boundaries of portions 4 and 5 south-easterly and part of the southern boundary of portion 5 easterly to the Illawarra Railway Line; by that railway line southerly to Saltwater Creek; by that creek and the Minnamurra River downwards to the shore of the South Pacific Ocean; and by that shore generally north-easterly to the point of commencement, inclusive of all islands lying off the coast of the Area above defined, the waters of Botany Bay, Port Jackson and Port Hunter and islands therein, together with Lord Howe Island.

(2) (a) For the purposes of the first distribution of electoral districts after the day upon which the assent of Her Majesty to this Act is signified and of any matters necessary

or

Parliamentary Electorates and Elections (Amendment).

or incidental to such distribution the amendments made by subsection one of this section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(b) Upon the day upon which the proclamation
5 in respect of the first distribution of electoral districts as aforesaid is published in the Gazette pursuant to subsection two of section fifteen of the Parliamentary Electorates and Elections Act, 1912, as subsequently amended, the amend-
10 ments made by paragraphs (c), (d), (e) and (f) of subsection one of this section shall come into force for all purposes.

(c) The amendments made by paragraphs (a)
and (b) of subsection one of this section shall apply to and in respect of, and shall come into force for all purposes as on and from, the general election next following the day upon
15 which the proclamation referred to in paragraph (b) of this subsection is published in the Gazette.

3. The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—

Further amendment of Act No. 41, 1912.

(a) by omitting from section twenty-one the words “is
20 under sentence for any offence punishable under the law of New South Wales or of any other part of the King’s Dominions by imprisonment for one year or longer” and by inserting in lieu thereof the words
25 “sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence.”;

Sec. 21. (Disqualifications.)

(b) (i) by inserting next after paragraph (a) of
subsection one of section thirty-nine the following new paragraph—

Sec. 39. (Alteration of rolls.)

30 (a1) altering any particulars of the enrolment of an elector necessitated:—

(i) by the numbering or re-numbering or naming or re-naming of his place of
35 residence;

(ii)

Parliamentary Electorates and Elections (Amendment).

- (ii) by the naming or re-naming of a street, public place or locality; or
- (iii) for any other like reason;
- 5 (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph—
- (d) removing the name of an elector who has been convicted and sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence.”;
- 10
- (c) (i) by omitting from paragraph (a) of subsection two of section forty-one the words “The clerk or prescribed officer of any court in which any person of the age of twenty-one years or upwards is convicted of an offence punishable by imprisonment for one year or longer and is under sentence therefor shall, within three days” and by inserting in lieu thereof the words “The Comptroller-General of Prisons shall, in respect of any person of the age of twenty-one years or upwards who is in prison pursuant to his being sentenced to a term of imprisonment of one year or longer, as soon as possible”;
- 15
- 20
- 25
- (ii) by omitting paragraphs (b) and (c) of the same subsection.
4. (1) The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—
- 30 Further amendment of Act No. 41, 1912.
- (a) (i) by inserting in paragraph (c) of subsection three of section one hundred and six after the word “promptly” the words “delivered by a person authorised in that behalf by the returning officer or”;
- 35
- (ii) Sec. 106. (Duty of returning officer when a second vote is tendered for one name.)

Parliamentary Electorates and Elections (Amendment).

- (ii) by inserting in paragraph (d) of the same subsection after the word "who" the words "delivers or";
- 5 (b) by omitting from subsection two of section 114A the words "in Schedule Thirteen to this Act";
- Sec. 114A.
(Application for a postal vote certificate and postal ballot-paper.)
- (c) by omitting from subsection two of section 114D the words "in Schedule Fourteen to this Act";
- Sec. 114D.
(Issue of certificate and ballot-paper.)
- 10 (d) by omitting from paragraph (b) of section 114L the words "envelope bearing the certificate was posted or delivered" and by inserting in lieu thereof the words "vote contained in the envelope was recorded";
- Sec. 114L.
(Preliminary scrutiny of postal ballot-papers.)
- 15 (e) by inserting in section one hundred and sixteen after the word "promptly" the words "delivered by the returning officer or a person authorised in that behalf by him or";
- Sec. 116.
(Forwarding of absent voters' ballot-papers.)
- 20 (f) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 120c the words "polling-place area" and by inserting in lieu thereof the word "subdivision";
- Sec. 120c.
(Notice to electors who have not voted.)
- (g) by omitting section 120H and by inserting in lieu thereof the following section :—
- Subst. sec. 120H.
- 25 120H. The procedure in relation to the enforcement of the provisions of sections 120A to 120G, both inclusive, of this Act, and the imposition and recovery of penalties for offences against those sections shall be as set out in Schedule Twenty to this Act and where such Schedule has been amended or replaced by regulations under this Act as set out
- 30 in the Schedule as so amended or replaced.

Regulations

Parliamentary Electorates and Elections (Amendment).

Regulations under this Act may amend Schedule Twenty to this Act or repeal and substitute the provisions therein as the Governor may approve.

5 (h) by omitting subsection two of section 122A and by inserting in lieu thereof the following subsection : —

Sec. 122A.
(Ballot-papers not to be informal in certain circumstances.)

(2) Notwithstanding anything to the contrary in this Act, at any election at which there are—

10 (a) not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank ; or

15 (b) more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and has given contingent votes for all remaining candidates except one by placing the numbers "2", "3", "4" and so on in all except one of the squares opposite the names of such candidates, leaving the remaining square blank, and it shall be deemed that the voter's last preference is for the candidate whose name is opposite such square.
25

(i) (i) by omitting from section one hundred and twenty-seven the words ", to be by him safely kept until the dissolution of Parliament";
30 (ii) by inserting at the end of the same section the following new paragraph :—

Sec. 127.
(Separate parcels to be enclosed in packets, sealed, &c.)

Packets and parcels forwarded or transmitted under this section to the Clerk of the Assembly shall be by him safely kept until the period during which the validity of the

said

Parliamentary Electorates and Elections (Amendment).

said election may be disputed under the provisions of this Act has expired, or, where a petition has or petitions have been filed pursuant to section one hundred and fifty-five of this Act, the Court of Disputed Returns has determined the matters referred to in such petition or petitions, when such packets and parcels shall then be transmitted to the Electoral Commissioner.

- 5
- 10 (j) (i) by omitting subsections three and four of section 151B and by inserting in lieu thereof the following subsection :— Sec. 151B. (Exhibition of posters.)

(3) Nothing in this section shall prohibit—

15 (a) the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the name of the party concerned ; or

20 (b) the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre, or public hall licensed under the Theatres and Public Halls Act, 1908, as subsequently amended.

25 (ii) by omitting from subsection six of the same section the words “ten inches in length and six inches in width” and by inserting in lieu thereof the words “an area which is not more than one thousand two hundred square inches”;

30 (k)

Parliamentary Electorates and Elections (Amendment).

- (k) by omitting from section one hundred and fifty-eight the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred and fifty dollars"; Sec. 158. (Deposits as security for costs.)
- 5 (l) by omitting from section one hundred and eighty-four the word "six" and by inserting in lieu thereof the word "twelve"; Sec. 184. (Limitation of time, &c., for recovery of penalties, &c.)
- (m) by omitting Schedules Thirteen and Fourteen.
- (2) The amendments made by paragraphs (b), (c), 10 (h), (j) and (m) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
5. The Parliamentary Electorates and Elections Act, 1912-1965, is further amended— Further amendment of Act No. 41, 1912.
- 15 (a) by omitting from section thirty-four the words "one dollar and for any subsequent offence to a penalty not exceeding four dollars" wherever occurring and by inserting in lieu thereof the words "four dollars and for any subsequent offence to a penalty not exceeding ten dollars"; Sec. 34. (Compulsory enrolment and transfer.)
- 20 (b) by omitting from section thirty-eight the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 38. (Penalty on officer neglecting to enrol claimants.)
- 25 (c) by omitting from section fifty-one the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 51. (Witness to application must satisfy himself of truth of statements.)
- (d)

Parliamentary Electorates and Elections (Amendment).

- (d) by omitting from section fifty-two the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 52. (Failure to transmit claim.)
- 5 (e) by omitting from subsection two of section fifty-five the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 55. (Regulations.)
- (f) by omitting from subsection two of section 87A the word "forty" and by inserting in lieu thereof the word "fifty"; Sec. 87A. (Mobile booths in hospitals, etc.)
- 10 (g) by omitting from subsection four of section ninety the word "ten" and by inserting in lieu thereof the word "twenty-five"; Sec. 90. (How scrutineers to be appointed.)
- (h) by omitting from subsection two of section ninety-three the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 93. (Who may be present at polling-booth.)
- 15 (i) by omitting from section ninety-six the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 96. (Permission to be granted to employees to go to polling-booth.)
- (j) by omitting from subsection two of section one hundred and eleven the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 111. (Ballot-paper not to be taken out of booth, &c.)
- 20 (k) by omitting from section one hundred and thirteen the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 113. (Penalty for obstructing elector from access to polling-booth.)
- 25 (l) by omitting from section 114I the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114I. (Duty of authorised witness.)

(m)

Parliamentary Electorates and Elections (Amendment).

- (m) (i) by omitting from subsection one of section 114J the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 114J.
(Penalty for unlawfully marking ballot-paper.)
- 5 (ii) by omitting from subsection two of the same section the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; (Unlawfully opening postal ballot-paper.)
- 10 (n) by omitting from section 114K the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114K.
(Duty of persons present when an elector votes by post.)
- (o) (i) by omitting from section 120F the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars"; Sec. 120F.
(Penalties.)
- 15 (ii) by omitting from paragraph (b) of the proviso to the same section the word "four" and by inserting in lieu thereof the word "five";
- 20 (p) by omitting from section one hundred and twenty-nine the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 129.
(Penalty of breaking seal of or opening parcel or packet.)
- (q) by omitting from section one hundred and thirty-five the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 135.
(Violation of secrecy by officers, &c.)
- 25 (r) by omitting from section one hundred and thirty-six the words "of not less than twenty nor more than four hundred dollars" and by inserting in lieu thereof the words "not exceeding one thousand dollars"; Sec. 136.
(Penalty for neglect, &c., by returning officer.)
- (s)

Parliamentary Electorates and Elections (Amendment).

- (s) by omitting from section one hundred and forty-seven the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 147. (Who guilty of the misdemeanour of bribery, &c.)
- 5 (t) by omitting from section one hundred and fifty the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 150. (Penalty for "treating".)
- (u) by omitting from subsection one of section 151A the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 151A. (Printing, &c., false information.)
- 10 (v) by omitting from section 151B the words "of not less than forty dollars and not exceeding one hundred dollars" wherever occurring and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 151B. (Exhibition of posters.)
- 15 (w) by omitting from section one hundred and fifty-two the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 152. (Persons incurring electoral expense without authority.)
- 20 (x) by omitting from section one hundred and fifty-four the words "not being less than ten dollars nor exceeding one hundred dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 154. (Wagers, &c., on result of elections prohibited.)
- 25 (y) by omitting from subsection one of section 176B the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 176B. (Disorderly conduct at public political meetings.)
- (z) by omitting from subsection five of section 176C the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176C. (Signature to electoral paper.)

(aa)

Parliamentary Electorates and Elections (Amendment).

- (aa) by omitting from subsection one of section 176D the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 176D.
(Untrue statements in forms.)
- 5 (ab) by omitting from section 176E the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176E.
(Witnessing electoral papers.)
- 10 (ac) by omitting from section one hundred and seventy-eight the words "of not less than twenty dollars nor more than two hundred dollars" and by inserting in lieu thereof the words "not exceeding five hundred dollars"; Sec. 178.
(Penalty on members of police force influencing voters, &c.)
- 15 (ad) by omitting from section one hundred and eighty-one the words "of not more than one hundred dollars, nor less than ten dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 181.
(Penalty for disobedience.)
- 20 (ae) (i) by omitting from paragraph (a) of clause five of Schedule Twenty the words "one dollar" and by inserting in lieu thereof the words "five dollars"; Schedule 20.
- 25 (ii) by omitting from Form 3 to that Schedule the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

[15c]

No. , 1969.

