

Elections Acts, Etc., Amendment Act. 1 ELIZ. II. No. 4,

failing at any time (whether before, or after, or partly before and partly after the repeal of that section) to enter, or to remain in, service as required in his case for the due performance of his undertaking thereunder :

Provided further that the said section 14A shall not continue in force after the repeal thereof so far as relates to any liability thereunder of any person who is not a student who shall have given an undertaking under that section before the repeal thereof.

Construction
of Act.

13. This Act shall apply so as not to limit the power and authority of the Crown to give assistance to students, it being hereby declared that nothing herein shall prohibit or be deemed to prohibit the Crown from giving assistance to students who are not required to execute the contract provided for by this Act.

ELECTIONS.

1 ELIZ. II.
NO. 4.
THE
ELECTIONS
ACTS AND
THE CRIMINAL
CODE
AMENDMENT
ACT OF 1952.

An Act to Amend "The Elections Acts, 1915 to 1948," and "The Criminal Code," each in certain particulars.

[ASSENTED TO 9TH APRIL, 1952.]

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

PART I.—
PRELIMINARY.

PART I.—PRELIMINARY.

Short title.

1. (1.) This Act may be cited as "*The Elections Acts and The Criminal Code Amendment Act of 1952.*"

Commence-
ment of Act.

(2.) Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Parts of Act.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY ;

PART II.—AMENDMENTS OF * "THE ELECTIONS ACTS, 1915 TO 1948" ;

PART III.—AMENDMENTS OF † "THE CRIMINAL CODE" .

* 6 G. 5 No. 13 and amending Acts.

† 63 V. No. 9, Sch. I. and amending Acts.

1952.

*Elections Acts, Etc., Amendment Act.*PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."PART II.—AMENDMENTS OF * "THE ELECTIONS
ACTS, 1915 TO 1948."

3. This Part of this Act shall be read as one with * "The Elections Acts, 1915 to 1948," herein referred to as the Principal Act.

Construction
of this Part
II. and
collective
title.

The Principal Act and this Part of this Act may be collectively cited as "*The Elections Acts, 1915 to 1952.*"

4. (1.) The following section is inserted after section seven of the Principal Act, namely:—

New s. 7A
inserted.

"[7A.] (1.) The Governor in Council may, by notification published in the *Gazette*, appoint a person or persons to assist any returning officer or electoral registrar by performing or exercising any power, function or duty conferred or imposed under this Act upon that returning officer or electoral registrar.

Assistants to
returning
officers and
electoral
registrars.

The notice of appointment shall specify the function, power or duty which the person named therein is thereby appointed to exercise or perform.

Any power, function or duty may be so specified by reference to the section or provision of this Act (including the regulations hereunder) conferring or imposing the same or in any other manner sufficiently designating the same.

Any such appointment may be limited as to time, place or any other circumstance as specified in the notification thereof.

(2.) A person appointed under this section may exercise or perform in his own name any power, function, or duty specified in the notification of his appointment but he shall do so under the control and direction of the returning officer or electoral registrar whom he has been appointed to assist.

A power, function or duty exercised or performed in the name of a person appointed under this section to perform or exercise that power, function or duty shall be presumed to have been performed or exercised by that appointee until the contrary is proved.

(3.) The appointment of a person under this section shall not prevent or be deemed to prevent the returning officer or electoral registrar in question from himself exercising or performing the power, function or duty specified in the notification of that person's appointment."

(2.) This section shall come into operation on the passing of this Act.

* 6 G. 5 No. 13 and amending Acts.

PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

Elections Acts, Etc., Amendment Act. 1 ELIZ. II. No. 4,

Repeal of
and new s. 8.

5. Section eight of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted, namely :—

Polling
places.

"[8.] (1.) Subject to this section, the Governor in Council, may from time to time appoint, alter and abolish polling places for taking the poll for a district at a general election or a by-election.

Any polling place for a district may be either within or without the limits of that district, and one and the same place may be appointed as a polling place for two or more districts.

(2.) Every appointment, alteration or abolition of a polling place shall be notified in the *Gazette* and shall not be valid unless so notified :—

- (a) In the case of such an appointment not less than three clear days ; and
- (b) In the case of such an alteration or abolition, not less than six clear days,

before the day appointed for taking the poll at the general or, as the case may be, by-election to which the notification relates."

Amendment
of s. 14.

6. Section fourteen of the Principal Act is amended by adding thereto the following sub-section, namely :—

"[5.] Where, with respect to any of the names upon the annual roll or supplemental roll comprised in the roll of electors entitled to vote at an election for a district the provisions of this section have not been complied with in every respect by reason that those names have not been—

- (a) Placed together in regular alphabetical order ;
or
- (b) Numbered in regular arithmetical order ;

or where the address or addition printed in relation to any name upon an annual roll or supplemental roll as aforesaid is in any way incomplete or incorrect by reason of official mistake or error, the Governor in Council may, upon being satisfied—

- (i.) In respect of a non-compliance as aforesaid that the irregularity in the alphabetical or arithmetical numbering, or both, of the names concerned is of such a nature as not to be likely to mislead ; or

1952. *Elections Acts, Etc., Amendment Act.*

(ii.) That the incompleteness or incorrectness in respect of the address or addition, or both, of a name as aforesaid is not likely to mislead, by Order in Council published in the *Gazette* declare the annual roll or supplemental roll in question to be validly comprised in the roll of electors entitled to vote at the election concerned.

Every such Order in Council shall state specifically the nature of the non-compliance, incompleteness, or incorrectness as aforesaid."

7. Section twenty-five of the Principal Act is amended by adding thereto the following subsection, namely:—

Amendment
of s. 25.

"(3.) Every elector who has altered his place of living from the address pertaining to his name on the roll for the district or division for which he is enrolled to another address in the same district or division, shall within twenty-one days after so doing, fill in, sign and send to the proper electoral registrar the prescribed form of notification of change of address."

8. Section twenty-seven of the Principal Act is repealed and, in lieu of that section, the following section is inserted, namely:—

Repeal of
and new
s. 27.

"[27.] (1.) A roll for a district may be altered at any time before six o'clock in the afternoon of the day on which a writ for an election for that district is issued—

Alterations
of rolls.

