

SENATORS' ELECTIONS (AMENDMENT) BILL, 1984

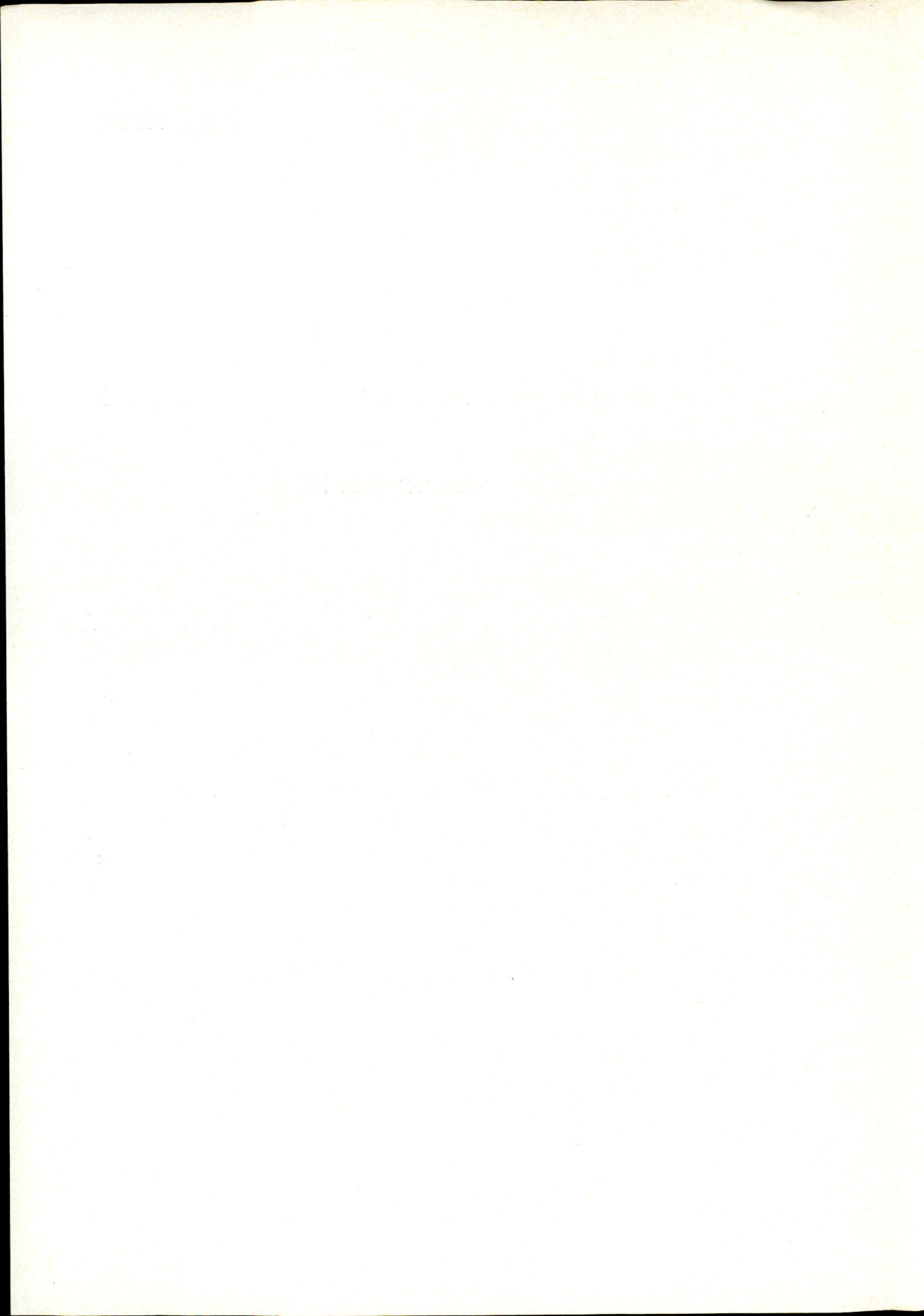
EXPLANATORY NOTE

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

The object of this Bill is to amend the Senators' Elections Act, 1903, so as to make the provisions of that Act uniform with the relevant provisions of the Commonwealth Electoral Act 1918 of the Commonwealth, in the following respects:—