A BILL

To increase the number of members of the Legislative Assembly; to make further provisions with respect to the number and distribution of electoral districts in New South Wales and the conduct of elections; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912-1965; and for purposes connected therewith.

[MR WILLIS—18 *March*, 1969.]

BE

Parliamentary Electorates and Elections (Amendment).

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

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1969".

Short title and citation.

(2) The Parliamentary Electorates and Elections Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912-1969.

2. (1) The Parliamentary Electorates and Elections Act, 1912-1965, is amended—

Amendment of Act No. 41, 1912.

(a) by omitting from section four the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Sec. 4. (Number of members of Assembly.)

(b) by omitting from section five the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Sec. 5. (Number of electorates.)

(c) by omitting section thirteen and by inserting in lieu thereof the following section:—

Subst. sec. 13.

13. It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act.

Redistribution of electoral districts by commissioners, &c.

The first distribution after the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1969, shall commence upon the day on which the names of the persons appointed as Electoral Districts Commissioners are published in the Gazette pursuant to subsection three

Parliamentary Electorates and Elections (Amendment).

three of section six of this Act; such day shall be a day within six months after the assent of Her Majesty to that Act has been signified.

Subsequent distributions shall commence upon the expiration of six years from the date on which the last preceding distribution commenced.

(d) by omitting section seventeen;

Sec. 17.
(Maps of districts to be deposited.)

(e) (i) by omitting from subsection one of section 17A the word "ninety-four" wherever occurring and by inserting in lieu thereof the word "ninety-six";

Sec. 17A.
(Method of distribution, &c.)

(ii) by omitting from the same section the word "Sydney" wherever occurring and by inserting in lieu thereof the word "Central";

(iii) by omitting from the same section the word "forty-eight" wherever occurring and by inserting in lieu thereof the word "sixty-three";

(iv) by omitting from the same section the word "forty-six" wherever occurring and by inserting in lieu thereof the word "thirty-three";

(v) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) Due consideration shall be given to—

(i) the then existing boundaries of electoral districts;

(ii) community or diversity of interest;

(iii) lines of communication;

(iv) physical features;

(v) distance from the seat of Government;

(vi)

Parliamentary Electorates and Elections (Amendment).

- (vi) density of population; and
 (vii) demographic trends.
- (vi) by omitting from the same section the word
 "twenty" wherever occurring and by inserting
 5 in lieu thereof the word "fifteen";
- (vii) by omitting paragraph (b) of subsection five
 of the same section and by inserting in lieu
 thereof the following paragraph :—
- (b) Due consideration shall be given to—
- 10 (i) the then existing boundaries of
 electoral districts;
- (ii) community or diversity of
 interest;
- (iii) lines of communication;
- 15 (iv) physical features;
- (v) distance from the seat of
 Government;
- (vi) density of population; and
 (vii) demographic trends.
- 20 (f) by omitting Division A of Schedule Twenty-one and
 by inserting in lieu thereof the following Schedule
 Twenty-one.
 Division :—

DIVISION A.

Sec. 17A.

Boundaries of the Central Area

- 25 COMMENCING on the shore of the South Pacific Ocean at the inter-
 section with the eastern prolongation of the southern boundary of
 portion 93, Parish of Stowell, County of Gloucester and bounded
 thence by that prolongation and that boundary and the southern bound-
 aries of portions 154 and 89 westerly, a western boundary of the
 30 latter portion northerly, the northern boundaries of portion 145 of
 that parish and portion 9, Parish of Stockton, westerly and the
 western boundary of the latter portion southerly to the shore of
 Fullerton Cove; by that shore of that cove formed in part by the
 eastern shores of Dunn's, Wallis and Smith's Islands generally south-
 35 westerly and south-easterly, and left bank of the North Channel of
 the

Parliamentary Electorates and Elections (Amendment).

the Hunter River and the left bank of the Hunter River upwards to the eastern prolongation of the northern boundary of portion 59 (rem.), Parish of Alnwick, County of Northumberland; by that prolongation and part of that boundary westerly to the Main Northern Railway; by that railway north-westerly to the eastern boundary of portion 47, by part of that boundary southerly and part of the southern boundary of that portion westerly to the New England State Highway; by that highway north-westerly to an eastern boundary of portion 46, by part of that boundary southerly and a southern boundary westerly to the eastern boundary of portion 92, Parish of Stockrington; by part of the eastern boundary of that portion, the eastern boundary of portion 12, prolongation across a road and eastern boundary of portion 66 southerly to the northern boundary of portion 68; by part of that boundary easterly and the eastern boundary of that portion southerly to a northern boundary of portion 81; by part of that boundary easterly, an eastern boundary southerly, a southern boundary westerly and an eastern boundary southerly to the north-eastern corner of portion 86; by the northern boundary of that portion westerly, the western boundaries of that portion, portion 83 and portion 89 southerly to the northern boundary of portion 63, Parish of Teralba; by part of that northern boundary westerly and the western boundary of that portion and its prolongation southerly to the northern boundary of that portion westerly and southerly, the northern boundary of portion 125 westerly and part of the western boundary southerly to a public road traversing portions 64 and 66; by that road north-westerly to the north-eastern corner of Trigonometrical Reserve 4,030 and a line south-westerly to Great Sugarloaf Trigonometrical Station on the range forming the boundary between the Land Districts of Maitland and Newcastle, in part being known as Sugar Loaf Range; by that range and the range forming the boundary between the Land Districts of Maitland and Windsor and the Land Districts of Newcastle and Gosford, in part being known as Judge Dowling's Range generally south-westerly to the northern boundary of the Parish of St. Albans; by that boundary generally westerly to the Macdonald River; by that river upwards to the range separating the Parishes of Yengo and Weeney, County of Hunter from the Parishes of Windsor and Ivory in that County; by that range generally westerly and Mellong Range generally southerly to the southern boundary of the Parish of Six Brothers; by that boundary westerly to the Colo River; by that river downwards to the eastern boundary of the Parish of Wheeny, County of Cook; by that boundary, in part Wheeny Creek, and the eastern boundary, in part Burrellow Creek, of the Parish of Burrellow generally southerly to the Grose River; by that river upwards to Wentworth Creek, by that creek upwards to the eastern boundary of the Parish of Woodford; by that boundary and the eastern boundaries of the Parishes of Linden and Cooba and a prolongation southerly to a southern shore of Lake Burragorang, being the stored waters of the Warragamba Dam; by that shore and an

Parliamentary Electorates and Elections (Amendment).

an eastern shore of that lake generally southerly to a point being the westerly prolongation of the northern boundary of portion 129, Parish of Burragorang, County of Camden; by that prolongation, the northern boundaries of portions 129 and 130, the end of a closed road, the northern boundary of portion 45 and a prolongation of that boundary easterly to Werriberrie or Monkey Creek; by that creek downwards to the southern boundary of the Parish of Weromba; by that boundary, being in part Spring Creek generally easterly to the northern boundary of portion 16, Parish of Picton; by that boundary easterly, the eastern boundaries of that portion and portions 132 and 84 southerly and the north-eastern boundary of portion 85 south-easterly to Evelyns Range; by that range, Razorback Range and Donalds Range north-easterly and south-easterly to the western boundary of portion 9, Parish of Camden; by part of that western boundary northerly and the southern boundary of portion 5 easterly to the Nepean River, by that river and the Cataract River upwards to the Cataract Dam Storage Reservoir; by that reservoir generally south-easterly to a southern boundary of the Parish of Wallandoola; by that boundary westerly, southerly and again westerly to the south-western corner of portion 11; by a prolongation of the southern boundary of portion 11 westerly to the Cordeaux River; by that river, in part Cordeaux Dam Storage Reservoir upwards to the western boundary of portion 282, Parish of Kembla; by that boundary and part of the western boundary of portion 297 southerly to the Illawarra Coast Range; by that range generally south-westerly to the northern boundary of portion 299; by that boundary and the northern boundaries of portions 48, 49 and a northern boundary of portion 59 generally easterly, an eastern boundary of portion 59 southerly and a northern boundary of that portion easterly to Mullet Creek; by that creek upwards to the western boundary of portion 15, Parish of Calderwood; by that boundary and the western boundary of portion 51 southerly and by the south-western boundary of that portion south-easterly to Macquarie Rivulet; by that rivulet downwards to Frazers Creek, forming in part a southern boundary of portion 4, Parish of Terragong; by that creek upwards and the south-western boundaries of portions 4 and 5 south-easterly and part of the southern boundary of portion 5 easterly to the Illawarra Railway Line; by that railway line southerly to Saltwater Creek; by that creek and the Minnamurra River downwards to the shore of the South Pacific Ocean; and by that shore generally north-easterly to the point of commencement, inclusive of all islands lying off the coast of the Area above defined, the waters of Botany Bay, Port Jackson and Port Hunter and islands therein, together with Lord Howe Island.

(2) (a) For the purposes of the first distribution of electoral districts after the day upon which the assent of Her Majesty to this Act is signified and of any matters necessary

or

Parliamentary Electorates and Elections (Amendment).

or incidental to such distribution the amendments made by subsection one of this section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(b) Upon the day upon which the proclamation in respect of the first distribution of electoral districts as aforesaid is published in the Gazette pursuant to subsection two of section fifteen of the Parliamentary Electorates and Elections Act, 1912, as subsequently amended, the amendments made by paragraphs (c), (d), (e) and (f) of subsection one of this section shall come into force for all purposes.

(c) The amendments made by paragraphs (a) and (b) of subsection one of this section shall apply to and in respect of, and shall come into force for all purposes as on and from, the general election next following the day upon which the proclamation referred to in paragraph (b) of this subsection is published in the Gazette.

3. The Parliamentary Electorates and Elections Act, 1912-1965, is further amended—

Further amendment of Act No. 41, 1912.

(a) by omitting from section twenty-one the words "is under sentence for any offence punishable under the law of New South Wales or of any other part of the King's Dominions by imprisonment for one year or longer" and by inserting in lieu thereof the words "sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence.";

Sec. 21. (Disqualifications.)

(b) (i) by inserting next after paragraph (a) of subsection one of section thirty-nine the following new paragraph—

Sec. 39. (Alteration of rolls.)

(a1) altering any particulars of the enrolment of an elector necessitated:—

(i) by the numbering or re-numbering or naming or re-naming of his place of residence;

(ii)

Parliamentary Electorates and Elections (Amendment).

(ii) by the naming or re-naming of a street, public place or locality; or

(iii) for any other like reason;

5 (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph—

10 (d) removing the name of an elector who has been convicted and sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence.”;

15 (c) (i) by omitting from paragraph (a) of subsection two of section forty-one the words “The clerk or prescribed officer of any court in which any person of the age of twenty-one years or upwards is convicted of an offence punishable by imprisonment for one year or longer and is under sentence therefor shall, within three days” and by inserting in lieu thereof the words “The Comptroller-General of Prisons shall, in respect of any person of the age of twenty-one years or upwards who is in prison pursuant to his being sentenced to a term of imprisonment of one year or longer, as soon as possible”;

Sec. 41.
(Information as to deaths and convictions.)

(ii) by omitting paragraphs (b) and (c) of the same subsection.

30 4. (1) The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—
Further amendment of Act No. 41, 1912.

35 (a) (i) by inserting in paragraph (c) of subsection three of section one hundred and six after the word “promptly” the words “delivered by a person authorised in that behalf by the returning officer or”;

Sec. 106.
(Duty of returning officer when a second vote is tendered for one name.)

(ii)

Parliamentary Electorates and Elections (Amendment).