- (a) By the Principal Electoral Officer or by an electoral registrar pursuant to a power of alteration conferred or imposed by a provision (not being a provision of this section) of this Act; or
- (b) By the Principal Electoral Officer or, by his direction, by an electoral registrar—
 - (i.) By correcting any official mistake or error whereby the name of a person shall have been wrongly placed upon or omitted or erased from that roll or pertaining to the address or addition of a person whose name is upon that roll;
 - (ii.) By, on the written application of an elector, changing or correcting his name on a roll or changing or correcting the addition pertaining to his name on a roll;

- (iii.) By striking out the name of any person who, at a time after his name was placed on that roll for this State, shall have become enrolled as an elector for another State of the Commonwealth; and
- (iv.) Where the name of any person shall be upon two or more rolls at any one and the same time, by striking out that name from all of those rolls other than the one of them on which that person last claimed or, as the case may be, applied to have his name placed.

(2.) The roll of electors entitled to vote at an election for a district may be altered by the Principal Electoral Officer or, at his direction, by a returning officer or electoral registrar after six o'clock in the afternoon of the day of the issue of the writ for that election as hereinafter provided in this subsection but not otherwise, that is to say—

- (a) By adding to that roll any name the addition of which thereto is authorised under section twenty-eight of this Act;
- (b) By striking out from that roll any name added to another roll under the authority of section twenty-eight of this Act;
- (c) By changing from one to another divisional roll any name, or by altering in any roll or divisional roll the address pertaining to any name where the registration of that change or alteration is authorised under section twenty-eight of this Act;
- (d) By striking out from that roll the name of any deceased person of whose identity the Principal Electoral Officer is satisfied;
- (e) By striking out from that roll the name of any person of whose identity the Principal Electoral Officer is satisfied and in respect of whom section 11B of this Act imposes the duty and confers the power upon the Principal Electoral Officer of so removing the name; and
- (f) By correcting any official mistake or error whereby the name of a person shall have been wrongly placed upon or struck out from

1952. *Elections Acts, Etc., Amendment Act.*

PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

that roll pursuant to an alteration thereto under the authority of a provision of any of the foregoing paragraphs of this subsection.

Notice shall be sent forthwith to the elector concerned of any alteration under paragraph (b) or paragraph (c) of this subsection.

(3.) (a) A person whose name, by reason of some official mistake or error, shall have been wrongly omitted or erased from any annual roll on which he is required by the provisions of section seven of **"The City of Brisbane Acts, 1924 to 1951,"* to be registered as living in the Area of the City of Brisbane to qualify to become and to act as Mayor or as an alderman of the said City, shall, notwithstanding that he is not registered on the annual roll in question as living in the Area of the said City (but subject to that person not being under any of the disabilities specified in section eight of those lastmentioned Acts) be and continue to be qualified to become and to act as Mayor or an alderman as aforesaid as if he were duly registered on the annual roll in question as living in the Area of the said City.

(b) The production to the person who is the returning officer or who, for an electoral ward, is an assistant returning officer for any election under **"The City of Brisbane Acts, 1924 to 1951,"* or any Act amending or substituted for those Acts, of a certificate purporting to be signed by the Principal Electoral Officer and stating that, by reason of the official mistake or error specified in that certificate, the name of the person named therein was wrongly omitted or, as the case may be, erased from the annual roll specified therein shall be accepted by the returning officer or assistant returning officer as evidence sufficiently proving the matters certified to in that certificate and unless and until evidence in rebuttal of such a certificate is supplied to him, the returning officer or an assistant returning officer shall not require any of the matters certified as aforesaid to be proved by any other evidence whatsoever.

(c) This subsection shall come into operation on the passing of †*"The Elections Acts and the Criminal Code Amendment Act of 1952"*.

* 15 G. 5 No. 32 and amending Acts.

† This Act.

(4.) For the purposes of this section—

- (a) In relation to a mistake or error specified in this section the term “official” means a mistake or error committed by, or by an officer employed in the office establishment of, the Principal Electoral Officer, an electoral registrar, the Registrar-General, or the Comptroller of Prisons, or the Government Printer or any of his employees ;
- (b) The term “mistake or error” means (as well as a mistake or error committed in relation to the roll of electors entitled to vote at a particular election for a district) a mistake or error committed in relation to the compilation of any previous annual roll or supplemental roll or roll of electors entitled to vote at a previous election for that district and continued in relation to the compilation of the roll of electors entitled to vote for that district at the particular election concerned, and also a mistake or error committed in relation to the compilation of any list of deceased persons or return of convicted persons specified in section thirty of this Act.”

Amendment
of s. 28 (1).

9. Subsection one of section twenty-eight of the Principal Act is amended by inserting therein, after the words “applications to transfer or change,” the words “and notifications of change of address from one to another place of living within a district or division”.

Amendments
of s. 30 (1).

10. Subsection one of section thirty of the Principal Act is amended by repealing therein the words “and shall alter on the roll the name of any elector changed by marriage” and by inserting, in lieu of those repealed words, the words “and shall take steps to secure compliance with subsection two of this section by every female elector who is named in such a list as having married”.

Repeal of
and new
s. 35A.

11. Section 35A of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted, namely :—

Vote by
person not
named as an
elector on
the roll.

“ [35A.] (1.) For the purposes of this section—

- (a) In relation to a mistake or error specified in this section, the term “official” means a mistake or error committed by the Principal

1952.

Elections Acts, Etc., Amendment Act.

PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

Electoral Officer, an electoral registrar, or other officer employed in the office establishment of the Principal Electoral Officer or of an electoral registrar, or committed by the Government Printer or any of his employees ;

- (b) The term "mistake or error" means (as well as a mistake or error committed in relation to the roll of electors entitled to vote at a particular election for a district) a mistake or error committed in relation to the compilation of any previous annual roll or supplemental roll of electors entitled to vote at a previous election for that district and continued in relation to the compilation of the roll of electors for that district entitled to vote at the election for which a vote is claimed under this section ;
- (c) The term "presiding officer" includes an assistant returning officer and (in relation to a polling place or polling booth at a polling place, at which the returning officer may be presiding) the returning officer ; and
- (d) A person who shall have been permitted to vote under this section at an election for a district shall, in relation to any subsequent election for that district, be deemed to have had knowledge before the issue of the writ for that subsequent election of the mistake or error in consequence whereof he was permitted so to vote.

