

**PARLIAMENTARY ELECTORATES AND ELECTIONS
(FURTHER AMENDMENT) ACT 1987 No. 173**

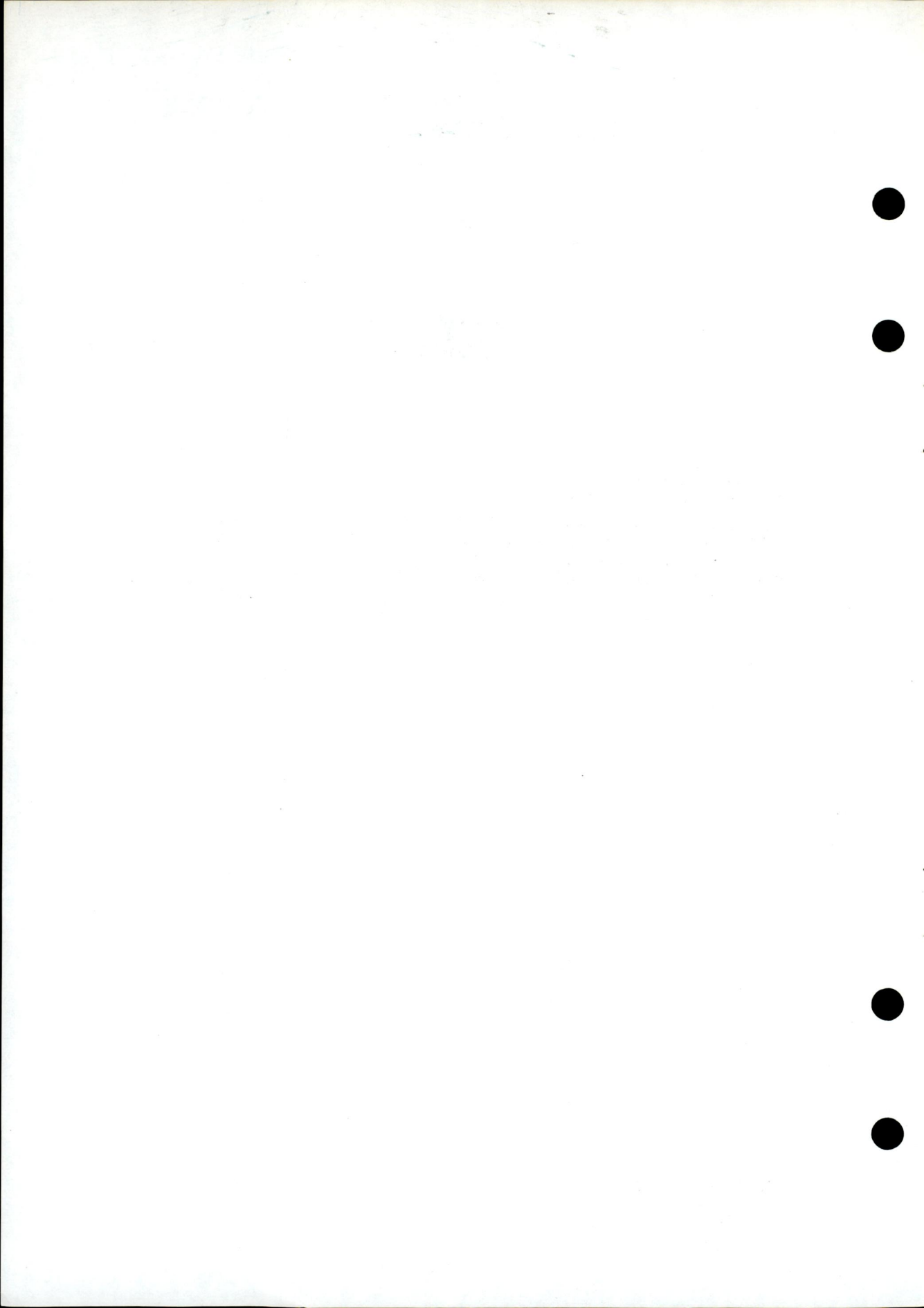
NEW SOUTH WALES



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**PARLIAMENTARY ELECTORATES AND ELECTIONS (FURTHER
AMENDMENT) ACT 1987 No. 173**

NEW SOUTH WALES



Act No. 173, 1987

An Act to amend the Parliamentary Electorates and Elections Act 1912 with respect to electoral distributions and the method of voting in Legislative Council elections, and for other purposes. [Assented to 26 November 1987]

Parliamentary Electorates and Elections (Further Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Parliamentary Electorates and Elections (Further Amendment) Act 1987.

Commencement

2. This Act shall commence on a day or days to be appointed by proclamation.

Amendment of Act No. 41, 1912

3. The Parliamentary Electorates and Elections Act 1912 is amended as set out in Schedules 1-3.

SCHEDULE 1—AMENDMENTS RELATING TO ELECTORAL DISTRIBUTIONS

(Sec. 3)

Section 17A (Criteria for distributions)—

(a) Section 17A (a)—

Omit the paragraph, insert instead:

(a) have regard to demographic trends within the State and, as far as practicable, endeavour to ensure on the basis of those trends that, at the relevant future time, the number of electors enrolled in each electoral district will be equal (within a margin of allowance of 3 per cent more or less of the average enrolment in electoral districts at that future time); and

(b) Section 17A (b) (iii)—

Omit "and" where lastly occurring.

(c) Section 17A (b) (iv), (v)—

Omit section 17A (b) (iv), insert instead:

(iv) mountain and other natural boundaries; and

(v) the boundaries of the existing electoral districts.