- (ii) by inserting in paragraph (d) of the same subsection after the word "who" the words "delivers or";
- 5 (b) by omitting from subsection two of section 114A the words "in Schedule Thirteen to this Act";
- Sec. 114A.
(Application for a postal vote certificate and postal ballot-paper.)
- (c) by omitting from subsection two of section 114D the words "in Schedule Fourteen to this Act";
- Sec. 114D.
(Issue of certificate and ballot-paper.)
- 10 (d) by omitting from paragraph (b) of section 114L the words "envelope bearing the certificate was posted or delivered" and by inserting in lieu thereof the words "vote contained in the envelope was recorded";
- Sec. 114L.
(Preliminary scrutiny of postal ballot-papers.)
- 15 (e) by inserting in section one hundred and sixteen after the word "promptly" the words "delivered by the returning officer or a person authorised in that behalf by him or";
- Sec. 116.
(Forwarding of absent voters' ballot-papers.)
- 20 (f) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 120c the words "polling-place area" and by inserting in lieu thereof the word "subdivision";
- Sec. 120c.
(Notice to electors who have not voted.)
- (g) by omitting section 120H and by inserting in lieu thereof the following section : —
- Subst. sec. 120H.
- 25 120H. The procedure in relation to the enforcement of the provisions of sections 120A to 120G, both inclusive, of this Act, and the imposition and recovery of penalties for offences against those sections shall be as set out in Schedule Twenty to this Act and where such Schedule has been amended or replaced by regulations under this Act as set out
- 30 in the Schedule as so amended or replaced.

Regulations

Parliamentary Electorates and Elections (Amendment).

Regulations under this Act may amend Schedule Twenty to this Act or repeal and substitute the provisions therein as the Governor may approve.

5 (h) by omitting subsection two of section 122A and by inserting in lieu thereof the following subsection :—

(2) Notwithstanding anything to the contrary in this Act, at any election at which there are—

10 (a) not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank ; or

15 (b) more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and has given contingent votes for all remaining candidates except one by placing the numbers "2", "3", "4" and so on in all except one of the squares opposite the names of such candidates, leaving the remaining square blank, and it shall be deemed that the voter's last preference is for the candidate whose name is opposite such square.

20 (i) (i) by omitting from section one hundred and twenty-seven the words " , to be by him safely kept until the dissolution of Parliament";

30 (ii) by inserting at the end of the same section the following new paragraph :—

Packets and parcels forwarded or transmitted under this section to the Clerk of the Assembly shall be by him safely kept until the period during which the validity of the

said

Sec. 122A.
(Ballot-papers not to be informal in certain circumstances.)

Sec. 127.
(Separate parcels to be enclosed in packets, sealed, &c.)

Parliamentary Electorates and Elections (Amendment).

said election may be disputed under the provisions of this Act has expired, or, where a petition has or petitions have been filed pursuant to section one hundred and fifty-five of this Act, the Court of Disputed Returns has determined the matters referred to in such petition or petitions, when such packets and parcels shall then be transmitted to the Electoral Commissioner.

- 5
- 10 (j) (i) by omitting subsections three and four of section 151B and by inserting in lieu thereof the following subsection :—

Sec. 151B.
(Exhibition
of posters.)

(3) Nothing in this section shall prohibit—

- 15 (a) the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the name of the party concerned; or
- 20
- 25 (b) the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre, or public hall licensed under the Theatres and Public Halls Act, 1908, as subsequently
- 30 amended.

- (ii) by omitting from subsection six of the same section the words “ten inches in length and six inches in width” and by inserting in lieu thereof the words “an area which is not more than one thousand two hundred square inches”;
- 35

(k)

Parliamentary Electorates and Elections (Amendment).

- (k) by omitting from section one hundred and fifty-eight the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred and fifty dollars"; Sec. 158. (Deposits as security for costs.)
- 5 (l) by omitting from section one hundred and eighty-four the word "six" and by inserting in lieu thereof the word "twelve"; Sec. 184. (Limitation of time, &c., for recovery of penalties, &c.)
- (m) by omitting Schedules Thirteen and Fourteen.
- (2) The amendments made by paragraphs (b), (c), 10 (h), (j) and (m) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
5. The Parliamentary Electorates and Elections Act, 1912-1965, is further amended— Further amendment of Act No. 41, 1912.
- 15 (a) by omitting from section thirty-four the words "one dollar and for any subsequent offence to a penalty not exceeding four dollars" wherever occurring and by inserting in lieu thereof the words "four dollars and for any subsequent offence to a penalty not exceeding ten dollars"; Sec. 34. (Compulsory enrolment and transfer.)
- 20 (b) by omitting from section thirty-eight the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 38. (Penalty on officer neglecting to enrol claimants.)
- 25 (c) by omitting from section fifty-one the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 51. (Witness to application must satisfy himself of truth of statements.)
- (d)

Parliamentary Electorates and Elections (Amendment).

- (d) by omitting from section fifty-two the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 52. (Failure to transmit claim.)
- 5 (e) by omitting from subsection two of section fifty-five the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 55. (Regulations.)
- (f) by omitting from subsection two of section 87A the word "forty" and by inserting in lieu thereof the word "fifty"; Sec. 87A. (Mobile booths in hospitals, etc.)
- 10 (g) by omitting from subsection four of section ninety the word "ten" and by inserting in lieu thereof the word "twenty-five"; Sec. 90. (How scrutineers to be appointed.)
- (h) by omitting from subsection two of section ninety-three the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 93. (Who may be present at polling-booth.)
- 15 (i) by omitting from section ninety-six the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 96. (Permission to be granted to employees to go to polling-booth.)
- (j) by omitting from subsection two of section one hundred and eleven the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 111. (Ballot-paper not to be taken out of booth, &c.)
- 20 (k) by omitting from section one hundred and thirteen the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 113. (Penalty for obstructing elector from access to polling-booth.)
- 25 (l) by omitting from section 114i the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114i. (Duty of authorised witness.)

(m)

Parliamentary Electorates and Elections (Amendment).

- (m) (i) by omitting from subsection one of section 114J the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 114J.
(Penalty for unlawfully marking ballot-paper.)
- 5 (ii) by omitting from subsection two of the same section the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; (Unlawfully opening postal ballot-paper.)
- 10 (n) by omitting from section 114K the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114K.
(Duty of persons present when an elector votes by post.)
- (o) (i) by omitting from section 120F the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars"; Sec. 120F.
(Penalties.)
- 15 (ii) by omitting from paragraph (b) of the proviso to the same section the word "four" and by inserting in lieu thereof the word "five";
- 20 (p) by omitting from section one hundred and twenty-nine the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 129.
(Penalty of breaking seal of or opening parcel or packet.)
- (q) by omitting from section one hundred and thirty-five the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 135.
(Violation of secrecy by officers, &c.)
- 25 (r) by omitting from section one hundred and thirty-six the words "of not less than twenty nor more than four hundred dollars" and by inserting in lieu thereof the words "not exceeding one thousand dollars"; Sec. 136.
(Penalty for neglect, &c., by returning officer.)
- (s)

Parliamentary Electorates and Elections (Amendment).

- (s) by omitting from section one hundred and forty-seven the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 147. (Who guilty of the misdemeanour of bribery, &c.)
- 5 (t) by omitting from section one hundred and fifty the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 150. (Penalty for "treating".)
- (u) by omitting from subsection one of section 151A the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 151A. (Printing, &c., false information.)
- 10 (v) by omitting from section 151B the words "of not less than forty dollars and not exceeding one hundred dollars" wherever occurring and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 151B. (Exhibition of posters.)
- 15 (w) by omitting from section one hundred and fifty-two the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 152. (Persons incurring electoral expense without authority.)
- 20 (x) by omitting from section one hundred and fifty-four the words "not being less than ten dollars nor exceeding one hundred dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 154. (Wagers, &c., on result of elections prohibited.)
- 25 (y) by omitting from subsection one of section 176B the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 176B. (Disorderly conduct at public political meetings.)
- (z) by omitting from subsection five of section 176C the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176C. (Signature to electoral paper.)

(aa)

Parliamentary Electorates and Elections (Amendment).

- (aa) by omitting from subsection one of section 176D the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 176D.
(Untrue statements in forms.)
- 5 (ab) by omitting from section 176E the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176E.
(Witnessing electoral papers.)
- 10 (ac) by omitting from section one hundred and seventy-eight the words "of not less than twenty dollars nor more than two hundred dollars" and by inserting in lieu thereof the words "not exceeding five hundred dollars"; Sec. 178.
(Penalty on members of police force influencing voters, &c.)
- 15 (ad) by omitting from section one hundred and eighty-one the words "of not more than one hundred dollars, nor less than ten dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 181.
(Penalty for disobedience.)
- 20 (ae) (i) by omitting from paragraph (a) of clause five of Schedule Twenty the words "one dollar" and by inserting in lieu thereof the words "five dollars"; Schedule 20.
- 25 (ii) by omitting from Form 3 to that Schedule the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

[15c]

**PARLIAMENTARY ELECTORATES AND ELECTIONS
(AMENDMENT) BILL, 1969**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to increase the number of members of the Legislative Assembly and the number of electoral districts to 96;
- (b) to provide for the distribution of New South Wales into electoral districts by the Electoral Districts Commissioners commencing within six months of the enactment of this Bill;
- (c) to provide for the distribution thereafter of New South Wales into electoral districts by the Electoral Districts Commissioners at intervals of six years;
- (d) to extend the boundaries of the present "Sydney Area" and to rename such enlarged area the "Central Area";
- (e) to provide for the "Central Area" and the "Country Area" to be divided into 63 and 33 electoral districts respectively;
- (f) to require the Electoral Districts Commissioners in carrying out a distribution to give consideration to the following additional matters:—
 - (i) distance from the seat of Government;
 - (ii) density of population; and
 - (iii) demographic trends;
- (g) to reduce the margin of allowance in ascertaining the quota of electors for each electoral district from twenty per centum to fifteen per centum;
- (h) to provide for the adjustment of electoral rolls in certain circumstances without the necessity for a fresh claim for enrolment;
- (i) to provide for more efficient and secure arrangements for the transmission of absent, section and postal ballot-papers from polling booths;
- (j) to provide for the making of regulations prescribing the method of application for a Postal Vote Certificate and Postal Ballot-paper and the form of such certificate;
- (k) to provide that the returning officer shall be satisfied that a postal vote was recorded prior to the close of the poll;
- (l) to provide that where there are more than two candidates, a ballot-paper shall not be informal by reason of the omission of the number indicating the elector's last preference;

- (m) to increase the amount deposited as security for costs on filing a petition addressed to the Court of Disputed Returns;
- (n) to increase the prescribed size of electoral posters;
- (o) to extend from six months to twelve months the time limited for the commencement of prosecutions for breaches of the Act;
- (p) to increase certain penalties under the Parliamentary Electorates and Elections Act, 1912, as subsequently amended;
- (q) to make other provisions of a minor, consequential or ancillary character.

PROOF

No. , 1969.

A BILL

To increase the number of members of the Legislative Assembly; to make further provisions with respect to the number and distribution of electoral districts in New South Wales and the conduct of elections; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912-1965; and for purposes connected therewith.

[MR WILLIS—18 *March*, 1969.]

BE

Parliamentary Electorates and Elections (Amendment).

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

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1969". Short title and citation.
- (2) The Parliamentary Electorates and Elections Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912–1969.
2. (1) The Parliamentary Electorates and Elections Act, 1912–1965, is amended— Amendment of Act No. 41, 1912.
- (a) by omitting from section four the word "ninety-four" and by inserting in lieu thereof the word "ninety-six"; Sec. 4. (Number of members of Assembly.)
- (b) by omitting from section five the word "ninety-four" and by inserting in lieu thereof the word "ninety-six"; Sec. 5. (Number of electorates.)
- (c) by omitting section thirteen and by inserting in lieu thereof the following section :— Subst. sec. 13.
13. It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act. Redistribution of electoral districts by commissioners, &c.
- The first distribution after the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1969, shall commence upon the day on which the names of the persons appointed as Electoral Districts Commissioners are published in the Gazette pursuant to subsection three

Parliamentary Electorates and Elections (Amendment).

three of section six of this Act; such day shall be a day within six months after the assent of Her Majesty to that Act has been signified.

5 Subsequent distributions shall commence upon the expiration of six years from the date on which the last preceding distribution commenced.

(d) by omitting section seventeen;

Sec. 17.
(Maps of districts to be deposited.)

10 (e) (i) by omitting from subsection one of section 17A the word "ninety-four" wherever occurring and by inserting in lieu thereof the word "ninety-six";

Sec. 17A.
(Method of distribution, &c.)