(2.) Notwithstanding any enactment or provision of any enactment of this Act other than this section, a person who, on polling day at a polling place or polling booth for a district, claims to vote at an election for that district and—

- (a) Whose name is not, or apparently is not, upon the roll of electors entitled to vote for that district at that election ;
- (b) Whose name, if not upon the aforementioned roll, is not thereupon by reason of some official mistake or error whereby his name shall have been wrongly omitted or erased from that aforementioned roll ; and

- (c) That mistake or error occurred through no fault of his and he had no knowledge thereof before the date of the issue of the writ for that election,

may be permitted to vote under this section, if but only if—

- (i.) He shall have sent or delivered to the proper electoral registrar a duly completed claim for enrolment or application for transfer or change of enrolment, as his case required when making that claim or application, in respect of the district for which he claims that vote ;
- (ii.) That claim for enrolment or application for transfer or change of enrolment shall have been received by that electoral registrar before six o'clock in the afternoon of the day on which the writ for the election was issued ;
- (iii.) He shall in relation to that claim for enrolment or application for transfer or change of enrolment have received from the proper electoral registrar the prescribed notification of enrolment ;
- (iv.) His name shall not, to the best of his knowledge, have been removed from the roll for the time being of electors in the district for which he claims to vote by objection, transfer, or disqualification ; and
- (v.) He shall, from and after the date of sending or delivering his claim for enrolment or application for transfer or change as aforesaid and thereafter up to the date of the issue of the writ, have continuously retained his entitlement under this Act to have his name upon the roll of electors for the district in question,

and he makes a declaration in the prescribed form before the presiding officer at the polling place or polling booth where the vote is claimed by him.

(3.) When a person whose name is not, or apparently is not, upon the roll of electors entitled to vote for a district at an election—

- (a) On polling day at a polling place, or polling booth at a polling place, for that district, claims to vote for that district at that election ; and

1952.

*Elections Acts, Etc., Amendment Act.*PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

- (b) Makes upon an envelope before the presiding officer at that polling place or polling booth, the declaration prescribed under subsection two of this section,

thereupon—

- (i.) That presiding officer shall—
- (a) Enter in the place provided on the envelope upon which that person has made the aforesaid declaration the ballot number of a ballot paper of the description and in the form prescribed for voting under this section ;
- (b) Fold down the right-hand upper corner of that ballot paper so as to entirely conceal the ballot number ;
- (c) Securely fasten the fold with gum or otherwise in such a manner that the ballot number cannot be discovered without unfastening the fold ;
- (d) Give to that person that ballot paper, but retain the envelope endorsed with the declaration of that person ;
- (ii.) That person shall, in a compartment provided at the polling place or polling booth in question to enable electors to mark ballot papers, record his vote in the manner prescribed, and immediately thereafter fold up the ballot paper so as to conceal the manner in which he has voted and deliver it to the aforementioned presiding officer ;
- (iii.) That presiding officer shall then, in the presence of that voter and of such scrutineers, if any, as are present, and without unfolding the ballot paper, enclose it in the envelope bearing the declaration of that voter and after securely fastening that envelope, place it aside in separate custody until he shall have dealt with it as hereinafter provided in this section.

(4.) Every presiding officer shall make, in the prescribed form, a record of the name and address of every person permitted by him to vote under this section and of the ballot number of the ballot paper given by him to that person.

Where a presiding officer at a polling place for two or more districts permits votes under this section for more than one of those districts, he shall make a separate and distinct such record in respect of each such district.

A presiding officer shall initial separately the particulars so recorded by him in respect of each person permitted by him to vote under this section.

(5.) Forthwith upon the close of the poll any and every presiding officer shall—

- (a) Enclose in a securely fastened outer envelope all envelopes containing votes for a district permitted by him under this section, together with the record of the persons permitted those votes.

Where a presiding officer at a polling place for two or more districts shall have permitted votes under this section for more than one such district he shall first sort the envelopes containing those votes into separate parcels according to the districts for which those votes have been so permitted and then enclose the envelopes containing the votes for each such district respectively, together with the respective record of the persons permitted those votes for the district in question, in a securely fastened outer envelope; and

- (b) Transmit by post or otherwise any and every such outer envelope, properly addressed, to the returning officer of the district respectively for which the votes enclosed therein have been permitted; and

(6.) The returning officer shall—

- (a) Without in any way unfastening, or permitting or allowing to be in any way unfastened, any envelope immediately containing such a ballot paper satisfy himself that that envelope has thereon, entered in the place provided, a legible ballot number and, by examining the declaration of the voter upon that envelope that the declaration is in order and, by inquiry as he deems necessary, that the voter is a person permitted to vote under this section for the district of that returning officer;

1952.

*Elections Acts, Etc., Amendment Act.*PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

(b) (In any case where, upon inquiry as aforesaid, the returning officer finds that the name of the voter is upon the roll of electors entitled to vote for his district at the election in question) upon satisfying himself as aforesaid in every respect and upon further satisfying himself that the voter has not voted otherwise for his district at that election write the ballot number against the name of that voter in the roll used by him at the election in question.

(7.) (a) At the scrutiny the returning officer shall produce unopened all envelopes received by him immediately containing votes for his district permitted under this section.

(b) If, in respect of any vote permitted under this section, the returning officer is not satisfied in every respect as required by the provisions of subsection six of this section, he shall reject that vote and shall, without in any way unfastening or permitting or allowing to be in any way unfastened the envelope containing it, set that envelope aside for separate custody.

The returning officer shall also reject and set aside for separate custody any and every envelope purporting to contain a vote permitted under this section which does not bear thereon the form of declaration prescribed under this section or which has not thereon, entered in the place provided, a legible ballot number.

(c) If, in respect of any vote permitted under this section, the returning officer is satisfied in every respect as required by the provisions of subsection six of this section, but not otherwise, he shall open the envelope containing the ballot paper and, without then unfolding the ballot paper, place it in a ballot box and set the envelope aside for separate custody.