(d) Section 17A (2)—

At the end of section 17A, insert:

(2) For the purposes of subsection (1) (a), the relevant future time is 4 years from the day of the return of the writs for choosing the Legislative Assembly that exists at the time the distribution is carried out.

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS

(Sec. 3)

(1) Section 3 (**Definitions**)—

Section 3 (1)—

Insert, in alphabetical order, the following definitions:

“Group voting ticket” means a written statement of a particular order in which a voter might allocate preferences in a periodic Council election, being a statement for use in interpreting the votes of voters who choose to vote in accordance with the group voting ticket.

“Group voting ticket square” means a square printed on a ballot-paper for a periodic Council election above the names of the candidates included in a group which has a group voting ticket registered for the election.

(2) Section 83B (**Printing ballot-papers**)—

(a) Section 83B (5) (a)—

After “each group” wherever occurring, insert “(and each group voting ticket square relating to the group)”.

(b) Section 83B (5A), (5B)—

After section 83B (5), insert:

(5A) If a group has 1 group voting ticket registered for a periodic Council election, an additional square shall be printed on the ballot-papers for the election above the names of the candidates included in the group.

(5B) If a group has 2 group voting tickets registered for a periodic Council election, 2 additional squares shall be printed on the ballot-papers for the election above the names of the candidates included in the group, as follows:

- (a) the 2 squares shall be printed one beside the other;
- (b) the square on the left-hand side of the ballot-paper shall be identified as “ticket 1” and the other square as “ticket 2”.

(3) Section 83C—

After section 83B, insert:

Group voting tickets

83C. (1) The candidates included in a group for a periodic Council election may, before the expiration of 24 hours after the close of nominations for the election, lodge with the Electoral Commissioner 1 group voting ticket or 2 group voting tickets.

(2) A group voting ticket lodged with the Electoral Commissioner—

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF
VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

- (a) must indicate by consecutive numbers commencing with the number "1" an order of preference for at least 10 candidates;
 - (b) may indicate by consecutive numbers commencing with the number "11" a subsequent order of preference for some or all of the remaining candidates; and
 - (c) must indicate preferences for the candidates included in the group lodging the group voting ticket—
 - (i) in the order in which the names of those candidates are to appear on the ballot-papers; and
 - (ii) over all candidates in the election who are not included in that group.
- (3) A group voting ticket may be lodged in the form of a ballot-paper duly completed with the required order of preferences.
- (4) A group voting ticket may be signed—
- (a) by all the candidates included in the group;
 - (b) by the candidate whose name appears first in the order, referred to in section 81c (2), in the group; or
 - (c) by a person authorised to do so by all the candidates included in the group, by written instrument given to the Electoral Commissioner at the time of the nomination of the candidates in the group.
- (5) The person or persons who signed a group voting ticket may (by notice in writing to the Electoral Commissioner) withdraw that ticket before the expiration of 24 hours after the close of nominations for the election.
- (6) If the candidates included in a group duly lodge 1 group voting ticket or 2 group voting tickets under this section, the group shall (subject to subsection (5)) be taken to have that ticket or those tickets registered for the purposes of the election.
- (7) If a group has 2 group voting tickets registered for an election, the Electoral Commissioner shall hold a ballot (in accordance with the procedure prescribed by the regulations) to determine which group voting ticket will be ticket 1 and which will be ticket 2.
- (4) Section 86A—
- After section 86, insert:
- Group voting tickets to be displayed at polling-places**
- 86A. (1) The Electoral Commissioner shall cause at least one poster showing all the group voting tickets registered for a periodic Council election to be prominently displayed at each polling-place.

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

- (2) A poster shall be so prepared that—
- (a) group voting tickets are displayed in vertical columns;
 - (b) the tickets are displayed in the columns in the same order as the order on the ballot-papers of the groups concerned;
 - (c) if a group has 2 tickets registered for the election, the tickets are displayed in the same column with each appropriately identified (as determined under section 83C (7)) as ticket 1 or ticket 2; and
 - (d) each group voting ticket is identified in the same manner as the group concerned is identified on the ballot-papers (and not otherwise).

(3) In this section, “polling-place” includes any place at which an elector may vote before polling day under Division 10 of Part V.

(5) Section 103 (**Vote, how given**)—

Section 103 (4)—

After section 103 (3), insert:

(4) If the ballot-paper in a periodic Council election contains one or more group voting ticket squares, the voter may record a vote by placing the number “1” in any one of those squares instead of recording a vote in accordance with subsection (3).

(6) Section 129EA—

After section 129E, insert:

Formal votes according to group voting ticket

129EA. If a voter records a vote on a ballot-paper by placing the number “1” in one of the group voting ticket squares, the ballot-paper shall be deemed to have recorded on it a vote in accordance with the relevant group voting ticket registered for the election.

(7) Section 129F (**Informal ballot-papers**)—

(a) Section 129F (2), (3)—

Omit “Notwithstanding subsection (1)” wherever occurring, insert instead “Notwithstanding anything to the contrary in this Act”.

(b) Section 129F (2A)–(2D)—

After section 129F (2), insert:

(2A) Notwithstanding anything to the contrary in this Act, if a voter records a vote on a ballot-paper by placing a mark in a group voting ticket square but also indicates preferences for individual candidates, the following provisions apply:

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

- (a) if the indication of preferences for individual candidates would, if it stood alone, constitute a formal vote, that indication of preferences shall be taken to be the vote of the voter and the mark in the group voting ticket square shall be disregarded;
- (b) if the indication of preferences for individual candidates would not, if it stood alone, constitute a formal vote, it shall be disregarded and the vote of the voter shall be taken to have been expressed by the mark in the group voting ticket square.

(2B) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing a cross or a tick in a group voting ticket square and not placing any mark or writing in any other group voting ticket square, but the ballot-paper shall be treated as if the cross or tick were the number “1”.

