

PARLIAMENTARY ELECTORATES AND ELECTIONS (AMENDMENT) BILL, 1981

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to amend the Parliamentary Electorates and Elections Act, 1912—
 - (i) to provide for the consideration, by the Electoral Districts Commissioners, of suggestions, as well as objections, in relation to proposed alterations of electoral boundaries (Schedule 1 (2) and (3));
 - (ii) to provide for the permanent appointment of postal voting officers (Schedule 1 (7) and (9));
 - (iii) to provide that persons who are inpatients or inmates of institutions referred to in subparagraph (v) are not entitled to vote by post (Schedule 1 (13));
 - (iv) to provide that a returning officer or deputy returning officer may take the votes of electors who are inpatients or inmates of certain institutions at which polling-places have not been appointed by visiting those electors on the fifth, fourth or third day preceding polling day (Schedule 1 (15));
 - (v) to permit absent voting only at a polling-place which is open on polling day (Schedule 1 (16)); and
 - (vi) by way of statute law revision (Schedule 1 (4) (b), (5), (6), (21) and (22)); and
- (b) to amend the Parliamentary Electorates and Elections (Amendment) Act, 1979, by way of statute law revision (Schedule 2).

The Bill also makes other provisions of a minor, consequential or ancillary nature.

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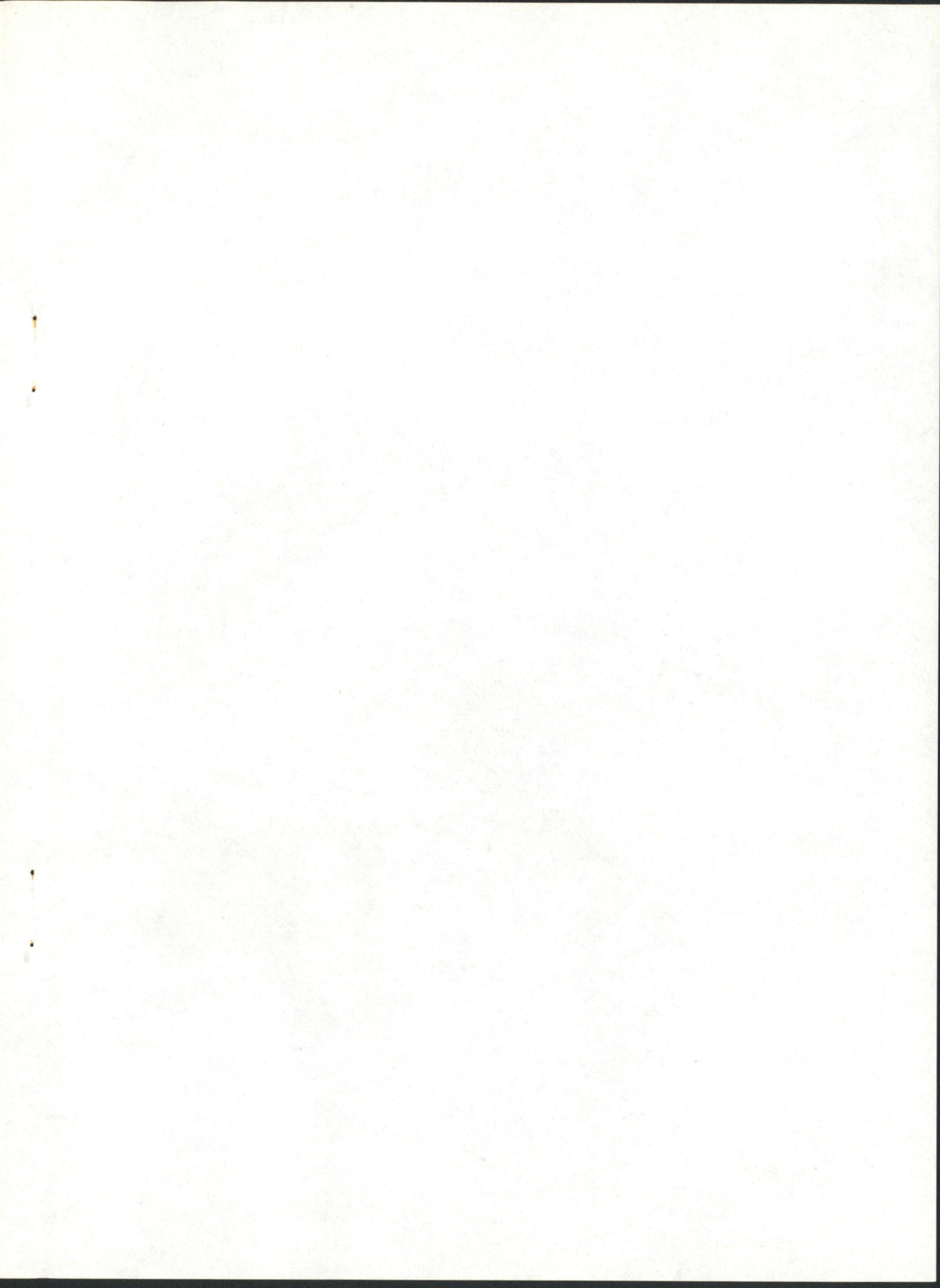
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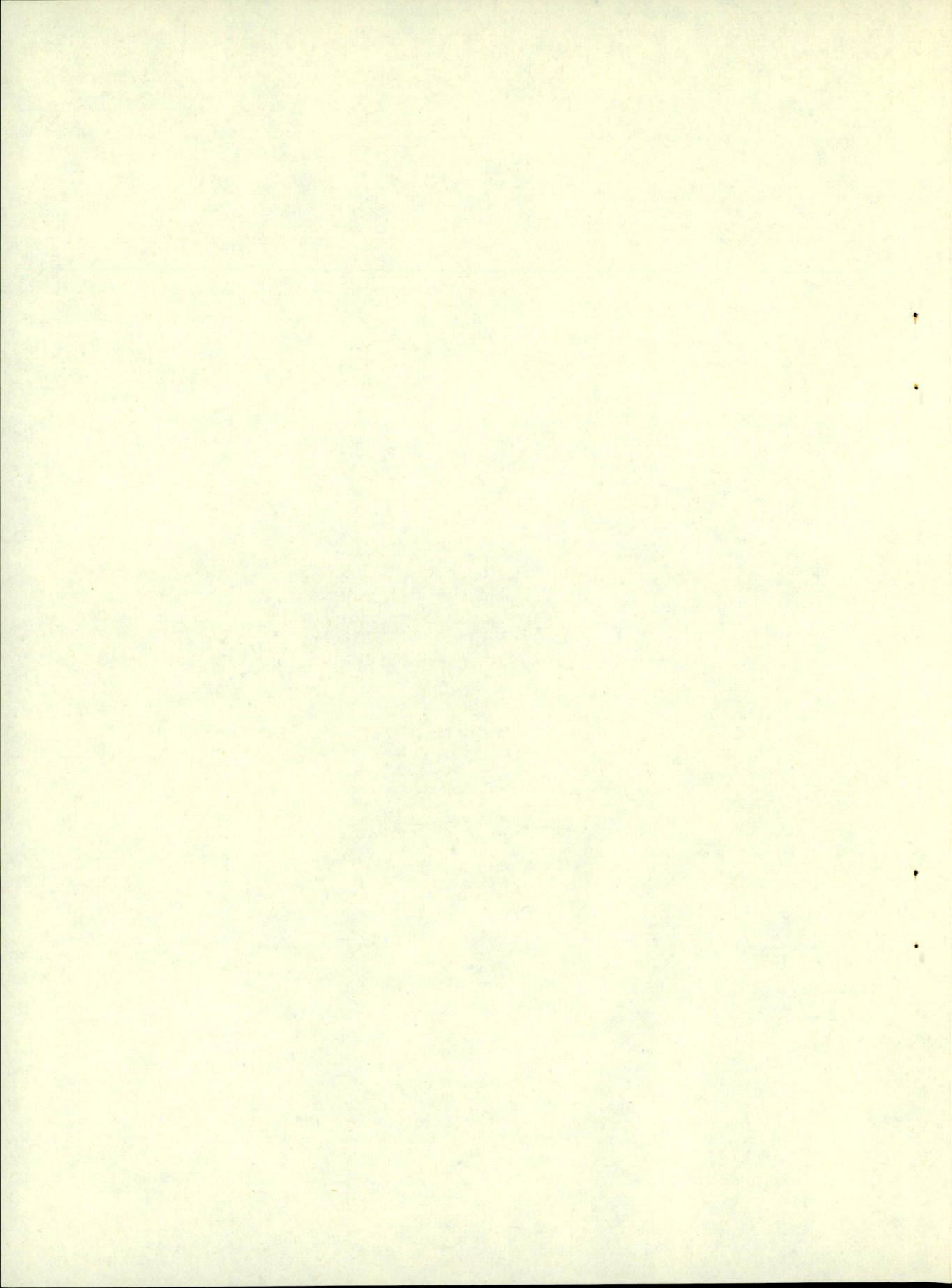
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**PARLIAMENTARY ELECTORATES AND ELECTIONS
(AMENDMENT) BILL, 1981**