(ii) by omitting from the same section the word "Sydney" wherever occurring and by inserting in lieu thereof the word "Central";

15 (iii) by omitting from the same section the word "forty-eight" wherever occurring and by inserting in lieu thereof the word "sixty-three";

20 (iv) by omitting from the same section the word "forty-six" wherever occurring and by inserting in lieu thereof the word "thirty-three";

(v) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—

(b) Due consideration shall be given to—

25 (i) the then existing boundaries of electoral districts;

(ii) community or diversity of interest;

(iii) lines of communication;

30 (iv) physical features;

(v) distance from the seat of Government;

(vi)

Parliamentary Electorates and Elections (Amendment).

(vi) density of population; and

(vii) demographic trends.

5 (vi) by omitting from the same section the word "twenty" wherever occurring and by inserting in lieu thereof the word "fifteen";

(vii) by omitting paragraph (b) of subsection five of the same section and by inserting in lieu thereof the following paragraph :—

(b) Due consideration shall be given to—

10 (i) the then existing boundaries of electoral districts;

(ii) community or diversity of interest;

(iii) lines of communication;

15 (iv) physical features;

(v) distance from the seat of Government;

(vi) density of population; and

(vii) demographic trends.

20 (f) by omitting Division A of Schedule Twenty-one and by inserting in lieu thereof the following Schedule Twenty-one. Division :—

DIVISION A.

Sec. 17A.

Boundaries of the Central Area

25 COMMENCING on the shore of the South Pacific Ocean at the intersection with the eastern prolongation of the southern boundary of portion 93, Parish of Stowell, County of Gloucester and bounded thence by that prolongation and that boundary and the southern boundaries of portions 154 and 89 westerly, a western boundary of the
30 latter portion northerly, the northern boundaries of portion 145 of that parish and portion 9, Parish of Stockton, westerly and the western boundary of the latter portion southerly to the shore of Fullerton Cove; by that shore of that cove formed in part by the eastern shores of Dunn's, Wallis and Smith's Islands generally south-
35 westerly and south-easterly, and left bank of the North Channel of the

Parliamentary Electorates and Elections (Amendment).

the Hunter River and the left bank of the Hunter River upwards to the eastern prolongation of the northern boundary of portion 59 (rem.), Parish of Alnwick, County of Northumberland; by that prolongation and part of that boundary westerly to the Main Northern
5 Railway; by that railway north-westerly to the eastern boundary of portion 47, by part of that boundary southerly and part of the southern boundary of that portion westerly to the New England State Highway; by that highway north-westerly to an eastern boundary of portion 46,
10 by part of that boundary southerly and a southern boundary westerly to the eastern boundary of portion 92, Parish of Stockrington; by part of the eastern boundary of that portion, the eastern boundary of portion 12, prolongation across a road and eastern boundary of portion 66 southerly to the northern boundary of portion 68; by part of that boundary easterly and the eastern boundary of that portion
15 southerly to a northern boundary of portion 81; by part of that boundary easterly, an eastern boundary southerly, a southern boundary westerly and an eastern boundary southerly to the north-eastern corner of portion 86; by the northern boundary of that portion westerly, the western boundaries of that portion, portion 83 and portion
20 89 southerly to the northern boundary of portion 63, Parish of Teralba; by part of that northern boundary westerly and the western boundary of that portion and its prolongation southerly to the northern boundary of portion 126; by part of that boundary and the western boundary of that portion westerly and southerly, the northern bound-
25 dary of portion 125 westerly and part of the western boundary southerly to a public road traversing portions 64 and 66; by that road north-westerly to the north-eastern corner of Trigonometrical Reserve 4,030 and a line south-westerly to Great Sugarloaf Trigonometrical Station on the range forming the boundary between the
30 Land Districts of Maitland and Newcastle, in part being known as Sugar Loaf Range; by that range and the range forming the boundary between the Land Districts of Maitland and Windsor and the Land Districts of Newcastle and Gosford, in part being known as Judge Dowling's Range generally south-westerly to the northern boundary
35 of the Parish of St. Albans; by that boundary generally westerly to the Macdonald River; by that river upwards to the range separating the Parishes of Yengo and Weeney, County of Hunter from the Parishes of Windsor and Ivory in that County; by that range generally westerly and Mellong Range generally southerly to the southern bound-
40 dary of the Parish of Six Brothers; by that boundary westerly to the Colo River; by that river downwards to the eastern boundary of the Parish of Wheeny, County of Cook; by that boundary, in part Wheeny Creek, and the eastern boundary, in part Burralow Creek, of the Parish of Burralow generally southerly to the Grose River; by that
45 river upwards to Wentworth Creek, by that creek upwards to the eastern boundary of the Parish of Woodford; by that boundary and the eastern boundaries of the Parishes of Linden and Cooba and a prolongation southerly to a southern shore of Lake Burragorang, being the stored waters of the Warragamba Dam; by that shore and
an

Parliamentary Electorates and Elections (Amendment).

an eastern shore of that lake generally southerly to a point being the westerly prolongation of the northern boundary of portion 129, Parish of Burraborang, County of Camden; by that prolongation, the northern boundaries of portions 129 and 130, the end of a closed
5 road, the northern boundary of portion 45 and a prolongation of that boundary easterly to Werriberrie or Monkey Creek; by that creek downwards to the southern boundary of the Parish of Weromba; by that boundary, being in part Spring Creek generally easterly to the northern boundary of portion 16, Parish of Picton; by that boundary
10 easterly, the eastern boundaries of that portion and portions 132 and 84 southerly and the north-eastern boundary of portion 85 south-easterly to Evelyns Range; by that range, Razorback Range and Donalds Range north-easterly and south-easterly to the western boundary of portion 9, Parish of Camden; by part of that western boundary
15 northerly and the southern boundary of portion 5 easterly to the Nepean River, by that river and the Cataract River upwards to the Cataract Dam Storage Reservoir; by that reservoir generally south-easterly to a southern boundary of the Parish of Wallandoola; by that boundary westerly, southerly and again westerly to the south-
20 western corner of portion 11; by a prolongation of the southern boundary of portion 11 westerly to the Cordeaux River; by that river, in part Cordeaux Dam Storage Reservoir upwards to the western boundary of portion 282, Parish of Kembla; by that boundary and part of the western boundary of portion 297 southerly to the Illawarra
25 Coast Range; by that range generally south-westerly to the northern boundary of portion 299; by that boundary and the northern boundaries of portions 48, 49 and a northern boundary of portion 59 generally easterly, an eastern boundary of portion 59 southerly and a northern boundary of that portion easterly to Mullet Creek; by that
30 creek upwards to the western boundary of portion 15, Parish of Calderwood; by that boundary and the western boundary of portion 51 southerly and by the south-western boundary of that portion south-easterly to Macquarie Rivulet; by that rivulet downwards to Frazers Creek, forming in part a southern boundary of portion 4, Parish of
35 Terragong; by that creek upwards and the south-western boundaries of portions 4 and 5 south-easterly and part of the southern boundary of portion 5 easterly to the Illawarra Railway Line; by that railway line southerly to Saltwater Creek; by that creek and the Minnamurra River downwards to the shore of the South Pacific Ocean; and by
40 that shore generally north-easterly to the point of commencement, inclusive of all islands lying off the coast of the Area above defined, the waters of Botany Bay, Port Jackson and Port Hunter and islands therein, together with Lord Howe Island.

(2) (a) For the purposes of the first distribution of
45 electoral districts after the day upon which the assent of Her Majesty to this Act is signified and of any matters necessary

or

Parliamentary Electorates and Elections (Amendment).

or incidental to such distribution the amendments made by subsection one of this section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(b) Upon the day upon which the proclamation
5 in respect of the first distribution of electoral districts as aforesaid is published in the Gazette pursuant to subsection two of section fifteen of the Parliamentary Electorates and Elections Act, 1912, as subsequently amended, the amend-
10 ments made by paragraphs (c), (d), (e) and (f) of subsection one of this section shall come into force for all purposes.

(c) The amendments made by paragraphs (a)
and (b) of subsection one of this section shall apply to and
in respect of, and shall come into force for all purposes as
on and from, the general election next following the day upon
15 which the proclamation referred to in paragraph (b) of this subsection is published in the Gazette.

3. The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—

Further
amendment
of Act No.
41, 1912.

(a) by omitting from section twenty-one the words “is
20 under sentence for any offence punishable under the law of New South Wales or of any other part of the King’s Dominions by imprisonment for one year or longer” and by inserting in lieu thereof the words
25 “sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence.”;

Sec. 21.
(Disqualifi-
cations.)

(b) (i) by inserting next after paragraph (a) of
subsection one of section thirty-nine the
following new paragraph—

Sec. 39.
(Alteration
of rolls.)

30 (a1) altering any particulars of the enrolment of an elector necessitated:—

(i) by the numbering or re-
numbering or naming or re-
naming of his place of
35 residence;

(ii)

Parliamentary Electorates and Elections (Amendment).

(ii) by the naming or re-naming of a street, public place or locality; or

(iii) for any other like reason;

5 (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph—

10 (d) removing the name of an elector who has been convicted and sentenced to a term of imprisonment for one year or longer and is in prison pursuant to such sentence.”;

15 (c) (i) by omitting from paragraph (a) of subsection two of section forty-one the words “The clerk or prescribed officer of any court in which any person of the age of twenty-one years or upwards is convicted of an offence punishable by imprisonment for one year or longer and is under sentence therefor shall, within three days” and by inserting in lieu thereof the words “The Comptroller-General of Prisons shall, in respect of any person of the age of twenty-one years or upwards who is in prison pursuant to his being sentenced to a term of imprisonment of one year or longer, as soon as possible”;

Sec. 41. (Information as to deaths and convictions.)

25 (ii) by omitting paragraphs (b) and (c) of the same subsection.

30 4. (1) The Parliamentary Electorates and Elections Act, 1912–1965, is further amended— Further amendment of Act No. 41, 1912.

35 (a) (i) by inserting in paragraph (c) of subsection three of section one hundred and six after the word “promptly” the words “delivered by a person authorised in that behalf by the returning officer or”;

Sec. 106. (Duty of returning officer when a second vote is tendered for one name.)

(ii)

Parliamentary Electorates and Elections (Amendment).

- (ii) by inserting in paragraph (d) of the same subsection after the word "who" the words "delivers or";
- 5 (b) by omitting from subsection two of section 114A the words "in Schedule Thirteen to this Act"; Sec. 114A. (Application for a postal vote certificate and postal ballot-paper.)
- (c) by omitting from subsection two of section 114D the words "in Schedule Fourteen to this Act"; Sec. 114D. (Issue of certificate and ballot-paper.)
- 10 (d) by omitting from paragraph (b) of section 114L the words "envelope bearing the certificate was posted or delivered" and by inserting in lieu thereof the words "vote contained in the envelope was recorded"; Sec. 114L. (Preliminary scrutiny of postal ballot-papers.)
- 15 (e) by inserting in section one hundred and sixteen after the word "promptly" the words "delivered by the returning officer or a person authorised in that behalf by him or"; Sec. 116. (Forwarding of absent voters' ballot-papers.)
- 20 (f) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 120C the words "polling-place area" and by inserting in lieu thereof the word "subdivision"; Sec. 120C. (Notice to electors who have not voted.)
- (g) by omitting section 120H and by inserting in lieu thereof the following section : — Subst. sec. 120H.
- 25 120H. The procedure in relation to the enforcement of the provisions of sections 120A to 120G, both inclusive, of this Act, and the imposition and recovery of penalties for offences against those sections shall be as set out in Schedule Twenty to this Act and where such Schedule has been amended or replaced by regulations under this Act as set out
- 30 in the Schedule as so amended or replaced. Procedure.

Regulations

Parliamentary Electorates and Elections (Amendment).

Regulations under this Act may amend Schedule Twenty to this Act or repeal and substitute the provisions therein as the Governor may approve.

5 (h) by omitting subsection two of section 122A and by inserting in lieu thereof the following subsection :—

(2) Notwithstanding anything to the contrary in this Act, at any election at which there are—

10 (a) not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and by leaving the other square blank ; or

15 (b) more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number "1" and has given contingent votes for all remaining candidates except one by placing the numbers "2", "3", "4" and so on in all
20 except one of the squares opposite the names of such candidates, leaving the remaining square blank, and it shall be deemed that the voter's last preference is for the candidate whose name is opposite
25 such square.