(2C) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number “1” or a tick in a group voting ticket square and placing a cross in (or a line through) all or some of the other group voting ticket squares on the ballot-paper, but the ballot-paper shall be treated as if the marks in those other squares did not appear on the ballot-paper and any such tick were the number “1”.

(2D) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number “1” in a group voting ticket square and placing other numbers in all or some of the other group voting ticket squares on the ballot-paper, but the ballot-paper shall be treated as if those other numbers did not appear on the ballot-paper.

- (c) Section 129F (3)—

After “any such ballot-paper”, insert “(or indicated on a group voting ticket adopted by any such ballot-paper)”.

- (8) Schedules 4A, 15A—

Omit the Schedules, insert instead:

BALLOT-PAPER


NEW SOUTH WALES Election of 15 Members of Legislative Council
Electoral District Elector enrolled.....

You may vote in
one of two ways

either 

Place the number "1" in one and one only of these squares to indicate the voting ticket you wish to adopt as your vote

GROUP A Ticket <input type="checkbox"/>	or	GROUP B Ticket <input type="checkbox"/>	or	GROUP C Ticket <input type="checkbox"/>	or	GROUP D Ticket <input type="checkbox"/>	or	GROUP E Ticket 1 <input type="checkbox"/> Ticket 2 <input type="checkbox"/>	or	GROUP G Ticket <input type="checkbox"/>
--	----	--	----	--	----	--	----	--	----	--

or 

Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9" and "10" in the squares opposite the names of 10 candidates in order of your preference for them. If you wish to vote for additional candidates, place consecutive numbers beginning with the number "11" in the squares opposite the names of those additional candidates in order of your preferences for them.

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	GROUP F	GROUP G
<input type="checkbox"/> PARKER Alan	<input type="checkbox"/> WILLIAMS Gregory	<input type="checkbox"/> WRIGHT Elizabeth	<input type="checkbox"/> SMITH Byron	<input type="checkbox"/> KNIGHT Colin Percival	<input type="checkbox"/> SCHMIDT Karl Otto	<input type="checkbox"/> BROOKMAN John
<input type="checkbox"/> MILLER John Charles	<input type="checkbox"/> ROGERS Ralph William	<input type="checkbox"/> LEVY Mark	<input type="checkbox"/> HANSON D. Richard Ian	<input type="checkbox"/> ASSAF Joseph	<input type="checkbox"/> RYAN Terence	<input type="checkbox"/> CRANE June
<input type="checkbox"/> MORGAN Albert	<input type="checkbox"/> COWAN Pamela	<input type="checkbox"/> MCKENZIE Donald	<input type="checkbox"/> LANHAM Margaret	<input type="checkbox"/> WHITE Veronica		<input type="checkbox"/> FRENCH Charles
<input type="checkbox"/> LUMSDAINE Elaine		<input type="checkbox"/> PAGANO Vittore	<input type="checkbox"/> PEREZ Juan	<input type="checkbox"/> CRAWFORD James		<input type="checkbox"/> KING Henry
<input type="checkbox"/> POULOS Nicholas		<input type="checkbox"/> WOOD Henry		<input type="checkbox"/> MARTIN Michael Andrew		<input type="checkbox"/> WILSON Mary
<input type="checkbox"/> JONES Frederick		<input type="checkbox"/> YOUNG David Ian				<input type="checkbox"/> RODGERS Jodie
<input type="checkbox"/> JOHNSON Alice		<input type="checkbox"/> TAYLOR George Ernest				<input type="checkbox"/> PASCALIS Sasha
<input type="checkbox"/> WATSON Reginald J. R.		<input type="checkbox"/> BROWN Mark				<input type="checkbox"/> SCRIVENER Peter
<input type="checkbox"/> FONG Phillip		<input type="checkbox"/> ILIC Peter				<input type="checkbox"/> RATHBONE Malcolm
<input type="checkbox"/> BLACK Robert Clive		<input type="checkbox"/> HAYES Graham				<input type="checkbox"/> SPICER Melanie
						<input type="checkbox"/> REID Lisa

SCHEDULE 15A

The elector must not mark a vote on the ballot-paper until after the elector has first exhibited the ballot-paper (in blank) to the Authorised Witness.

POSTAL BALLOT-PAPER

NEW SOUTH WALES

Election of 15 Members of Legislative Council
Electoral District Elector enrolled.....

You may vote in
one of two ways

either 

Place the number "1" in one and
one only of these squares to indicate
the voting ticket you wish to adopt
as your vote

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E		GROUP G
Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket 1 <input type="checkbox"/>	Ticket 2 <input type="checkbox"/>	Ticket <input type="checkbox"/>
or	or	or	or	or	or	

or 

Place the numbers "1", "2", "3", "4", "5",
"6", "7", "8", "9" and "10" in the squares
opposite the names of 10 candidates in
order of your preference for them. If you wish
to vote for additional candidates, place
consecutive numbers beginning with the
number "11" in the squares opposite the
names of those additional candidates in
order of your preferences for them.

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	GROUP F	GROUP G
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SCHEDULE 3—MISCELLANEOUS AMENDMENTS

(Sec. 3)

- (1) Section 122A (**Ballot-papers not to be informal in certain circumstances**)—

Section 122A (5)—

After section 122A (4), insert:

(5) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number “1” or a tick in a square and placing a cross in (or a line through) all or some of the other squares on the ballot-paper, but the ballot-paper shall be treated as if the marks in those other squares did not appear on the ballot-paper and any such tick were the number “1”.