No. , 1981.

A BILL FOR

An Act to amend the Parliamentary Electorates and Elections Act, 1912, with respect to the alteration of electoral boundaries, the appointment of postal voting officers and the casting of votes, before polling day, by the inpatients or inmates of certain institutions and to amend the Parliamentary Electorates and Elections (Amendment) Act, 1979, by way of statute law revision.

[MR CRABTREE—25 March, 1981.]

Parliamentary Electorates and Elections (Amendment).

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

5 Short title.

1. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(5), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1, commence on the day on which the provision commences.

(3) Schedule 1 (2) and (3) 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.

(4) Schedule 1 (1), (6), (12), (13), (14), (15), (17), (18) and (19) 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.

20 (5) Section 5 and Schedule 2 shall be deemed to have commenced on 10th December, 1979.

Schedules.

3. This Act contains the following Schedules:—

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

SCHEDULE 2.—AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS (AMENDMENT) ACT, 1979.

Parliamentary Electorates and Elections (Amendment).

Amendment of Act No. 41, 1912.

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

Amendment of Act No. 152, 1979.

5. 5. The Parliamentary Electorates and Elections (Amendment) Act, 1979, is amended in the manner set forth in Schedule 2.

SCHEDULE 1.

(Sec. 4.)

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

10

(1) (a) Section 1—

In the matter relating to Division 10 of Part V, after “voting”, insert “(offices of returning officers)”.

(b) Section 1—

15

After the matter relating to Division 11 of Part V, insert:—

DIVISION 11A.—Pre-poll voting (declared institutions)—
ss. 114ZM–114ZY.

(2) Section 13 (2)–(5)—

After section 13 (1), insert:—

20

(2) As soon as practicable after they have been appointed, the commissioners shall, by advertisement published in the Gazette—

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(a) invite suggestions in writing to be lodged with the commissioners, within 30 days after the date of advertisement, relating to the distribution of New South Wales into electoral districts;

Parliamentary Electorates and Elections (Amendment).

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

- 5 (b) invite comments in writing to be lodged with the
commissioners, within 14 days after the expiration of the
period referred to in paragraph (a), relating to any
suggestions received by the commissioners in pursuance of
that paragraph; and
- 10 (c) give notice that any suggestions or comments lodged with
them pursuant to paragraph (a) or (b) will, immediately
after the expiration of—
- 15 (i) in relation to suggestions—the period referred to
in paragraph (a); or
- (ii) in relation to comments—the 14 day period
referred to in paragraph (b),
be made available at their office situated at a place
specified in the advertisement.
- 20 (3) Immediately after the expiration of the period referred
to in subsection (2) (a), the commissioners shall make available
for perusal at their office copies of any suggestions lodged with them
in pursuance of that paragraph.
- 25 (4) Immediately after the expiration of the 14 day period
referred to in subsection (2) (b), the commissioners shall make
available for perusal at their office copies of any comments lodged
with them in pursuance of that paragraph.
- (5) The commissioners shall consider any suggestions or
comments lodged with them in pursuance of subsection (2) before
determining the names and boundaries of electoral districts.

Parliamentary Electorates and Elections (Amendment).

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

(3) Section 14—

5 Omit the section, insert instead:—

Notice of proposed alteration of existing boundaries to be given.

14. (1) The prescribed notice of any proposed alteration of an electoral district shall be given by the commissioners in the Gazette and in some newspaper published or circulating in the district.

10 (2) Suggestions or objections in writing may be lodged with the commissioners in relation to a proposed alteration of an electoral district within—

(a) a period of 30 days; or

15 (b) where some other period is prescribed, the prescribed period,

after the publication in the Gazette of the notice referred to in subsection (1).

20 (3) The commissioners shall consider any suggestions or objections lodged with them in pursuance of subsection (2) before determining the names and boundaries of electoral districts.

(4) (a) Section 21A (2A)—

After section 21A (2), insert:—

25 (2A) In addition to the powers, authorities, duties and functions conferred or imposed on him by this Act, the Electoral Commissioner shall have such powers, authorities, duties and functions as are conferred or imposed on him by or under any other Act.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 1—*continued.*

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

(b) Section 21A (5)—

5 Omit the subsection.

(5) Section 55 (4)—

After section 55 (3), insert:—

(4) A provision of a regulation made under subsection (1)
may—

10 (a) apply generally or be limited in its application by
reference to specified exceptions or factors;

(b) apply differently according to different factors of a
specified kind; or

15 (c) authorise any matter or thing to be from time to time
determined, applied or regulated by any specified person
or body,

or may do any combination of those things.

(6) Section 67A—

After “11,” insert “11A.”

20 (7) Section 78A—

Omit “the election or elections referred to in the instrument”, insert
instead “all elections”.

(8) Section 78B (2)—

Omit “illness”, insert instead “absence”.

Parliamentary Electorates and Elections (Amendment).

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

- (9) (a) Section 78D (1) (b)—
5 Omit “Commissioner;”, insert instead “Commissioner; or”.
- (b) Section 78D (1) (c)—
Omit “Commissioner; or”, insert instead “Commissioner.”.
- (c) Section 78D (1) (d)—
Omit the paragraph.
- 10 (10) (a) Section 87A (2)—
After “ordered”, insert “, on medical grounds,”.
- (b) Section 87A (3)—
After “forbidden”, insert “, on medical grounds,”.
- (11) (a) Section 106 (1)—
15 Omit “polling-booth”, insert instead “election”.
- (b) Section 106 (1)—
Omit “such booth”, insert instead “the election”.
- (12) Section 108A—
20 Omit “or section 114T”, insert instead “, section 114T or section 114zs”.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 1—*continued.*

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

(13) Section 114A (2AA)—

5 After section 114A (2), insert:—

(2AA) Nothing in subsection (1) entitles an elector who is
an inpatient or inmate of a declared institution within the meaning
of Division 11A and will be such an inpatient or inmate on the fifth,
fourth and third days immediately preceding polling day to a postal
10 ballot-paper and postal vote certificate.