- (a) the dates fixed for the close of the electoral rolls, nomination of candidates, polling and return of the writ for a Senate election (Schedule 1 (1) and (2)—proposed sections 4–4D);
- (b) the matters specified in the writ (Schedule 1 (2)—proposed section 5);
- (c) polling day hours (Schedule 1 (3));
- (d) the postponement of the polling day (Schedule 1 (4));
- (e) the place for nomination of candidates (Schedule 1 (5)).

Proposed sections 4, 4A, 4B, 4C, 4D, 5 and 10 follow sections 155, 156, 157, 158, 159, 152 and 174 (1), respectively, of the Commonwealth Electoral Act 1918 of the Commonwealth (formerly sections 61A, 62, 63, 64, 65, 59 and 77 (1) of that Act).



SENATORS' ELECTIONS (AMENDMENT) BILL, 1984

No. , 1984.

A BILL FOR

An Act to amend the Senators' Elections Act, 1903, in relation to the fixing of times for the doing of certain things for the purposes of Senate elections; and for other purposes.

Senators' Elections (Amendment) 1984

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 "Senators' Elections (Amendment) Act, 1984".

Amendment of Act No. 9, 1903.

2. The Senators' Elections Act, 1903, is amended in the manner set forth 10 in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE SENATORS' ELECTIONS ACT, 1903.

(1) (a) Section 3—

15 After "the issue of the writ;", insert "the close of the electoral rolls;".

(b) Section 3—

Omit "And may from time to time by order published as afore-said appoint a place for the nomination of candidates.".

*Senators' Elections (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE SENATORS' ELECTIONS ACT, 1903—*continued.*

(2) Sections 4, 4A, 4B, 4C, 4D, 5—

Omit sections 4 and 5, insert instead:—

5 **Date of close of electoral rolls.**

4. The date fixed for the close of the electoral rolls shall be 7 days after the date of the writ.

Date of nomination.

10 4A. (1) Subject to subsection (2), the date fixed for the nomination of the candidates shall not be less than 11 days nor more than 28 days after the date of the writ.

15 (2) Where a candidate for an election dies, after being nominated and before 12 o'clock noon on the day fixed as the date of nomination for the election, the day fixed as the date of nomination for the election shall, except for the purposes of section 4B, be taken to be the day next succeeding the day so fixed.

Date of polling.

4B. The date fixed for the polling shall not be less than 22 days nor more than 30 days after the date of nomination.

20 **Polling to be on a Saturday.**

4C. The day fixed for the polling shall be a Saturday.

Date of return of writ.

4D. The date fixed for the return of the writ shall not be more than 90 days after the issue of the writ.

Senators' Elections (Amendment) 1984

SCHEDULE 1—*continued.*

AMENDMENTS TO THE SENATORS' ELECTIONS ACT, 1903—*continued.*

Writs.

5. (1) The writ shall specify the date for—

- 5
- (a) the close of the electoral rolls;
 - (b) the nomination;
 - (c) the polling; and
 - (d) the return of the writ.

10 (2) The writ shall be deemed to have been issued at the hour of 6 o'clock in the afternoon of the day on which the writ was issued.

(3) (a) Section 8—

Omit "eight o'clock" where firstly occurring, insert instead "8 o'clock".

(b) Section 8—

15 Omit "eight o'clock in the evening", insert instead "6 o'clock in the afternoon".

(4) (a) Section 9—

Omit "Within", insert instead "Notwithstanding any other provision of this Act, but subject to subsection (2), within".