- (2) Section 126A—

After section 126, insert:

Scrutiny for statistical information

126A. (1) After the declaration that a candidate has been duly elected, the Electoral Commissioner may, for the purpose of obtaining statistical information, give the returning officer directions for the examination of the second and later preferences of candidates and for the distribution of those preferences in the manner specified in the directions.

(2) The returning officer shall comply with those directions.

(3) An examination and distribution of preferences under this section may be carried out by an officer of the Public Service or other electoral official if the Electoral Commissioner so directs.

- (3) Section 176 (**Regulations**)—

Section 176 (5)—

After section 176 (4), insert:

(5) A provision of a regulation may (without limiting any power conferred by this section or the Interpretation Act 1987) adopt a form approved under the Commonwealth Electoral Act 1918 of the Commonwealth for the purposes of a provision of that Act as the prescribed form for the purposes of a corresponding provision of this Act.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS—*continued*

(4) Schedule 15 (**Postal ballot-paper**)—

Omit “The elector must not mark his vote hereon until after he has”, insert instead “The elector must not mark a vote on the ballot-paper until after the elector has”.

**PARLIAMENTARY ELECTORATES AND ELECTIONS
(FURTHER AMENDMENT) BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Parliamentary Electorates and Elections Act 1912—

- (a) to allow Electoral Districts Commissioners (when carrying out an electoral distribution) a margin of allowance of plus or minus 3% in connection with their obligation under section 17A (a) of that Act to endeavour to ensure an equality in the number of voters in electorates at the time that the next general election is due;
- (b) to include mountain and other natural boundaries in the specific matters to which those Commissioners must give due consideration when carrying out electoral distributions;
- (c) to introduce in general elections for the Legislative Council a “list” system of voting (similar to the system for the Senate and the South Australian Legislative Council) in which a voter may (by a single mark) adopt the registered voting ticket of the group of candidates of the voter’s choice; and
- (d) to enable the Electoral Commissioner to direct the distribution of preferences in a Legislative Assembly election (notwithstanding a candidate’s election) in order to obtain statistical information of the results of the election on a two-party preferred basis.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

Parliamentary Electorates and Elections (Further Amendment) 1987

SCHEDULE 1—AMENDMENTS RELATING TO ELECTORAL DISTRIBUTIONS

Schedule 1 (a) and (d) give effect to the objective referred to in paragraph (a) above of providing a 3% margin of allowance for future enrolments in electoral districts.

Schedule 1 (b) and (c) give effect to the objective referred to in paragraph (b) above of including mountains and other natural boundaries in the specific matters to which the Electoral District Commissioners must give due consideration. The specific mention of the matter among the existing matters in section 17A (b) of the Principal Act does not detract from the Commissioner's obligation to ensure equality of enrolments in electoral districts.

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS

Schedule 2 (1) inserts into the Principal Act definitions of "group voting ticket" (the written statement submitted by candidates in a group showing the allocation of preferences for voters who wish to adopt the voting ticket of that group) and "group voting ticket square" (the square printed on the ballot-papers above the names of the candidates in the group for voters wishing to adopt the voting ticket of that group).

Schedule 2 (2) gives the necessary directions for the manner of printing the ballot-papers when groups lodge group voting tickets. The form of the ballot-papers is set out in Schedules 4A and 15A (as proposed to be substituted by Schedule 2 (8)).

Schedule 2 (3) allows any group of candidates to lodge (within 24 hours after the close of nominations) either 1 or 2 group voting tickets. A group might lodge 2 tickets (each showing a different order of preferences after the candidates in their group) so as to offer voters who adopt their ticket a choice as to which other group the voter wishes to support as a second or later preference. Under the Senate system a group may lodge 3 tickets and under the South Australian Legislative Council system a group may lodge 2 tickets. However, in those other systems the voter is not able to choose between multiple tickets (instead, if a group lodges 2 tickets all the ballot-papers of voters who adopt the voting tickets of that group are divided into 2 halves—one half of those ballot-papers is deemed to adopt one of the tickets of that group and the other half of those ballot-papers is deemed to adopt the other ticket of that group). In New South Wales the entrenched requirements of the Constitution Act 1902 require the voter to indicate the voter's order of preference for candidates. The Bill therefore provides that if a group lodges 2 tickets the voter is given the choice of deciding which of those 2 tickets to adopt, rather than the decision being made by the arbitrary division of ballot-papers during the scrutiny.

A voter who wishes to vote for individual candidates will still be able to do so and, in accordance with the entrenched requirements of the Constitution Act 1902, will only be obliged to vote for a minimum of 10 candidates.

Schedule 2 (4) requires the Electoral Commissioner to display at each polling-place a poster showing all the group voting tickets so that voters may be informed of the order of preferences if they adopt a particular group voting ticket.

Schedule 2 (5) provides that a voter may record his or her vote by placing the number "1" in a group voting ticket square and thereby adopting the voting ticket of that group.

Schedule 2 (6) provides that a voter who adopts a group voting ticket is deemed to have recorded a formal vote in accordance with the order of preferences shown on the ticket.

Parliamentary Electorates and Elections (Further Amendment) 1987

Schedule 2 (7) deals with the determination of formal votes during the scrutiny. Provision is made to deal with cases in which a voter adopts a group voting ticket but also votes for individual candidates (the vote for individual candidates is to prevail). Further provision is made with respect to informality of votes and, in particular, a tick or cross in a group voting ticket square is deemed to be a formal vote.

Schedule 2 (8) sets out the form of ordinary ballot-paper (Schedule 4A) and the form of postal ballot-paper (Schedule 15A) for Legislative Council elections.

