

*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.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 25 March, 1976.*

## New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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Act No.           , 1976.

An Act to amend the Parliamentary Electorates and Elections Act, 1912, in relation to voting outside New South Wales for State elections and the appointment and functions of a Principal Returning Officer, and in certain other respects.

BE

*Parliamentary Electorates and Elections (Amendment).*

**B**E 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. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1976". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:— Schedules.

15 **SCHEDULE 1.—AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.**

**SCHEDULE 2.—AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE.**

20 4. The Parliamentary Electorates and Elections Act, 1912, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 41, 1912.

**SCHEDULE**

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912.

(1) (a) Section 3, definition of "Postal voting officer"—

5 Before the definition of "Prescribed", insert :—

"Postal voting officer" means a postal voting  
officer appointed under Division 3 of  
Part V.

10 (b) Section 3, definition of "Principal Returning  
Officer"—

After the definition of "Prescribed", insert :—

"Principal Returning Officer" means the per-  
son appointed as such under section 21A  
(10) (a).

15 (c) Section 3, definition of "Returning officer"—

After "place", insert ", but does not include the  
Principal Returning Officer".

(2) (a) Section 21A (10) (a)—

20 Omit "such officers", insert instead "a Principal  
Returning Officer and such other officers".

(b) Section 21A (12)—

After section 21A (11), insert :—

25 (12) Section 78E applies to and in respect of  
the Principal Returning Officer, as if a reference  
in that section to—

(a) a postal voting officer were a reference  
to the Principal Returning Officer; and

(b) a prescribed person were a reference to  
a justice of the peace.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

(3) Part V, Division 3—

5 After section 78, insert :—

DIVISION 3.—*Postal voting officers.*

10 78A. The Electoral Commissioner may, by instrument in writing, appoint one or more persons to be a postal voting officer, or postal voting officers, at a place outside New South Wales (whether overseas or in Australia), for the purposes of the election or elections referred to in the instrument. Appointment of postal voting officers.

15 78B. (1) A postal voting officer shall, as soon as practicable after his appointment, appoint, by instrument in writing, a person to be his deputy. Deputy to be appointed by postal voting officer.

20 (2) In the event of the absence or incapacity of a postal voting officer, his deputy shall have and may exercise or perform the powers, authorities, duties and functions of the postal voting officer during that illness or incapacity.

78C. No postal voting officer, nor any person who has been a postal voting officer and has not, by writing under his hand addressed to the Electoral Commissioner, resigned his office at least 14 days before the Postal voting officer not to be candidate.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 day of nomination for the election, nor any deputy of a postal voting officer, shall be a candidate, or be elected or returned, at an election, or be or continue a member.

78D. (1) A person ceases to hold office as a postal voting officer— Vacation of office.

- 10 (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Electoral Commissioner;
- 15 (c) if he is removed from office by the Electoral Commissioner; or
- (d) upon the return of the writ or writs for the election or elections for the purposes of which he was appointed.

20 (2) A person ceases to hold office as the deputy of a postal voting officer—

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the postal voting officer;
- 25 (c) if he is removed from office by the postal voting officer or the Electoral Commissioner; or

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (d) if the postal voting officer ceases to hold office as such.

(3) The Electoral Commissioner may, for any cause that appears to him to be sufficient, remove any person from office as a postal voting officer or deputy of such an officer.

10 (4) A postal voting officer may, for any cause that appears to him to be sufficient, remove any person from office as his deputy.

15 78E. (1) Every postal voting officer, deputy to a postal voting officer and clerical assistant appointed for the purposes of Division 11 shall, before he enters upon any of the duties assigned to him by this Act with regard to any election, make and sign before a prescribed person or a person of a prescribed class or description, a declaration to the effect following :—

20 I [A.B.] do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required of me by the Parliamentary Electorates and Elections Act, 1912, as Postal Voting Officer [or Deputy to a Postal Voting Officer, or a clerical assistant appointed for the purposes of Division 11, as the case may be] with regard to the election of a Member or Members of the Legislative Assembly,

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 and I do further solemnly promise and  
declare that I will not at the said election  
attempt to ascertain save in the cases in  
which I am expressly by law authorised so  
to do for what candidate any person shall  
10 vote or have voted at the said election ; and  
that if in the discharge of my duties at or  
concerning the said election I shall have  
learned, or have the means of learning, for  
what candidate any person shall vote or  
15 have voted thereat, I will not by word or  
or act, or by any other means whatsoever,  
directly or indirectly, divulge or disclose,  
or aid in divulging or disclosing the same,  
save in answer to any question which I am  
legally bound to answer.

20 (2) Every declaration made under this  
section shall be transmitted by the postal voting officer  
or his deputy to the Electoral Commissioner.

(3) Part IV of the Oaths Act, 1900, applies  
25 to a declaration made under this section as if it were  
made under that Act.

(4) Section 88 (1)—

After “and clerical assistant”, insert “(except a clerical  
assistant appointed for the purposes of Division 11)”.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(5) (a) Section 114B (2) (b)—

5           After “is”, insert “the Principal Returning  
Officer”.

(b) Section 114B (2) (b)—

10           After “substitute returning officer,” insert “a  
postal voting officer, a deputy to a postal voting  
officer”.

(c) Section 114B (2) (b)—

After “a clerical assistant appointed to assist a  
returning officer”, insert “or postal voting  
officer”.

15 (6) Section 114NA—

After section 114N, insert :—

114NA. Nothing in this Division applies to or in Applica-  
respect of a postal vote certificate or a postal ballot-<sup>tion of</sup>  
paper, or an application therefor, under Division 11. <sup>this</sup> Division.

SCHEDULE



*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(7) Part V, Division 11—

5 After section 114z, insert :—

DIVISION 11.—*Voting by post (postal voting  
officers).*

10 114ZA. (1) An elector who will not throughout the hours of polling on polling day be within New South Wales may make an application to a postal voting officer for a postal vote certificate and a postal ballot-paper. Application for a postal vote certificate and postal ballot-paper.

(2) An application under subsection (1) shall—

- 15 (a) be in or to the effect of the prescribed form;
- (b) be signed by the elector in his own handwriting;
- (c) be witnessed by an authorised witness; and
- 20 (d) subject to section 114ZB (3), be made on or before the same date as the day preceding polling day, but before the close of business on that date.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (3) An elector shall not in an application  
under subsection (1) make any statement which is,  
to his knowledge, false or misleading as to a material  
particular.

Penalty : \$100 or imprisonment for one month.

10 (4) A person shall not persuade or induce  
an elector to make any statement in an application  
under subsection (1) which is, to the knowledge of  
that person, false or misleading as to a material  
particular.

Penalty : \$100 or imprisonment for one month.

15 (5) A person shall not—

(a) persuade or induce; or

(b) associate himself with any other person in  
persuading or inducing,

20 an elector to make an application under subsection  
(1).

Penalty : \$100 or imprisonment for one month.

(6) An authorised witness shall not wit-  
ness the signature of an elector to an application  
under subsection (1) unless—

25 (a) he has satisfied himself as to the identity of  
the elector;

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (b) he has seen the elector sign the application in the elector's own handwriting; and

(c) he knows that the statements contained in the application are true, or has satisfied himself by inquiring from the elector or otherwise that the statements contained in the application are true.

10

Penalty : \$100 or imprisonment for one month.

(7) An authorised witness witnessing the signature of an elector making an application under subsection (1) shall sign his name in his own handwriting on the application in the space provided for that purpose, and shall add his address and the date.

15

114ZB. (1) Where a postal voting officer receives an application made in accordance with section 114ZA, he shall deliver or post to the elector who made the application—

20

Issue of certificate and ballot-paper.

(a) a postal ballot-paper that is in or to the effect of the form prescribed in Schedule 15; and

(b) an envelope bearing—

(i) the address of the postal voting officer; and

25

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (ii) a postal vote certificate that is in  
or to the effect of the prescribed  
form.

10 (2) Before delivering or posting a ballot-  
paper under subsection (1), the postal voting officer  
shall, if the particulars of the candidates are not  
already printed thereon, enter on the ballot-paper—

(a) the name of the electoral district for which  
the elector has declared that he is enrolled;  
and

15 (b) the names of the candidates for that district  
in the order in which those names were  
drawn by ballot held pursuant to section  
82A.

20 (3) Notwithstanding anything in this  
Division, an elector who has made an application  
under section 114ZA (1) shall, notwithstanding that  
the application complies with section 114ZA (2), not  
be entitled to be sent by post a postal ballot-paper  
and postal vote certificate unless the postal voting  
25 officer received the application before the close of  
business on the same date as the third day preceding  
polling day.

(4) Notwithstanding anything in this  
Division, an elector who has made an application  
under section 114ZA (1) to a postal voting officer

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 at a place outside Australia shall, notwithstanding that the application complies with section 114ZA (2), not be entitled to be sent by post a postal ballot-paper and postal vote certificate if the address to which they are to be sent is within New South Wales.

10 114zC. (1) The postal voting officer shall number all applications for postal ballot-papers and postal vote certificates issued by him in consecutive order, and shall number each postal vote certificate with a number corresponding with the number on the application. Numbering of applications and certificates.

15 (2) The postal voting officer shall sign on the back all postal ballot-papers issued.

(3) The signature shall be placed in such a position as to be easily seen when the ballot-paper is folded so as to conceal the vote.

20 114zD. The following directions for regulating voting by means of postal ballot-papers are to be substantially observed :— Directions for postal voting.

25 (a) The elector shall exhibit his postal ballot-paper (in blank) and his postal vote certificate to an authorised witness.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- 5 (b) The elector shall then and there, in the presence of the authorised witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the voter.
- 10 (c) The authorised witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as an authorised witness and the
- 15 date.
- (d) The elector shall then and there in the presence of the authorised witness, but so that the authorised witness cannot see the vote—
- 20 (i) mark his vote on the ballot-paper in the manner directed on the ballot-paper;
- (ii) fold the ballot-paper so that the vote cannot be seen; and
- 25 (iii) place the ballot-paper in the envelope addressed to the postal voting officer and fasten the envelope.
- 30 (e) After the envelope has been fastened, the elector shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (f) If the elector's sight is so impaired that he cannot vote without assistance, a person appointed by the elector shall mark the elector's vote on the ballot-paper in the presence of the authorised witness, and shall then and there fold the ballot-paper so that

10 the vote cannot be seen, place it in the envelope addressed to the postal voting officer, fasten the envelope, and hand it to the elector who shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.

15

(g) If the elector fails to appoint a person as provided by paragraph (f), the authorised witness, if so requested by the elector, shall take the action required by that paragraph, and in taking that action shall mark the ballot-paper according to the instructions of the elector.

20

114ZE. (1) Each application for a postal ballot-paper and postal vote certificate received by a postal voting officer shall—

25

(a) if a ballot-paper and certificate were issued in pursuance of the application—be endorsed by him with the date of issue thereof and sent by him to the Electoral Commissioner as soon as practicable but not later than polling day; or

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Applications, etc., to be sent to Electoral Commissioner and returning officer.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (b) if a ballot-paper and certificate were not so  
issued—be endorsed by him to that effect  
and sent by him to the Electoral Commis-  
sioner as soon as practicable.

10 (2) The postal voting officer shall, forth-  
with after receiving a completed postal ballot-paper  
and postal vote certificate, send them to the Electoral  
Commissioner.

15 (3) When an application and the corres-  
ponding ballot-paper and certificate are received by  
the Electoral Commissioner after being sent under  
this section, the Commissioner shall send them to the  
returning officer for the electoral district for which  
the elector has declared that he is enrolled, unless  
the Commissioner directs the Principal Returning  
Officer to deal with them under section 114ZG.

20 114ZF. (1) The returning officer for the district  
in respect of which postal ballot-papers and postal  
vote certificates have been issued shall, if there is time  
conveniently to do so, note on the certified copies  
of the roll the names of all electors to whom postal  
25 ballot-papers and postal vote certificates have been  
issued.

Returning  
officer  
to note  
issue of  
ballot-  
papers,  
etc.

30 (2) An elector to whom a postal vote  
certificate has been issued shall not be entitled to vote  
at any polling booth unless he first delivers to the  
returning officer or deputy for cancellation his postal  
ballot-paper and postal vote certificate.

SCHEDULE



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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- 5 114ZG. (1) At the scrutiny the returning officer or the officer assisting him shall produce all applications for postal vote certificates and postal ballot-papers received by him, and shall produce unopened all envelopes containing postal votes received by him up to the end of the period of 10 days immediately succeeding the close of the poll, and shall—
- 10
- 15 (a) compare the signature of the elector on each postal vote certificate with the signature of the same elector on the application for the certificate, and allow the scrutineers to inspect both signatures;
- 20 (b) if he is satisfied that—
- (i) the signature on the certificate is that of the elector who signed the application for the certificate;
- 25 (ii) the signature purports to have been witnessed by an authorised witness;
- (iii) the envelope bearing the certificate and containing the ballot-paper, if delivered otherwise than by post, was endorsed by the postal voting officer as received by him before the close of business on the same date as the day preceding polling day or, if delivered by post, bears a post-mark clearly indicating that it was posted to the postal voting officer before the close of the poll; and
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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- 5 (iv) the elector is enrolled for the district,  
accept the ballot-paper for further scrutiny,  
but if he is not so satisfied, disallow the  
ballot-paper without opening the envelope;
- 10 (c) withdraw from the envelopes bearing the  
postal vote certificates all postal ballot-  
papers accepted for further scrutiny, and,  
without inspecting or unfolding the ballot-  
papers or allowing any other person to do  
15 so, place them in a locked and sealed  
ballot-box by themselves for further  
scrutiny;
- (d) seal up in separate parcels—
- 20 (i) all envelopes bearing postal vote  
certificates relating to postal ballot-  
papers accepted for further scrutiny;  
and
- (ii) all unopened envelopes containing  
postal ballot-papers disallowed; and
- 25 (e) proceed with the scrutiny of the postal  
ballot-papers which have been accepted  
for further scrutiny—
- 30 (i) by removing those ballot-papers  
from the ballot-box in which they  
were placed in accordance with  
paragraph (c); and

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (ii) by opening the ballot-papers so removed and allowing and counting those which are formal and disallowing and rejecting those which, by virtue of section 122, are informal.