(d) When the returning officer shall have dealt with all the envelopes containing votes permitted under this section produced by him at the scrutiny at any one and the same time, he shall open the ballot box and count such and so many ballot papers recording those votes as he shall have placed therein; and shall so proceed in respect of every such time until the day when all votes permitted under this section shall have been received and dealt with by him or until the day when no further ballot papers are to be counted, whichever sooner occurs:

Provided that he shall reject any of those ballot papers required by the provisions of paragraphs (a) and (b) of subsection one of section seventy-four of this Act to be rejected at the close of the poll.

(8.) Official mistakes or errors whereby the name or names of a person or persons shall have been omitted or erased from the roll of electors entitled to vote for a district at an election shall not be a ground for voiding that election if, after excluding from the total number of those persons such of them as shall—

- (a) Not have claimed to vote for that district or for any other district at that election ;
- (b) Have been permitted to vote under this section at that election for that district ; or
- (c) Being named upon the roll of electors entitled to vote for another district at that election, have voted for that other district,

the votes of the remaining such persons could not have affected the result of the election for the district firstmentioned in this subsection."

(9.) As soon as may be after the conclusion of an election any and every returning officer shall deliver to the Principal Electoral Officer a list setting out the names and addresses of all persons who have been permitted to vote under this section for the district of that returning officer and the Principal Electoral Officer shall cause to be taken under, subject to and in accordance with this Act, such steps as are necessary to secure the due enrolment of such of those persons, as being qualified to vote, are not duly enrolled.

Repeal of
and new
s. 51.

12. Section fifty-one of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted, namely :—

Printing,
supplying
and
distribution
of ballot
papers.

“ [51.] (1.) The Under Secretary, Department of Justice, shall, subject to this section, arrange for, control and supervise—

- (a) The printing of any and all ballot papers for the taking of the poll for each and every district at a general election or, in the case of a by-election, for the district concerned ; and
- (b) The supply to returning officers, electoral registrars, and, where prescribed by this section, presiding officers of ballot papers in sufficient numbers.

1952.

Elections Acts, Etc., Amendment Act.

- (2.) Each and every ballot paper shall—
- (a) According to the vote for the casting of which the same is provided, be in the form respectively prescribed therefor ;
 - (b) Except as otherwise provided for in this section, be completely printed by the Government Printer ;
 - (c) Be of such material and opacity as, when folded once, to effectually conceal the manner in which the same shall have been used in voting ;
 - (d) Be distinguished by the different colour of the paper thereof or otherwise as prescribed from the ballot papers used at any previous election (whether a general election or a by-election) during the period of six years next preceding polling day for the election in respect of which those firstmentioned ballot papers are for use in casting votes ;
 - (e) In the case of ballot papers for use in casting votes for a district on polling day at a polling place for that district (except ballot papers for use in casting votes permitted under section 35A of this Act), contain a printed list of the names of all the candidates (each name being inserted once only, with the surname first followed by the Christian name or names) and of no other person (except the Government Printer) arranged alphabetically in the order of their surnames ;
 - (f) Where, in the case of ballot papers specified in paragraph (e) of this subsection, two or more candidates have the same surname and christian name or names, have distinguished on those ballot papers those candidates by the addition, relative to their names as listed on those ballot papers, of their residences, additions, and other matter, if any, necessary to distinguish them ;
 - (g) Not, except in the case of ballot papers specified in paragraph (e) of this subsection, have thereon the name of any candidate or (except as provided by subsection five of this section) other person ;

- (h) In the case of ballot papers for use in casting votes for a district on polling day at a polling place for that district (except ballot papers for use in casting votes permitted under section 35A of this Act)—
- (i.) Bear in the right-hand upper corner of the face thereof a number which shall be machine printed thereon ; and
 - (ii.) Taking into account separately the total number of those ballot papers for each district respectively, be so numbered in regular arithmetical sequence beginning with the figure " 1 ", so that no two or more of them shall, in relation to any one and the same district, bear the same number ;
- (j) In the case of ballot papers (not being ballot papers to which paragraph (h) of this subsection applies) for use in casting votes permitted under any of the following sections of this Act, that is to say, sections 35A, sixty-nine, seventy (inclusive of votes permitted under the said section seventy by section 70A of this Act), and seventy-one (inclusive of votes permitted under the said section seventy-one by section 71c of this Act)—
- (i.) Bear in the right hand upper corner of the face thereof (being in the case of any such a ballot paper which is paged the upper right-hand corner of the face thereof before paging) a number which shall be machine printed thereon ; and
 - (ii.) Taking into account, separately the ballot papers for casting votes permitted under sections 35A, sixty-nine, seventy, and seventy-one of this Act respectively, but collectively the respective total numbers thereof printed for casting for all districts votes permitted under each one of those sections, be so numbered in regular arithmetical sequence beginning with the figure " 1 ", so that no two or more of the ballot papers used for casting a vote under any one of those sections, and whether for the same or a different district, shall bear the same number.

1952. *Elections Acts, Etc., Amendment Act.*

PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

(3.) The number printed on a ballot paper pursuant to paragraph (j) of subsection two of this section shall be prefixed with a prescribed letter (being different letters for votes permitted under sections 35A, sixty-nine, seventy, and seventy-one of this Act respectively) which shall be machine printed thereon.

(4.) The number required by the provisions of subsection two of this section to be printed on any ballot paper (including, where so prescribed, the letter prefixing that number) is in this Act referred to as the "ballot number".

(5.) The printed words "By authority, (*name of Government Printer*), Government Printer, Brisbane", appearing on a ballot paper shall, until the contrary is proved, be sufficient evidence that that ballot paper has been printed by the Government Printer who is hereby authorised and directed to print the aforesaid words on any and every ballot paper printed by him.