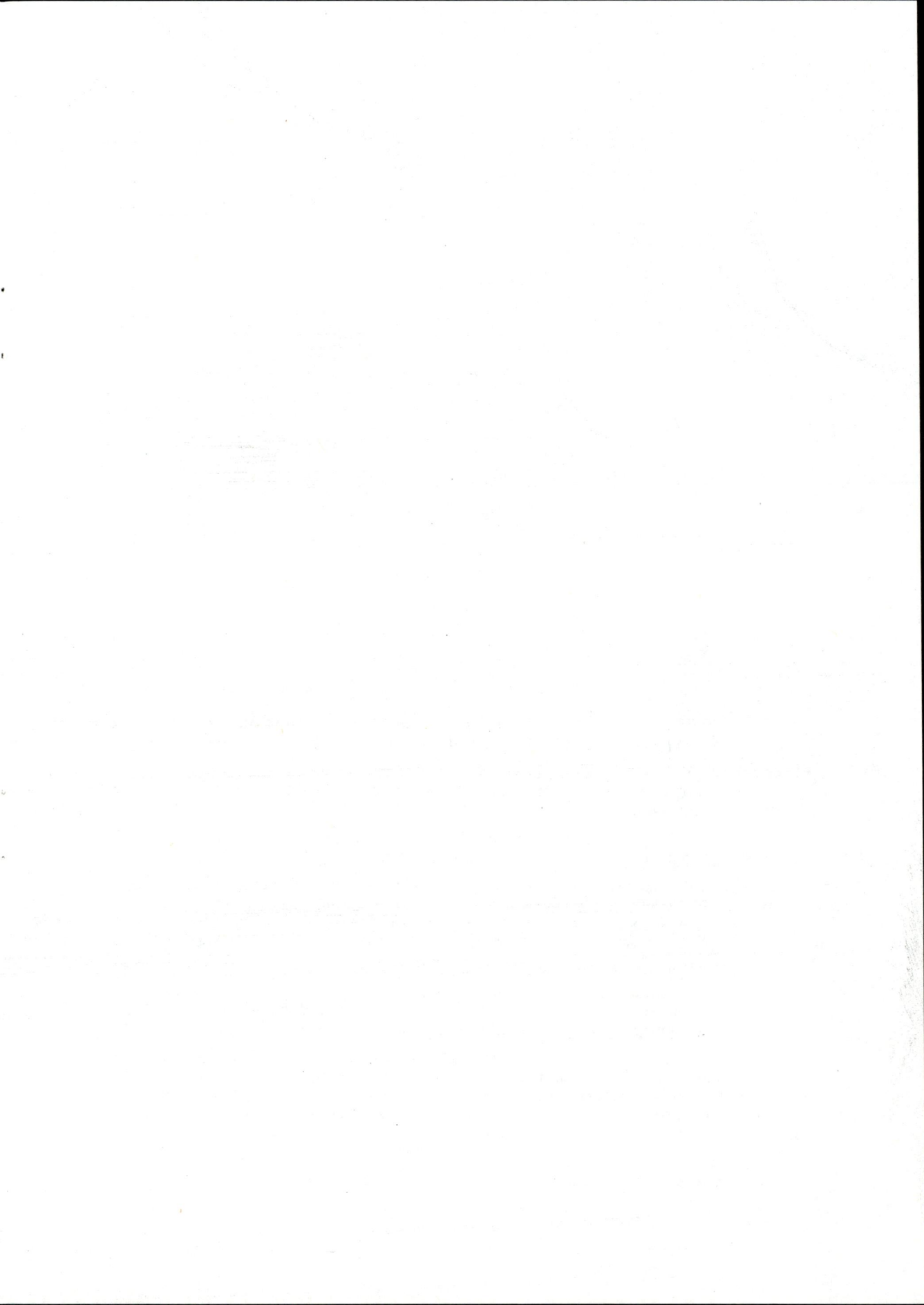
SCHEDULE 3—MISCELLANEOUS AMENDMENTS

Schedule 3 (1) provides (in similar terms to that proposed for Legislative Council elections) that a ballot-paper in a Legislative Assembly election is not informal if the voter has placed the number "1" or a tick in a square, even though the voter may have placed a cross in or a line through the other squares on the ballot-paper.

Schedule 3 (2) enables statistical information to be obtained of the result of a Legislative Assembly election on a two-party preferred basis.

Schedule 3 (3) enables the regulations to adopt for the purposes of the Principal Act the forms approved under the corresponding provisions of the Commonwealth Act (particularly in relation to the enrolment of electors under the joint roll arrangements).

Schedule 3 (4) ensures that the directions to postal voters in Legislative Assembly elections are expressed in gender neutral terms.