(14) Part V, Division 10, heading—

After “voting”, insert “(offices of returning officers)”.

(15) Part V, Division 11A—

After Division 11, insert:—

15 DIVISION 11A.—*Pre-poll voting (declared institutions).*

Interpretation: Pt. V, Div. 11A.

114ZM. In this Division, except in so far as the context or subject-
matter otherwise indicates or requires, “declared institution” means an
institution for the time being declared under section 114ZN to be
20 a declared institution for the purposes of this Division.

Declared institutions.

114ZN. The Electoral Commissioner may, by notice in the Gazette,
declare an institution, being a convalescent home, hospital or similar
institution in which a polling-place has not been appointed, to be a
25 declared institution for the purposes of this Division.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT,
1912—*continued.***Taking of poll at declared institution.**

- 5 114zo. (1) The returning officer for a district in which a declared
institution is situated may preside and take the poll at the institution
or, by writing under his hand, may appoint a deputy returning officer
to act for him and take the poll at the institution, and may also, in
like manner, appoint one or more poll clerks to assist in taking the
10 poll at the institution.
- (2) The returning officer or deputy returning officer may,
on any one or more of the fifth, fourth and third days preceding
polling day, enter into and remain in a declared institution for the
purpose of taking the poll at the institution.
- 15 (3) A person shall not hinder or obstruct a returning
officer, deputy returning officer, poll clerk or scrutineer in the
exercise or performance of his powers, authorities, duties or functions
in relation to voting under this Division.
- Penalty: \$200.
- 20 (4) In any visit made by a returning officer or deputy
returning officer to a declared institution, the returning officer or
deputy, as the case may be, shall be accompanied by a poll clerk.

Entitlement to vote at declared institution.

- 114zp. (1) An elector who—
- 25 (a) is, for the time being, an inpatient or inmate of a declared
institution; and
- (b) has, by message to the returning officer for the district in
which the institution is situated or the deputy returning
officer appointed to take the poll at the institution,
30 requested an opportunity to record his vote at the
institution,

Parliamentary Electorates and Elections (Amendment).

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

5 is entitled to vote under this Division while the returning officer or deputy returning officer is at the institution for the purpose of taking the poll.

10 (2) An elector to whom a postal vote certificate and postal ballot-paper have been issued is not entitled to vote under this Division unless he first delivers, for cancellation, to the returning officer or deputy returning officer who takes the poll at the institution of which the elector is an inpatient or inmate, his postal vote certificate and postal ballot-paper.

Duty to deliver request to vote.

15 114ZQ. A person to whom any message referred to in section 114ZP (1) (b) is given for delivery to a returning officer or deputy returning officer shall, unless otherwise ordered, on medical grounds, by a legally qualified medical practitioner, deliver the message to the returning officer or deputy returning officer before, or forthwith after, the returning officer or deputy returning officer enters, for 20 the purpose of taking the poll, the declared institution of which the person making the request is an inpatient or inmate.

Penalty: \$50.

Procedure for voting at declared institutions.

25 114ZR. (1) A returning officer or deputy returning officer shall afford an elector entitled to vote under this Division the opportunity to record his vote by visiting the elector at the declared institution of which the elector is, for the time being, an inpatient or inmate.

30 (2) A visit to an elector shall not be made under this section if the returning officer or deputy returning officer is informed, by a legally qualified medical practitioner or member of the staff

Parliamentary Electorates and Elections (Amendment).

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

5 of the declared institution of which the elector is, for the time being,
an inpatient or inmate, that the visit is forbidden, on medical grounds,
by a legally qualified medical practitioner.

10 (3) The returning officer or deputy returning officer may,
and, if requested to do so by any scrutineer, shall, put to an elector
visited by him under this Division any of the questions prescribed by
section 100 (1) which are applicable to the case and, if the elector
answers the questions satisfactorily or if no questions are put to the
elector, the elector shall, after making a declaration in the prescribed
form, be permitted to vote.

15 (4) The form of the declaration referred to in subsection
(3) shall be either printed or written on an envelope and shall, after
being filled in, be signed by the elector in his own handwriting in the
presence of the returning officer or deputy returning officer who shall
then witness the elector's signature.

20 (5) Subject to subsection (6), the returning officer or
deputy returning officer shall, after a declaration has been made by an
elector in the form prescribed for the purposes of subsection (3),
hand to the elector a ballot-paper that is in or to the effect of the form
prescribed in Schedule 4 or ballot-papers, one of which is in or to
25 the effect of the form prescribed in Schedule 4 and the other of which
is in or to the effect of the form prescribed in Schedule 4A, as the
case may require, and on receiving any such ballot-paper, the elector
shall—

30 (a) mark his vote on the ballot-paper in accordance with the
directions thereon in the view of the returning officer or
deputy but so that the returning officer or deputy is unable
to see what marks he makes on the ballot-paper;

(b) fold the ballot-paper so that the marks made by him cannot
be seen; and

Parliamentary Electorates and Elections (Amendment).

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

- 5 (c) at once return the ballot-paper so folded to the returning officer or deputy.
- (6) Before handing a ballot-paper for an election for the Assembly to the elector under subsection (5), the returning officer or deputy returning officer shall—
- 10 (a) if the particulars of the candidates are not already printed on it, enter on the ballot-paper—
- (i) the name of the electoral district for which the elector has declared that he is enrolled; and
- (ii) the names of the candidates for that district in the order in which those names were drawn by ballot
- 15 held pursuant to section 82A; and
- (b) initial the back of the ballot-paper in his own handwriting in such a position as to be readily seen when the elector has folded the ballot-paper in accordance with subsection (5) (b).
- 20 (7) The returning officer or deputy returning officer shall not, for the purposes of subsection (5), hand an elector a ballot-paper for a periodic Council election on which particulars relating to the candidates are not already printed until the returning officer has been notified of those particulars in accordance with section
- 25 81H (4) and has entered those particulars on the ballot-paper in the manner specified in that notification.
- (8) On any such ballot-paper being returned to him in accordance with subsection (5) (c), the returning officer or deputy returning officer shall—
- 30 (a) in the presence of the elector, enclose it in the envelope bearing the elector's declaration and securely fasten the envelope; and

Parliamentary Electorates and Elections (Amendment).

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

(b) in the case of—

- 5 (i) the returning officer—retain the envelope and ballot-paper until the close of the poll; or
- (ii) a deputy returning officer—as soon as practicable forward the ballot-paper to the returning officer who shall deal with it in the manner provided in
- 10 subsection (10).

(9) When an elector has voted under this section, the returning officer or deputy returning officer shall record the fact that the elector has voted and the date of the vote.

15 (10) As soon as practicable after the receipt by a returning officer of a ballot-paper under subsection (5) or (8), the returning officer shall—

- (a) if the ballot-paper contains the vote of an elector enrolled for a subdivision of the district for which he is the returning officer and—
- 20 (i) if certified copies of the roll have been furnished to the deputy returning officers responsible for the subdivision for which the elector is enrolled, immediately notify those deputy returning officers that the elector has voted; or
- 25 (ii) if certified copies of the roll have not been so furnished, enter a note of the fact that the elector has voted on the certified copies of the roll in his possession; or
- (b) if the ballot-paper contains the vote of an elector enrolled
- 30 for a subdivision of a district not referred to in paragraph (a)—deal with the ballot-paper in the same manner as that in which he is required by section 116 to deal with an absent voter's ballot-paper.