(i) (i) by omitting from section one hundred and twenty-seven the words " , to be by him safely kept until the dissolution of Parliament";

30 (ii) by inserting at the end of the same section the following new paragraph :—

Packets and parcels forwarded or transmitted under this section to the Clerk of the Assembly shall be by him safely kept until the period during which the validity of the

said

Sec. 122A.
(Ballot-papers not to be informal in certain circumstances.)

Sec. 127.
(Separate parcels to be enclosed in packets, sealed, &c.)

Parliamentary Electorates and Elections (Amendment).

said election may be disputed under the provisions of this Act has expired, or, where a petition has or petitions have been filed pursuant to section one hundred and fifty-five of this Act, the Court of Disputed Returns has determined the matters referred to in such petition or petitions, when such packets and parcels shall then be transmitted to the Electoral Commissioner.

- 5
- 10 (j) (i) by omitting subsections three and four of section 151B and by inserting in lieu thereof the following subsection :— (Exhibition of posters.)

(3) Nothing in this section shall prohibit—

- 15 (a) the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the name of the party concerned; or
- 20
- 25 (b) the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre, or public hall licensed under the Theatres and Public Halls Act, 1908, as subsequently amended.
- 30

- (ii) by omitting from subsection six of the same section the words “ten inches in length and six inches in width” and by inserting in lieu thereof the words “an area which is not more than one thousand two hundred square inches”;
- 35

(k)

Parliamentary Electorates and Elections (Amendment).

- (k) by omitting from section one hundred and fifty-eight the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred and fifty dollars"; Sec. 158. (Deposits as security for costs.)
- 5 (l) by omitting from section one hundred and eighty-four the word "six" and by inserting in lieu thereof the word "twelve"; Sec. 184. (Limitation of time, &c., for recovery of penalties, &c.)
- (m) by omitting Schedules Thirteen and Fourteen.
- (2) The amendments made by paragraphs (b), (c), 10 (h), (j) and (m) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
5. The Parliamentary Electorates and Elections Act, 1912-1965, is further amended— Further amendment of Act No. 41, 1912.
- 15 (a) by omitting from section thirty-four the words "one dollar and for any subsequent offence to a penalty not exceeding four dollars" wherever occurring and by inserting in lieu thereof the words "four dollars and for any subsequent offence to a penalty not exceeding ten dollars"; Sec. 34. (Compulsory enrolment and transfer.)
- 20 (b) by omitting from section thirty-eight the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 38. (Penalty on officer neglecting to enrol claimants.)
- 25 (c) by omitting from section fifty-one the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 51. (Witness to application must satisfy himself of truth of statements.)
- (d)

Parliamentary Electorates and Elections (Amendment).

- (d) by omitting from section fifty-two the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 52. (Failure to transmit claim.)
- 5 (e) by omitting from subsection two of section fifty-five the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 55. (Regulations.)
- (f) by omitting from subsection two of section 87A the word "forty" and by inserting in lieu thereof the word "fifty"; Sec. 87A. (Mobile booths in hospitals, etc.)
- 10 (g) by omitting from subsection four of section ninety the word "ten" and by inserting in lieu thereof the word "twenty-five"; Sec. 90. (How scrutineers to be appointed.)
- (h) by omitting from subsection two of section ninety-three the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 93. (Who may be present at polling-booth.)
- 15 (i) by omitting from section ninety-six the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 96. (Permission to be granted to employees to go to polling-booth.)
- (j) by omitting from subsection two of section one hundred and eleven the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 111. (Ballot-paper not to be taken out of booth, &c.)
- 20 (k) by omitting from section one hundred and thirteen the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 113. (Penalty for obstructing elector from access to polling-booth.)
- 25 (l) by omitting from section 114i the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114i. (Duty of authorised witness.)

(m)

Parliamentary Electorates and Elections (Amendment).

- (m) (i) by omitting from subsection one of section 114J the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 114J.
(Penalty for unlawfully marking ballot-paper.)
- 5 (ii) by omitting from subsection two of the same section the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; (Unlawfully opening postal ballot-paper.)
- 10 (n) by omitting from section 114K the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114K.
(Duty of persons present when an elector votes by post.)
- (o) (i) by omitting from section 120F the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars"; Sec. 120F.
(Penalties.)
- 15 (ii) by omitting from paragraph (b) of the proviso to the same section the word "four" and by inserting in lieu thereof the word "five";
- 20 (p) by omitting from section one hundred and twenty-nine the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 129.
(Penalty of breaking seal of or opening parcel or packet.)
- (q) by omitting from section one hundred and thirty-five the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 135.
(Violation of secrecy by officers, &c.)
- 25 (r) by omitting from section one hundred and thirty-six the words "of not less than twenty nor more than four hundred dollars" and by inserting in lieu thereof the words "not exceeding one thousand dollars"; Sec. 136.
(Penalty for neglect, &c., by returning officer.)

(s)

Parliamentary Electorates and Elections (Amendment).

- (s) by omitting from section one hundred and forty-seven the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 147. (Who guilty of the misdemeanour of bribery, &c.)
- 5 (t) by omitting from section one hundred and fifty the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 150. (Penalty for "treating".)
- (u) by omitting from subsection one of section 151A the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 151A. (Printing, &c., false information.)
- 10 (v) by omitting from section 151B the words "of not less than forty dollars and not exceeding one hundred dollars" wherever occurring and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 151B. (Exhibition of posters.)
- 15 (w) by omitting from section one hundred and fifty-two the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 152. (Persons incurring electoral expense without authority.)
- 20 (x) by omitting from section one hundred and fifty-four the words "not being less than ten dollars nor exceeding one hundred dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 154. (Wagers, &c., on result of elections prohibited.)
- 25 (y) by omitting from subsection one of section 176B the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 176B. (Disorderly conduct at public political meetings.)
- (z) by omitting from subsection five of section 176C the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176C. (Signature to electoral paper.)

(aa)

Parliamentary Electorates and Elections (Amendment).

- (aa) by omitting from subsection one of section 176D the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 176D.
(Untrue statements in forms.)
- 5 (ab) by omitting from section 176E the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176E.
(Witnessing electoral papers.)
- 10 (ac) by omitting from section one hundred and seventy-eight the words "of not less than twenty dollars nor more than two hundred dollars" and by inserting in lieu thereof the words "not exceeding five hundred dollars"; Sec. 178.
(Penalty on members of police force influencing voters, &c.)
- 15 (ad) by omitting from section one hundred and eighty-one the words "of not more than one hundred dollars, nor less than ten dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 181.
(Penalty for disobedience.)
- 20 (ae) (i) by omitting from paragraph (a) of clause five of Schedule Twenty the words "one dollar" and by inserting in lieu thereof the words "five dollars"; Schedule 20.
- 25 (ii) by omitting from Form 3 to that Schedule the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 43, 1969.

An Act to increase the number of members of the Legislative Assembly; to make further provisions with respect to the number and distribution of electoral districts in New South Wales and the conduct of elections; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912-1965; and for purposes connected therewith. [Assented to, 17th April, 1969.]

BE

Parliamentary Electorates and Elections (Amendment).

BE it enacted by the Queen'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:—

Short title
and citation.

1. (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1969".

(2) The Parliamentary Electorates and Elections Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912–1969.

Amendment
of Act No.
41, 1912.

2. (1) The Parliamentary Electorates and Elections Act, 1912–1965, is amended—

Sec. 4.

(Number of
members of
Assembly.)

(a) by omitting from section four the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Sec. 5.

(Number of
electorates.)

(b) by omitting from section five the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Subst.

sec. 13.

(c) by omitting section thirteen and by inserting in lieu thereof the following section :—

Redistribu-
tion of
electoral
districts by
commis-
sioners, &c.

13. It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act.

The first distribution after the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1969, shall commence upon the day on which the names of the persons appointed as Electoral Districts Commissioners are published in the Gazette pursuant to subsection three

Parliamentary Electorates and Elections (Amendment).

three of section six of this Act; such day shall be a day within six months after the assent of Her Majesty to that Act has been signified.

Subsequent distributions shall commence upon the expiration of six years from the date on which the last preceding distribution commenced.

- (d) by omitting section seventeen; Sec. 17.
(Maps of districts to be deposited.)
- (e) (i) by omitting from subsection one of section 17A the word "ninety-four" wherever occurring and by inserting in lieu thereof the word "ninety-six"; Sec. 17A.
(Method of distribution, &c.)
- (ii) by omitting from the same section the word "Sydney" wherever occurring and by inserting in lieu thereof the word "Central";
- (iii) by omitting from the same section the word "forty-eight" wherever occurring and by inserting in lieu thereof the word "sixty-three";
- (iv) by omitting from the same section the word "forty-six" wherever occurring and by inserting in lieu thereof the word "thirty-three";
- (v) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—
- (b) Due consideration shall be given to—
- (i) the then existing boundaries of electoral districts;
- (ii) community or diversity of interest;
- (iii) lines of communication;
- (iv) physical features;
- (v) distance from the seat of Government;
- (vi)

Parliamentary Electorates and Elections (Amendment).

- (vi) density of population; and
 - (vii) demographic trends.
- (vi) by omitting from the same section the word “twenty” wherever occurring and by inserting in lieu thereof the word “fifteen”;
- (vii) by omitting paragraph (b) of subsection five of the same section and by inserting in lieu thereof the following paragraph :—
- (b) Due consideration shall be given to—
 - (i) the then existing boundaries of electoral districts;
 - (ii) community or diversity of interest;
 - (iii) lines of communication;
 - (iv) physical features;
 - (v) distance from the seat of Government;
 - (vi) density of population; and
 - (vii) demographic trends.
- (f) by omitting Division A of Schedule Twenty-one and by inserting in lieu thereof the following Division :—

Schedule
Twenty-one.

Sec. 17A.

DIVISION A.

Boundaries of the Central Area

COMMENCING on the shore of the South Pacific Ocean at the intersection with the eastern prolongation of the southern boundary of portion 93, Parish of Stowell, County of Gloucester and bounded thence by that prolongation and that boundary and the southern boundaries of portions 154 and 89 westerly, a western boundary of the latter portion northerly, the northern boundaries of portion 145 of that parish and portion 9, Parish of Stockton, westerly and the western boundary of the latter portion southerly to the shore of Fullerton Cove; by that shore of that cove formed in part by the eastern shores of Dunn's, Wallis and Smith's Islands generally south-westerly and south-easterly, and left bank of the North Channel of
the

Parliamentary Electorates and Elections (Amendment).

the Hunter River and the left bank of the Hunter River upwards to the eastern prolongation of the northern boundary of portion 59 (rem.), Parish of Alnwick, County of Northumberland; by that prolongation and part of that boundary westerly to the Main Northern Railway; by that railway north-westerly to the eastern boundary of portion 47, by part of that boundary southerly and part of the southern boundary of that portion westerly to the New England State Highway; by that highway north-westerly to an eastern boundary of portion 46, by part of that boundary southerly and a southern boundary westerly to the eastern boundary of portion 92, Parish of Stockrington; by part of the eastern boundary of that portion, the eastern boundary of portion 12, prolongation across a road and eastern boundary of portion 66 southerly to the northern boundary of portion 68; by part of that boundary easterly and the eastern boundary of that portion southerly to a northern boundary of portion 81; by part of that boundary easterly, an eastern boundary southerly, a southern boundary westerly and an eastern boundary southerly to the north-eastern corner of portion 86; by the northern boundary of that portion westerly, the western boundaries of that portion, portion 83 and portion 89 southerly to the northern boundary of portion 63, Parish of Teralba; by part of that northern boundary westerly and the western boundary of that portion and its prolongation southerly to the northern boundary of portion 126; by part of that boundary and the western boundary of that portion westerly and southerly, the northern boundary of portion 125 westerly and part of the western boundary southerly to a public road traversing portions 64 and 66; by that road north-westerly to the north-eastern corner of Trigonometrical Reserve 4,030 and a line south-westerly to Great Sugarloaf Trigonometrical Station on the range forming the boundary between the Land Districts of Maitland and Newcastle, in part being known as Sugar Loaf Range; by that range and the range forming the boundary between the Land Districts of Maitland and Windsor and the Land Districts of Newcastle and Gosford, in part being known as Judge Dowling's Range generally south-westerly to the northern boundary of the Parish of St. Albans; by that boundary generally westerly to the Macdonald River; by that river upwards to the range separating the Parishes of Yengo and Weeney, County of Hunter from the Parishes of Windsor and Ivory in that County; by that range generally westerly and Mellong Range generally southerly to the southern boundary of the Parish of Six Brothers; by that boundary westerly to the Colo River; by that river downwards to the eastern boundary of the Parish of Wheeny, County of Cook; by that boundary, in part Wheeny Creek, and the eastern boundary, in part Buralow Creek, of the Parish of Buralow generally southerly to the Grose River; by that river upwards to Wentworth Creek, by that creek upwards to the eastern boundary of the Parish of Woodford; by that boundary and the eastern boundaries of the Parishes of Linden and Cooba and a prolongation southerly to a southern shore of Lake Burrarorang, being the stored waters of the Warragamba Dam; by that shore and
an