10 (2) Where the Electoral Commissioner has directed the Principal Returning Officer to deal with any postal ballot-papers and postal vote certificates under this section, the Principal Returning Officer shall deal with those ballot-papers and certificates under this section as if references in subsection  
15 (1) to the returning officer were references to the Principal Returning Officer.

20 (3) The Principal Returning Officer shall notify the returning officer of the results of his action under this section, and the returning officer shall proceed as if those results had been obtained by the returning officer.

25 (4) The Principal Returning Officer shall, as soon as practicable after dealing with any ballot-papers and certificates under this section, send them to the returning officer, together with the corresponding applications for the ballot-papers and certificates.

30 114ZH. A postal ballot-paper shall not be informal because in the case of any candidate his surname only has been written thereon if no other candidate has the same surname, or by reason of any mistake in spelling, if the elector has made clear his intention.

Postal ballot-paper not to be informal because of certain omissions or mistakes.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5           114ZI. (1) If an elector to whom a postal ballot-  
paper has been issued, satisfies the postal voting officer who issued it that he has spoilt his postal  
10           ballot-paper by mistake or accident, he may, on giving it up, receive a new postal ballot-paper from  
the postal voting officer, who shall cancel the spoilt  
ballot-paper.

Spoilt  
postal  
ballot-  
paper.

(2) The postal voting officer shall send the cancelled ballot-paper forthwith to the Electoral Commissioner, who shall send it to the returning officer.

15           114ZJ. The returning officer shall retain every  
application sent to him under section 114ZE (3) or  
20           114ZG (4) until the election can no longer be  
questioned and shall, on being requested to do so by  
any person attending his office at any time during the  
ordinary business hours of that office from and including  
the third day after polling day or after being received  
(whichever is the later) until the election can no longer  
be questioned, make any such application available for  
inspection by that person.

Applica-  
tions to  
be avail-  
able for  
public  
inspection.

25           114ZK. Every reference in this Division to a postal  
voting officer shall be deemed to include a reference  
to a clerical assistant appointed to assist the postal  
voting officer in the performance of his duties.

Reference to  
postal  
voting  
officer  
deemed to  
include  
clerical  
assistant.

## SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 114ZL. Nothing in this Division applies to or in respect of a postal vote certificate or a postal ballot-paper, or an application therefor, under Division 9. Application of this Division.

(8) Section 122 (1) (a)—

After “deputy”, insert “or duly signed by the postal voting officer, as the case may require”.

10 (9) Section 122A (3)—

After “deputy”, insert “, or it is not duly signed by the postal voting officer,”.

(10) Schedule 15—

15 Omit “addressed to the Returning Officer”, insert instead “provided”.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES  
AND ELECTIONS ACT, 1912, OF A FORMAL NATURE.

(1) Section 1—

20 Omit the matter relating to Part V, insert instead :—

PART V.—CONDUCT OF ELECTIONS—*ss.* 68–154.

DIVISION 1.—*Writs*—*ss.* 68–74.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

DIVISION 2.—*Returning officers—ss. 75–78.*

5           DIVISION 3.—*Postal voting officers—ss. 78A–78E.*

DIVISION 4.—*Nominations—s. 79.*

DIVISION 5.—*When poll to be taken—ss. 80–81A.*

10           DIVISION 6.—*Ballot-papers—ss. 82–83.*

DIVISION 7.—*Polling-places, poll clerks, etc.—ss. 84–91.*

DIVISION 8.—*General provisions for the regulation of voting—ss. 92–114.*

15           DIVISION 9.—*Voting by post (returning officers)—ss. 114A–114NA.*

DIVISION 10.—*Pre-poll voting—ss. 114P–114Z.*

DIVISION 11.—*Voting by post (postal voting officers)—ss. 114ZA–114ZL.*

20           DIVISION 12.—*Absent voters—ss. 115–120.*

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

5 DIVISION 13.—*Compulsory voting—ss. 120A–120H.*

DIVISION 14.—*Proceedings after close of poll—ss. 121–129.*

DIVISION 15.—*Adjournment of poll—ss. 130–132.*

10 DIVISION 16.—*General provisions—ss. 133–136.*

DIVISION 17.—*Bribery, treating, intimidation, etc.—ss. 147–154.*

(2) Part V, Division 1, heading—

15 Omit the heading before section 68, insert instead “DIVISION 1.—*Writs.*”.

(3) Part V, Division 2, heading—

Omit the heading before section 75, insert instead “DIVISION 2.—*Returning officers.*”.

20 (4) Part V, Division 4, heading—

Omit the heading before section 79, insert instead “DIVISION 4.—*Nominations.*”.

(5) Part V, Division 5, heading—

25 Omit the heading before section 80, insert instead “DIVISION 5.—*When poll to be taken.*”.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (6) Part V, Division 6, heading—
- 5 Omit the heading before section 82, insert instead  
“DIVISION 6.—*Ballot-papers.*”.
- (7) Part V, Division 7, heading—
- Omit the heading before section 84, insert instead  
“DIVISION 7.—*Polling-places, poll clerks, etc.*”.
- 10 (8) Part V, Division 8, heading—
- Omit the heading before section 92, insert instead  
“DIVISION 8.—*General provisions for the regulation of voting.*”.
- (9) Part V, Division 9, heading—
- 15 Omit the heading before section 114A, insert instead  
“DIVISION 9.—*Voting by post (returning officers).*”.
- (10) Part V, Division 10, heading—
- Omit the heading before section 114P, insert instead  
“DIVISION 10.—*Pre-poll voting.*”.

SCHEDULE



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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (11) Part V, Division 12, heading—  
5 Omit the heading before section 115, insert instead  
“DIVISION 12.—*Absent voters.*”.
- (12) Part V, Division 13, heading—  
Omit the heading before section 120A, insert instead  
“DIVISION 13.—*Compulsory voting.*”.
- 10 (13) Part V, Division 14, heading—  
Omit the heading before section 121, insert instead  
“DIVISION 14.—*Proceedings after close of poll.*”.
- (14) Part V, Division 15, heading—  
Omit the heading before section 130, insert instead  
15 “DIVISION 15.—*Adjournment of poll.*”.
- (15) Part V, Division 16, heading—  
Omit the heading before section 133, insert instead  
“DIVISION 16.—*General provisions.*”.
- (16) Part V, Division 17, heading—  
20 Omit the heading before section 147, insert instead  
“DIVISION 17.—*Bribery, treating, intimidation, etc.*”.

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BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976



No. , 1976.

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# A BILL

To amend the Parliamentary Electorates and Elections Act, 1912, in relation to voting outside New South Wales for State elections and the appointment and functions of a Principal Returning Officer, and in certain other respects.

[MR COLEMAN—24 March, 1976.]

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BE

*Parliamentary Electorates and Elections (Amendment).*

**B**E 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. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1976". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:— Schedules.

15 **SCHEDULE 1.—AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.**

**SCHEDULE 2.—AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE.**

20 4. The Parliamentary Electorates and Elections Act, 1912, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 41, 1912.

**SCHEDULE**

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.

- (1) (a) Section 3, definition of "Postal voting officer"—  
5           Before the definition of "Prescribed", insert :—  
              "Postal voting officer" means a postal voting officer appointed under Division 3 of Part V.
- (b) Section 3, definition of "Principal Returning Officer"—  
10           After the definition of "Prescribed", insert :—  
              "Principal Returning Officer" means the person appointed as such under section 21A (10) (a).
- (c) Section 3, definition of "Returning officer"—  
15           After "place", insert ", but does not include the Principal Returning Officer".
- (2) (a) Section 21A (10) (a)—  
20           Omit "such officers", insert instead "a Principal Returning Officer and such other officers".
- (b) Section 21A (12)—  
25           After section 21A (11), insert :—  
              (12) Section 78E applies to and in respect of the Principal Returning Officer, as if a reference in that section to—  
              (a) a postal voting officer were a reference to the Principal Returning Officer; and  
              (b) a prescribed person were a reference to a justice of the peace.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(3) Part V, Division 3—

5       After section 78, insert :—

DIVISION 3.—*Postal voting officers.*

10       78A. The Electoral Commissioner may, by instru- Appoint-  
ment in writing, appoint one or more persons to be ment  
a postal voting officer, or postal voting officers, at a of postal  
place outside New South Wales (whether overseas voting  
or in Australia), for the purposes of the election or officers.  
elections referred to in the instrument.

15       78B. (1) A postal voting officer shall, as soon as Deputy to  
practicable after his appointment, appoint, by postal  
instrument in writing, a person to be his deputy. voting  
officer.

20       (2) In the event of the absence or incapacity  
of a postal voting officer, his deputy shall have and  
may exercise or perform the powers, authorities, duties  
and functions of the postal voting officer during that  
illness or incapacity.

78c. No postal voting officer, nor any person who Postal  
has been a postal voting officer and has not, by writing voting  
under his hand addressed to the Electoral Commis- officer  
sioner, resigned his office at least 14 days before the not  
to be  
candi-  
date.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 day of nomination for the election, nor any deputy of a postal voting officer, shall be a candidate, or be elected or returned, at an election, or be or continue a member.

78D. (1) A person ceases to hold office as a postal voting officer— Vacation  
of  
office.

- 10 (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Electoral Commissioner;
- 15 (c) if he is removed from office by the Electoral Commissioner; or
- (d) upon the return of the writ or writs for the election or elections for the purposes of which he was appointed.

20 (2) A person ceases to hold office as the deputy of a postal voting officer—

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the postal voting officer;
- 25 (c) if he is removed from office by the postal voting officer or the Electoral Commissioner; or

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (d) if the postal voting officer ceases to hold office as such.

(3) The Electoral Commissioner may, for any cause that appears to him to be sufficient, remove any person from office as a postal voting officer or deputy of such an officer.

10 (4) A postal voting officer may, for any cause that appears to him to be sufficient, remove any person from office as his deputy.

15 78E. (1) Every postal voting officer, deputy to a postal voting officer and clerical assistant appointed for the purposes of Division 11 shall, before he enters upon any of the duties assigned to him by this Act with regard to any election, make and sign before a prescribed person or a person of a prescribed class or description, a declaration to the effect following :—

20 I [A.B.] do solemnly declare  
that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required  
25 of me by the Parliamentary Electorates and Elections Act, 1912, as Postal Voting Officer [or Deputy to a Postal Voting Officer, or a clerical assistant appointed for the purposes of Division 11, as the case may  
30 be] with regard to the election of a Member or Members of the Legislative Assembly,

SCHEDULE



*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 and I do further solemnly promise and  
declare that I will not at the said election  
attempt to ascertain save in the cases in  
which I am expressly by law authorised so  
to do for what candidate any person shall  
10 vote or have voted at the said election; and  
that if in the discharge of my duties at or  
concerning the said election I shall have  
learned, or have the means of learning, for  
what candidate any person shall vote or  
15 have voted thereat, I will not by word or  
or act, or by any other means whatsoever,  
directly or indirectly, divulge or disclose,  
or aid in divulging or disclosing the same,  
save in answer to any question which I am  
legally bound to answer.

20 (2) Every declaration made under this  
section shall be transmitted by the postal voting officer  
or his deputy to the Electoral Commissioner.

(3) Part IV of the Oaths Act, 1900, applies  
25 to a declaration made under this section as if it were  
made under that Act.

(4) Section 88 (1)—

After “and clerical assistant”, insert “(except a clerical  
assistant appointed for the purposes of Division 11)”.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(5) (a) Section 114B (2) (b)—

5 After “is”, insert “the Principal Returning Officer.”

(b) Section 114B (2) (b)—

10 After “substitute returning officer,” insert “a postal voting officer, a deputy to a postal voting officer,”

(c) Section 114B (2) (b)—

After “a clerical assistant appointed to assist a returning officer”, insert “or postal voting officer”.

15 (6) Section 114NA—

After section 114N, insert :—

114NA. Nothing in this Division applies to or in Application of respect of a postal vote certificate or a postal ballot-<sup>tion of</sup> this paper, or an application therefor, under Division 11. <sup>Division.</sup>

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(7) Part V, Division 11—

5 After section 114z, insert :—

DIVISION 11.—*Voting by post (postal voting  
officers).*

10 114ZA. (1) An elector who will not throughout the hours of polling on polling day be within New South Wales may make an application to a postal voting officer for a postal vote certificate and a postal ballot-paper. Application for a postal vote certificate and postal ballot-paper.

(2) An application under subsection (1) shall—

- 15 (a) be in or to the effect of the prescribed form;
- (b) be signed by the elector in his own handwriting;
- (c) be witnessed by an authorised witness; and
- 20 (d) subject to section 114ZB (3), be made on or before the same date as the day preceding polling day, but before the close of business on that date.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (3) An elector shall not in an application under subsection (1) make any statement which is, to his knowledge, false or misleading as to a material particular.

Penalty : \$100 or imprisonment for one month.

10 (4) A person shall not persuade or induce an elector to make any statement in an application under subsection (1) which is, to the knowledge of that person, false or misleading as to a material particular.

Penalty : \$100 or imprisonment for one month.

15 (5) A person shall not—

(a) persuade or induce ; or

(b) associate himself with any other person in persuading or inducing,

20 an elector to make an application under subsection (1).

Penalty : \$100 or imprisonment for one month.

(6) An authorised witness shall not witness the signature of an elector to an application under subsection (1) unless—

25 (a) he has satisfied himself as to the identity of the elector;

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

- 5 (b) he has seen the elector sign the application in the elector's own handwriting; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiring from the elector or otherwise that the statements contained in
- 10 the application are true.

Penalty : \$100 or imprisonment for one month.

- (7) An authorised witness witnessing the signature of an elector making an application under subsection (1) shall sign his name in his own handwriting on the application in the space provided for
- 15 that purpose, and shall add his address and the date.