Parliamentary Electorates and Elections (Amendment).

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

- 5 (11) A deputy returning officer, on being notified, under subsection (10) (a) (i), that an elector has voted, shall enter a note of that fact on the certified copies of the roll furnished to him.

Assistance to certain electors.

- 114zs. (1) If an elector permitted to vote under section 114ZR satisfies the returning officer or deputy returning officer—
- 10 (a) that his sight is so impaired or that he is so physically incapacitated that he is unable to vote without assistance; or
- 15 (b) that—
- (i) the day upon which the returning officer or deputy visits the elector for the purpose of taking the poll at the declared institution of which the elector is an inpatient or inmate is a day on which occurs a Jewish fast or festival; and
- 20 (ii) the elector is of Jewish persuasion,
- the returning officer or deputy shall permit a person appointed by the elector to assist the elector, and the person so appointed shall, in the same manner as would be required if he were the elector, after making a declaration referred to in section 114ZR (3), mark a vote
- 25 on the ballot-paper according to the instructions of the elector and then fold and return the ballot-paper to the returning officer or deputy.
- (2) If any such elector fails to appoint a person as provided by subsection (1) or satisfies the returning officer that he is so illiterate that he is unable to vote without assistance, the returning
- 30 officer or deputy returning officer, in the presence of such scrutineers as are present or, if there are no scrutineers present, in the presence

Parliamentary Electorates and Elections (Amendment).

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

5 of his poll clerk, shall, in the same manner as would be required if he were the elector, after making a declaration referred to in section 114ZR (3), mark a vote on the ballot-paper according to the instructions of the elector and then fold the ballot-paper.

10 (3) The signature of an elector provided for in a declaration referred to in section 114ZR (3) may be made by a person who, pursuant to subsection (1) or (2), makes the declaration.

Appointment of scrutineers.

114ZT. (1) A candidate may, by writing under his hand, appoint one or more scrutineers in order to observe voting by electors under this Division.

15 (2) Subject to subsection (3), a scrutineer so appointed is entitled to accompany a returning officer or deputy returning officer while he is performing his duties at a declared institution.

20 (3) If a scrutineer so appointed leaves the company of the returning officer or deputy returning officer while he is performing his duties at a declared institution, another scrutineer so appointed may act in his place, but only one scrutineer is entitled, at any one time in respect of any one candidate, to accompany the returning officer or deputy returning officer while he is performing his duties at a declared institution.

25 (4) A scrutineer appointed under subsection (1) shall not—

- 30 (a) fail or refuse to comply with any lawful direction given to him by the returning officer or deputy returning officer on a visit, under this Division, to an elector;
- (b) interfere with or attempt to influence an elector who is voting under this Division;

Parliamentary Electorates and Elections (Amendment).

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

5 (c) communicate with any such elector, except so far as it is necessary to do so in the discharge of his functions; or

(d) misconduct himself when accompanying the returning officer or deputy on a visit, under this Division, to an elector.

Penalty: \$25.

10 (5) A scrutineer shall, before acting as such in relation to the voting by electors under this Division at a declared institution, make and sign before the returning officer or deputy returning officer who takes the poll at the institution a declaration in the same terms as are prescribed in section 91 (1).

15 (6) Where a declaration is made and signed in accordance with subsection (5) before a deputy returning officer, he shall transmit the declaration to the returning officer.

20 (7) Where a declaration is made and signed in accordance with subsection (5) before a returning officer or transmitted to the returning officer pursuant to subsection (6), the returning officer shall transmit the declaration to the Electoral Commissioner, and Part IV of the Oaths Act, 1900, shall apply to the declaration as if it had been made under that Act.

Penalty for unlawfully marking ballot-paper, etc.

25 114ZU. A person shall not mark or attempt or purport to mark a vote on a ballot-paper handed to an elector under section 114ZR or 114ZX unless he—

(a) is that elector; or

Parliamentary Electorates and Elections (Amendment).

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

- 5 (b) is a person appointed by that elector under section 114zs (1) or is the returning officer or deputy returning officer acting in accordance with section 114zs (2).

Penalty: \$500 or imprisonment for 6 months.

Duty of persons present when elector votes under this Division.

10 114zv. A person who is present when an elector is visited by a returning officer or deputy returning officer for the purpose of voting under this Division shall not—

- (a) fail or refuse to comply with any lawful direction given to him by the returning officer or deputy; or
- (b) except as provided in section 114zs—
- 15 (i) communicate with the elector in relation to the marking of that elector's vote;
- (ii) assist the elector or in any manner interfere with the elector in relation to the marking of that elector's vote; or
- 20 (iii) look at the elector's vote or do anything which may result in his obtaining knowledge of the elector's vote.

Penalty: \$250 or imprisonment for 3 months.

Preliminary scrutiny of ballot-papers of certain electors under this Division.

25 114zw. (1) At the scrutiny the returning officer shall produce unopened all envelopes containing ballot-papers marked by electors who have voted under this Division, being ballot-papers of persons claiming to be enrolled for a subdivision of the district for which

30 he is the returning officer.

Parliamentary Electorates and Elections (Amendment).

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

5 (2) If the returning officer is satisfied that the elector is enrolled for the district for which the returning officer is appointed, he shall remove the ballot-paper from the envelope and, without unfolding the ballot-paper or allowing any other person to do so, place the ballot-paper in a locked and sealed ballot-box for further scrutiny, together with any other ballot-papers accepted for further
10 scrutiny under this subsection, but if he is not so satisfied he shall disallow the ballot-paper without opening the envelope.

(3) After dealing with all envelopes and ballot-papers in the manner prescribed by subsection (2), the returning officer shall proceed with the scrutiny of the ballot-papers which have been
15 accepted for further scrutiny by removing them from the ballot-box in which they were placed in accordance with subsection (2) and—

(a) by opening any of those ballot-papers relating to an election for the Assembly and allowing and counting those which are formal and disallowing and rejecting those which, by virtue of section 122, are informal; and
20

(b) by opening any of those ballot-papers relating to a periodic Council election and counting the votes recorded for each candidate.

Spoilt ballot-papers.

25 114zx. If any elector voting under this Division satisfies the returning officer or deputy returning officer who takes the poll at the institution in which the elector is resident that he has spoilt the ballot-paper handed to him under section 114ZR (5) by reason of accident or mistake, and that ballot-paper has not been enclosed in
30 an envelope in accordance with section 114ZR (8), the returning officer or deputy, on receipt of the spoilt ballot-paper, shall—

(a) hand to the elector a new ballot-paper; and

(b) cancel and preserve the spoilt ballot-paper.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT,
1912—*continued.*5 **Reference to returning officer or deputy deemed to include poll clerk
in certain cases.**

10 114ZY. Every reference in sections 114ZP, 114ZQ, 114ZR
(subsections (10) and (11) excepted), 114ZS (1), 114ZT, 114ZU,
114ZV and 114ZX to a returning officer or deputy returning officer
shall be deemed to include a reference to a poll clerk appointed to
assist the returning officer or deputy in the performance of his duties.

(16) Section 115 (1)—

After “subdivision” where secondly occurring, insert “, being a
polling-place open for polling on that day”.

(17) (a) Section 120J (c)—

15 After “application” where secondly occurring, insert “or
request”.

(b) Section 120J (c)—

After “application” where thirdly occurring, insert “or request,
as the case may require,”.

20 (18) Section 125A (2)—

After “11”, insert “, 11A”.