PARLIAMENTARY ELECTORATES AND ELECTIONS (FURTHER AMENDMENT) BILL 1987

NEW SOUTH WALES



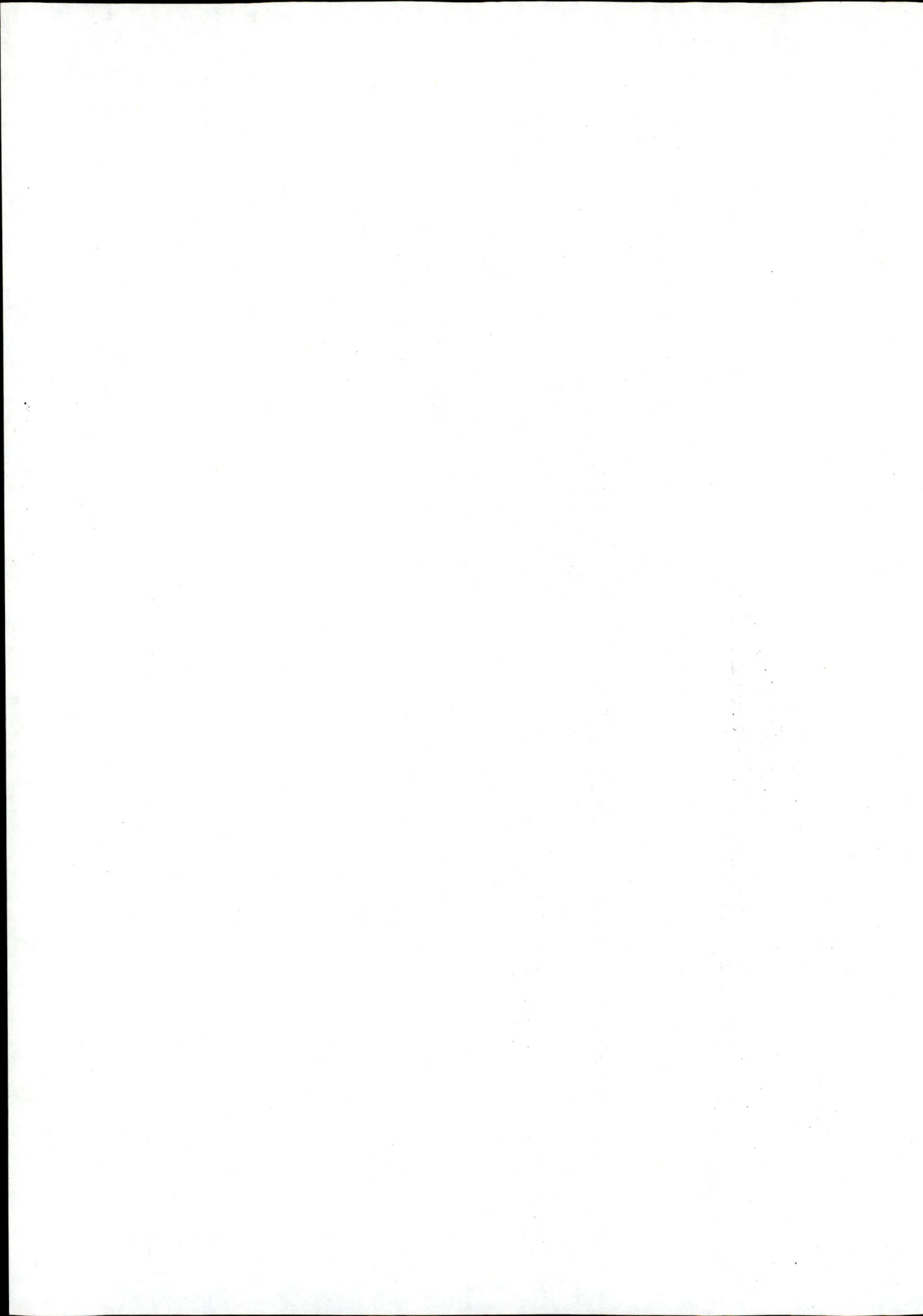
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SCHEDULE 1—AMENDMENTS RELATING TO ELECTORAL DISTRIBUTIONS

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN
LEGISLATIVE COUNCIL ELECTIONS

SCHEDULE 3—MISCELLANEOUS AMENDMENTS



**PARLIAMENTARY ELECTORATES AND ELECTIONS
(FURTHER AMENDMENT) BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Parliamentary Electorates and Elections Act 1912 with respect to electoral distributions and the method of voting in Legislative Council elections, and for other purposes.

Parliamentary Electorates and Elections (Further Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Parliamentary Electorates and Elections (Further Amendment) Act 1987.

5 Commencement

2. This Act shall commence on a day or days to be appointed by proclamation.

Amendment of Act No. 41, 1912

3. The Parliamentary Electorates and Elections Act 1912 is amended as set out in Schedules 1-3.

SCHEDULE 1—AMENDMENTS RELATING TO ELECTORAL DISTRIBUTIONS

(Sec. 3)

Section 17A (Criteria for distributions)—

15

(a) Section 17A (a)—

Omit the paragraph, insert instead:

20

(a) have regard to demographic trends within the State and, as far as practicable, endeavour to ensure on the basis of those trends that, at the relevant future time, the number of electors enrolled in each electoral district will be equal (within a margin of allowance of 3 per cent more or less of the average enrolment in electoral districts at that future time); and

25

(b) Section 17A (b) (iii)—

Omit “and” where lastly occurring.

(c) Section 17A (b) (iv), (v)—

Omit section 17A (b) (iv), insert instead:

(iv) mountain and other natural boundaries; and

(v) the boundaries of the existing electoral districts.

30

(d) Section 17A (2)—

At the end of section 17A, insert:

35

(2) For the purposes of subsection (1) (a), the relevant future time is 4 years from the day of the return of the writs for choosing the Legislative Assembly that exists at the time the distribution is carried out.

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS

(Sec. 3)

(1) Section 3 (**Definitions**)—

5 Section 3 (1)—

Insert, in alphabetical order, the following definitions:

10 “Group voting ticket” means a written statement of a particular order in which a voter might allocate preferences in a periodic Council election, being a statement for use in interpreting the votes of voters who choose to vote in accordance with the group voting ticket.

15 “Group voting ticket square” means a square printed on a ballot-paper for a periodic Council election above the names of the candidates included in a group which has a group voting ticket registered for the election.

(2) Section 83B (**Printing ballot-papers**)—

(a) Section 83B (5) (a)—

After “each group” wherever occurring, insert “(and each group voting ticket square relating to the group)”.

20 (b) Section 83B (5A), (5B)—

After section 83B (5), insert:

25 (5A) If a group has 1 group voting ticket registered for a periodic Council election, an additional square shall be printed on the ballot-papers for the election above the names of the candidates included in the group.