114ZB. (1) Where a postal voting officer receives an application made in accordance with section 114ZA, he shall deliver or post to the elector who made the application—

20

Issue of certificate and ballot-paper.

- (a) a postal ballot-paper that is in or to the effect of the form prescribed in Schedule 15; and
- (b) an envelope bearing—
- 25 (i) the address of the postal voting officer; and

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (ii) a postal vote certificate that is in  
or to the effect of the prescribed  
form.

10 (2) Before delivering or posting a ballot-  
paper under subsection (1), the postal voting officer  
shall, if the particulars of the candidates are not  
already printed thereon, enter on the ballot-paper—

(a) the name of the electoral district for which  
the elector has declared that he is enrolled;  
and

15 (b) the names of the candidates for that district  
in the order in which those names were  
drawn by ballot held pursuant to section  
82A.

20 (3) Notwithstanding anything in this  
Division, an elector who has made an application  
under section 114ZA (1) shall, notwithstanding that  
the application complies with section 114ZA (2), not  
be entitled to be sent by post a postal ballot-paper  
and postal vote certificate unless the postal voting  
officer received the application before the close of  
25 business on the same date as the third day preceding  
polling day.

(4) Notwithstanding anything in this  
Division, an elector who has made an application  
under section 114ZA (1) to a postal voting officer

*Parliamentary Electorates and Elections (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 at a place outside Australia shall, notwithstanding that the application complies with section 114ZA (2), not be entitled to be sent by post a postal ballot-paper and postal vote certificate if the address to which they are to be sent is within New South Wales.

10 114zc. (1) The postal voting officer shall number all applications for postal ballot-papers and postal vote certificates issued by him in consecutive order, and shall number each postal vote certificate with a number corresponding with the number on the application. Numbering of applications and certificates.

15 (2) The postal voting officer shall sign on the back all postal ballot-papers issued.

(3) The signature shall be placed in such a position as to be easily seen when the ballot-paper is folded so as to conceal the vote.

20 114zd. The following directions for regulating voting by means of postal ballot-papers are to be substantially observed :— Directions for postal voting.

25 (a) The elector shall exhibit his postal ballot-paper (in blank) and his postal vote certificate to an authorised witness.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

- 5 (b) The elector shall then and there, in the presence of the authorised witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the voter.
- 10 (c) The authorised witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as an authorised witness and the
- 15 date.
- (d) The elector shall then and there in the presence of the authorised witness, but so that the authorised witness cannot see the vote—
- 20 (i) mark his vote on the ballot-paper in the manner directed on the ballot-paper;
- (ii) fold the ballot-paper so that the vote cannot be seen; and
- 25 (iii) place the ballot-paper in the envelope addressed to the postal voting officer and fasten the envelope.
- 30 (e) After the envelope has been fastened, the elector shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.

SCHEDULE



*Parliamentary Electorates and Elections (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (f) If the elector's sight is so impaired that he cannot vote without assistance, a person appointed by the elector shall mark the elector's vote on the ballot-paper in the presence of the authorised witness, and shall then and there fold the ballot-paper so that

10 the vote cannot be seen, place it in the envelope addressed to the postal voting officer, fasten the envelope, and hand it to the elector who shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.

15

(g) If the elector fails to appoint a person as provided by paragraph (f), the authorised witness, if so requested by the elector, shall take the action required by that paragraph, and in taking that action shall mark the ballot-paper according to the instructions of the elector.

20

25 114ZE. (1) Each application for a postal ballot-paper and postal vote certificate received by a postal voting officer shall—

(a) if a ballot-paper and certificate were issued in pursuance of the application—be endorsed by him with the date of issue thereof and sent by him to the Electoral Commissioner as soon as practicable but not later than polling day; or

30

Applications, etc., to be sent to Electoral Commissioner and returning officer.

## SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (b) if a ballot-paper and certificate were not so issued—be endorsed by him to that effect and sent by him to the Electoral Commissioner as soon as practicable.

10 (2) The postal voting officer shall, forthwith after receiving a completed postal ballot-paper and postal vote certificate, send them to the Electoral Commissioner.

15 (3) When an application and the corresponding ballot-paper and certificate are received by the Electoral Commissioner after being sent under this section, the Commissioner shall send them to the returning officer for the electoral district for which the elector has declared that he is enrolled, unless the Commissioner directs the Principal Returning Officer to deal with them under section 114ZG.

20 114ZF. (1) The returning officer for the district in respect of which postal ballot-papers and postal vote certificates have been issued shall, if there is time conveniently to do so, note on the certified copies of the roll the names of all electors to whom postal ballot-papers and postal vote certificates have been issued. Returning officer to note issue of ballot-papers, etc.

30 (2) An elector to whom a postal vote certificate has been issued shall not be entitled to vote at any polling booth unless he first delivers to the returning officer or deputy for cancellation his postal ballot-paper and postal vote certificate.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- 5        114ZG. (1) At the scrutiny the returning officer or the officer assisting him shall produce all applications for postal vote certificates and postal ballot-papers received by him, and shall produce unopened all envelopes containing postal votes received by him up to the end of the period of 10 days immediately succeeding the close of the poll, and shall—
- 10
- (a) compare the signature of the elector on each postal vote certificate with the signature of the same elector on the application for the certificate, and allow the scrutineers to inspect both signatures;
- 15
- (b) if he is satisfied that—
- (i) the signature on the certificate is that of the elector who signed the application for the certificate;
- 20
- (ii) the signature purports to have been witnessed by an authorised witness;
- (iii) the envelope bearing the certificate and containing the ballot-paper, if delivered otherwise than by post, was endorsed by the postal voting officer as received by him before the close of business on the same date as the day preceding polling day or, if delivered by post, bears a post-mark clearly indicating that it was posted to the postal voting officer before the close of the poll; and
- 25
- 30

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- 5 (iv) the elector is enrolled for the district,  
accept the ballot-paper for further scrutiny,  
but if he is not so satisfied, disallow the  
ballot-paper without opening the envelope;
- 10 (c) withdraw from the envelopes bearing the  
postal vote certificates all postal ballot-  
papers accepted for further scrutiny, and,  
without inspecting or unfolding the ballot-  
papers or allowing any other person to do  
15 so, place them in a locked and sealed  
ballot-box by themselves for further  
scrutiny;
- (d) seal up in separate parcels—
- 20 (i) all envelopes bearing postal vote  
certificates relating to postal ballot-  
papers accepted for further scrutiny;  
and
- (ii) all unopened envelopes containing  
postal ballot-papers disallowed; and
- 25 (e) proceed with the scrutiny of the postal  
ballot-papers which have been accepted  
for further scrutiny—
- 30 (i) by removing those ballot-papers  
from the ballot-box in which they  
were placed in accordance with  
paragraph (c); and

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (ii) by opening the ballot-papers so removed and allowing and counting those which are formal and disallowing and rejecting those which, by virtue of section 122, are informal.

10 (2) Where the Electoral Commissioner has directed the Principal Returning Officer to deal with any postal ballot-papers and postal vote certificates under this section, the Principal Returning Officer shall deal with those ballot-papers and certificates under this section as if references in subsection 15 (1) to the returning officer were references to the Principal Returning Officer.

20 (3) The Principal Returning Officer shall notify the returning officer of the results of his action under this section, and the returning officer shall proceed as if those results had been obtained by the returning officer.

25 (4) The Principal Returning Officer shall, as soon as practicable after dealing with any ballot-papers and certificates under this section, send them to the returning officer, together with the corresponding applications for the ballot-papers and certificates.

30 114ZH. A postal ballot-paper shall not be informal because in the case of any candidate his surname only has been written thereon if no other candidate has the same surname, or by reason of any mistake in spelling, if the elector has made clear his intention. Postal ballot-paper not to be informal because of certain omissions or mistakes.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 114ZI. (1) If an elector to whom a postal ballot- Spoilt  
paper has been issued, satisfies the postal voting postal  
officer who issued it that he has spoilt his postal ballot-  
ballot-paper by mistake or accident, he may, on paper.  
giving it up, receive a new postal ballot-paper from  
10 the postal voting officer, who shall cancel the spoilt  
ballot-paper.

(2) The postal voting officer shall send the  
cancelled ballot-paper forthwith to the Electoral  
Commissioner, who shall send it to the returning  
officer.

15 114ZJ. The returning officer shall retain every  
application sent to him under section 114ZE (3) or  
114ZG (4) until the election can no longer be  
questioned and shall, on being requested to do so by  
any person attending his office at any time during  
20 the ordinary business hours of that office from and includ-  
ing the third day after polling day or after being  
received (whichever is the later) until the election  
can no longer be questioned, make any such  
application available for inspection by that person.

25 114ZK. Every reference in this Division to a postal  
voting officer shall be deemed to include a reference  
to a clerical assistant appointed to assist the postal  
voting officer in the performance of his duties. Reference to  
postal  
voting  
officer  
deemed to  
include  
clerical  
assistant.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- 5           114ZL. Nothing in this Division applies to or in respect of a postal vote certificate or a postal ballot-paper, or an application therefor, under Division 9. Application of this Division.
- (8) Section 122 (1) (a)—  
After “deputy”, insert “or duly signed by the postal voting officer, as the case may require”.
- 10 (9) Section 122A (3)—  
After “deputy”, insert “, or it is not duly signed by the postal voting officer,”.
- (10) Schedule 15—  
15           Omit “addressed to the Returning Officer”, insert instead “provided”.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES  
AND ELECTIONS ACT, 1912, OF A FORMAL NATURE.

- (1) Section 1—  
20           Omit the matter relating to Part V, insert instead :—  
PART V.—CONDUCT OF ELECTIONS—*ss.* 68–154.  
DIVISION 1.—*Writs*—*ss.* 68–74.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- DIVISION 2.—*Returning officers—ss. 75–78.*
- 5        DIVISION 3.—*Postal voting officers—ss. 78A–78E.*
- DIVISION 4.—*Nominations—s. 79.*
- DIVISION 5.—*When poll to be taken—ss. 80–81A.*
- 10       DIVISION 6.—*Ballot-papers—ss. 82–83.*
- DIVISION 7.—*Polling-places, poll clerks, etc.—ss. 84–91.*
- DIVISION 8.—*General provisions for the regulation of voting—ss. 92–114.*
- 15       DIVISION 9.—*Voting by post (returning officers)—ss. 114A–114NA.*
- DIVISION 10.—*Pre-poll voting—ss. 114P–114Z.*
- DIVISION 11.—*Voting by post (postal voting officers)—ss. 114ZA–114ZL.*
- 20       DIVISION 12.—*Absent voters—ss. 115–120.*

SCHEDULE



*Parliamentary Electorates and Elections (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

5 DIVISION 13.—*Compulsory voting—ss. 120A–120H.*

DIVISION 14.—*Proceedings after close of poll—ss. 121–129.*

DIVISION 15.—*Adjournment of poll—ss. 130–132.*

10 DIVISION 16.—*General provisions—ss. 133–136.*

DIVISION 17.—*Bribery, treating, intimidation, etc.—ss. 147–154.*

(2) Part V, Division 1, heading—

15 Omit the heading before section 68, insert instead “DIVISION 1.—*Writs.*”.

(3) Part V, Division 2, heading—

Omit the heading before section 75, insert instead “DIVISION 2.—*Returning officers.*”.

20 (4) Part V, Division 4, heading—

Omit the heading before section 79, insert instead “DIVISION 4.—*Nominations.*”.

(5) Part V, Division 5, heading—

25 Omit the heading before section 80, insert instead “DIVISION 5.—*When poll to be taken.*”.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (6) Part V, Division 6, heading—
- 5 Omit the heading before section 82, insert instead  
“DIVISION 6.—*Ballot-papers.*”.
- (7) Part V, Division 7, heading—
- Omit the heading before section 84, insert instead  
“DIVISION 7.—*Polling-places, poll clerks, etc.*”.
- 10 (8) Part V, Division 8, heading—
- Omit the heading before section 92, insert instead  
“DIVISION 8.—*General provisions for the regulation of voting.*”.
- (9) Part V, Division 9, heading—
- 15 Omit the heading before section 114A, insert instead  
“DIVISION 9.—*Voting by post (returning officers).*”.
- (10) Part V, Division 10, heading—
- Omit the heading before section 114P, insert instead  
“DIVISION 10.—*Pre-poll voting.*”.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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 SCHEDULE 2—*continued.*


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 AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
 ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (11) Part V, Division 12, heading—  
 5 Omit the heading before section 115, insert instead  
 "DIVISION 12.—*Absent voters.*".
- (12) Part V, Division 13, heading—  
 Omit the heading before section 120A, insert instead  
 "DIVISION 13.—*Compulsory voting.*".
- 10 (13) Part V, Division 14, heading—  
 Omit the heading before section 121, insert instead  
 "DIVISION 14.—*Proceedings after close of poll.*".
- (14) Part V, Division 15, heading—  
 Omit the heading before section 130, insert instead  
 15 "DIVISION 15.—*Adjournment of poll.*".
- (15) Part V, Division 16, heading—  
 Omit the heading before section 133, insert instead  
 "DIVISION 16.—*General provisions.*".
- (16) Part V, Division 17, heading—  
 20 Omit the heading before section 147, insert instead  
 "DIVISION 17.—*Bribery, treating, intimidation, etc.*".

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 BY AUTHORITY

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UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5800 S. UNIVERSITY AVE.  
CHICAGO, ILL. 60637

**PARLIAMENTARY ELECTORATES AND ELECTIONS  
(AMENDMENT) BILL, 1976**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to enable the Electoral Commissioner to appoint postal voting officers at places outside the State (whether overseas or in Australia) for State elections (Schedule 1 (3));
- (b) to enable a person who will not be present in the State on a polling day for an election to exercise postal voting facilities on application (in person or by post) to a postal voting officer (Schedule 1 (7));
- (c) to provide for the appointment of a Principal Returning Officer (Schedule 1 (2));
- (d) to permit the Principal Returning Officer to count votes received by a postal voting officer, if so directed by the Electoral Commissioner (Schedule 1 (7)—proposed section 114ZG);
- (e) to divide Part V of the Principal Act into Divisions (Schedule 2); and
- (f) to make other provisions of a consequential or ancillary character.