(6.) (i.) The Government Printer shall—

- (a) Supply to returning officers and electoral registrars ballot papers in such numbers as the Under Secretary, Department of Justice, shall at any time and from time to time direct ;
- (b) Include in any and every parcel of ballot papers supplied as aforesaid a delivery note in the prescribed form detailing the ballot papers and the respective numbers thereof contained in the parcel and containing the prescribed form of receipt for the acknowledgment of the receipt of those ballot papers ;
- (c) Forthwith upon supplying a parcel of ballot papers as aforesaid deliver to the said Under Secretary a carbon copy of the aforementioned delivery note ; and
- (d) Keep and retain in his office for a period of not less than two years, a carbon copy of any and every such delivery note.

The Government Printer shall not supply to any person whomsoever any ballot paper except under, subject to, and in accordance with the foregoing provisions of this subsection or the provisions of subsection seven or subsection nine of this section.

(ii.) Any and every returning officer and electoral registrar shall as soon as may be after the receipt by him of a parcel of ballot papers, and in any event before he commences to deal in any way with any of those ballot papers, check the contents of that parcel with the delivery note therefor and complete the prescribed particulars in and sign the form of acknowledgment of the receipt of those ballot papers contained in that delivery note.

If on such check there is a discrepancy in numbers of any ballot papers or otherwise howsoever between the parcel and the delivery note therefor, the returning officer or electoral registrar shall have a counter check as aforesaid made by a responsible person.

Particulars of any discrepancy found and counter checked as aforesaid shall be noted in the form of acknowledgment and in that case that form shall be signed by both the returning officer or electoral registrar and the person who shall have made the counter check.

A returning officer or electoral registrar finding a discrepancy as aforesaid shall forthwith inform both the said Under Secretary and the Government Printer thereof.

(iii.) Subject to and upon compliance with the requirements of paragraph (ii.) of this subsection a returning officer or electoral registrar shall retain every delivery note as aforesaid with respect to ballot papers supplied to him until he shall have dealt with that delivery note as prescribed.

(7.) (i.) The Under Secretary, Department of Justice, may direct the Government Printer to supply to a returning officer for a district ballot papers (being ballot papers for use in casting votes, other than votes permitted under section 35A of this Act, for a district on polling day at polling places for that district) not containing a printed list of all candidates' names but otherwise completely printed where, in the opinion of the said Under Secretary, it is necessary (having regard to the remoteness from Brisbane, area, and means of communication within the district concerned and to the limit or probable limit of the period of time between nomination and polling days) to do so in order to ensure the distribution before polling day in sufficient numbers of those ballot papers to polling places for that district.

1952.

*Elections Acts, Etc., Amendment Act.*PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

(ii.) A returning officer shall arrange with a local printer for the printing as prescribed by this section of a list of all candidates' names upon any and every ballot paper supplied to him under paragraph (i.) of this subsection.

The returning officer shall—

- (a) Upon delivering a parcel of ballot papers to a local printer as aforesaid obtain from that printer; and
- (b) Upon receiving those ballot papers back from the printer, give to that printer,

a receipt in the prescribed form and containing the prescribed particulars and shall keep and retain in his possession until he shall have accounted to the said Under Secretary for all ballot papers supplied to him in relation to the election in question, a carbon copy of the receipt given by him to the printer and the original receipt received by him from the printer as aforesaid.

(8.) (i.) A returning officer shall supply to the presiding officer at each polling place (other than a polling place to which subsection nine of this section applies) or, in the case of a polling place at which there are two or more polling booths, every presiding officer thereat a number of ballot papers for use in casting votes on polling day fully equal to the number of electors likely to vote at such polling place or, as the case requires, at the two or more polling booths thereat respectively.

If a returning officer is himself to preside at a polling place or a polling booth thereat, he shall keep for himself a like sufficient number of ballot papers.

A returning officer shall not supply to a presiding officer any ballot paper for use in casting a vote at any time other than on polling day.

(ii.) The returning officer shall include in any and every parcel of ballot papers supplied by him to a presiding officer a delivery note in the prescribed form detailing the ballot papers and the respective numbers thereof contained in that parcel and containing the prescribed form of receipt for the acknowledgment of the receipt of those ballot papers.

(iii.) Any and every presiding officer shall as soon as may be after the receipt by him of a parcel of ballot papers and in any event before he commences to use those ballot papers for taking the poll check the contents

of that parcel with the delivery note therefor and complete the prescribed particulars in and sign the form of acknowledgment of the receipt of those ballot papers contained in that delivery note.

If on such check there is a discrepancy in numbers of any ballot papers or otherwise howsoever between the parcel and the delivery note therefor, the presiding officer shall have a counter check as aforesaid made by a responsible person (who shall be another presiding officer, if available).

Particulars of any discrepancy found and counter checked as aforesaid shall be noted in the form of acknowledgment and in that case that form shall be signed by both the presiding officer and the person who shall have made the counter check.

(iv.) Subject to and upon compliance with the requirements of paragraph (iii.) of this subsection a presiding officer shall retain every delivery note as aforesaid with respect to ballot papers supplied to him until he shall have dealt with that delivery note as prescribed.

(9.) (i.) Where any polling place for a district without the limits of that district is so situated that, in the opinion of the Under Secretary, Department of Justice, it is more convenient to supply directly from the Government Printer ballot papers for use in casting votes on polling day at that polling place, then the said Under Secretary may so direct.

(ii.) The Government Printer shall supply ballot papers to any and every presiding officer at a polling place in accordance with a direction as aforesaid.

Every parcel of ballot papers so supplied shall contain a delivery note as specified in paragraph (ii.) of subsection eight of this section, and every presiding officer concerned shall with respect to that parcel and delivery note, be bound by the provisions of paragraphs (iii.) and (iv.) of the said subsection eight as if the ballot papers in question had been supplied to him by the returning officer.

(iii.) The said Under Secretary shall advise the returning officer of any direction given by him under this subsection, and the returning officer shall not supply ballot papers to any presiding officer at any polling place in respect of which the said Under Secretary has advised him of such a direction.

1952.