20 (b) Section 9—

After "sufficient", insert "and any date provided for in lieu of a date specified by the writ shall be deemed to be the date so specified".

*Senators' Elections (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE SENATORS' ELECTIONS ACT, 1903—*continued.*

(c) Section 9 (2)—

At the end of section 9, insert:—

- 5 (2) The date of the polling day fixed under this section shall not be more than 7 days later than the date originally specified in the writ.

(5) Section 10—

After section 9, insert:—

10 **Place of nomination.**

10. The office of the Australian Electoral Officer for the State shall be the place of nomination for the election.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

SENATORS' ELECTIONS (AMENDMENT) ACT, 1984, No. 112

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 112, 1984.

An Act to amend the Senators' Elections Act, 1903, in relation to the fixing of times for the doing of certain things for the purposes of Senate elections; and for other purposes. [Assented to, 28th September, 1984.]

Senators' Elections (Amendment) 1984

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 "Senators' Elections (Amendment) Act, 1984".

Amendment of Act No. 9, 1903.

2. The Senators' Elections Act, 1903, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE SENATORS' ELECTIONS ACT, 1903.

(1) (a) Section 3—

After "the issue of the writ;" insert "the close of the electoral rolls;"

(b) Section 3—

Omit "And may from time to time by order published as afore-said appoint a place for the nomination of candidates."

*Senators' Elections (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE SENATORS' ELECTIONS ACT, 1903—*continued.*

(2) Sections 4, 4A, 4B, 4C, 4D, 5—

Omit sections 4 and 5, insert instead:—

Date of close of electoral rolls.

4. The date fixed for the close of the electoral rolls shall be 7 days after the date of the writ.

Date of nomination.

4A. (1) Subject to subsection (2), the date fixed for the nomination of the candidates shall not be less than 11 days nor more than 28 days after the date of the writ.

(2) Where a candidate for an election dies, after being nominated and before 12 o'clock noon on the day fixed as the date of nomination for the election, the day fixed as the date of nomination for the election shall, except for the purposes of section 4B, be taken to be the day next succeeding the day so fixed.

Date of polling.

4B. The date fixed for the polling shall not be less than 22 days nor more than 30 days after the date of nomination.

Polling to be on a Saturday.

4C. The day fixed for the polling shall be a Saturday.

Date of return of writ.

4D. The date fixed for the return of the writ shall not be more than 90 days after the issue of the writ.

*Senators' Elections (Amendment) 1984*SCHEDULE 1—*continued.*AMENDMENTS TO THE SENATORS' ELECTIONS ACT, 1903—*continued.***Writs.**

5. (1) The writ shall specify the date for—

- (a) the close of the electoral rolls;
- (b) the nomination;
- (c) the polling; and
- (d) the return of the writ.

(2) The writ shall be deemed to have been issued at the hour of 6 o'clock in the afternoon of the day on which the writ was issued.

(3) (a) Section 8—

Omit "eight o'clock" where firstly occurring, insert instead "8 o'clock".

(b) Section 8—

Omit "eight o'clock in the evening", insert instead "6 o'clock in the afternoon".

(4) (a) Section 9—

Omit "Within", insert instead "Notwithstanding any other provision of this Act, but subject to subsection (2), within".

(b) Section 9—

After "sufficient", insert "and any date provided for in lieu of a date specified by the writ shall be deemed to be the date so specified".

Senators' Elections (Amendment) 1984

SCHEDULE 1—*continued.*

AMENDMENTS TO THE SENATORS' ELECTIONS ACT, 1903—*continued.*

(c) Section 9 (2)—

At the end of section 9, insert:—

(2) The date of the polling day fixed under this section shall not be more than 7 days later than the date originally specified in the writ.

(5) Section 10—

After section 9, insert:—

Place of nomination.

10. The office of the Australian Electoral Officer for the State shall be the place of nomination for the election.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 28th September, 1984.*