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# A BILL

To amend the Parliamentary Electorates and Elections Act, 1912, in relation to voting outside New South Wales for State elections and the appointment and functions of a Principal Returning Officer, and in certain other respects.

[MR COLEMAN—24 March, 1976.]

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**BE**

*Parliamentary Electorates and Elections (Amendment).*

**B**E 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. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1976". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:— Schedules.

15 **SCHEDULE 1.—AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.**

**SCHEDULE 2.—AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE.**

20 4. The Parliamentary Electorates and Elections Act, 1912, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 41, 1912.

**SCHEDULE**



*Parliamentary Electorates and Elections (Amendment).*

## SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912.

(1) (a) Section 3, definition of "Postal voting officer"—

5 Before the definition of "Prescribed", insert :—

"Postal voting officer" means a postal voting  
officer appointed under Division 3 of  
Part V.

10 (b) Section 3, definition of "Principal Returning  
Officer"—

After the definition of "Prescribed", insert :—

"Principal Returning Officer" means the per-  
son appointed as such under section 21A  
(10) (a).

15 (c) Section 3, definition of "Returning officer"—

After "place", insert ", but does not include the  
Principal Returning Officer".

(2) (a) Section 21A (10) (a)—

20 Omit "such officers", insert instead "a Principal  
Returning Officer and such other officers".

(b) Section 21A (12)—

After section 21A (11), insert :—

25 (12) Section 78E applies to and in respect of  
the Principal Returning Officer, as if a reference  
in that section to—(a) a postal voting officer were a reference  
to the Principal Returning Officer; and(b) a prescribed person were a reference to  
a justice of the peace.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(3) Part V, Division 3—

5 After section 78, insert :—

DIVISION 3.—*Postal voting officers.*

10 78A. The Electoral Commissioner may, by instrument in writing, appoint one or more persons to be a postal voting officer, or postal voting officers, at a place outside New South Wales (whether overseas or in Australia), for the purposes of the election or elections referred to in the instrument. Appointment of postal voting officers.

15 78B. (1) A postal voting officer shall, as soon as practicable after his appointment, appoint, by instrument in writing, a person to be his deputy. Deputy to postal voting officer.

20 (2) In the event of the absence or incapacity of a postal voting officer, his deputy shall have and may exercise or perform the powers, authorities, duties and functions of the postal voting officer during that illness or incapacity.

78C. No postal voting officer, nor any person who has been a postal voting officer and has not, by writing under his hand addressed to the Electoral Commissioner, resigned his office at least 14 days before the Postal voting officer not to be candidate.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 day of nomination for the election, nor any deputy  
of a postal voting officer, shall be a candidate, or be  
elected or returned, at an election, or be or continue  
a member.

78D. (1) A person ceases to hold office as a postal voting officer—  
Vacation  
of  
office.

- 10 (a) if he dies;
- (b) if he resigns his office by writing under his  
hand addressed to the Electoral Commis-  
sioner;
- 15 (c) if he is removed from office by the Electoral  
Commissioner; or
- (d) upon the return of the writ or writs for the  
election or elections for the purposes of  
which he was appointed.

20 (2) A person ceases to hold office as the  
deputy of a postal voting officer—

- (a) if he dies;
- (b) if he resigns his office by writing under his  
hand addressed to the postal voting officer;
- 25 (c) if he is removed from office by the postal  
voting officer or the Electoral Commis-  
sioner; or

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (d) if the postal voting officer ceases to hold office as such.

(3) The Electoral Commissioner may, for any cause that appears to him to be sufficient, remove any person from office as a postal voting officer or deputy of such an officer.

10 (4) A postal voting officer may, for any cause that appears to him to be sufficient, remove any person from office as his deputy.

15 78E. (1) Every postal voting officer, deputy to a postal voting officer and clerical assistant appointed for the purposes of Division 11 shall, before he enters upon any of the duties assigned to him by this Act with regard to any election, make and sign before a prescribed person or a person of a prescribed class or description, a declaration to the effect following :—

20 I [A.B.] do solemnly declare  
that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required  
25 of me by the Parliamentary Electorates and Elections Act, 1912, as Postal Voting Officer [or Deputy to a Postal Voting Officer, or a clerical assistant appointed for the purposes of Division 11, as the case may  
30 be] with regard to the election of a Member or Members of the Legislative Assembly,

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 and I do further solemnly promise and  
declare that I will not at the said election  
attempt to ascertain save in the cases in  
which I am expressly by law authorised so  
to do for what candidate any person shall  
10 vote or have voted at the said election; and  
that if in the discharge of my duties at or  
concerning the said election I shall have  
learned, or have the means of learning, for  
what candidate any person shall vote or  
15 have voted thereat, I will not by word or  
or act, or by any other means whatsoever,  
directly or indirectly, divulge or disclose,  
or aid in divulging or disclosing the same,  
save in answer to any question which I am  
legally bound to answer.

20 (2) Every declaration made under this  
section shall be transmitted by the postal voting officer  
or his deputy to the Electoral Commissioner.

(3) Part IV of the Oaths Act, 1900, applies  
25 to a declaration made under this section as if it were  
made under that Act.

(4) Section 88 (1)—

After “and clerical assistant”, insert “(except a clerical  
assistant appointed for the purposes of Division 11)”.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

(5) (a) Section 114B (2) (b)—

5 After “is”, insert “the Principal Returning Officer,”.

(b) Section 114B (2) (b)—

10 After “substitute returning officer,”, insert “a postal voting officer, a deputy to a postal voting officer,”.

(c) Section 114B (2) (b)—

After “a clerical assistant appointed to assist a returning officer”, insert “or postal voting officer”.

15 (6) Section 114NA—

After section 114N, insert :—

114NA. Nothing in this Division applies to or in Application of respect of a postal vote certificate or a postal ballot-<sup>tion of</sup> paper, or an application therefor, under Division 11. <sup>this</sup> Division.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(7) Part V, Division 11—

5 After section 114z, insert :—

DIVISION 11.—*Voting by post (postal voting  
officers).*

10 114ZA. (1) An elector who will not throughout the hours of polling on polling day be within New South Wales may make an application to a postal voting officer for a postal vote certificate and a postal ballot-paper. Application for a postal vote certificate and postal ballot-paper.

(2) An application under subsection (1) shall—

- 15 (a) be in or to the effect of the prescribed form;
- (b) be signed by the elector in his own handwriting;
- (c) be witnessed by an authorised witness; and
- 20 (d) subject to section 114ZB (3), be made on or before the same date as the day preceding polling day, but before the close of business on that date.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (3) An elector shall not in an application  
under subsection (1) make any statement which is,  
to his knowledge, false or misleading as to a material  
particular.

Penalty : \$100 or imprisonment for one month.

10 (4) A person shall not persuade or induce  
an elector to make any statement in an application  
under subsection (1) which is, to the knowledge of  
that person, false or misleading as to a material  
particular.

Penalty : \$100 or imprisonment for one month.

15 (5) A person shall not—

(a) persuade or induce; or

(b) associate himself with any other person in  
persuading or inducing,

20 an elector to make an application under subsection  
(1).

Penalty : \$100 or imprisonment for one month.

(6) An authorised witness shall not wit-  
ness the signature of an elector to an application  
under subsection (1) unless—

25 (a) he has satisfied himself as to the identity of  
the elector;

SCHEDULE



*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (b) he has seen the elector sign the application  
in the elector's own handwriting; and

10 (c) he knows that the statements contained in  
the application are true, or has satisfied  
himself by inquiring from the elector or  
otherwise that the statements contained in  
the application are true.

Penalty : \$100 or imprisonment for one month.

15 (7) An authorised witness witnessing the  
signature of an elector making an application under  
subsection (1) shall sign his name in his own hand-  
writing on the application in the space provided for  
that purpose, and shall add his address and the date.

20 114zB. (1) Where a postal voting officer receives  
an application made in accordance with section  
114zA, he shall deliver or post to the elector who  
made the application—  
Issue of  
certificate  
and ballot-  
paper.

(a) a postal ballot-paper that is in or to the  
effect of the form prescribed in Schedule  
15; and

(b) an envelope bearing—

25 (i) the address of the postal voting  
officer; and

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 (ii) a postal vote certificate that is in  
or to the effect of the prescribed  
form.

10 (2) Before delivering or posting a ballot-  
paper under subsection (1), the postal voting officer  
shall, if the particulars of the candidates are not  
already printed thereon, enter on the ballot-paper—

(a) the name of the electoral district for which  
the elector has declared that he is enrolled;  
and

15 (b) the names of the candidates for that district  
in the order in which those names were  
drawn by ballot held pursuant to section  
82A.

20 (3) Notwithstanding anything in this  
Division, an elector who has made an application  
under section 114ZA (1) shall, notwithstanding that  
the application complies with section 114ZA (2), not  
be entitled to be sent by post a postal ballot-paper  
and postal vote certificate unless the postal voting  
25 officer received the application before the close of  
business on the same date as the third day preceding  
polling day.

(4) Notwithstanding anything in this  
Division, an elector who has made an application  
under section 114ZA (1) to a postal voting officer

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 at a place outside Australia shall, notwithstanding that the application complies with section 114ZA (2), not be entitled to be sent by post a postal ballot-paper and postal vote certificate if the address to which they are to be sent is within New South Wales.

10 114zc. (1) The postal voting officer shall number all applications for postal ballot-papers and postal vote certificates issued by him in consecutive order, and shall number each postal vote certificate with a number corresponding with the number on the application. Numbering of applications and certificates.

15 (2) The postal voting officer shall sign on the back all postal ballot-papers issued.

(3) The signature shall be placed in such a position as to be easily seen when the ballot-paper is folded so as to conceal the vote.

20 114zd. The following directions for regulating voting by means of postal ballot-papers are to be substantially observed :— Directions for postal voting.

25 (a) The elector shall exhibit his postal ballot-paper (in blank) and his postal vote certificate to an authorised witness.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- 5 (b) The elector shall then and there, in the presence of the authorised witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the voter.
- 10 (c) The authorised witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as an authorised witness and the
- 15 date.
- (d) The elector shall then and there in the presence of the authorised witness, but so that the authorised witness cannot see the vote—
- 20 (i) mark his vote on the ballot-paper in the manner directed on the ballot-paper;
- (ii) fold the ballot-paper so that the vote cannot be seen; and
- 25 (iii) place the ballot-paper in the envelope addressed to the postal voting officer and fasten the envelope.
- 30 (e) After the envelope has been fastened, the elector shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (f) If the elector's sight is so impaired that he cannot vote without assistance, a person appointed by the elector shall mark the elector's vote on the ballot-paper in the presence of the authorised witness, and shall then and there fold the ballot-paper so that

10 the vote cannot be seen, place it in the envelope addressed to the postal voting officer, fasten the envelope, and hand it to the elector who shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.

15

(g) If the elector fails to appoint a person as provided by paragraph (f), the authorised witness, if so requested by the elector, shall take the action required by that paragraph, and in taking that action shall mark the ballot-paper according to the instructions of the elector.

20

25 114ZE. (1) Each application for a postal ballot-paper and postal vote certificate received by a postal voting officer shall—

Applica-  
tions, etc.,  
to be  
sent to  
Electoral  
Commis-  
sioner  
and  
returning  
officer.

(a) if a ballot-paper and certificate were issued in pursuance of the application—be endorsed by him with the date of issue thereof and sent by him to the Electoral Commissioner as soon as practicable but not later than polling day; or

30

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (b) if a ballot-paper and certificate were not so issued—be endorsed by him to that effect and sent by him to the Electoral Commissioner as soon as practicable.

10 (2) The postal voting officer shall, forthwith after receiving a completed postal ballot-paper and postal vote certificate, send them to the Electoral Commissioner.

15 (3) When an application and the corresponding ballot-paper and certificate are received by the Electoral Commissioner after being sent under this section, the Commissioner shall send them to the returning officer for the electoral district for which the elector has declared that he is enrolled, unless the Commissioner directs the Principal Returning Officer to deal with them under section 114ZG.

20 114ZF. (1) The returning officer for the district in respect of which postal ballot-papers and postal vote certificates have been issued shall, if there is time conveniently to do so, note on the certified copies of the roll the names of all electors to whom postal ballot-papers and postal vote certificates have been issued. Returning officer to note issue of ballot-papers, etc.

30 (2) An elector to whom a postal vote certificate has been issued shall not be entitled to vote at any polling booth unless he first delivers to the returning officer or deputy for cancellation his postal ballot-paper and postal vote certificate.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- 5 114ZG. (1) At the scrutiny the returning officer or the officer assisting him shall produce all applications for postal vote certificates and postal ballot-papers received by him, and shall produce unopened all envelopes containing postal votes received by him up to the end of the period of 10 days immediately succeeding the close of the poll, and shall—
- 10
- 15 (a) compare the signature of the elector on each postal vote certificate with the signature of the same elector on the application for the certificate, and allow the scrutineers to inspect both signatures;
- 20 (b) if he is satisfied that—
- (i) the signature on the certificate is that of the elector who signed the application for the certificate;
- 25 (ii) the signature purports to have been witnessed by an authorised witness;
- (iii) the envelope bearing the certificate and containing the ballot-paper, if delivered otherwise than by post, was endorsed by the postal voting officer as received by him before the close of business on the same date as the day preceding polling day or, if delivered by post, bears a post-mark clearly indicating that it was posted to the postal voting officer before the close of the poll; and
- 30

Scrutiny  
of postal  
ballot-  
papers.