*Elections Acts, Etc., Amendment Act.*PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

(10.) (i.) Upon the completion of any and every election—

- (a) The Government Printer shall deliver up to the Under Secretary, Department of Justice, all ballot papers of any and every description printed for the purposes of that election then remaining in stock in his office ;
- (b) Every presiding officer shall, in the manner and at the time prescribed, account to the returning officer or, in respect of ballot papers supplied to him by the Government Printer, to the said Under Secretary, for all ballot papers of any and every description supplied to him for the purposes of that election and deliver up to the returning officer or, as the case requires, the said Under Secretary such and so many of those ballot papers as shall not have been used or shall have been spoilt ; and
- (c) Every returning officer shall, in the manner and at the time prescribed, account to the said Under Secretary for all ballot papers of any and every description supplied to him for the purposes of that election and deliver up to the said Under Secretary such and so many of those ballot papers as shall not have been used or shall have been spoilt.

(ii.) When the said Under Secretary shall have satisfied himself that all ballot papers printed for the purposes of an election have been duly accounted for to him and that such and so many of those ballot papers as shall not have been used or shall have been spoilt have been delivered up to him he shall make a certificate to that effect and shall cause those unused and spoilt ballot papers to be destroyed.

The said Under Secretary shall keep in the records of his office for at least ten years every certificate as aforesaid made by him.

(11.) The said Under Secretary shall forthwith report to the Minister any failure by the Government Printer, a returning officer or a presiding officer to account in compliance in every respect with the requirements of this section for any ballot paper.

(12.) A person who fails to comply in every respect with a provision of this section expressed to be binding upon him shall be guilty of an offence and liable to a penalty of not more than one hundred pounds.

(13.) In this section the term "presiding officer" includes an assistant returning officer.

(14.) In the application of this section to any election under * "*The City of Brisbane Acts, 1924 to 1950,*" or any Act amending or substituted for those Acts (whether a triennial election of the Mayor and aldermen of the City of Brisbane or a separate election to fill an extraordinary vacancy in the office of an alderman of the said City)—

- (a) The powers conferred and duties imposed upon the Under Secretary, Department of Justice, by this section shall respectively be exercised and performed by the Town Clerk of the said City;
- (b) This section shall be so applied by reading any reference herein to the Under Secretary, Department of Justice, as referring to the Town Clerk of the City of Brisbane; and
- (c) The term "returning officer" wherever appearing in this section shall mean, in relation to a district which is an electoral ward under and within the meaning of those lastmentioned Acts, "assistant returning officer".

(15.) Any candidate shall be entitled to inspect and to take copies of all relevant delivery notes, receipts, and certificates applicable to the electorate which he contested."

Repeal of
and new
s. 53.

13. Section fifty-three of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted, namely:—

Scrutineers.

"[53.] (1.) Each candidate may, by writing under his hand, appoint a scrutineer or scrutineers at each polling place or, where there are two or more polling booths at a polling place, at each of those polling booths.

Every person so appointed scrutineer shall upon his appointment make and subscribe before the presiding officer a solemn declaration in the prescribed form.

* 15 G. 5 No. 32 and amending Acts.

1952.

*Elections Acts, Etc., Amendment Act.*PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

(2.) At any one and the same time during the hours of polling, a candidate shall be entitled to have one, and only one, scrutineer in a polling place unless that polling place has two or more polling booths when he may have one, and only one, scrutineer in each of those polling booths :

Provided that a second scrutineer for a candidate may enter a polling place or polling booth for the purpose of taking the place of a scrutineer for the candidate in question already present therein or for the purpose of voting.

(3.) A person shall not, without lawful authority, prevent or attempt to prevent a scrutineer from entering or leaving the booth to which he is appointed at any time during the hours of polling."

14. Section fifty-six of the Principal Act is amended by repealing subsection one thereof and by inserting, in lieu of that repealed subsection, the following subsection, namely :—

Repeal of
and new
s. 56 (1).

"(1.) The presiding officer—

- (i.) May of his own motion if he thinks fit ; and
- (ii.) Shall if thereunto required by a candidate or scrutineer upon grounds stated by that candidate or scrutineer (being in the case of the question numbered (3) set out hereunder in this subsection, one or more of the grounds prescribed by this Act as disqualifying from voting the person to whom the question is required to be put) and warranting, in the opinion of the presiding officer, the putting thereof,

put to any person claiming to be an elector before that person votes and not afterwards any one or more of the following questions, namely :—

- "(1.) Are you the same person whose name appears as (A. B., number) in the roll for this electoral district ?
- (2.) Have you already voted, either here or elsewhere, at the present election for this electoral district ?
- (3.) Are you disqualified from voting for the reason that (here state the ground for this question)."

15. (1.) Section sixty-three of the Principal Act is amended—

Amendments
of s. 63.

(a) By adding to subsection two of that section the following paragraph, namely:—

“and

(d) Upon application by any person who was a candidate at the election to which the marked roll refers, give to that person a copy of the marked roll.”

(b) By adding to that section the following subsections, namely:—

“(14.) The Principal Electoral Officer may require any returning officer to assist him in the administration of this section by performing the duty imposed upon the Principal Electoral Officer by subsection three hereof and any and every returning officer thereunto required by the Principal Electoral Officer shall assist accordingly.

(15.) In the application of this section to any election under * “*The City of Brisbane Acts, 1924 to 1950,*” or any Act amending or substituted for those Acts (whether a triennial election of the Mayor and aldermen of the City of Brisbane or a separate election to fill an extraordinary vacancy in the office of an alderman of the said City)—

(a) The powers conferred and duties imposed upon the Principal Electoral Officer by subsections one to twelve, both inclusive, of this section shall be exercised and performed by the Town Clerk of the said City; and

(b) The said subsections one to twelve shall be read by substituting for the term “Principal Electoral Officer” wherever appearing therein, the term “Town Clerk of the City of Brisbane”.

(2.) This section shall come into operation on the passing of this Act.

Amendments
of s. 69.

16. Section sixty-nine of the Principal Act is amended as follows:—

(a) Subsections five, six and seven of that section are repealed.

1952. *Elections Acts, Etc., Amendment Act.*

(b) Subsection eight of that section is renumbered subsection four.