(19) Section 129D (2)—

After “11”, insert “, 11A”.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 1—*continued.*

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

(20) Section 168—

5 Omit “during the hours of polling on polling-day”.

(21) Section 176 (4)—

After section 176 (3), insert:—

(4) A provision of a regulation may—

- 10 (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- 15 (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

(22) (a) Schedule 20, clause 1—

Omit “polling-place area” wherever occurring, insert instead “subdivision”.

20 (b) Schedule 20, Form 6—

Omit “Polling-place Area”, insert instead “Subdivision”.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS
(AMENDMENT) ACT, 1979.

5 (1) Section 2 (2)—

Omit “appointed and notified under section 2 (2) of the Liquor (Amendment) Act, 1979”, insert instead “on which Schedule 2 to the Liquor (Amendment) Act, 1979, commences”.

(2) Section 3 (a)—

10 Omit “, except”, insert instead “except”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

(80c)

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF ALABAMA

ARTICLE I

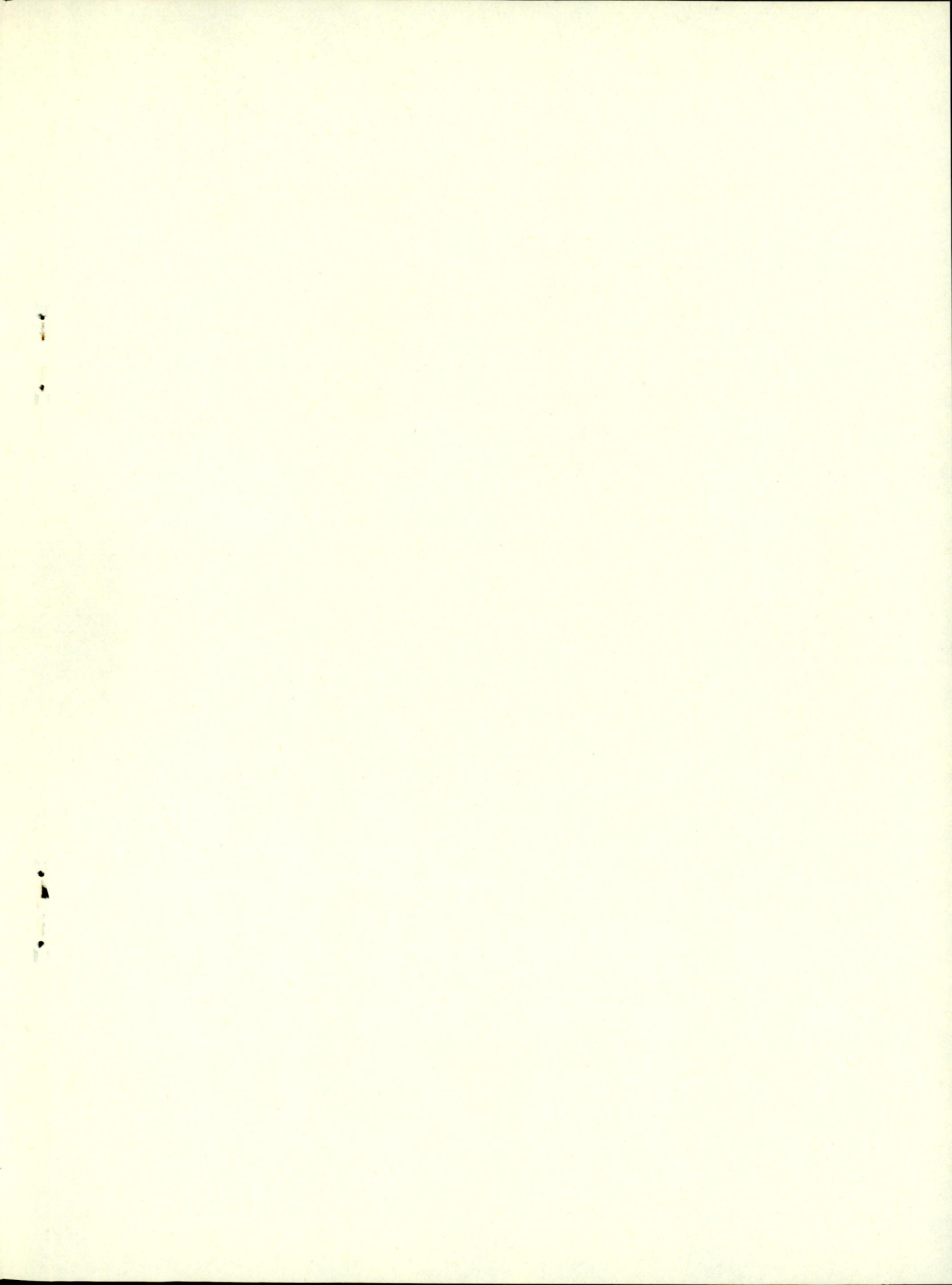
SECTION 1. The Legislature shall have the power to pass laws not inconsistent with the Constitution of the State of Alabama.