*Parliamentary Electorates and Elections (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

- 5 (iv) the elector is enrolled for the district,  
accept the ballot-paper for further scrutiny, but if he is not so satisfied, disallow the ballot-paper without opening the envelope;
- 10 (c) withdraw from the envelopes bearing the postal vote certificates all postal ballot-papers accepted for further scrutiny, and, without inspecting or unfolding the ballot-papers or allowing any other person to do so, place them in a locked and sealed
- 15 ballot-box by themselves for further scrutiny;
- (d) seal up in separate parcels—
- 20 (i) all envelopes bearing postal vote certificates relating to postal ballot-papers accepted for further scrutiny; and
- (ii) all unopened envelopes containing postal ballot-papers disallowed; and
- 25 (e) proceed with the scrutiny of the postal ballot-papers which have been accepted for further scrutiny—
- (i) by removing those ballot-papers from the ballot-box in which they were placed in accordance with
- 30 paragraph (c); and

SCHEDULE



*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

5 (ii) by opening the ballot-papers so removed and allowing and counting those which are formal and disallowing and rejecting those which, by virtue of section 122, are informal.

10 (2) Where the Electoral Commissioner has directed the Principal Returning Officer to deal with any postal ballot-papers and postal vote certificates under this section, the Principal Returning Officer shall deal with those ballot-papers and certificates under this section as if references in subsection 15 (1) to the returning officer were references to the Principal Returning Officer.

20 (3) The Principal Returning Officer shall notify the returning officer of the results of his action under this section, and the returning officer shall proceed as if those results had been obtained by the returning officer.

25 (4) The Principal Returning Officer shall, as soon as practicable after dealing with any ballot-papers and certificates under this section, send them to the returning officer, together with the corresponding applications for the ballot-papers and certificates.

30 114ZH. A postal ballot-paper shall not be informal because in the case of any candidate his surname only has been written thereon if no other candidate has the same surname, or by reason of any mistake in spelling, if the elector has made clear his intention.

Postal ballot-paper not to be informal because of certain omissions or mistakes.

SCHEDULE

*Parliamentary Electorates and Elections (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

- 5 114ZI. (1) If an elector to whom a postal ballot-  
paper has been issued, satisfies the postal voting  
officer who issued it that he has spoiled his postal  
ballot-paper by mistake or accident, he may, on  
giving it up, receive a new postal ballot-paper from  
10 the postal voting officer, who shall cancel the spoiled  
ballot-paper. Spoilt postal ballot-paper.
- (2) The postal voting officer shall send the  
cancelled ballot-paper forthwith to the Electoral  
Commissioner, who shall send it to the returning  
officer.
- 15 114ZJ. The returning officer shall retain every  
application sent to him under section 114ZE (3) or  
114ZG (4) until the election can no longer be  
questioned and shall, on being requested to do so by  
any person attending his office at any time during  
20 the ordinary business hours of that office from and including  
the third day after polling day or after being  
received (whichever is the later) until the election  
can no longer be questioned, make any such  
application available for inspection by that person. Applications to be available for public inspection.
- 25 114ZK. Every reference in this Division to a postal  
voting officer shall be deemed to include a reference  
to a clerical assistant appointed to assist the postal  
voting officer in the performance of his duties. Reference to postal voting officer deemed to include clerical assistant.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

5 114ZL. Nothing in this Division applies to or in respect of a postal vote certificate or a postal ballot-paper, or an application therefor, under Division 9. Application of this Division.

(8) Section 122 (1) (a)—

After “deputy”, insert “or duly signed by the postal voting officer, as the case may require”.

10 (9) Section 122A (3)—

After “deputy”, insert “, or it is not duly signed by the postal voting officer,”.

(10) Schedule 15—

15 Omit “addressed to the Returning Officer”, insert instead “provided”.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES  
AND ELECTIONS ACT, 1912, OF A FORMAL NATURE.

(1) Section 1—

20 Omit the matter relating to Part V, insert instead :—

PART V.—CONDUCT OF ELECTIONS—*ss.* 68–154.

DIVISION 1.—*Writs*—*ss.* 68–74.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

DIVISION 2.—*Returning officers—ss. 75–78.*

5        DIVISION 3.—*Postal voting officers—ss. 78A–78E.*

DIVISION 4.—*Nominations—s. 79.*

DIVISION 5.—*When poll to be taken—ss. 80–81A.*

10        DIVISION 6.—*Ballot-papers—ss. 82–83.*

DIVISION 7.—*Polling-places, poll clerks, etc.—ss. 84–91.*

DIVISION 8.—*General provisions for the regulation of voting—ss. 92–114.*

15        DIVISION 9.—*Voting by post (returning officers)—ss. 114A–114NA.*

DIVISION 10.—*Pre-poll voting—ss. 114P–114Z.*

DIVISION 11.—*Voting by post (postal voting officers)—ss. 114ZA–114ZL.*

20        DIVISION 12.—*Absent voters—ss. 115–120.*

SCHEDULE

Parliamentary Electorates and Elections (Amendment).SCHEDULE 2—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

5 DIVISION 13.—*Compulsory voting*—ss. 120A–120H.

DIVISION 14.—*Proceedings after close of poll*—ss. 121–129.

DIVISION 15.—*Adjournment of poll*—ss. 130–132.

10 DIVISION 16.—*General provisions*—ss. 133–136.

DIVISION 17.—*Bribery, treating, intimidation, etc.*—ss. 147–154.

(2) Part V, Division 1, heading—

15 Omit the heading before section 68, insert instead “DIVISION 1.—*Writs.*”.

(3) Part V, Division 2, heading—

Omit the heading before section 75, insert instead “DIVISION 2.—*Returning officers.*”.

20 (4) Part V, Division 4, heading—

Omit the heading before section 79, insert instead “DIVISION 4.—*Nominations.*”.

(5) Part V, Division 5, heading—

25 Omit the heading before section 80, insert instead “DIVISION 5.—*When poll to be taken.*”.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (6) Part V, Division 6, heading—
- 5 Omit the heading before section 82, insert instead  
“DIVISION 6.—*Ballot-papers.*”.
- (7) Part V, Division 7, heading—
- Omit the heading before section 84, insert instead  
“DIVISION 7.—*Polling-places, poll clerks, etc.*”.
- 10 (8) Part V, Division 8, heading—
- Omit the heading before section 92, insert instead  
“DIVISION 8.—*General provisions for the regulation of voting.*”.
- (9) Part V, Division 9, heading—
- 15 Omit the heading before section 114A, insert instead  
“DIVISION 9.—*Voting by post (returning officers).*”.
- (10) Part V, Division 10, heading—
- Omit the heading before section 114P, insert instead  
“DIVISION 10.—*Pre-poll voting.*”.

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (11) Part V, Division 12, heading—  
5 Omit the heading before section 115, insert instead  
“DIVISION 12.—*Absent voters.*”.
- (12) Part V, Division 13, heading—  
Omit the heading before section 120A, insert instead  
“DIVISION 13.—*Compulsory voting.*”.
- 10 (13) Part V, Division 14, heading—  
Omit the heading before section 121, insert instead  
“DIVISION 14.—*Proceedings after close of poll.*”.
- (14) Part V, Division 15, heading—  
Omit the heading before section 130, insert instead  
15 “DIVISION 15.—*Adjournment of poll.*”.
- (15) Part V, Division 16, heading—  
Omit the heading before section 133, insert instead  
“DIVISION 16.—*General provisions.*”.
- (16) Part V, Division 17, heading—  
20 Omit the heading before section 147, insert instead  
“DIVISION 17.—*Bribery, treating, intimidation, etc.*”.





# New South Wales



ANNO VICESIMO QUINTO

## ELIZABETHÆ II REGINÆ

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**Act No. 20, 1976.**

An Act to amend the Parliamentary Electorates and Elections Act, 1912, in relation to voting outside New South Wales for State elections and the appointment and functions of a Principal Returning Officer, and in certain other respects. [Assented to, 31st March, 1976.]

BE

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*Parliamentary Electorates and Elections (Amendment).*

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**B**E 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.

1. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1976".

Commence-  
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PARLIAMEN-  
TARY ELECTORATES AND ELECTIONS ACT, 1912.

SCHEDULE 2.—AMENDMENTS TO THE PARLIAMEN-  
TARY ELECTORATES AND ELECTIONS ACT, 1912,  
OF A FORMAL NATURE.

Amendment  
of Act No.  
41, 1912.

4. The Parliamentary Electorates and Elections Act, 1912, is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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## SCHEDULE 1.

Sec. 4.

**AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912.**

## (1) (a) Section 3, definition of "Postal voting officer"—

Before the definition of "Prescribed", insert :—

"Postal voting officer" means a postal voting officer appointed under Division 3 of Part V.

## (b) Section 3, definition of "Principal Returning Officer"—

After the definition of "Prescribed", insert :—

"Principal Returning Officer" means the person appointed as such under section 21A (10) (a).

## (c) Section 3, definition of "Returning officer"—

After "place", insert ", but does not include the Principal Returning Officer".

## (2) (a) Section 21A (10) (a)—

Omit "such officers", insert instead "a Principal Returning Officer and such other officers".

## (b) Section 21A (12)—

After section 21A (11), insert :—

(12) Section 78E applies to and in respect of the Principal Returning Officer, as if a reference in that section to—

(a) a postal voting officer were a reference to the Principal Returning Officer; and

(b) a prescribed person were a reference to a justice of the peace.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
 ELECTIONS ACT, 1912—*continued.*

## (3) Part V, Division 3—

After section 78, insert :—

 DIVISION 3.—*Postal voting officers.*

 Appoint-  
 ment  
 of postal  
 voting  
 officers.

78A. The Electoral Commissioner may, by instrument in writing, appoint one or more persons to be a postal voting officer, or postal voting officers, at a place outside New South Wales (whether overseas or in Australia), for the purposes of the election or elections referred to in the instrument.

 Deputy to  
 postal  
 voting  
 officer.

78B. (1) A postal voting officer shall, as soon as practicable after his appointment, appoint, by instrument in writing, a person to be his deputy.

(2) In the event of the absence or incapacity of a postal voting officer, his deputy shall have and may exercise or perform the powers, authorities, duties and functions of the postal voting officer during that illness or incapacity.

 Postal  
 voting  
 officer  
 not  
 to be  
 candi-  
 date.

78C. No postal voting officer, nor any person who has been a postal voting officer and has not, by writing under his hand addressed to the Electoral Commissioner, resigned his office at least 14 days before the

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

day of nomination for the election, nor any deputy of a postal voting officer, shall be a candidate, or be elected or returned, at an election, or be or continue a member.

78D. (1) A person ceases to hold office as a postal voting officer—

Vacation  
of  
office.

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Electoral Commissioner;
- (c) if he is removed from office by the Electoral Commissioner; or
- (d) upon the return of the writ or writs for the election or elections for the purposes of which he was appointed.

(2) A person ceases to hold office as the deputy of a postal voting officer—

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the postal voting officer;
- (c) if he is removed from office by the postal voting officer or the Electoral Commissioner; or

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

(d) if the postal voting officer ceases to hold office as such.

(3) The Electoral Commissioner may, for any cause that appears to him to be sufficient, remove any person from office as a postal voting officer or deputy of such an officer.

(4) A postal voting officer may, for any cause that appears to him to be sufficient, remove any person from office as his deputy.

Postal voting officer to make declaration.

78E. (1) Every postal voting officer, deputy to a postal voting officer and clerical assistant appointed for the purposes of Division 11 shall, before he enters upon any of the duties assigned to him by this Act with regard to any election, make and sign before a prescribed person or a person of a prescribed class or description, a declaration to the effect following :—

I [A.B.] do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required of me by the Parliamentary Electorates and Elections Act, 1912, as Postal Voting Officer [or Deputy to a Postal Voting Officer, or a clerical assistant appointed for the purposes of Division 11, *as the case may be*] with regard to the election of a Member or Members of the Legislative Assembly,

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

and I do further solemnly promise and declare that I will not at the said election attempt to ascertain save in the cases in which I am expressly by law authorised so to do for what candidate any person shall vote or have voted at the said election; and that if in the discharge of my duties at or concerning the said election I shall have learned, or have the means of learning, for what candidate any person shall vote or have voted thereat, I will not by word or or act, or by any other means whatsoever, directly or indirectly, divulge or disclose, or aid in divulging or disclosing the same, save in answer to any question which I am legally bound to answer.

(2) Every declaration made under this section shall be transmitted by the postal voting officer or his deputy to the Electoral Commissioner.

(3) Part IV of the Oaths Act, 1900, applies to a declaration made under this section as if it were made under that Act.

(4) Section 88 (1)—

After “and clerical assistant”, insert “(except a clerical assistant appointed for the purposes of Division 11)”.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

(5) (a) Section 114B (2) (b)—

After “is”, insert “the Principal Returning Officer,”.

(b) Section 114B (2) (b)—

After “substitute returning officer,”, insert “a postal voting officer, a deputy to a postal voting officer,”.

(c) Section 114B (2) (b)—

After “a clerical assistant appointed to assist a returning officer”, insert “or postal voting officer”.

(6) Section 114NA—

After section 114N, insert :—

114NA. Nothing in this Division applies to or in respect of a postal vote certificate or a postal ballot-paper, or an application therefor, under Division 11.

Applica-  
tion of  
this  
Division.

SCHEDULE



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*Parliamentary Electorates and Elections (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

## (7) Part V, Division 11—

After section 114Z, insert :—

DIVISION 11.—*Voting by post (postal voting  
officers).*

114ZA. (1) An elector who will not throughout the hours of polling on polling day be within New South Wales may make an application to a postal voting officer for a postal vote certificate and a postal ballot-paper.

Application for a postal vote certificate and postal ballot-paper.

(2) An application under subsection (1) shall—

- (a) be in or to the effect of the prescribed form;
- (b) be signed by the elector in his own handwriting;
- (c) be witnessed by an authorised witness; and
- (d) subject to section 114ZB (3), be made on or before the same date as the day preceding polling day, but before the close of business on that date.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

(3) An elector shall not in an application under subsection (1) make any statement which is, to his knowledge, false or misleading as to a material particular.

Penalty : \$100 or imprisonment for one month.

(4) A person shall not persuade or induce an elector to make any statement in an application under subsection (1) which is, to the knowledge of that person, false or misleading as to a material particular.