(c) The following subsections are inserted in that section, after subsection four as previously renumbered by this section, namely:—

“(5.) Subject to compliance in every respect with the requirements of the foregoing provisions of this section—

(a) The presiding officer shall—

(i.) Enter in the place provided on the envelope endorsed as hereinbefore provided in this section the ballot number of a ballot paper of the description and in the form prescribed for voting under this section ;

(ii.) Fold down the right-hand upper corner of that ballot paper so as to entirely conceal the ballot number ;

(iii.) Securely fasten the fold with gum or otherwise in such a manner that the ballot number cannot be discovered without unfastening the fold ;

(iv.) Give to the elector concerned that ballot paper, but retain the envelope endorsed as aforesaid ;

(b) That elector shall, in a compartment provided at the polling place or polling booth in question to enable electors to mark ballot papers, record his vote in the manner prescribed, and immediately thereafter fold up the ballot paper so as to conceal the manner in which he has voted and deliver it to the aforementioned presiding officer ;

(c) That presiding officer shall then, in the sight and presence of that elector and of such scrutineers, if any, as are present, and without unfolding the ballot paper, enclose it in the envelope endorsed, in respect of that elector, as hereinbefore provided in this section and after securely fastening that envelope, place it aside for separate custody.

(6.) (a) Every presiding officer shall make, in the prescribed form, a record of the name of every elector permitted by him to vote under this section, the district

for which the vote is permitted, the full address of that elector, as stated by the elector, on the roll for that district, and the number of the ballot paper given by him to that elector.

Where a presiding officer permits votes under this section for more than one district, he shall make a separate and distinct such record in respect of each such district.

A presiding officer shall initial separately the particulars so recorded by him in respect of each elector.

(b) Forthwith at the close of the poll every presiding officer shall—

- (i.) Enclose in a securely fastened outer envelope endorsed "Record of Absent Voters" the form of record made by him in compliance with paragraph (a) of this subsection (or if that compliance required him to make more than one such record, the forms of all such records so made by him);
- (ii.) Transmit by post or otherwise that envelope, properly addressed, to the returning officer of the district for which he acted as such presiding officer.

A presiding officer acting as such for two or more districts shall transmit the envelope specified in this paragraph to the returning officer who supplied him with the ballot papers given by him to the electors named in the form of record, or forms of record, enclosed in that envelope as having been permitted to vote under this section.

(c) When the returning officer for a district shall have received from all presiding officers for his district who have permitted votes under this section all of the forms of record required to be made by those presiding officers to comply with the requirements of paragraph (a) of this subsection, that returning officer shall notify, in the prescribed form, the returning officer of any and every other district for which any of those votes have been so permitted of—

- (i.) The names of all polling places and polling booths at which votes were permitted under this section for the district of the other returning officer in question;

1952.

Elections Acts, Etc., Amendment Act.

- (ii.) The names of the presiding officers who permitted the votes; and
- (iii.) The number of votes permitted at each and every polling place or polling booth so named.

(d) If a notification under paragraph (c) of this subsection by a returning officer to another returning officer discloses a discrepancy in the number of absent votes received by that other returning officer, or absent votes notified thereby shall not have been received by that other returning officer, then that other returning officer shall report forthwith to the returning officer by whom the notification was given.

That lastmentioned returning officer shall investigate the matter of any discrepancy or non-receipt of absent votes so reported to him and shall report to the Under Secretary, Department of Justice, the result of the investigation.

(7.) Forthwith upon the close of the poll any and every presiding officer shall—

- (a) Enclose in a securely fastened outer envelope all envelopes containing votes for a district permitted by him under this section.

Where a presiding officer shall have permitted votes under this section for more than one district he shall first sort the envelopes containing those votes into separate parcels according to the districts for which those votes have been so permitted and then enclose the envelopes containing the votes for each such district respectively in a securely fastened outer envelope;

- (b) Transmit by post or otherwise any and every such outer envelope, properly addressed, to the returning officer of the district respectively for which the votes enclosed therein have been permitted; and
- (c) Inform each such returning officer, by telegram if necessary, of the number of votes permitted under this section for his district.

(8.) The returning officer shall—

- (a) Without in any way unfastening, or permitting or allowing to be in any way unfastened, any envelope immediately containing such a

ballot paper satisfy himself that that envelope has thereon, entered in the place provided, a legible ballot number, and, by examining the endorsements upon that envelope, that those endorsements are in order and duly signed and witnessed, and, by comparing those endorsements with the roll for his district used by him at the election in question, that the voter is an elector entitled to vote for the district of that returning officer at the election in question ;

(b) Upon satisfying himself in every respect as aforesaid, but not otherwise, write the ballot number against the name of the elector concerned in the roll used by him at the election in question.

(9). (a) At the scrutiny the returning officer shall produce unopened all envelopes received by him immediately containing votes for his district permitted under this section.

(b) If, in respect of any vote permitted under this section, the returning officer is not satisfied in every respect as required by the provisions of subsection eight of this section, he shall reject that vote and shall, without in any way unfastening or permitting or allowing to be in any way unfastened the envelope containing it, set that envelope aside for separate custody.

The returning officer shall also reject and set aside for separate custody any and every envelope purporting to contain a vote permitted under this section which does not bear thereon the endorsements signed and witnessed, as prescribed by this section or which has not thereon, entered in the place provided, a legible ballot number.

(c) If, in respect of any vote permitted under this section, the returning officer is satisfied in every respect as required by the provisions of subsection eight of this section, but not otherwise, he shall open the envelope containing the ballot paper and, without then unfolding the ballot paper, place it in a ballot box and set the envelope aside for separate custody.

(d) When the returning officer shall have dealt with all the envelopes containing votes permitted under this section produced by him at the scrutiny at any one and the same time, he shall open the ballot box

1952.

*Elections Acts, Etc., Amendment Act.*PART II.—
AMENDMENTS
OF "THE
ELECTIONS
ACTS, 1915
TO 1948."

and count such and so many ballot papers recording those votes as he shall have placed therein; and shall so proceed in respect of every such time until the day when all votes permitted under this section shall have been received and dealt with by him or until the day when no further ballot papers are to be counted, whichever sooner occurs:

Provided that he shall reject any of those ballot papers required by the provisions of paragraphs (a) and (b) of subsection one of section seventy-four of this Act to be rejected at the close of the poll."

(d) Subsections nine and ten of the said section sixty-nine are repealed.