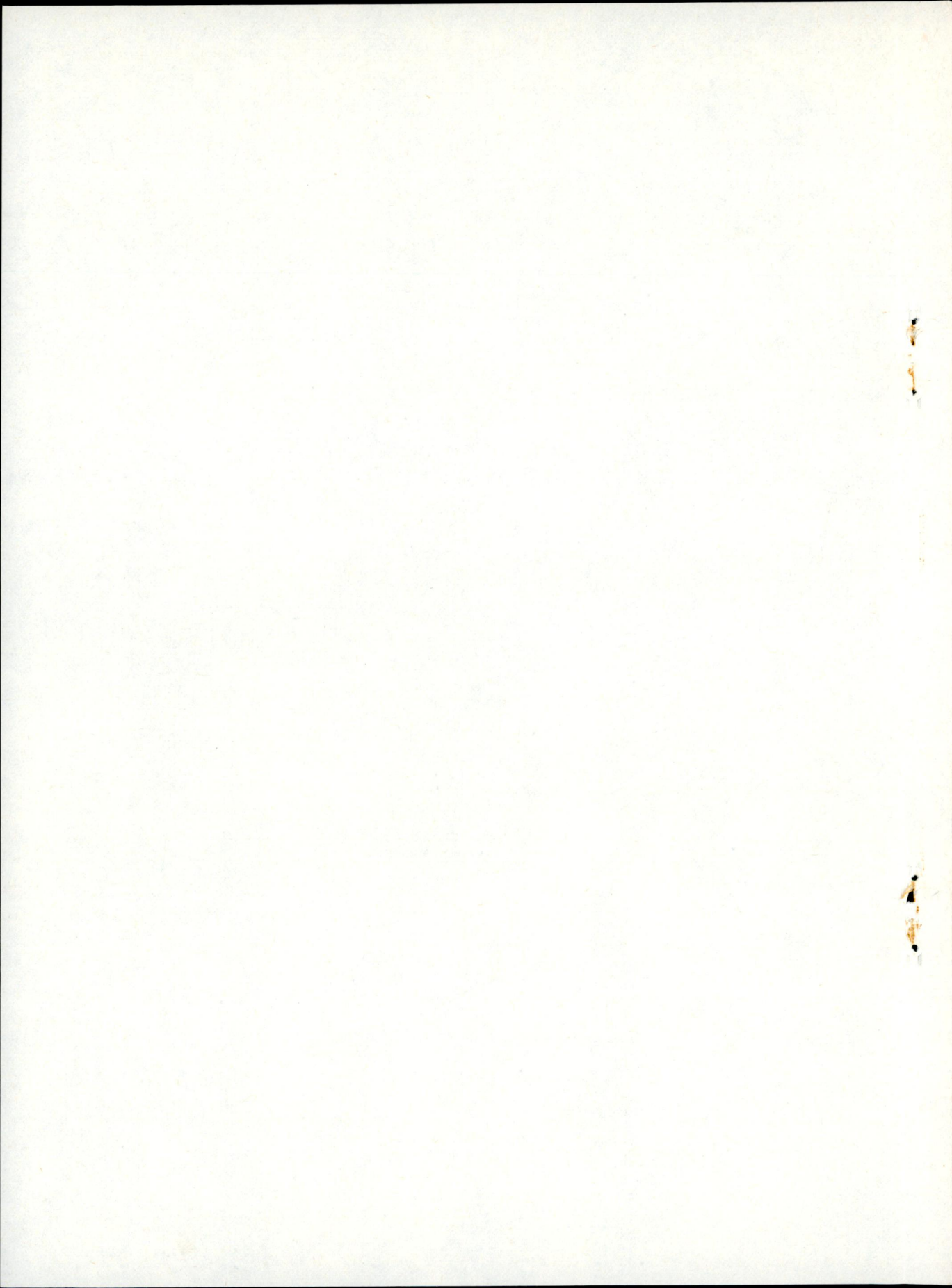
SECTION 2. (a) —

SECTION 3. (a) —

SECTION 4. (a) —

SECTION 5. (a) —





PARLIAMENTARY ELECTORATES AND ELECTIONS
(AMENDMENT) ACT, 1981, No. 28

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 28, 1981.

An Act to amend the Parliamentary Electorates and Elections Act, 1912, with respect to the alteration of electoral boundaries, the appointment of postal voting officers and the casting of votes, before polling day, by the inpatients or inmates of certain institutions and to amend the Parliamentary Electorates and Elections (Amendment) Act, 1979, by way of statute law revision. [Assented to, 14th May, 1981.]

Parliamentary Electorates and Elections (Amendment).

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

Short title.

1. This Act may be cited as the "Parliamentary Electorates and Elections (Amendment) Act, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(5), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1, commence on the day on which the provision commences.

(3) Schedule 1 (2) and (3) 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.

(4) Schedule 1 (1), (6), (12), (13), (14), (15), (17), (18) and (19) 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.

(5) Section 5 and Schedule 2 shall be deemed to have commenced on 10th December, 1979.

Schedules.

3. This Act contains the following Schedules:—

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

SCHEDULE 2.—AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS (AMENDMENT) ACT, 1979.

Parliamentary Electorates and Elections (Amendment).

Amendment of Act No. 41, 1912.

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

Amendment of Act No. 152, 1979.

5. The Parliamentary Electorates and Elections (Amendment) Act, 1979, is amended in the manner set forth in Schedule 2.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS
ACT, 1912.

(1) (a) Section 1—

In the matter relating to Division 10 of Part V, after “voting”, insert “(offices of returning officers)”.

(b) Section 1—

After the matter relating to Division 11 of Part V, insert:—

DIVISION 11A.—*Pre-poll voting (declared institutions)*—
ss. 114ZM–114ZY.

(2) Section 13 (2)–(5)—

After section 13 (1), insert:—

(2) As soon as practicable after they have been appointed, the commissioners shall, by advertisement published in the Gazette—

- (a) invite suggestions in writing to be lodged with the commissioners, within 30 days after the date of advertisement, relating to the distribution of New South Wales into electoral districts;

Parliamentary Electorates and Elections (Amendment).

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

- (b) invite comments in writing to be lodged with the commissioners, within 14 days after the expiration of the period referred to in paragraph (a), relating to any suggestions received by the commissioners in pursuance of that paragraph; and
 - (c) give notice that any suggestions or comments lodged with them pursuant to paragraph (a) or (b) will, immediately after the expiration of—
 - (i) in relation to suggestions—the period referred to in paragraph (a); or
 - (ii) in relation to comments—the 14 day period referred to in paragraph (b),be made available at their office situated at a place specified in the advertisement.
- (3) Immediately after the expiration of the period referred to in subsection (2) (a), the commissioners shall make available for perusal at their office copies of any suggestions lodged with them in pursuance of that paragraph.
- (4) Immediately after the expiration of the 14 day period referred to in subsection (2) (b), the commissioners shall make available for perusal at their office copies of any comments lodged with them in pursuance of that paragraph.
- (5) The commissioners shall consider any suggestions or comments lodged with them in pursuance of subsection (2) before determining the names and boundaries of electoral districts.

Parliamentary Electorates and Elections (Amendment).

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

(3) Section 14—

Omit the section, insert instead:—

Notice of proposed alteration of existing boundaries to be given.

14. (1) The prescribed notice of any proposed alteration of an electoral district shall be given by the commissioners in the Gazette and in some newspaper published or circulating in the district.

(2) Suggestions or objections in writing may be lodged with the commissioners in relation to a proposed alteration of an electoral district within—

(a) a period of 30 days; or

(b) where some other period is prescribed, the prescribed period,

after the publication in the Gazette of the notice referred to in subsection (1).

(3) The commissioners shall consider any suggestions or objections lodged with them in pursuance of subsection (2) before determining the names and boundaries of electoral districts.

(4) (a) Section 21A (2A)—

After section 21A (2), insert:—

(2A) In addition to the powers, authorities, duties and functions conferred or imposed on him by this Act, the Electoral Commissioner shall have such powers, authorities, duties and functions as are conferred or imposed on him by or under any other Act.

Parliamentary Electorates and Elections (Amendment).

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

(b) Section 21A (5)—

Omit the subsection.

(5) Section 55 (4)—

After section 55 (3), insert:—

(4) A provision of a regulation made under subsection (1) may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

(6) Section 67A—

After “11,” insert “11A,”.

(7) Section 78A—

Omit “the election or elections referred to in the instrument”, insert instead “all elections”.

(8) Section 78B (2)—

Omit “illness”, insert instead “absence”.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 1—*continued.*

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

(9) (a) Section 78D (1) (b)—

Omit “Commissioner;”, insert instead “Commissioner; or”.

(b) Section 78D (1) (c)—

Omit “Commissioner; or”, insert instead “Commissioner.”.

(c) Section 78D (1) (d)—

Omit the paragraph.

(10) (a) Section 87A (2)—

After “ordered”, insert “, on medical grounds,”.

(b) Section 87A (3)—

After “forbidden”, insert “, on medical grounds,”.

(11) (a) Section 106 (1)—

Omit “polling-booth”, insert instead “election”.

(b) Section 106 (1)—

Omit “such booth”, insert instead “the election”.

(12) Section 108A—

Omit “or section 114T”, insert instead “, section 114T or section 114zs”.

Parliamentary Electorates and Elections (Amendment).

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

(13) Section 114A (2AA)—

After section 114A (2), insert:—

(2AA) Nothing in subsection (1) entitles an elector who is an inpatient or inmate of a declared institution within the meaning of Division 11A and will be such an inpatient or inmate on the fifth, fourth and third days immediately preceding polling day to a postal ballot-paper and postal vote certificate.

(14) Part V, Division 10, heading—

After “*voting*”, insert “(*offices of returning officers*)”.

(15) Part V, Division 11A—

After Division 11, insert:—

DIVISION 11A.—*Pre-poll voting (declared institutions).*

Interpretation: Pt. V, Div. 11A.