Parliamentary Electorates and Elections (Amendment).

an eastern shore of that lake generally southerly to a point being the westerly prolongation of the northern boundary of portion 129, Parish of Burragorang, County of Camden; by that prolongation, the northern boundaries of portions 129 and 130, the end of a closed road, the northern boundary of portion 45 and a prolongation of that boundary easterly to Werriberrie or Monkey Creek; by that creek downwards to the southern boundary of the Parish of Weromba; by that boundary, being in part Spring Creek generally easterly to the northern boundary of portion 16, Parish of Picton; by that boundary easterly, the eastern boundaries of that portion and portions 132 and 84 southerly and the north-eastern boundary of portion 85 south-easterly to Evelyns Range; by that range, Razorback Range and Donalds Range north-easterly and south-easterly to the western boundary of portion 9, Parish of Camden; by part of that western boundary northerly and the southern boundary of portion 5 easterly to the Nepean River, by that river and the Cataract River upwards to the Cataract Dam Storage Reservoir; by that reservoir generally south-easterly to a southern boundary of the Parish of Wallandoola; by that boundary westerly, southerly and again westerly to the south-western corner of portion 11; by a prolongation of the southern boundary of portion 11 westerly to the Cordeaux River; by that river, in part Cordeaux Dam Storage Reservoir upwards to the western boundary of portion 282, Parish of Kembla; by that boundary and part of the western boundary of portion 297 southerly to the Illawarra Coast Range; by that range generally south-westerly to the northern boundary of portion 299; by that boundary and the northern boundaries of portions 48, 49 and a northern boundary of portion 59 generally easterly, an eastern boundary of portion 59 southerly and a northern boundary of that portion easterly to Mullet Creek; by that creek upwards to the western boundary of portion 15, Parish of Calderwood; by that boundary and the western boundary of portion 51 southerly and by the south-western boundary of that portion south-easterly to Macquarie Rivulet; by that rivulet downwards to Frazers Creek, forming in part a southern boundary of portion 4, Parish of Terragong; by that creek upwards and the south-western boundaries of portions 4 and 5 south-easterly and part of the southern boundary of portion 5 easterly to the Illawarra Railway Line; by that railway line southerly to Saltwater Creek; by that creek and the Minnamurra River downwards to the shore of the South Pacific Ocean; and by that shore generally north-easterly to the point of commencement, inclusive of all islands lying off the coast of the Area above defined, the waters of Botany Bay, Port Jackson and Port Hunter and islands therein, together with Lord Howe Island.

(2) (a) For the purposes of the first distribution of electoral districts after the day upon which the assent of Her Majesty to this Act is signified and of any matters necessary

OR

Parliamentary Electorates and Elections (Amendment).

or incidental to such distribution the amendments made by subsection one of this section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(b) Upon the day upon which the proclamation in respect of the first distribution of electoral districts as aforesaid is published in the Gazette pursuant to subsection two of section fifteen of the Parliamentary Electorates and Elections Act, 1912, as subsequently amended, the amendments made by paragraphs (c), (d), (e) and (f) of subsection one of this section shall come into force for all purposes.

(c) The amendments made by paragraphs (a) and (b) of subsection one of this section shall apply to and in respect of, and shall come into force for all purposes as on and from, the general election next following the day upon which the proclamation referred to in paragraph (b) of this subsection is published in the Gazette.

3. The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—

Further amendment of Act No. 41, 1912.

(a) by omitting from section twenty-one the words “is under sentence for any offence punishable under the law of New South Wales or of any other part of the King’s Dominions by imprisonment for one year or longer” and by inserting in lieu thereof the words “sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence”;

Sec. 21.
(Disqualifications.)

(b) (i) by inserting next after paragraph (a) of subsection one of section thirty-nine the following new paragraph :—

Sec. 39.
(Alteration of rolls.)

(a1) altering any particulars of the enrolment of an elector necessitated—

(i) by the numbering or re-numbering or naming or re-naming of his place of residence;

(ii)

Parliamentary Electorates and Elections (Amendment).

- (ii) by the naming or re-naming of a street, public place or locality; or
- (iii) for any other like reason;
- (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—
 - (d) removing the name of an elector who has been convicted and sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence;

Sec. 41.
(Information as to deaths and convictions.)

- (c) (i) by omitting from paragraph (a) of subsection two of section forty-one the words "The clerk or prescribed officer of any court in which any person of the age of twenty-one years or upwards is convicted of an offence punishable by imprisonment for one year or longer and is under sentence therefor shall, within three days" and by inserting in lieu thereof the words "The Comptroller-General of Prisons shall, in respect of any person of the age of twenty-one years or upwards who is in prison pursuant to his being sentenced to a term of imprisonment of one year or longer, as soon as possible";
- (ii) by omitting paragraphs (b) and (c) of the same subsection.

Further amendment of Act No. 41, 1912.

4. (1) The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—

Sec. 106.
(Duty of returning officer when a second vote is tendered for one name.)

- (a) (i) by inserting in paragraph (c) of subsection three of section one hundred and six after the word "promptly" the words "delivered by a person authorised in that behalf by the returning officer or";
- (ii)

Parliamentary Electorates and Elections (Amendment).

- (ii) by inserting in paragraph (d) of the same subsection after the word "who" the words "delivers or";
- (b) by omitting from subsection two of section 114A the words "in Schedule Thirteen to this Act";
- (c) by omitting from subsection two of section 114D the words "in Schedule Fourteen to this Act";
- (d) by omitting from paragraph (b) of section 114L the words "envelope bearing the certificate was posted or delivered" and by inserting in lieu thereof the words "vote contained in the envelope was recorded";
- (e) by inserting in section one hundred and sixteen after the word "promptly" the words "delivered by the returning officer or a person authorised in that behalf by him or";
- (f) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 120c the words "polling-place area" and by inserting in lieu thereof the word "subdivision";
- (g) by omitting section 120H and by inserting in lieu thereof the following section :—

Sec. 114A.
(Application for a postal vote certificate and postal ballot-paper.)

Sec. 114D.
(Issue of certificate and ballot-paper.)

Sec. 114L.
(Preliminary scrutiny of postal ballot-papers.)

Sec. 116.
(Forwarding of absent voters' ballot-papers.)

Sec. 120c.
(Notice to electors who have not voted.)

Subst. sec. 120H.

120H. The procedure in relation to the enforcement of the provisions of sections 120A to 120G, both inclusive, of this Act, and the imposition and recovery of penalties for offences against those sections shall be as set out in Schedule Twenty to this Act and where such Schedule has been amended or replaced by regulations under this Act as set out in the Schedule as so amended or replaced.

Regulations

Parliamentary Electorates and Elections (Amendment).

Regulations under this Act may amend Schedule Twenty to this Act or repeal and substitute the provisions therein as the Governor may approve.

Sec. 122A.
(Ballot-papers not to be informal in certain circumstances.)

(h) by omitting subsection two of section 122A and by inserting in lieu thereof the following subsection :—

(2) Notwithstanding anything to the contrary in this Act, at any election at which there are—

(a) not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number “1” and by leaving the other square blank; or

(b) more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number “1” and has given contingent votes for all remaining candidates except one by placing the numbers “2”, “3”, “4” and so on in all except one of the squares opposite the names of such candidates, leaving the remaining square blank, and it shall be deemed that the voter’s last preference is for the candidate whose name is opposite such square.

Sec. 127.
(Separate parcels to be enclosed in packets, sealed, &c.)

(i) (i) by omitting from section one hundred and twenty-seven the words “, to be by him safely kept until the dissolution of Parliament”;

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

Packets and parcels forwarded or transmitted under this section to the Clerk of the Assembly shall be by him safely kept until the period during which the validity of the

said

Parliamentary Electorates and Elections (Amendment).

said election may be disputed under the provisions of this Act has expired, or, where a petition has or petitions have been filed pursuant to section one hundred and fifty-five of this Act, the Court of Disputed Returns has determined the matters referred to in such petition or petitions, when such packets and parcels shall then be transmitted to the Electoral Commissioner.

- (j) (i) by omitting subsections three and four of section 151B and by inserting in lieu thereof the following subsection :—

Sec. 151B.
(Exhibition of posters.)

(3) Nothing in this section shall prohibit—

(a) the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the name of the party concerned; or

(b) the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre, or public hall licensed under the Theatres and Public Halls Act, 1908, as subsequently amended.

- (ii) by omitting from subsection six of the same section the words “ten inches in length and six inches in width” and by inserting in lieu thereof the words “an area which is not more than one thousand two hundred square inches”;

(k)

Parliamentary Electorates and Elections (Amendment).

Sec. 158.
(Deposits as security for costs.)

- (k) by omitting from section one hundred and fifty-eight the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred and fifty dollars";

Sec. 184.
(Limitation of time, &c., for recovery of penalties, &c.)

- (l) by omitting from section one hundred and eighty-four the word "six" and by inserting in lieu thereof the word "twelve";

- (m) by omitting Schedules Thirteen and Fourteen.

(2) The amendments made by paragraphs (b), (c), (h), (j) and (m) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Further amendment of Act No. 41, 1912.

5. The Parliamentary Electorates and Elections Act, 1912-1965, is further amended—

Sec. 34.
(Compulsory enrolment and transfer.)

- (a) by omitting from section thirty-four the words "one dollar and for any subsequent offence to a penalty not exceeding four dollars" wherever occurring and by inserting in lieu thereof the words "four dollars and for any subsequent offence to a penalty not exceeding ten dollars";

Sec. 38.
(Penalty on officer neglecting to enrol claimants.)

- (b) by omitting from section thirty-eight the word "twenty" and by inserting in lieu thereof the word "fifty";

Sec. 51.
(Witness to application must satisfy himself of truth of statements.)

- (c) by omitting from section fifty-one the words "one hundred" and by inserting in lieu thereof the words "two hundred";

(d)

Parliamentary Electorates and Elections (Amendment).

- (d) by omitting from section fifty-two the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 52. (Failure to transmit claim.)
- (e) by omitting from subsection two of section fifty-five the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 55. (Regulations.)
- (f) by omitting from subsection two of section 87A the word "forty" and by inserting in lieu thereof the word "fifty"; Sec. 87A. (Mobile booths in hospitals, etc.)
- (g) by omitting from subsection four of section ninety the word "ten" and by inserting in lieu thereof the word "twenty-five"; Sec. 90. (How scrutineers to be appointed.)
- (h) by omitting from subsection two of section ninety-three the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 93. (Who may be present at polling-booth.)
- (i) by omitting from section ninety-six the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 96. (Permission to be granted to employees to go to polling-booth.)
- (j) by omitting from subsection two of section one hundred and eleven the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 111. (Ballot-paper not to be taken out of booth, &c.)
- (k) by omitting from section one hundred and thirteen the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 113. (Penalty for obstructing elector from access to polling-booth.)
- (l) by omitting from section 114I the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114I. (Duty of authorised witness.)

(m)

Parliamentary Electorates and Elections (Amendment).