(5B) If a group has 2 group voting tickets registered for a periodic Council election, 2 additional squares shall be printed on the ballot-papers for the election above the names of the candidates included in the group, as follows:

30 (a) the 2 squares shall be printed one beside the other;

(b) the square on the left-hand side of the ballot-paper shall be identified as “ticket 1” and the other square as “ticket 2”.

(3) Section 83C—

35 After section 83B, insert:

Group voting tickets

40 83C. (1) The candidates included in a group for a periodic Council election may, before the expiration of 24 hours after the close of nominations for the election, lodge with the Electoral Commissioner 1 group voting ticket or 2 group voting tickets.

(2) A group voting ticket lodged with the Electoral Commissioner—

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF
VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

- (a) must indicate by consecutive numbers commencing with the number “1” an order of preference for at least 10 candidates;
- 5 (b) may indicate by consecutive numbers commencing with the number “11” a subsequent order of preference for some or all of the remaining candidates; and
- (c) must indicate preferences for the candidates included in the group lodging the group voting ticket—
- 10 (i) in the order in which the names of those candidates are to appear on the ballot-papers; and
- (ii) over all candidates in the election who are not included in that group.
- (3) A group voting ticket may be lodged in the form of a ballot-paper duly completed with the required order of preferences.
- 15 (4) A group voting ticket may be signed—
- (a) by all the candidates included in the group;
- (b) by the candidate whose name appears first in the order, referred to in section 81C (2), in the group; or
- 20 (c) by a person authorised to do so by all the candidates included in the group, by written instrument given to the Electoral Commissioner at the time of the nomination of the candidates in the group.
- (5) The person or persons who signed a group voting ticket may (by notice in writing to the Electoral Commissioner) withdraw that ticket before the expiration of 24 hours after the close of nominations for the election.
- 25 (6) If the candidates included in a group duly lodge 1 group voting ticket or 2 group voting tickets under this section, the group shall (subject to subsection (5)) be taken to have that ticket or those tickets registered for the purposes of the election.
- 30 (7) If a group has 2 group voting tickets registered for an election, the Electoral Commissioner shall hold a ballot (in accordance with the procedure prescribed by the regulations) to determine which group voting ticket will be ticket 1 and which will be ticket 2.
- 35 (4) Section 86A—
- After section 86, insert:
- Group voting tickets to be displayed at polling-places**
- 40 86A. (1) The Electoral Commissioner shall cause at least one poster showing all the group voting tickets registered for a periodic Council election to be prominently displayed at each polling-place.

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF
VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

- (2) A poster shall be so prepared that—
- (a) group voting tickets are displayed in vertical columns;
 - (b) the tickets are displayed in the columns in the same order as the order on the ballot-papers of the groups concerned;
 - 5 (c) if a group has 2 tickets registered for the election, the tickets are displayed in the same column with each appropriately identified (as determined under section 83C (7)) as ticket 1 or ticket 2; and
 - (d) 10 each group voting ticket is identified in the same manner as the group concerned is identified on the ballot-papers (and not otherwise).
- (3) In this section, “polling-place” includes any place at which an elector may vote before polling day under Division 10 of Part V.
- 15 (5) Section 103 (**Vote, how given**)—
Section 103 (4)—
After section 103 (3), insert:
- (4) If the ballot-paper in a periodic Council election contains one or more group voting ticket squares, the voter may record a
20 vote by placing the number “1” in any one of those squares instead of recording a vote in accordance with subsection (3).
- (6) Section 129EA—
After section 129E, insert:
Formal votes according to group voting ticket
- 25 129EA. If a voter records a vote on a ballot-paper by placing the number “1” in one of the group voting ticket squares, the ballot-paper shall be deemed to have recorded on it a vote in accordance with the relevant group voting ticket registered for the election.
- 30 (7) Section 129F (**Informal ballot-papers**)—
- (a) Section 129F (2), (3)—
Omit “Notwithstanding subsection (1)” wherever occurring, insert instead “Notwithstanding anything to the contrary in this Act”.
 - (b) Section 129F (2A)–(2D)—
35 After section 129F (2), insert:
(2A) Notwithstanding anything to the contrary in this Act, if a voter records a vote on a ballot-paper by placing a mark in a group voting ticket square but also indicates preferences for individual candidates, the following provisions apply:

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF
VOTING IN LEGISLATIVE COUNCIL ELECTIONS—*continued*

5 (a) if the indication of preferences for individual candidates would, if it stood alone, constitute a formal vote, that indication of preferences shall be taken to be the vote of the voter and the mark in the group voting ticket square shall be disregarded;

10 (b) if the indication of preferences for individual candidates would not, if it stood alone, constitute a formal vote, it shall be disregarded and the vote of the voter shall be taken to have been expressed by the mark in the group voting ticket square.

15 (2B) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing a cross or a tick in a group voting ticket square and not placing any mark or writing in any other group voting ticket square, but the ballot-paper shall be treated as if the cross or tick were the number "1".

20 (2C) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number "1" or a tick in a group voting ticket square and placing a cross in (or a line through) all or some of the other group voting ticket squares on the ballot-paper, but the ballot-paper shall be treated as if the marks in those other squares did not appear on the ballot-paper and any such tick were the number "1".

25 (2D) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number "1" in a group voting ticket square and placing other numbers in all or some of the other group voting ticket squares on the ballot-paper, but the ballot-paper shall be treated as if those other numbers did not appear on the ballot-paper.

30 (c) Section 129F (3)—

After "any such ballot-paper", insert "(or indicated on a group voting ticket adopted by any such ballot-paper)".