114ZM. In this Division, except in so far as the context or subject-matter otherwise indicates or requires, “declared institution” means an institution for the time being declared under section 114ZN to be a declared institution for the purposes of this Division.

Declared institutions.

114ZN. The Electoral Commissioner may, by notice in the Gazette, declare an institution, being a convalescent home, hospital or similar institution in which a polling-place has not been appointed, to be a declared institution for the purposes of this Division.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT,
1912—*continued.***Taking of poll at declared institution.**

114zo. (1) The returning officer for a district in which a declared institution is situated may preside and take the poll at the institution or, by writing under his hand, may appoint a deputy returning officer to act for him and take the poll at the institution, and may also, in like manner, appoint one or more poll clerks to assist in taking the poll at the institution.

(2) The returning officer or deputy returning officer may, on any one or more of the fifth, fourth and third days preceding polling day, enter into and remain in a declared institution for the purpose of taking the poll at the institution.

(3) A person shall not hinder or obstruct a returning officer, deputy returning officer, poll clerk or scrutineer in the exercise or performance of his powers, authorities, duties or functions in relation to voting under this Division.

Penalty: \$200.

(4) In any visit made by a returning officer or deputy returning officer to a declared institution, the returning officer or deputy, as the case may be, shall be accompanied by a poll clerk.

Entitlement to vote at declared institution.

114zp. (1) An elector who—

- (a) is, for the time being, an inpatient or inmate of a declared institution; and
- (b) has, by message to the returning officer for the district in which the institution is situated or the deputy returning officer appointed to take the poll at the institution, requested an opportunity to record his vote at the institution,

Parliamentary Electorates and Elections (Amendment).

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

is entitled to vote under this Division while the returning officer or deputy returning officer is at the institution for the purpose of taking the poll.

(2) An elector to whom a postal vote certificate and postal ballot-paper have been issued is not entitled to vote under this Division unless he first delivers, for cancellation, to the returning officer or deputy returning officer who takes the poll at the institution of which the elector is an inpatient or inmate, his postal vote certificate and postal ballot-paper.

Duty to deliver request to vote.

114ZQ. A person to whom any message referred to in section 114ZP (1) (b) is given for delivery to a returning officer or deputy returning officer shall, unless otherwise ordered, on medical grounds, by a legally qualified medical practitioner, deliver the message to the returning officer or deputy returning officer before, or forthwith after, the returning officer or deputy returning officer enters, for the purpose of taking the poll, the declared institution of which the person making the request is an inpatient or inmate.

Penalty: \$50.

Procedure for voting at declared institutions.

114ZR. (1) A returning officer or deputy returning officer shall afford an elector entitled to vote under this Division the opportunity to record his vote by visiting the elector at the declared institution of which the elector is, for the time being, an inpatient or inmate.

(2) A visit to an elector shall not be made under this section if the returning officer or deputy returning officer is informed, by a legally qualified medical practitioner or member of the staff

Parliamentary Electorates and Elections (Amendment).

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

of the declared institution of which the elector is, for the time being, an inpatient or inmate, that the visit is forbidden, on medical grounds, by a legally qualified medical practitioner.

(3) The returning officer or deputy returning officer may, and, if requested to do so by any scrutineer, shall, put to an elector visited by him under this Division any of the questions prescribed by section 100 (1) which are applicable to the case and, if the elector answers the questions satisfactorily or if no questions are put to the elector, the elector shall, after making a declaration in the prescribed form, be permitted to vote.

(4) The form of the declaration referred to in subsection (3) shall be either printed or written on an envelope and shall, after being filled in, be signed by the elector in his own handwriting in the presence of the returning officer or deputy returning officer who shall then witness the elector's signature.

(5) Subject to subsection (6), the returning officer or deputy returning officer shall, after a declaration has been made by an elector in the form prescribed for the purposes of subsection (3), hand to the elector a ballot-paper that is in or to the effect of the form prescribed in Schedule 4 or ballot-papers, one of which is in or to the effect of the form prescribed in Schedule 4 and the other of which is in or to the effect of the form prescribed in Schedule 4A, as the case may require, and on receiving any such ballot-paper, the elector shall—

- (a) mark his vote on the ballot-paper in accordance with the directions thereon in the view of the returning officer or deputy but so that the returning officer or deputy is unable to see what marks he makes on the ballot-paper;
- (b) fold the ballot-paper so that the marks made by him cannot be seen; and

Parliamentary Electorates and Elections (Amendment).

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

- (c) at once return the ballot-paper so folded to the returning officer or deputy.

(6) Before handing a ballot-paper for an election for the Assembly to the elector under subsection (5), the returning officer or deputy returning officer shall—

- (a) if the particulars of the candidates are not already printed on it, enter on the ballot-paper—
- (i) the name of the electoral district for which the elector has declared that he is enrolled; and
 - (ii) the names of the candidates for that district in the order in which those names were drawn by ballot held pursuant to section 82A; and
- (b) initial the back of the ballot-paper in his own handwriting in such a position as to be readily seen when the elector has folded the ballot-paper in accordance with subsection (5) (b).

(7) The returning officer or deputy returning officer shall not, for the purposes of subsection (5), hand an elector a ballot-paper for a periodic Council election on which particulars relating to the candidates are not already printed until the returning officer has been notified of those particulars in accordance with section 81H (4) and has entered those particulars on the ballot-paper in the manner specified in that notification.

(8) On any such ballot-paper being returned to him in accordance with subsection (5) (c), the returning officer or deputy returning officer shall—

- (a) in the presence of the elector, enclose it in the envelope bearing the elector's declaration and securely fasten the envelope; and

Parliamentary Electorates and Elections (Amendment).

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

(b) in the case of—

- (i) the returning officer—retain the envelope and ballot-paper until the close of the poll; or
- (ii) a deputy returning officer—as soon as practicable forward the ballot-paper to the returning officer who shall deal with it in the manner provided in subsection (10).

(9) When an elector has voted under this section, the returning officer or deputy returning officer shall record the fact that the elector has voted and the date of the vote.

(10) As soon as practicable after the receipt by a returning officer of a ballot-paper under subsection (5) or (8), the returning officer shall—

- (a) if the ballot-paper contains the vote of an elector enrolled for a subdivision of the district for which he is the returning officer and—
 - (i) if certified copies of the roll have been furnished to the deputy returning officers responsible for the subdivision for which the elector is enrolled, immediately notify those deputy returning officers that the elector has voted; or
 - (ii) if certified copies of the roll have not been so furnished, enter a note of the fact that the elector has voted on the certified copies of the roll in his possession; or
- (b) if the ballot-paper contains the vote of an elector enrolled for a subdivision of a district not referred to in paragraph (a)—deal with the ballot-paper in the same manner as that in which he is required by section 116 to deal with an absent voter's ballot-paper.

Parliamentary Electorates and Elections (Amendment).

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

(11) A deputy returning officer, on being notified, under subsection (10) (a) (i), that an elector has voted, shall enter a note of that fact on the certified copies of the roll furnished to him.

Assistance to certain electors.

114zs. (1) If an elector permitted to vote under section 114ZR satisfies the returning officer or deputy returning officer—

(a) that his sight is so impaired or that he is so physically incapacitated that he is unable to vote without assistance;
or

(b) that—

(i) the day upon which the returning officer or deputy visits the elector for the purpose of taking the poll at the declared institution of which the elector is an inpatient or inmate is a day on which occurs a Jewish fast or festival; and

(ii) the elector is of Jewish persuasion,

the returning officer or deputy shall permit a person appointed by the elector to assist the elector, and the person so appointed shall, in the same manner as would be required if he were the elector, after making a declaration referred to in section 114ZR (3), mark a vote on the ballot-paper according to the instructions of the elector and then fold and return the ballot-paper to the returning officer or deputy.