- Sec. 114J.
(Penalty for unlawfully marking ballot-paper.)
- (Unlawfully opening postal ballot-paper.)
- Sec. 114K.
(Duty of persons present when an elector votes by post.)
- Sec. 120F.
(Penalties.)
- Sec. 129.
(Penalty of breaking seal of or opening parcel or packet.)
- Sec. 135.
(Violation of secrecy by officers, &c.)
- Sec. 136.
(Penalty for neglect, &c., by returning officer.)
- (m) (i) by omitting from subsection one of section 114J the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (ii) by omitting from subsection two of the same section the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- (n) by omitting from section 114K the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- (o) (i) by omitting from section 120F the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars";
- (ii) by omitting from paragraph (b) of the proviso to the same section the word "four" and by inserting in lieu thereof the word "five";
- (p) by omitting from section one hundred and twenty-nine the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (q) by omitting from section one hundred and thirty-five the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (r) by omitting from section one hundred and thirty-six the words "of not less than twenty nor more than four hundred dollars" and by inserting in lieu thereof the words "not exceeding one thousand dollars";

(s)

Parliamentary Electorates and Elections (Amendment).

- (s) by omitting from section one hundred and forty-seven the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 147. (Who guilty of the misdemeanour of bribery, &c.)
- (t) by omitting from section one hundred and fifty the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 150. (Penalty for "treating".)
- (u) by omitting from subsection one of section 151A the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 151A. (Printing, &c., false information.)
- (v) by omitting from section 151B the words "of not less than forty dollars and not exceeding one hundred dollars" wherever occurring and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 151B. (Exhibition of posters.)
- (w) by omitting from section one hundred and fifty-two the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 152. (Persons incurring electoral expense without authority.)
- (x) by omitting from section one hundred and fifty-four the words "not being less than ten dollars nor exceeding one hundred dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 154. (Wagers, &c., on result of elections prohibited.)
- (y) by omitting from subsection one of section 176B the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 176B. (Disorderly conduct at public political meetings.)
- (z) by omitting from subsection five of section 176C the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176C. (Signature to electoral paper.)

(aa)

Parliamentary Electorates and Elections (Amendment).

- Sec. 176D.
(Untrue statements in forms.)
- (aa) by omitting from subsection one of section 176D the word "forty" and by inserting in lieu thereof the words "one hundred";
- Sec. 176E.
(Witnessing electoral papers.)
- (ab) by omitting from section 176E the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- Sec. 178.
(Penalty on members of police force influencing voters, &c.)
- (ac) by omitting from section one hundred and seventy-eight the words "of not less than twenty dollars nor more than two hundred dollars" and by inserting in lieu thereof the words "not exceeding five hundred dollars";
- Sec. 181.
(Penalty for disobedience.)
- (ad) by omitting from section one hundred and eighty-one the words "of not more than one hundred dollars, nor less than ten dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars";
- Schedule 20.
- (ae) (i) by omitting from paragraph (a) of clause five of Schedule Twenty the words "one dollar" and by inserting in lieu thereof the words "five dollars";
- (ii) by omitting from Form 3 to that Schedule the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 April, 1969, A.M.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 43, 1969.

An Act to increase the number of members of the Legislative Assembly; to make further provisions with respect to the number and distribution of electoral districts in New South Wales and the conduct of elections; for these and other purposes to amend the Parliamentary Electorates and Elections Act, 1912-1965; and for purposes connected therewith. [Assented to, 17th April, 1969.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Parliamentary Electorates and Elections (Amendment).

BE it enacted by the Queen'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:—

Short title and citation. **1.** (1) This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1969".

(2) The Parliamentary Electorates and Elections Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Parliamentary Electorates and Elections Act, 1912–1969.

Amendment of Act No. 41, 1912. **2.** (1) The Parliamentary Electorates and Elections Act, 1912–1965, is amended—

Sec. 4. (Number of members of Assembly.) (a) by omitting from section four the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Sec. 5. (Number of electorates.) (b) by omitting from section five the word "ninety-four" and by inserting in lieu thereof the word "ninety-six";

Subst. sec. 13. (c) by omitting section thirteen and by inserting in lieu thereof the following section :—

Redistrib-
tion of
electoral
districts by
commis-
sioners, &c.

13. It shall be the duty of the commissioners, and they are hereby directed, to distribute New South Wales into electoral districts for the purposes of this Act.

The first distribution after the commencement of the Parliamentary Electorates and Elections (Amendment) Act, 1969, shall commence upon the day on which the names of the persons appointed as Electoral Districts Commissioners are published in the Gazette pursuant to subsection
three

Parliamentary Electorates and Elections (Amendment).

three of section six of this Act; such day shall be a day within six months after the assent of Her Majesty to that Act has been signified.

Subsequent distributions shall commence upon the expiration of six years from the date on which the last preceding distribution commenced.

- (d) by omitting section seventeen; Sec. 17.
(Maps of districts to be deposited.)
- (e) (i) by omitting from subsection one of section 17A the word "ninety-four" wherever occurring and by inserting in lieu thereof the word "ninety-six"; Sec. 17A.
(Method of distribution, &c.)
- (ii) by omitting from the same section the word "Sydney" wherever occurring and by inserting in lieu thereof the word "Central";
- (iii) by omitting from the same section the word "forty-eight" wherever occurring and by inserting in lieu thereof the word "sixty-three";
- (iv) by omitting from the same section the word "forty-six" wherever occurring and by inserting in lieu thereof the word "thirty-three";
- (v) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—
- (b) Due consideration shall be given to—
- (i) the then existing boundaries of electoral districts;
- (ii) community or diversity of interest;
- (iii) lines of communication;
- (iv) physical features;
- (v) distance from the seat of Government;
- (vi)

Parliamentary Electorates and Elections (Amendment).

(vi) density of population; and

(vii) demographic trends.

(vi) by omitting from the same section the word "twenty" wherever occurring and by inserting in lieu thereof the word "fifteen";

(vii) by omitting paragraph (b) of subsection five of the same section and by inserting in lieu thereof the following paragraph :—

(b) Due consideration shall be given to—

(i) the then existing boundaries of electoral districts;

(ii) community or diversity of interest;

(iii) lines of communication;

(iv) physical features;

(v) distance from the seat of Government;

(vi) density of population; and

(vii) demographic trends.

Schedule
Twenty-one.

(f) by omitting Division A of Schedule Twenty-one and by inserting in lieu thereof the following Division :—

Sec. 17A.

DIVISION A.

Boundaries of the Central Area

COMMENCING on the shore of the South Pacific Ocean at the intersection with the eastern prolongation of the southern boundary of portion 93, Parish of Stowell, County of Gloucester and bounded thence by that prolongation and that boundary and the southern boundaries of portions 154 and 89 westerly, a western boundary of the latter portion northerly, the northern boundaries of portion 145 of that parish and portion 9, Parish of Stockton, westerly and the western boundary of the latter portion southerly to the shore of Fullerton Cove; by that shore of that cove formed in part by the eastern shores of Dunn's, Wallis and Smith's Islands generally south-westerly and south-easterly, and left bank of the North Channel of the

Parliamentary Electorates and Elections (Amendment).

the Hunter River and the left bank of the Hunter River upwards to the eastern prolongation of the northern boundary of portion 59 (rem.), Parish of Alnwick, County of Northumberland; by that prolongation and part of that boundary westerly to the Main Northern Railway; by that railway north-westerly to the eastern boundary of portion 47, by part of that boundary southerly and part of the southern boundary of that portion westerly to the New England State Highway; by that highway north-westerly to an eastern boundary of portion 46, by part of that boundary southerly and a southern boundary westerly to the eastern boundary of portion 92, Parish of Stockrington; by part of the eastern boundary of that portion, the eastern boundary of portion 12, prolongation across a road and eastern boundary of portion 66 southerly to the northern boundary of portion 68; by part of that boundary easterly and the eastern boundary of that portion southerly to a northern boundary of portion 81; by part of that boundary easterly, an eastern boundary southerly, a southern boundary westerly and an eastern boundary southerly to the north-eastern corner of portion 86; by the northern boundary of that portion westerly, the western boundaries of that portion, portion 83 and portion 89 southerly to the northern boundary of portion 63, Parish of Teralba; by part of that northern boundary westerly and the western boundary of that portion and its prolongation southerly to the northern boundary of portion 126; by part of that boundary and the western boundary of that portion westerly and southerly, the northern boundary of portion 125 westerly and part of the western boundary southerly to a public road traversing portions 64 and 66; by that road north-westerly to the north-eastern corner of Trigonometrical Reserve 4,030 and a line south-westerly to Great Sugarloaf Trigonometrical Station on the range forming the boundary between the Land Districts of Maitland and Newcastle, in part being known as Sugar Loaf Range; by that range and the range forming the boundary between the Land Districts of Maitland and Windsor and the Land Districts of Newcastle and Gosford, in part being known as Judge Dowling's Range generally south-westerly to the northern boundary of the Parish of St. Albans; by that boundary generally westerly to the Macdonald River; by that river upwards to the range separating the Parishes of Yengo and Weeney, County of Hunter from the Parishes of Windsor and Ivory in that County; by that range generally westerly and Mellong Range generally southerly to the southern boundary of the Parish of Six Brothers; by that boundary westerly to the Colo River; by that river downwards to the eastern boundary of the Parish of Wheeny, County of Cook; by that boundary, in part Wheeny Creek, and the eastern boundary, in part Burrelow Creek, of the Parish of Burrelow generally southerly to the Grose River; by that river upwards to Wentworth Creek, by that creek upwards to the eastern boundary of the Parish of Woodford; by that boundary and the eastern boundaries of the Parishes of Linden and Cooba and a prolongation southerly to a southern shore of Lake Burratorang, being the stored waters of the Warragamba Dam; by that shore and an

Parliamentary Electorates and Elections (Amendment).

an eastern shore of that lake generally southerly to a point being the westerly prolongation of the northern boundary of portion 129, Parish of Burratorang, County of Camden; by that prolongation, the northern boundaries of portions 129 and 130, the end of a closed road, the northern boundary of portion 45 and a prolongation of that boundary easterly to Werriberrie or Monkey Creek; by that creek downwards to the southern boundary of the Parish of Weromba; by that boundary, being in part Spring Creek generally easterly to the northern boundary of portion 16, Parish of Picton; by that boundary easterly, the eastern boundaries of that portion and portions 132 and 84 southerly and the north-eastern boundary of portion 85 south-easterly to Evelyns Range; by that range, Razorback Range and Donalds Range north-easterly and south-easterly to the western boundary of portion 9, Parish of Camden; by part of that western boundary northerly and the southern boundary of portion 5 easterly to the Nepean River, by that river and the Cataract River upwards to the Cataract Dam Storage Reservoir; by that reservoir generally south-easterly to a southern boundary of the Parish of Wallandoola; by that boundary westerly, southerly and again westerly to the south-western corner of portion 11; by a prolongation of the southern boundary of portion 11 westerly to the Cordeaux River; by that river, in part Cordeaux Dam Storage Reservoir upwards to the western boundary of portion 282, Parish of Kembla; by that boundary and part of the western boundary of portion 297 southerly to the Illawarra Coast Range; by that range generally south-westerly to the northern boundary of portion 299; by that boundary and the northern boundaries of portions 48, 49 and a northern boundary of portion 59 generally easterly, an eastern boundary of portion 59 southerly and a northern boundary of that portion easterly to Mullet Creek; by that creek upwards to the western boundary of portion 15, Parish of Calderwood; by that boundary and the western boundary of portion 51 southerly and by the south-western boundary of that portion south-easterly to Macquarie Rivulet; by that rivulet downwards to Frazers Creek, forming in part a southern boundary of portion 4, Parish of Terragong; by that creek upwards and the south-western boundaries of portions 4 and 5 south-easterly and part of the southern boundary of portion 5 easterly to the Illawarra Railway Line; by that railway line southerly to Saltwater Creek; by that creek and the Minnamurra River downwards to the shore of the South Pacific Ocean; and by that shore generally north-easterly to the point of commencement, inclusive of all islands lying off the coast of the Area above defined, the waters of Botany Bay, Port Jackson and Port Hunter and islands therein, together with Lord Howe Island.