35 (8) Schedules 4A, 15A—

Omit the Schedules, insert instead:

SCHEDULE 4A

BALLOT-PAPER

NEW SOUTH WALES

Election of 15 Members of Legislative Council
Electoral District Elector enrolled.....

You may vote in
one of two ways

either 

Place the number "1" in one and one only of these squares to indicate the voting ticket you wish to adopt as your vote

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	GROUP G
Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket 1 <input type="checkbox"/> or Ticket 2 <input type="checkbox"/>	Ticket <input type="checkbox"/>

or 

Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9" and "10" in the squares opposite the names of 10 candidates in order of your preference for them. If you wish to vote for additional candidates, place consecutive numbers beginning with the number "11" in the squares opposite the names of those additional candidates in order of your preferences for them.

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	GROUP F	GROUP G	
<input type="checkbox"/> PARKER Allan	<input type="checkbox"/> WILLIAMS Gregory	<input type="checkbox"/> WRIGHT Elizabeth	<input type="checkbox"/> SMITH Byron	<input type="checkbox"/> KNIGHT Colin Percival	<input type="checkbox"/> SCHMIDT Karl Otto	<input type="checkbox"/> BROOKMAN John	<input type="checkbox"/> RODGERS Jodie
<input type="checkbox"/> MILLER John Charles	<input type="checkbox"/> ROGERS Ralph William	<input type="checkbox"/> LEVY Mark	<input type="checkbox"/> HANSON D. Richard Ian	<input type="checkbox"/> ASSAF Joseph	<input type="checkbox"/> RYAN Terence	<input type="checkbox"/> CRANE June	<input type="checkbox"/> PASCALIS Sasha
<input type="checkbox"/> MORGAN Albert	<input type="checkbox"/> COWAN Pamela	<input type="checkbox"/> MCKENZIE Donald	<input type="checkbox"/> LANHAM Margaret	<input type="checkbox"/> WHITE Veronica		<input type="checkbox"/> FRENCH Charles	<input type="checkbox"/> SCRIVENER Peter
<input type="checkbox"/> LUMSDAINE Elaine		<input type="checkbox"/> PAGANO Vittore	<input type="checkbox"/> PEREZ Juan	<input type="checkbox"/> CRAWFORD James		<input type="checkbox"/> KING Henry	<input type="checkbox"/> RATHBONE Malcolm
<input type="checkbox"/> POULOS Nicholas		<input type="checkbox"/> WOOD Henry		<input type="checkbox"/> MARTIN Michael Andrew		<input type="checkbox"/> WILSON Mary	<input type="checkbox"/> SPICER Melanie
<input type="checkbox"/> JONES Frederick		<input type="checkbox"/> YOUNG David Ian					<input type="checkbox"/> REID Lisa
<input type="checkbox"/> JOHNSON Alice		<input type="checkbox"/> TAYLOR George Ernest					
<input type="checkbox"/> WATSON Reginald J. R.		<input type="checkbox"/> BROWN Mark					
<input type="checkbox"/> FONG Phillip		<input type="checkbox"/> ILIC Peter					
<input type="checkbox"/> BLACK Robert Clive		<input type="checkbox"/> HAYES Graham					

SCHEDULE 15A

The elector must not mark a vote on the ballot-paper until after the elector has first exhibited the ballot-paper (in blank) to the Authorised Witness.

You may vote in
one of two ways

either 

Place the number "1" in one and one only of these squares to indicate the voting ticket you wish to adopt as your vote

POSTAL BALLOT-PAPER

NEW SOUTH WALES Election of 15 Members of Legislative Council
Electoral District Elector enrolled.....

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	GROUP G
Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket <input type="checkbox"/>	Ticket 1 <input type="checkbox"/> Ticket 2 <input type="checkbox"/>	Ticket <input type="checkbox"/>
or	or	or	or	or	

or 

Place the numbers "1", "2", "3", "4", "5", "6", "7", "8", "9" and "10" in the squares opposite the names of 10 candidates in order of your preference for them. If you wish to vote for additional candidates, place consecutive numbers beginning with the number "11" in the squares opposite the names of those additional candidates in order of your preferences for them.

GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	GROUP F	GROUP G
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SCHEDULE 3—MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 122A (Ballot-papers not to be informal in certain circumstances)—

5 Section 122A (5)—

After section 122A (4), insert:

10 (5) Notwithstanding anything to the contrary in this Act, a ballot-paper shall not be informal by reason only that the voter has recorded a vote by placing the number “1” or a tick in a square and placing a cross in (or a line through) all or some of the other squares on the ballot-paper, but the ballot-paper shall be treated as if the marks in those other squares did not appear on the ballot-paper and any such tick were the number “1”.

(2) Section 126A—

15 After section 126, insert:

Scrutiny for statistical information

20 126A. (1) After the declaration that a candidate has been duly elected, the Electoral Commissioner may, for the purpose of obtaining statistical information, give the returning officer directions for the examination of the second and later preferences of candidates and for the distribution of those preferences in the manner specified in the directions.

(2) The returning officer shall comply with those directions.

25 (3) An examination and distribution of preferences under this section may be carried out by an officer of the Public Service or other electoral official if the Electoral Commissioner so directs.

(3) Section 176 (Regulations)—

Section 176 (5)—

After section 176 (4), insert:

30 (5) A provision of a regulation may (without limiting any power conferred by this section or the Interpretation Act 1987) adopt a form approved under the Commonwealth Electoral Act 1918 of the Commonwealth for the purposes of a provision of that Act as the prescribed form for the purposes of a corresponding provision of this Act.

35

(4) Schedule 15 (Postal ballot-paper)—

Omit “The elector must not mark his vote hereon until after he has”, insert instead “The elector must not mark a vote on the ballot-paper until after the elector has”.