Penalty : \$100 or imprisonment for one month.

(5) A person shall not—

(a) persuade or induce; or

(b) associate himself with any other person in persuading or inducing,

an elector to make an application under subsection (1).

Penalty : \$100 or imprisonment for one month.

(6) An authorised witness shall not witness the signature of an elector to an application under subsection (1) unless—

(a) he has satisfied himself as to the identity of the elector;

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

- (b) he has seen the elector sign the application in the elector's own handwriting; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiring from the elector or otherwise that the statements contained in the application are true.

Penalty : \$100 or imprisonment for one month.

(7) An authorised witness witnessing the signature of an elector making an application under subsection (1) shall sign his name in his own handwriting on the application in the space provided for that purpose, and shall add his address and the date.

114ZB. (1) Where a postal voting officer receives an application made in accordance with section 114ZA, he shall deliver or post to the elector who made the application—

Issue of certificate and ballot-paper.

- (a) a postal ballot-paper that is in or to the effect of the form prescribed in Schedule 15; and
- (b) an envelope bearing—
  - (i) the address of the postal voting officer; and

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(ii) a postal vote certificate that is in or to the effect of the prescribed form.

(2) Before delivering or posting a ballot-paper under subsection (1), the postal voting officer shall, if the particulars of the candidates are not already printed thereon, enter on the ballot-paper—

(a) the name of the electoral district for which the elector has declared that he is enrolled; and

(b) the names of the candidates for that district in the order in which those names were drawn by ballot held pursuant to section 82A.

(3) Notwithstanding anything in this Division, an elector who has made an application under section 114ZA (1) shall, notwithstanding that the application complies with section 114ZA (2), not be entitled to be sent by post a postal ballot-paper and postal vote certificate unless the postal voting officer received the application before the close of business on the same date as the third day preceding polling day.

(4) Notwithstanding anything in this Division, an elector who has made an application under section 114ZA (1) to a postal voting officer

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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**SCHEDULE 1—continued.**
**AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—continued.**

at a place outside Australia shall, notwithstanding that the application complies with section 114ZA (2), not be entitled to be sent by post a postal ballot-paper and postal vote certificate if the address to which they are to be sent is within New South Wales.

114zC. (1) The postal voting officer shall number all applications for postal ballot-papers and postal vote certificates issued by him in consecutive order, and shall number each postal vote certificate with a number corresponding with the number on the application. Numbering of applications and certificates.

(2) The postal voting officer shall sign on the back all postal ballot-papers issued.

(3) The signature shall be placed in such a position as to be easily seen when the ballot-paper is folded so as to conceal the vote.

114zD. The following directions for regulating voting by means of postal ballot-papers are to be substantially observed :— Directions for postal voting.

- (a) The elector shall exhibit his postal ballot-paper (in blank) and his postal vote certificate to an authorised witness.

**SCHEDULE**

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

- (b) The elector shall then and there, in the presence of the authorised witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the voter.
- (c) The authorised witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as an authorised witness and the date.
- (d) The elector shall then and there in the presence of the authorised witness, but so that the authorised witness cannot see the vote—
  - (i) mark his vote on the ballot-paper in the manner directed on the ballot-paper;
  - (ii) fold the ballot-paper so that the vote cannot be seen; and
  - (iii) place the ballot-paper in the envelope addressed to the postal voting officer and fasten the envelope.
- (e) After the envelope has been fastened, the elector shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

- (f) If the elector's sight is so impaired that he cannot vote without assistance, a person appointed by the elector shall mark the elector's vote on the ballot-paper in the presence of the authorised witness, and shall then and there fold the ballot-paper so that the vote cannot be seen, place it in the envelope addressed to the postal voting officer, fasten the envelope, and hand it to the elector who shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.
- (g) If the elector fails to appoint a person as provided by paragraph (f), the authorised witness, if so requested by the elector, shall take the action required by that paragraph, and in taking that action shall mark the ballot-paper according to the instructions of the elector.

114ZE. (1) Each application for a postal ballot-paper and postal vote certificate received by a postal voting officer shall—

- (a) if a ballot-paper and certificate were issued in pursuance of the application—be endorsed by him with the date of issue thereof and sent by him to the Electoral Commissioner as soon as practicable but not later than polling day; or

Applications, etc., to be sent to Electoral Commissioner and returning officer.

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*Parliamentary Electorates and Elections (Amendment).*


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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
 ELECTIONS ACT, 1912—*continued.*

(b) if a ballot-paper and certificate were not so issued—be endorsed by him to that effect and sent by him to the Electoral Commissioner as soon as practicable.

(2) The postal voting officer shall, forthwith after receiving a completed postal ballot-paper and postal vote certificate, send them to the Electoral Commissioner.

(3) When an application and the corresponding ballot-paper and certificate are received by the Electoral Commissioner after being sent under this section, the Commissioner shall send them to the returning officer for the electoral district for which the elector has declared that he is enrolled, unless the Commissioner directs the Principal Returning Officer to deal with them under section 114ZG.

Returning  
 officer  
 to note  
 issue of  
 ballot-  
 papers,  
 etc.

114ZF. (1) The returning officer for the district in respect of which postal ballot-papers and postal vote certificates have been issued shall, if there is time conveniently to do so, note on the certified copies of the roll the names of all electors to whom postal ballot-papers and postal vote certificates have been issued.

(2) An elector to whom a postal vote certificate has been issued shall not be entitled to vote at any polling booth unless he first delivers to the returning officer or deputy for cancellation his postal ballot-paper and postal vote certificate.

SCHEDULE



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*Parliamentary Electorates and Elections (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

114ZG. (1) At the scrutiny the returning officer or the officer assisting him shall produce all applications for postal vote certificates and postal ballot-papers received by him, and shall produce unopened all envelopes containing postal votes received by him up to the end of the period of 10 days immediately succeeding the close of the poll, and shall—

Scrutiny  
of postal  
ballot-  
papers.

- (a) compare the signature of the elector on each postal vote certificate with the signature of the same elector on the application for the certificate, and allow the scrutineers to inspect both signatures;
- (b) if he is satisfied that—
  - (i) the signature on the certificate is that of the elector who signed the application for the certificate;
  - (ii) the signature purports to have been witnessed by an authorised witness;
  - (iii) the envelope bearing the certificate and containing the ballot-paper, if delivered otherwise than by post, was endorsed by the postal voting officer as received by him before the close of business on the same date as the day preceding polling day or, if delivered by post, bears a post-mark clearly indicating that it was posted to the postal voting officer before the close of the poll; and

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*Parliamentary Electorates and Elections (Amendment).*


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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
 ELECTIONS ACT, 1912—*continued.*

- (iv) the elector is enrolled for the district,
- accept the ballot-paper for further scrutiny, but if he is not so satisfied, disallow the ballot-paper without opening the envelope;
- (c) withdraw from the envelopes bearing the postal vote certificates all postal ballot-papers accepted for further scrutiny, and, without inspecting or unfolding the ballot-papers or allowing any other person to do so, place them in a locked and sealed ballot-box by themselves for further scrutiny;
- (d) seal up in separate parcels—
- (i) all envelopes bearing postal vote certificates relating to postal ballot-papers accepted for further scrutiny; and
- (ii) all unopened envelopes containing postal ballot-papers disallowed; and
- (e) proceed with the scrutiny of the postal ballot-papers which have been accepted for further scrutiny—
- (i) by removing those ballot-papers from the ballot-box in which they were placed in accordance with paragraph (c); and

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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SCHEDULE 1—*continued.*
 AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
 ELECTIONS ACT, 1912—*continued.*

- (ii) by opening the ballot-papers so removed and allowing and counting those which are formal and disallowing and rejecting those which, by virtue of section 122, are informal.

(2) Where the Electoral Commissioner has directed the Principal Returning Officer to deal with any postal ballot-papers and postal vote certificates under this section, the Principal Returning Officer shall deal with those ballot-papers and certificates under this section as if references in subsection (1) to the returning officer were references to the Principal Returning Officer.

(3) The Principal Returning Officer shall notify the returning officer of the results of his action under this section, and the returning officer shall proceed as if those results had been obtained by the returning officer.

(4) The Principal Returning Officer shall, as soon as practicable after dealing with any ballot-papers and certificates under this section, send them to the returning officer, together with the corresponding applications for the ballot-papers and certificates.

114ZH. A postal ballot-paper shall not be informal because in the case of any candidate his surname only has been written thereon if no other candidate has the same surname, or by reason of any mistake in spelling, if the elector has made clear his intention.

Postal  
ballot-  
paper  
not to  
be in-  
formal  
because  
of certain  
omissions  
or mistakes.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

Spoilt  
postal  
ballot-  
paper.

114ZI. (1) If an elector to whom a postal ballot-paper has been issued, satisfies the postal voting officer who issued it that he has spoilt his postal ballot-paper by mistake or accident, he may, on giving it up, receive a new postal ballot-paper from the postal voting officer, who shall cancel the spoilt ballot-paper.

(2) The postal voting officer shall send the cancelled ballot-paper forthwith to the Electoral Commissioner, who shall send it to the returning officer.

Applica-  
tions to  
be avail-  
able for  
public  
inspection.

114ZJ. The returning officer shall retain every application sent to him under section 114ZE (3) or 114ZG (4) until the election can no longer be questioned and shall, on being requested to do so by any person attending his office at any time during the ordinary business hours of that office from and including the third day after polling day or after being received (whichever is the later) until the election can no longer be questioned, make any such application available for inspection by that person.

Reference to  
postal  
voting  
officer  
deemed to  
include  
clerical  
assistant.

114ZK. Every reference in this Division to a postal voting officer shall be deemed to include a reference to a clerical assistant appointed to assist the postal voting officer in the performance of his duties.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

114ZL. Nothing in this Division applies to or in respect of a postal vote certificate or a postal ballot-paper, or an application therefor, under Division 9. Application of this Division.

## (8) Section 122 (1) (a)—

After “deputy”, insert “or duly signed by the postal voting officer, as the case may require”.

## (9) Section 122A (3)—

After “deputy”, insert “, or it is not duly signed by the postal voting officer,”.

## (10) Schedule 15—

Omit “addressed to the Returning Officer”, insert instead “provided”.

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SCHEDULE 2.

Sec. 4.

## AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE.

## (1) Section 1—

Omit the matter relating to Part V, insert instead :—

PART V.—CONDUCT OF ELECTIONS—ss. 68–154.

DIVISION 1.—*Writs*—ss. 68–74.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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 SCHEDULE 2—*continued.*

 AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

 DIVISION 2.—*Returning officers—ss. 75–78.*

 DIVISION 3.—*Postal voting officers—ss. 78A–78E.*

 DIVISION 4.—*Nominations—s. 79.*

 DIVISION 5.—*When poll to be taken—ss. 80–81A.*

 DIVISION 6.—*Ballot-papers—ss. 82–83.*

 DIVISION 7.—*Polling-places, poll clerks, etc.—ss. 84–91.*

 DIVISION 8.—*General provisions for the regulation of voting—ss. 92–114.*

 DIVISION 9.—*Voting by post (returning officers)—ss. 114A–114NA.*

 DIVISION 10.—*Pre-poll voting—ss. 114P–114Z.*

 DIVISION 11.—*Voting by post (postal voting officers)—ss. 114ZA–114ZL.*

 DIVISION 12.—*Absent voters—ss. 115–120.*

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

DIVISION 13.—*Compulsory voting*—ss. 120A-120H.

DIVISION 14.—*Proceedings after close of poll*—ss. 121-129.

DIVISION 15.—*Adjournment of poll*—ss. 130-132.

DIVISION 16.—*General provisions*—ss. 133-136.

DIVISION 17.—*Bribery, treating, intimidation, etc.*—ss. 147-154.

(2) Part V, Division 1, heading—

Omit the heading before section 68, insert instead "DIVISION 1.—*Writs.*".

(3) Part V, Division 2, heading—

Omit the heading before section 75, insert instead "DIVISION 2.—*Returning officers.*".

(4) Part V, Division 4, heading—

Omit the heading before section 79, insert instead "DIVISION 4.—*Nominations.*".

(5) Part V, Division 5, heading—

Omit the heading before section 80, insert instead "DIVISION 5.—*When poll to be taken.*".

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

(6) Part V, Division 6, heading—

Omit the heading before section 82, insert instead  
 “DIVISION 6.—*Ballot-papers.*”.

(7) Part V, Division 7, heading—

Omit the heading before section 84, insert instead  
 “DIVISION 7.—*Polling-places, poll clerks, etc.*”.

(8) Part V, Division 8, heading—

Omit the heading before section 92, insert instead  
 “DIVISION 8.—*General provisions for the regulation of voting.*”.

(9) Part V, Division 9, heading—

Omit the heading before section 114A, insert instead  
 “DIVISION 9.—*Voting by post (returning officers).*”.

(10) Part V, Division 10, heading—

Omit the heading before section 114P, insert instead  
 “DIVISION 10.—*Pre-poll voting.*”.