(2) (a) For the purposes of the first distribution of electoral districts after the day upon which the assent of Her Majesty to this Act is signified and of any matters necessary

or

Parliamentary Electorates and Elections (Amendment).

or incidental to such distribution the amendments made by subsection one of this section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(b) Upon the day upon which the proclamation in respect of the first distribution of electoral districts as aforesaid is published in the Gazette pursuant to subsection two of section fifteen of the Parliamentary Electorates and Elections Act, 1912, as subsequently amended, the amendments made by paragraphs (c), (d), (e) and (f) of subsection one of this section shall come into force for all purposes.

(c) The amendments made by paragraphs (a) and (b) of subsection one of this section shall apply to and in respect of, and shall come into force for all purposes as on and from, the general election next following the day upon which the proclamation referred to in paragraph (b) of this subsection is published in the Gazette.

3. The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—

Further
amendment
of Act No.
41, 1912.

(a) by omitting from section twenty-one the words “is under sentence for any offence punishable under the law of New South Wales or of any other part of the King’s Dominions by imprisonment for one year or longer” and by inserting in lieu thereof the words “sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence”;

Sec. 21.
(Disqualifi-
cations.)

(b) (i) by inserting next after paragraph (a) of subsection one of section thirty-nine the following new paragraph :—

Sec. 39.
(Alteration
of rolls.)

(a1) altering any particulars of the enrolment of an elector necessitated—

(i) by the numbering or re-numbering or naming or re-naming of his place of residence;

(ii)

Parliamentary Electorates and Elections (Amendment).

- (ii) by the naming or re-naming of a street, public place or locality; or
- (iii) for any other like reason;
- (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (d) removing the name of an elector who has been convicted and sentenced to a term of imprisonment of one year or longer and is in prison pursuant to such sentence;
- Sec. 41. (Information as to deaths and convictions.)
- (c) (i) by omitting from paragraph (a) of subsection two of section forty-one the words “The clerk or prescribed officer of any court in which any person of the age of twenty-one years or upwards is convicted of an offence punishable by imprisonment for one year or longer and is under sentence therefor shall, within three days” and by inserting in lieu thereof the words “The Comptroller-General of Prisons shall, in respect of any person of the age of twenty-one years or upwards who is in prison pursuant to his being sentenced to a term of imprisonment of one year or longer, as soon as possible”;
- (ii) by omitting paragraphs (b) and (c) of the same subsection.
- Further amendment of Act No. 41, 1912.
4. (1) The Parliamentary Electorates and Elections Act, 1912–1965, is further amended—
- Sec. 106. (Duty of returning officer when a second vote is tendered for one name.)
- (a) (i) by inserting in paragraph (c) of subsection three of section one hundred and six after the word “promptly” the words “delivered by a person authorised in that behalf by the returning officer or”;
- (ii)

Parliamentary Electorates and Elections (Amendment).

- (ii) by inserting in paragraph (d) of the same subsection after the word "who" the words "delivers or";
- (b) by omitting from subsection two of section 114A the words "in Schedule Thirteen to this Act";
- (c) by omitting from subsection two of section 114D the words "in Schedule Fourteen to this Act";
- (d) by omitting from paragraph (b) of section 114L the words "envelope bearing the certificate was posted or delivered" and by inserting in lieu thereof the words "vote contained in the envelope was recorded";
- (e) by inserting in section one hundred and sixteen after the word "promptly" the words "delivered by the returning officer or a person authorised in that behalf by him or";
- (f) by omitting from subparagraph (i) of paragraph (b) of subsection one of section 120C the words "polling-place area" and by inserting in lieu thereof the word "subdivision";
- (g) by omitting section 120H and by inserting in lieu thereof the following section :—

120H. The procedure in relation to the enforcement of the provisions of sections 120A to 120G, both inclusive, of this Act, and the imposition and recovery of penalties for offences against those sections shall be as set out in Schedule Twenty to this Act and where such Schedule has been amended or replaced by regulations under this Act as set out in the Schedule as so amended or replaced.

Regulations

Parliamentary Electorates and Elections (Amendment).

Regulations under this Act may amend Schedule Twenty to this Act or repeal and substitute the provisions therein as the Governor may approve.

Sec. 122A.
(Ballot-papers not to be informal in certain circumstances.)

(h) by omitting subsection two of section 122A and by inserting in lieu thereof the following subsection :—

(2) Notwithstanding anything to the contrary in this Act, at any election at which there are—

(a) not more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number “1” and by leaving the other square blank ; or

(b) more than two candidates, a ballot-paper shall not be informal by reason only of the fact that the voter has recorded his vote by placing in one square the number “1” and has given contingent votes for all remaining candidates except one by placing the numbers “2”, “3”, “4” and so on in all except one of the squares opposite the names of such candidates, leaving the remaining square blank, and it shall be deemed that the voter’s last preference is for the candidate whose name is opposite such square.

Sec. 127.
(Separate parcels to be enclosed in packets, sealed, &c.)

(i) (i) by omitting from section one hundred and twenty-seven the words “, to be by him safely kept until the dissolution of Parliament”;

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

Packets and parcels forwarded or transmitted under this section to the Clerk of the Assembly shall be by him safely kept until the period during which the validity of the

said

Parliamentary Electorates and Elections (Amendment).

said election may be disputed under the provisions of this Act has expired, or, where a petition has or petitions have been filed pursuant to section one hundred and fifty-five of this Act, the Court of Disputed Returns has determined the matters referred to in such petition or petitions, when such packets and parcels shall then be transmitted to the Electoral Commissioner.

- (j) (i) by omitting subsections three and four of section 151B and by inserting in lieu thereof the following subsection :—

Sec. 151B.
(Exhibition
of posters.)

(3) Nothing in this section shall prohibit—

- (a) the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the name of the party concerned; or
- (b) the projection by means of any cinematograph or other similar apparatus of any electoral matter on to any screen in any theatre, or public hall licensed under the Theatres and Public Halls Act, 1908, as subsequently amended.

- (ii) by omitting from subsection six of the same section the words “ten inches in length and six inches in width” and by inserting in lieu thereof the words “an area which is not more than one thousand two hundred square inches”;

(k)

Parliamentary Electorates and Elections (Amendment).

- Sec. 158.
(Deposits as security for costs.)
- (k) by omitting from section one hundred and fifty-eight the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred and fifty dollars";
- Sec. 184.
(Limitation of time, &c., for recovery of penalties, &c.)
- (l) by omitting from section one hundred and eighty-four the word "six" and by inserting in lieu thereof the word "twelve";
- (m) by omitting Schedules Thirteen and Fourteen.
- (2) The amendments made by paragraphs (b), (c), (h), (j) and (m) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- Further amendment of Act No. 41, 1912.
- 5. The Parliamentary Electorates and Elections Act, 1912-1965, is further amended—**
- Sec. 34.
(Compulsory enrolment and transfer.)
- (a) by omitting from section thirty-four the words "one dollar and for any subsequent offence to a penalty not exceeding four dollars" wherever occurring and by inserting in lieu thereof the words "four dollars and for any subsequent offence to a penalty not exceeding ten dollars";
- Sec. 38.
(Penalty on officer neglecting to enrol claimants.)
- (b) by omitting from section thirty-eight the word "twenty" and by inserting in lieu thereof the word "fifty";
- Sec. 51.
(Witness to application must satisfy himself of truth of statements.)
- (c) by omitting from section fifty-one the words "one hundred" and by inserting in lieu thereof the words "two hundred";
- (d)

Parliamentary Electorates and Elections (Amendment).

- (d) by omitting from section fifty-two the words "one hundred" and by inserting in lieu thereof the words "two hundred"; Sec. 52. (Failure to transmit claim.)
- (e) by omitting from subsection two of section fifty-five the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 55. (Regulations.)
- (f) by omitting from subsection two of section 87A the word "forty" and by inserting in lieu thereof the word "fifty"; Sec. 87A. (Mobile booths in hospitals, etc.)
- (g) by omitting from subsection four of section ninety the word "ten" and by inserting in lieu thereof the word "twenty-five"; Sec. 90. (How scrutineers to be appointed.)
- (h) by omitting from subsection two of section ninety-three the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 93. (Who may be present at polling-booth.)
- (i) by omitting from section ninety-six the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 96. (Permission to be granted to employees to go to polling-booth.)
- (j) by omitting from subsection two of section one hundred and eleven the word "twenty" and by inserting in lieu thereof the word "fifty"; Sec. 111. (Ballot-paper not to be taken out of booth, &c.)
- (k) by omitting from section one hundred and thirteen the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 113. (Penalty for obstructing elector from access to polling-booth.)
- (l) by omitting from section 114I the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 114I. (Duty of authorised witness.)

(m)

Parliamentary Electorates and Elections (Amendment).

- Sec. 114J.
(Penalty for unlawfully marking ballot-paper.)
- (Unlawfully opening postal ballot-paper.)
- Sec. 114K.
(Duty of persons present when an elector votes by post.)
- Sec. 120F.
(Penalties.)
- Sec. 129.
(Penalty of breaking seal of or opening parcel or packet.)
- Sec. 135.
(Violation of secrecy by officers, &c.)
- Sec. 136.
(Penalty for neglect, &c., by returning officer.)
- (m) (i) by omitting from subsection one of section 114J the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (ii) by omitting from subsection two of the same section the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- (n) by omitting from section 114K the words "two hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- (o) (i) by omitting from section 120F the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars";
- (ii) by omitting from paragraph (b) of the proviso to the same section the word "four" and by inserting in lieu thereof the word "five";
- (p) by omitting from section one hundred and twenty-nine the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (q) by omitting from section one hundred and thirty-five the words "two hundred" and by inserting in lieu thereof the words "five hundred";
- (r) by omitting from section one hundred and thirty-six the words "of not less than twenty nor more than four hundred dollars" and by inserting in lieu thereof the words "not exceeding one thousand dollars";

(s)

Parliamentary Electorates and Elections (Amendment).

- (s) by omitting from section one hundred and forty-seven the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 147. (Who guilty of the misdemeanour of bribery, &c.)
- (t) by omitting from section one hundred and fifty the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 150. (Penalty for "treating".)
- (u) by omitting from subsection one of section 151A the words "two hundred" and by inserting in lieu thereof the words "five hundred"; Sec. 151A. (Printing, &c., false information.)
- (v) by omitting from section 151B the words "of not less than forty dollars and not exceeding one hundred dollars" wherever occurring and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 151B. (Exhibition of posters.)
- (w) by omitting from section one hundred and fifty-two the word "forty" and by inserting in lieu thereof the words "one hundred"; Sec. 152. (Persons incurring electoral expense without authority.)
- (x) by omitting from section one hundred and fifty-four the words "not being less than ten dollars nor exceeding one hundred dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars"; Sec. 154. (Wagers, &c., on result of elections prohibited.)
- (y) by omitting from subsection one of section 176B the word "ten" and by inserting in lieu thereof the word "fifty"; Sec. 176B. (Disorderly conduct at public political meetings.)
- (z) by omitting from subsection five of section 176C the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty"; Sec. 176c. (Signature to electoral paper.)

(aa)

Parliamentary Electorates and Elections (Amendment).

- Sec. 176D.
(Untrue
statements
in forms.)
- (aa) by omitting from subsection one of section 176D the word "forty" and by inserting in lieu thereof the words "one hundred";
- Sec. 176E.
(Witnessing
electoral
papers.)
- (ab) by omitting from section 176E the words "one hundred" and by inserting in lieu thereof the words "two hundred and fifty";
- Sec. 178.
(Penalty on
members of
police force
influencing
voters, &c.)
- (ac) by omitting from section one hundred and seventy-eight the words "of not less than twenty dollars nor more than two hundred dollars" and by inserting in lieu thereof the words "not exceeding five hundred dollars";
- Sec. 181.
(Penalty for
disobedi-
ence.)
- (ad) by omitting from section one hundred and eighty-one the words "of not more than one hundred dollars, nor less than ten dollars" and by inserting in lieu thereof the words "not exceeding two hundred and fifty dollars";
- Schedule 20.
- (ae) (i) by omitting from paragraph (a) of clause five of Schedule Twenty the words "one dollar" and by inserting in lieu thereof the words "five dollars";
- (ii) by omitting from Form 3 to that Schedule the words "one dollar and not more than four dollars" and by inserting in lieu thereof the words "four dollars and not more than ten dollars".

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

K. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 17th April, 1969.*