(2) If any such elector fails to appoint a person as provided by subsection (1) or satisfies the returning officer that he is so illiterate that he is unable to vote without assistance, the returning officer or deputy returning officer, in the presence of such scrutineers as are present or, if there are no scrutineers present, in the presence

Parliamentary Electorates and Elections (Amendment).

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

of his poll clerk, shall, in the same manner as would be required if he were the elector, after making a declaration referred to in section 114ZR (3), mark a vote on the ballot-paper according to the instructions of the elector and then fold the ballot-paper.

(3) The signature of an elector provided for in a declaration referred to in section 114ZR (3) may be made by a person who, pursuant to subsection (1) or (2), makes the declaration.

Appointment of scrutineers.

114ZT. (1) A candidate may, by writing under his hand, appoint one or more scrutineers in order to observe voting by electors under this Division.

(2) Subject to subsection (3), a scrutineer so appointed is entitled to accompany a returning officer or deputy returning officer while he is performing his duties at a declared institution.

(3) If a scrutineer so appointed leaves the company of the returning officer or deputy returning officer while he is performing his duties at a declared institution, another scrutineer so appointed may act in his place, but only one scrutineer is entitled, at any one time in respect of any one candidate, to accompany the returning officer or deputy returning officer while he is performing his duties at a declared institution.

(4) A scrutineer appointed under subsection (1) shall not—

- (a) fail or refuse to comply with any lawful direction given to him by the returning officer or deputy returning officer on a visit, under this Division, to an elector;
- (b) interfere with or attempt to influence an elector who is voting under this Division;

Parliamentary Electorates and Elections (Amendment).

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

- (c) communicate with any such elector, except so far as it is necessary to do so in the discharge of his functions; or
- (d) misconduct himself when accompanying the returning officer or deputy on a visit, under this Division, to an elector.

Penalty: \$25.

(5) A scrutineer shall, before acting as such in relation to the voting by electors under this Division at a declared institution, make and sign before the returning officer or deputy returning officer who takes the poll at the institution a declaration in the same terms as are prescribed in section 91 (1).

(6) Where a declaration is made and signed in accordance with subsection (5) before a deputy returning officer, he shall transmit the declaration to the returning officer.

(7) Where a declaration is made and signed in accordance with subsection (5) before a returning officer or transmitted to the returning officer pursuant to subsection (6), the returning officer shall transmit the declaration to the Electoral Commissioner, and Part IV of the Oaths Act, 1900, shall apply to the declaration as if it had been made under that Act.

Penalty for unlawfully marking ballot-paper, etc.

114ZU. A person shall not mark or attempt or purport to mark a vote on a ballot-paper handed to an elector under section 114ZR or 114ZX unless he—

- (a) is that elector; or

Parliamentary Electorates and Elections (Amendment).

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

- (b) is a person appointed by that elector under section 114zs (1) or is the returning officer or deputy returning officer acting in accordance with section 114zs (2).

Penalty: \$500 or imprisonment for 6 months.

Duty of persons present when elector votes under this Division.

114zv. A person who is present when an elector is visited by a returning officer or deputy returning officer for the purpose of voting under this Division shall not—

- (a) fail or refuse to comply with any lawful direction given to him by the returning officer or deputy; or
- (b) except as provided in section 114zs—
- (i) communicate with the elector in relation to the marking of that elector's vote;
 - (ii) assist the elector or in any manner interfere with the elector in relation to the marking of that elector's vote; or
 - (iii) look at the elector's vote or do anything which may result in his obtaining knowledge of the elector's vote.

Penalty: \$250 or imprisonment for 3 months.

Preliminary scrutiny of ballot-papers of certain electors under this Division.

114zw. (1) At the scrutiny the returning officer shall produce unopened all envelopes containing ballot-papers marked by electors who have voted under this Division, being ballot-papers of persons claiming to be enrolled for a subdivision of the district for which he is the returning officer.

Parliamentary Electorates and Elections (Amendment).

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

(2) If the returning officer is satisfied that the elector is enrolled for the district for which the returning officer is appointed, he shall remove the ballot-paper from the envelope and, without unfolding the ballot-paper or allowing any other person to do so, place the ballot-paper in a locked and sealed ballot-box for further scrutiny, together with any other ballot-papers accepted for further scrutiny under this subsection, but if he is not so satisfied he shall disallow the ballot-paper without opening the envelope.

(3) After dealing with all envelopes and ballot-papers in the manner prescribed by subsection (2), the returning officer shall proceed with the scrutiny of the ballot-papers which have been accepted for further scrutiny by removing them from the ballot-box in which they were placed in accordance with subsection (2) and—

- (a) by opening any of those ballot-papers relating to an election for the Assembly and allowing and counting those which are formal and disallowing and rejecting those which, by virtue of section 122, are informal; and
- (b) by opening any of those ballot-papers relating to a periodic Council election and counting the votes recorded for each candidate.

Spoilt ballot-papers.

114zx. If any elector voting under this Division satisfies the returning officer or deputy returning officer who takes the poll at the institution in which the elector is resident that he has spoilt the ballot-paper handed to him under section 114ZR (5) by reason of accident or mistake, and that ballot-paper has not been enclosed in an envelope in accordance with section 114ZR (8), the returning officer or deputy, on receipt of the spoilt ballot-paper, shall—

- (a) hand to the elector a new ballot-paper; and
- (b) cancel and preserve the spoilt ballot-paper.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS ACT,
1912—*continued.***Reference to returning officer or deputy deemed to include poll clerk
in certain cases.**

114ZY. Every reference in sections 114ZP, 114ZQ, 114ZR (subsections (10) and (11) excepted), 114ZS (1), 114ZT, 114ZU, 114ZV and 114ZX to a returning officer or deputy returning officer shall be deemed to include a reference to a poll clerk appointed to assist the returning officer or deputy in the performance of his duties.

(16) Section 115 (1)—

After “subdivision” where secondly occurring, insert “, being a polling-place open for polling on that day”.

(17) (a) Section 120J (c)—

After “application” where secondly occurring, insert “or request”.

(b) Section 120J (c)—

After “application” where thirdly occurring, insert “or request, as the case may require,”.

(18) Section 125A (2)—

After “11”, insert “, 11A”.

(19) Section 129D (2)—

After “11”, insert “, 11A”.

Parliamentary Electorates and Elections (Amendment).

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

(20) Section 168—

Omit “during the hours of polling on polling-day”.

(21) Section 176 (4)—

After section 176 (3), insert:—

(4) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

(22) (a) Schedule 20, clause 1—

Omit “polling-place area” wherever occurring, insert instead “subdivision”.

(b) Schedule 20, Form 6—

Omit “Polling-place Area”, insert instead “Subdivision”.

Parliamentary Electorates and Elections (Amendment).

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PARLIAMENTARY ELECTORATES AND ELECTIONS
(AMENDMENT) ACT, 1979.

(1) Section 2 (2)—

Omit “appointed and notified under section 2 (2) of the Liquor (Amendment) Act, 1979”, insert instead “on which Schedule 2 to the Liquor (Amendment) Act, 1979, commences”.

(2) Section 3 (a)—

Omit “, except”, insert instead “except”.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 14th May, 1981.*



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