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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (11) Part V, Division 12, heading—  
Omit the heading before section 115, insert instead  
“DIVISION 12.—*Absent voters.*”.
- (12) Part V, Division 13, heading—  
Omit the heading before section 120A, insert instead  
“DIVISION 13.—*Compulsory voting.*”.
- (13) Part V, Division 14, heading—  
Omit the heading before section 121, insert instead  
“DIVISION 14.—*Proceedings after close of poll.*”.
- (14) Part V, Division 15, heading—  
Omit the heading before section 130, insert instead  
“DIVISION 15.—*Adjournment of poll.*”.
- (15) Part V, Division 16, heading—  
Omit the heading before section 133, insert instead  
“DIVISION 16.—*General provisions.*”.
- (16) Part V, Division 17, heading—  
Omit the heading before section 147, insert instead  
“DIVISION 17.—*Bribery, treating, intimidation, etc.*”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

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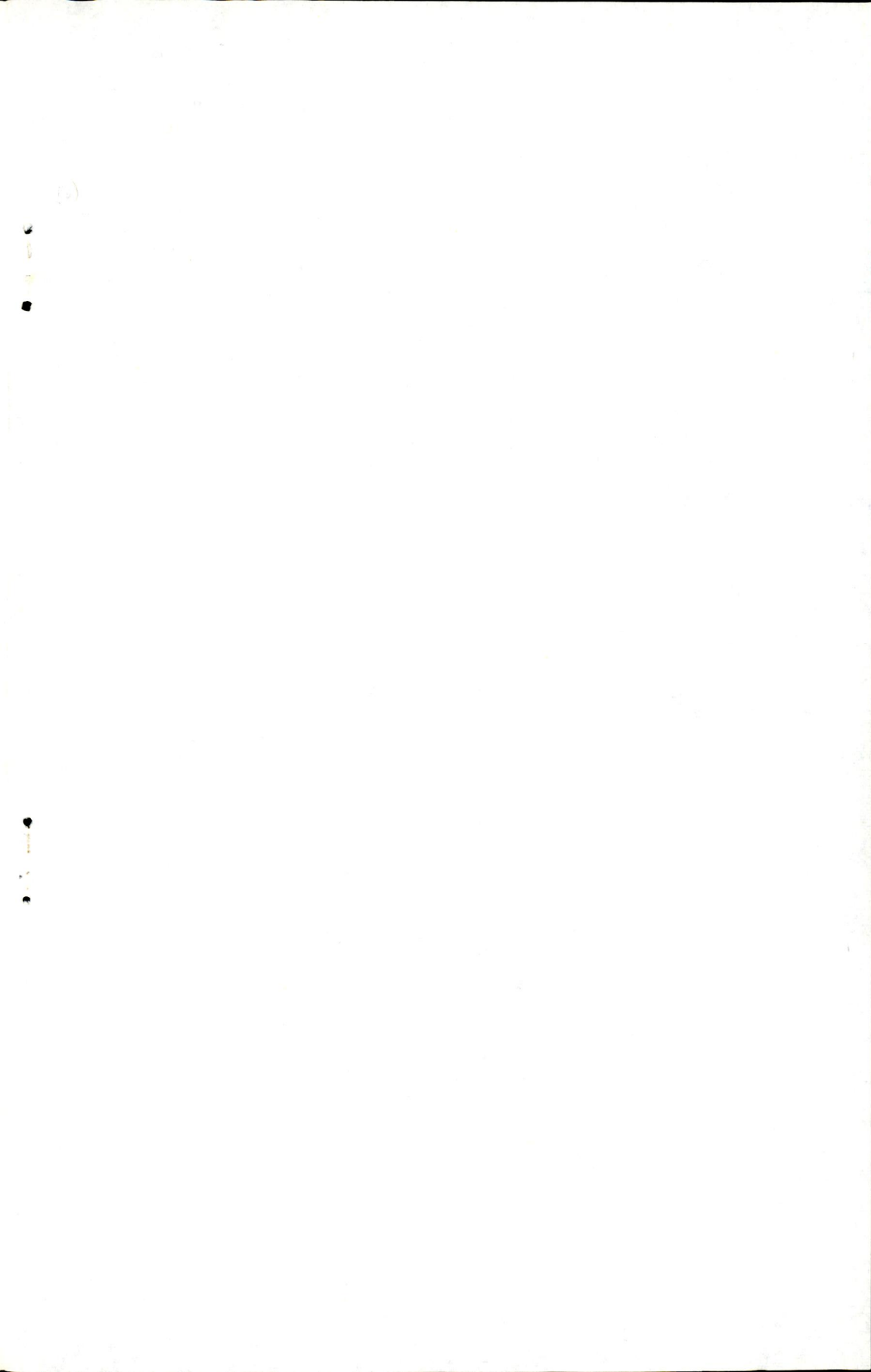
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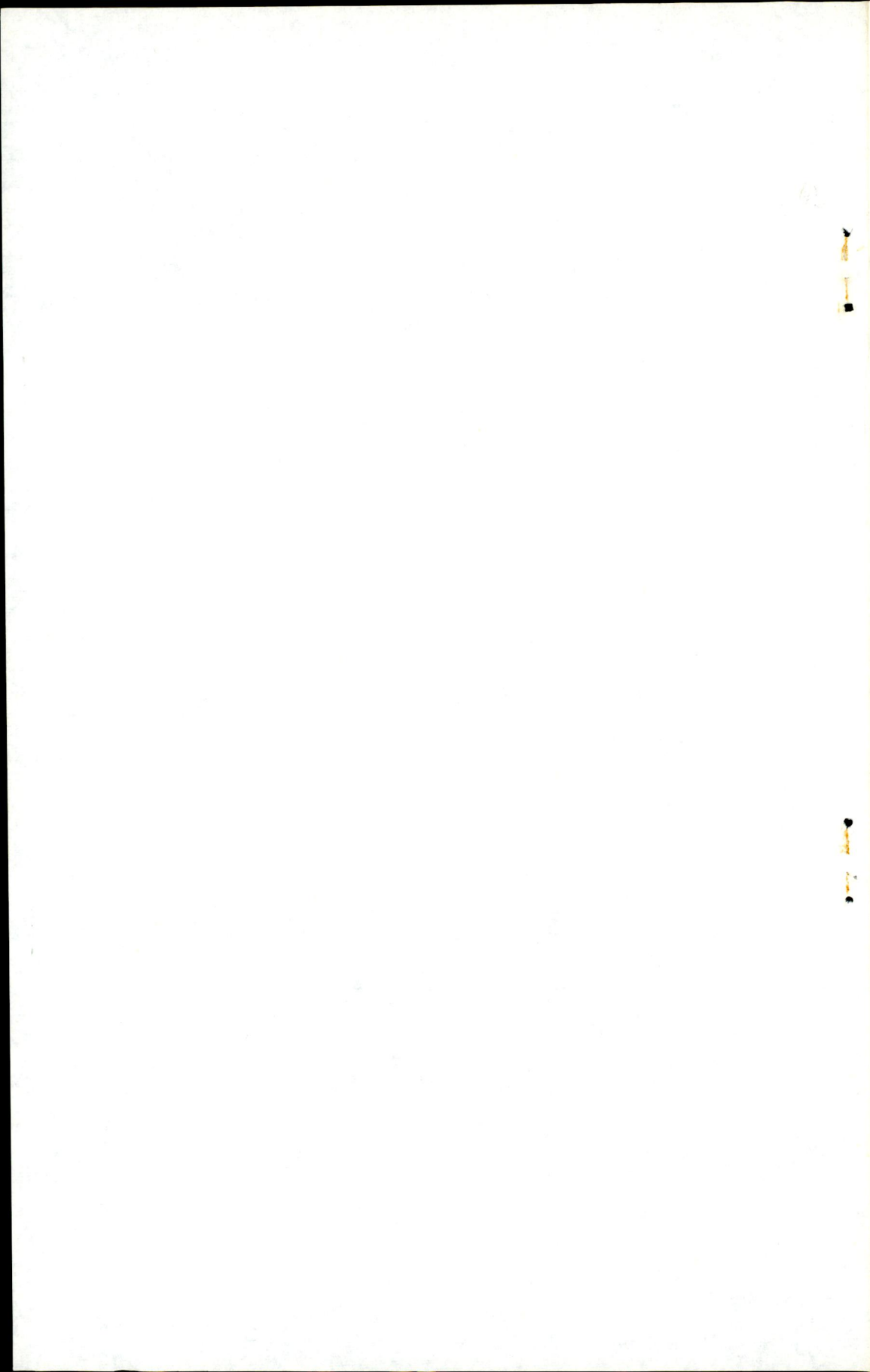
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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 30 March, 1976.*

## **New South Wales**



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 20, 1976.**

An Act to amend the Parliamentary Electorates and Elections Act, 1912, in relation to voting outside New South Wales for State elections and the appointment and functions of a Principal Returning Officer, and in certain other respects. [Assented to, 31st March, 1976.]

**BE**

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

**J. H. BROWN,**  
*Chairman of Committees of the Legislative Assembly.*

---

*Parliamentary Electorates and Elections (Amendment).*

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**B**E 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.

1. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1976".

Commence-  
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PARLIAMEN-  
TARY ELECTORATES AND ELECTIONS ACT, 1912.

SCHEDULE 2.—AMENDMENTS TO THE PARLIAMEN-  
TARY ELECTORATES AND ELECTIONS ACT, 1912,  
OF A FORMAL NATURE.

Amendment  
of Act No.  
41, 1912.

4. The Parliamentary Electorates and Elections Act, 1912, is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912.

(1) (a) Section 3, definition of "Postal voting officer"—

Before the definition of "Prescribed", insert :—

"Postal voting officer" means a postal voting officer appointed under Division 3 of Part V.

(b) Section 3, definition of "Principal Returning Officer"—

After the definition of "Prescribed", insert :—

"Principal Returning Officer" means the person appointed as such under section 21A (10) (a).

(c) Section 3, definition of "Returning officer"—

After "place", insert ", but does not include the Principal Returning Officer".

(2) (a) Section 21A (10) (a)—

Omit "such officers", insert instead "a Principal Returning Officer and such other officers".

(b) Section 21A (12)—

After section 21A (11), insert :—

(12) Section 78E applies to and in respect of the Principal Returning Officer, as if a reference in that section to—

(a) a postal voting officer were a reference to the Principal Returning Officer; and

(b) a prescribed person were a reference to a justice of the peace.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

## (3) Part V, Division 3—

After section 78, insert :—

DIVISION 3.—*Postal voting officers.*Appoint-  
ment  
of postal  
voting  
officers.

78A. The Electoral Commissioner may, by instrument in writing, appoint one or more persons to be a postal voting officer, or postal voting officers, at a place outside New South Wales (whether overseas or in Australia), for the purposes of the election or elections referred to in the instrument.

Deputy to  
postal  
voting  
officer.

78B. (1) A postal voting officer shall, as soon as practicable after his appointment, appoint, by instrument in writing, a person to be his deputy.

(2) In the event of the absence or incapacity of a postal voting officer, his deputy shall have and may exercise or perform the powers, authorities, duties and functions of the postal voting officer during that illness or incapacity.

Postal  
voting  
officer  
not  
to be  
candi-  
date.

78C. No postal voting officer, nor any person who has been a postal voting officer and has not, by writing under his hand addressed to the Electoral Commissioner, resigned his office at least 14 days before the

SCHEDULE



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*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

day of nomination for the election, nor any deputy of a postal voting officer, shall be a candidate, or be elected or returned, at an election, or be or continue a member.

78D. (1) A person ceases to hold office as a postal voting officer— Vacation  
of  
office.

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Electoral Commissioner;
- (c) if he is removed from office by the Electoral Commissioner; or
- (d) upon the return of the writ or writs for the election or elections for the purposes of which he was appointed.

(2) A person ceases to hold office as the deputy of a postal voting officer—

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the postal voting officer;
- (c) if he is removed from office by the postal voting officer or the Electoral Commissioner; or

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

(d) if the postal voting officer ceases to hold office as such.

(3) The Electoral Commissioner may, for any cause that appears to him to be sufficient, remove any person from office as a postal voting officer or deputy of such an officer.

(4) A postal voting officer may, for any cause that appears to him to be sufficient, remove any person from office as his deputy.

Postal  
voting  
officer  
to make  
declara-  
tion.

78E. (1) Every postal voting officer, deputy to a postal voting officer and clerical assistant appointed for the purposes of Division 11 shall, before he enters upon any of the duties assigned to him by this Act with regard to any election, make and sign before a prescribed person or a person of a prescribed class or description, a declaration to the effect following :—

I [A.B.] do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required of me by the Parliamentary Electorates and Elections Act, 1912, as Postal Voting Officer [or Deputy to a Postal Voting Officer, or a clerical assistant appointed for the purposes of Division 11, *as the case may be*] with regard to the election of a Member or Members of the Legislative Assembly,

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

and I do further solemnly promise and declare that I will not at the said election attempt to ascertain save in the cases in which I am expressly by law authorised so to do for what candidate any person shall vote or have voted at the said election; and that if in the discharge of my duties at or concerning the said election I shall have learned, or have the means of learning, for what candidate any person shall vote or have voted thereat, I will not by word or or act, or by any other means whatsoever, directly or indirectly, divulge or disclose, or aid in divulging or disclosing the same, save in answer to any question which I am legally bound to answer.

(2) Every declaration made under this section shall be transmitted by the postal voting officer or his deputy to the Electoral Commissioner.

(3) Part IV of the Oaths Act, 1900, applies to a declaration made under this section as if it were made under that Act.

(4) Section 88 (1)—

After “and clerical assistant”, insert “(except a clerical assistant appointed for the purposes of Division 11)”.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(5) (a) Section 114B (2) (b)—

After “is”, insert “the Principal Returning Officer,”.

(b) Section 114B (2) (b)—

After “substitute returning officer,”, insert “a postal voting officer, a deputy to a postal voting officer,”.

(c) Section 114B (2) (b)—

After “a clerical assistant appointed to assist a returning officer”, insert “or postal voting officer”.

(6) Section 114NA—

After section 114N, insert :—

Applica-  
tion of  
this  
Division.

114NA. Nothing in this Division applies to or in respect of a postal vote certificate or a postal ballot-paper, or an application therefor, under Division 11.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(7) Part V, Division 11—

After section 114z, insert :—

DIVISION 11.—*Voting by post (postal voting  
officers).*

114ZA. (1) An elector who will not throughout the hours of polling on polling day be within New South Wales may make an application to a postal voting officer for a postal vote certificate and a postal ballot-paper.

Application  
for a postal  
vote certifi-  
cate and  
postal  
ballot-  
paper.

(2) An application under subsection (1)  
shall—

- (a) be in or to the effect of the prescribed form;
- (b) be signed by the elector in his own handwriting;
- (c) be witnessed by an authorised witness; and
- (d) subject to section 114ZB (3), be made on or before the same date as the day preceding polling day, but before the close of business on that date.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

(3) An elector shall not in an application under subsection (1) make any statement which is, to his knowledge, false or misleading as to a material particular.

Penalty : \$100 or imprisonment for one month.

(4) A person shall not persuade or induce an elector to make any statement in an application under subsection (1) which is, to the knowledge of that person, false or misleading as to a material particular.

Penalty : \$100 or imprisonment for one month.

(5) A person shall not—

(a) persuade or induce; or

(b) associate himself with any other person in persuading or inducing,

an elector to make an application under subsection (1).

Penalty : \$100 or imprisonment for one month.

(6) An authorised witness shall not witness the signature of an elector to an application under subsection (1) unless—

(a) he has satisfied himself as to the identity of the elector;

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- (b) he has seen the elector sign the application in the elector's own handwriting; and
- (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiring from the elector or otherwise that the statements contained in the application are true.

Penalty : \$100 or imprisonment for one month.

(7) An authorised witness witnessing the signature of an elector making an application under subsection (1) shall sign his name in his own handwriting on the application in the space provided for that purpose, and shall add his address and the date.

114ZB. (1) Where a postal voting officer receives an application made in accordance with section 114ZA, he shall deliver or post to the elector who made the application—

Issue of  
certificate  
and ballot-  
paper.

- (a) a postal ballot-paper that is in or to the effect of the form prescribed in Schedule 15; and
- (b) an envelope bearing—
  - (i) the address of the postal voting officer; and

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- (ii) a postal vote certificate that is in or to the effect of the prescribed form.

(2) Before delivering or posting a ballot-paper under subsection (1), the postal voting officer shall, if the particulars of the candidates are not already printed thereon, enter on the ballot-paper—

- (a) the name of the electoral district for which the elector has declared that he is enrolled; and
- (b) the names of the candidates for that district in the order in which those names were drawn by ballot held pursuant to section 82A.

(3) Notwithstanding anything in this Division, an elector who has made an application under section 114ZA (1) shall, notwithstanding that the application complies with section 114ZA (2), not be entitled to be sent by post a postal ballot-paper and postal vote certificate unless the postal voting officer received the application before the close of business on the same date as the third day preceding polling day.

(4) Notwithstanding anything in this Division, an elector who has made an application under section 114ZA (1) to a postal voting officer

SCHEDULE



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*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

at a place outside Australia shall, notwithstanding that the application complies with section 114ZA (2), not be entitled to be sent by post a postal ballot-paper and postal vote certificate if the address to which they are to be sent is within New South Wales.

114zc. (1) The postal voting officer shall number all applications for postal ballot-papers and postal vote certificates issued by him in consecutive order, and shall number each postal vote certificate with a number corresponding with the number on the application. Numbering of applications and certificates.

(2) The postal voting officer shall sign on the back all postal ballot-papers issued.

(3) The signature shall be placed in such a position as to be easily seen when the ballot-paper is folded so as to conceal the vote.

114zd. The following directions for regulating voting by means of postal ballot-papers are to be substantially observed :— Directions for postal voting.

- (a) The elector shall exhibit his postal ballot-paper (in blank) and his postal vote certificate to an authorised witness.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- (b) The elector shall then and there, in the presence of the authorised witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the voter.
- (c) The authorised witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as an authorised witness and the date.
- (d) The elector shall then and there in the presence of the authorised witness, but so that the authorised witness cannot see the vote—
  - (i) mark his vote on the ballot-paper in the manner directed on the ballot-paper;
  - (ii) fold the ballot-paper so that the vote cannot be seen; and
  - (iii) place the ballot-paper in the envelope addressed to the postal voting officer and fasten the envelope.
- (e) After the envelope has been fastened, the elector shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

- (f) If the elector's sight is so impaired that he cannot vote without assistance, a person appointed by the elector shall mark the elector's vote on the ballot-paper in the presence of the authorised witness, and shall then and there fold the ballot-paper so that the vote cannot be seen, place it in the envelope addressed to the postal voting officer, fasten the envelope, and hand it to the elector who shall forthwith post or deliver it or cause it to be posted or delivered to the postal voting officer.
- (g) If the elector fails to appoint a person as provided by paragraph (f), the authorised witness, if so requested by the elector, shall take the action required by that paragraph, and in taking that action shall mark the ballot-paper according to the instructions of the elector.

114ZE. (1) Each application for a postal ballot-paper and postal vote certificate received by a postal voting officer shall—

- (a) if a ballot-paper and certificate were issued in pursuance of the application—be endorsed by him with the date of issue thereof and sent by him to the Electoral Commissioner as soon as practicable but not later than polling day; or

Applica-  
tions, etc.,  
to be  
sent to  
Electoral  
Commis-  
sioner  
and  
returning  
officer.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

(b) if a ballot-paper and certificate were not so issued—be endorsed by him to that effect and sent by him to the Electoral Commissioner as soon as practicable.

(2) The postal voting officer shall, forthwith after receiving a completed postal ballot-paper and postal vote certificate, send them to the Electoral Commissioner.

(3) When an application and the corresponding ballot-paper and certificate are received by the Electoral Commissioner after being sent under this section, the Commissioner shall send them to the returning officer for the electoral district for which the elector has declared that he is enrolled, unless the Commissioner directs the Principal Returning Officer to deal with them under section 114ZG.

Returning officer to note issue of ballot-papers, etc.

114ZF. (1) The returning officer for the district in respect of which postal ballot-papers and postal vote certificates have been issued shall, if there is time conveniently to do so, note on the certified copies of the roll the names of all electors to whom postal ballot-papers and postal vote certificates have been issued.

(2) An elector to whom a postal vote certificate has been issued shall not be entitled to vote at any polling booth unless he first delivers to the returning officer or deputy for cancellation his postal ballot-paper and postal vote certificate.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

114ZG. (1) At the scrutiny the returning officer or the officer assisting him shall produce all applications for postal vote certificates and postal ballot-papers received by him, and shall produce unopened all envelopes containing postal votes received by him up to the end of the period of 10 days immediately succeeding the close of the poll, and shall—

Scrutiny  
of postal  
ballot-  
papers.

- (a) compare the signature of the elector on each postal vote certificate with the signature of the same elector on the application for the certificate, and allow the scrutineers to inspect both signatures;
- (b) if he is satisfied that—
  - (i) the signature on the certificate is that of the elector who signed the application for the certificate;
  - (ii) the signature purports to have been witnessed by an authorised witness;
  - (iii) the envelope bearing the certificate and containing the ballot-paper, if delivered otherwise than by post, was endorsed by the postal voting officer as received by him before the close of business on the same date as the day preceding polling day or, if delivered by post, bears a post-mark clearly indicating that it was posted to the postal voting officer before the close of the poll; and

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

- (iv) the elector is enrolled for the district,
- accept the ballot-paper for further scrutiny, but if he is not so satisfied, disallow the ballot-paper without opening the envelope;
- (c) withdraw from the envelopes bearing the postal vote certificates all postal ballot-papers accepted for further scrutiny, and, without inspecting or unfolding the ballot-papers or allowing any other person to do so, place them in a locked and sealed ballot-box by themselves for further scrutiny;
- (d) seal up in separate parcels—
- (i) all envelopes bearing postal vote certificates relating to postal ballot-papers accepted for further scrutiny; and
- (ii) all unopened envelopes containing postal ballot-papers disallowed; and
- (e) proceed with the scrutiny of the postal ballot-papers which have been accepted for further scrutiny—
- (i) by removing those ballot-papers from the ballot-box in which they were placed in accordance with paragraph (c); and

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912—*continued.*

(ii) by opening the ballot-papers so removed and allowing and counting those which are formal and disallowing and rejecting those which, by virtue of section 122, are informal.

(2) Where the Electoral Commissioner has directed the Principal Returning Officer to deal with any postal ballot-papers and postal vote certificates under this section, the Principal Returning Officer shall deal with those ballot-papers and certificates under this section as if references in subsection (1) to the returning officer were references to the Principal Returning Officer.

(3) The Principal Returning Officer shall notify the returning officer of the results of his action under this section, and the returning officer shall proceed as if those results had been obtained by the returning officer.

(4) The Principal Returning Officer shall, as soon as practicable after dealing with any ballot-papers and certificates under this section, send them to the returning officer, together with the corresponding applications for the ballot-papers and certificates.

114ZH. A postal ballot-paper shall not be informal because in the case of any candidate his surname only has been written thereon if no other candidate has the same surname, or by reason of any mistake in spelling, if the elector has made clear his intention.

Postal ballot-paper not to be informal because of certain omissions or mistakes.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*


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 SCHEDULE 1—*continued.*


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 AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
 ELECTIONS ACT, 1912—*continued.*

Spoilt  
postal  
ballot-  
paper.

114ZI. (1) If an elector to whom a postal ballot-paper has been issued, satisfies the postal voting officer who issued it that he has spoilt his postal ballot-paper by mistake or accident, he may, on giving it up, receive a new postal ballot-paper from the postal voting officer, who shall cancel the spoilt ballot-paper.

(2) The postal voting officer shall send the cancelled ballot-paper forthwith to the Electoral Commissioner, who shall send it to the returning officer.

Applica-  
tions to  
be avail-  
able for  
public  
inspection.

114ZJ. The returning officer shall retain every application sent to him under section 114ZE (3) or 114ZG (4) until the election can no longer be questioned and shall, on being requested to do so by any person attending his office at any time during the ordinary business hours of that office from and including the third day after polling day or after being received (whichever is the later) until the election can no longer be questioned, make any such application available for inspection by that person.

Reference to  
postal  
voting  
officer  
deemed to  
include  
clerical  
assistant.

114ZK. Every reference in this Division to a postal voting officer shall be deemed to include a reference to a clerical assistant appointed to assist the postal voting officer in the performance of his duties.

SCHEDULE



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*Parliamentary Electorates and Elections (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND  
ELECTIONS ACT, 1912—*continued.*

114ZL. Nothing in this Division applies to or in respect of a postal vote certificate or a postal ballot-paper, or an application therefor, under Division 9. Application of this Division.

(8) Section 122 (1) (a)—

After “deputy”, insert “or duly signed by the postal voting officer, as the case may require”.

(9) Section 122A (3)—

After “deputy”, insert “, or it is not duly signed by the postal voting officer.”.

(10) Schedule 15—

Omit “addressed to the Returning Officer”, insert instead “provided”.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES  
AND ELECTIONS ACT, 1912, OF A FORMAL NATURE.

(1) Section 1—

Omit the matter relating to Part V, insert instead :—

PART V.—CONDUCT OF ELECTIONS—ss. 68–154.

DIVISION 1.—*Writs*—ss. 68–74.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*DIVISION 2.—*Returning officers—ss. 75–78.*DIVISION 3.—*Postal voting officers—ss. 78A–78E.*DIVISION 4.—*Nominations—s. 79.*DIVISION 5.—*When poll to be taken—ss. 80–81A.*DIVISION 6.—*Ballot-papers—ss. 82–83.*DIVISION 7.—*Polling-places, poll clerks, etc.—ss. 84–91.*DIVISION 8.—*General provisions for the regulation of voting—ss. 92–114.*DIVISION 9.—*Voting by post (returning officers)—ss. 114A–114NA.*DIVISION 10.—*Pre-poll voting—ss. 114P–114Z.*DIVISION 11.—*Voting by post (postal voting officers)—ss. 114ZA–114ZL.*DIVISION 12.—*Absent voters—ss. 115–120.*

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

DIVISION 13.—*Compulsory voting*—ss. 120A–120H.

DIVISION 14.—*Proceedings after close of poll*—ss. 121–129.

DIVISION 15.—*Adjournment of poll*—ss. 130–132.

DIVISION 16.—*General provisions*—ss. 133–136.

DIVISION 17.—*Bribery, treating, intimidation, etc.*—ss. 147–154.

(2) Part V, Division 1, heading—

Omit the heading before section 68, insert instead “DIVISION 1.—*Writs.*”.

(3) Part V, Division 2, heading—

Omit the heading before section 75, insert instead “DIVISION 2.—*Returning officers.*”.

(4) Part V, Division 4, heading—

Omit the heading before section 79, insert instead “DIVISION 4.—*Nominations.*”.

(5) Part V, Division 5, heading—

Omit the heading before section 80, insert instead “DIVISION 5.—*When poll to be taken.*”.

SCHEDULE

---

*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (6) Part V, Division 6, heading—  
Omit the heading before section 82, insert instead  
“DIVISION 6.—*Ballot-papers.*”.
- (7) Part V, Division 7, heading—  
Omit the heading before section 84, insert instead  
“DIVISION 7.—*Polling-places, poll clerks, etc.*”.
- (8) Part V, Division 8, heading—  
Omit the heading before section 92, insert instead  
“DIVISION 8.—*General provisions for the regulation of voting.*”.
- (9) Part V, Division 9, heading—  
Omit the heading before section 114A, insert instead  
“DIVISION 9.—*Voting by post (returning officers).*”.
- (10) Part V, Division 10, heading—  
Omit the heading before section 114P, insert instead  
“DIVISION 10.—*Pre-poll voting.*”.

SCHEDULE

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*Parliamentary Electorates and Elections (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT, 1912, OF A FORMAL NATURE—*continued.*

- (11) Part V, Division 12, heading—  
Omit the heading before section 115, insert instead  
“DIVISION 12.—*Absent voters.*”.
- (12) Part V, Division 13, heading—  
Omit the heading before section 120A, insert instead  
“DIVISION 13.—*Compulsory voting.*”.
- (13) Part V, Division 14, heading—  
Omit the heading before section 121, insert instead  
“DIVISION 14.—*Proceedings after close of poll.*”.
- (14) Part V, Division 15, heading—  
Omit the heading before section 130, insert instead  
“DIVISION 15.—*Adjournment of poll.*”.
- (15) Part V, Division 16, heading—  
Omit the heading before section 133, insert instead  
“DIVISION 16.—*General provisions.*”.
- (16) Part V, Division 17, heading—  
Omit the heading before section 147, insert instead  
“DIVISION 17.—*Bribery, treating, intimidation, etc.*”.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 31st March, 1976.*