(e) Subsection eleven of the said section sixty-nine is amended by repealing the second paragraph of that subsection and by inserting, in lieu of that repealed paragraph, the following paragraph, namely:—

"The ballot number entered on such an envelope shall, upon a scrutiny, be *primâ facie* evidence that the ballot paper contained in that envelope was issued to and used by the elector who, according to the declaration upon that envelope, claimed the vote."

17. Section seventy of the Principal Act is amended Amendments of s. 70. as follows:—

(a) Subsection one of that section is amended by repealing therein the words "and before polling day" and by inserting, in lieu of those repealed words, the words "and before six o'clock in the afternoon of the day next preceding polling day".

(b) Subsections two to five, both inclusive, of that section are repealed and, in lieu of those repealed subsections, the following subsections are inserted, namely:—

"(2.) When an elector permitted under this section to vote at any time after the issue of the writ and before six o'clock in the afternoon of the day next preceding polling day—

(a) At a time when that elector is so permitted, attends before a prescribed electoral registrar or a returning officer;

(b) Presents to that electoral registrar or returning officer an application in the prescribed form, for a vote under this section; and

(c) Makes upon an envelope before that electoral registrar or returning officer the declaration prescribed under subsection one of this section,

thereupon that electoral registrar or returning officer shall—

- (i.) Enter in the place provided on the envelope upon which that elector has made the aforesaid declaration the ballot number of a ballot paper of the description and in the form prescribed for voting under this section ;
- (ii.) Fold down the right-hand upper corner of that ballot paper so as to entirely conceal the ballot number ;
- (iii.) Securely fasten the fold with gum or otherwise in such a manner that the number cannot be discovered without unfastening the fold ; and
- (iv.) Give to that elector that ballot paper but retain the envelope upon which the elector has made the declaration as aforesaid.

(3.) The elector shall vote (in the presence but not in the sight of the electoral registrar or returning officer) by recording in the prescribed manner his vote on the ballot paper delivered to him as aforesaid, fold up the ballot paper so as to conceal the manner in which he has voted, and then return that ballot paper to the electoral registrar or returning officer who shall without unfolding the ballot paper place it in the envelope endorsed with the elector's declaration, fasten up that envelope, then (except in the case of a vote permitted under this section by a returning officer for his district) place that envelope in and thereafter fasten up a second and outer envelope addressed to the returning officer of the district for which the elector claimed that vote.

Forthwith upon complying with the foregoing provisions of this subsection and the provisions of subsection four of this section, the electoral registrar or returning officer (except a returning officer permitting a vote under this section for his district) shall deliver the said outer envelope to the elector for posting to the returning officer to whom that envelope is addressed.

In the case of the returning officer being the returning officer for the district for which the vote is permitted, that returning officer shall retain in his custody the envelope immediately containing that vote.

1952.

Elections Acts, Etc., Amendment Act.

(4.) Every electoral registrar or presiding officer shall make, in the prescribed form, a record of the name of every elector permitted by him to vote under this section, the district for which the vote is permitted, the full address of that elector, as stated by that elector, on the roll for that district, and the number of the ballot paper given by him to that elector.

Where an electoral registrar or returning officer permits votes under this section for more than one district, he shall make a separate and distinct such record in respect of each such district.

The electoral registrar or returning officer shall initial separately the particulars so recorded by him in respect of each elector.

(5.) Any person claiming to vote under this section and permitted that vote for a district who—

- (a) (Where the outer envelope containing that vote is delivered to him for posting as hereinbefore provided in this section) without reasonable excuse, proof whereof shall lie on him, fails to himself post that outer envelope before midnight on polling day; or
- (b) Destroys, mutilates, opens or in any way tampers with that outer envelope or the address thereon, or attempts to do, or permits or allows to be done or attempted to be done any of the things hereinbefore specified in this paragraph (b),

shall be guilty of an offence against this Act and liable to a penalty of not more than one hundred pounds.

(6.) Any person other than an elector permitted a vote under this section who without lawful excuse, proof whereof shall lie upon him, obtains possession of or at any time has in his possession any ballot paper on which a vote permitted under this section has been recorded by the elector permitted that vote, any envelope upon which the declaration prescribed by this section shall have been made by an elector permitted a vote under this section, or the envelope addressed to a returning officer in which such a vote shall have been fastened up for posting, shall be guilty of an offence against this Act and liable to a penalty of not more than one hundred pounds, or to imprisonment for not longer than six months, or to both that pecuniary penalty and term of imprisonment.

(7.) As soon as may be after six o'clock in the afternoon of the day next preceding polling day every prescribed electoral registrar or returning officer shall—

- (a) Enclose in a securely fastened envelope the record of the persons permitted votes under this section by him (being, in the case of a returning officer, votes so permitted for a district other than the district of that returning officer).

Where an electoral registrar or returning officer shall have permitted votes under this section for two or more districts he shall enclose respectively the record as aforesaid in respect of each of those districts in a separate and securely fastened envelope ;

- (b) Transmit by post or otherwise any and every such envelope, properly addressed, to the returning officer of the district respectively for which the electors named in the record enclosed therein have voted under this section ; and
- (c) Inform each such returning officer, by telegram if necessary, of the number of votes permitted under this section for his district.

(8.) (a) At the scrutiny the returning officer shall produce, unopened—

- (i.) All envelopes retained by him immediately containing votes for his district permitted under this section by him ; and
- (ii.) All outer envelopes received by post by him containing votes for his district permitted under this section by any prescribed electoral registrar or any other returning officer.
- (b) Every outer envelope so produced which was—
- (i.) Received by post by the returning officer before six o'clock in the afternoon of polling day ; or
- (ii.) Received by post by the returning officer and on which the postmark clearly indicates that such envelope was posted on or before polling day,

shall be opened by the returning officer who shall deal, as required by paragraph (d) of this subsection, with all envelopes enclosed therein immediately containing votes permitted under this section.

1952. *Elections Acts, Etc., Amendment Act.*

(c) Without in any way unfastening, or permitting or allowing to be in any way unfastened, any outer envelope so produced which was not received by him in compliance with the requirements of paragraph (b) of this subsection, the returning officer shall reject and set aside for separate custody that envelope.

(d) Without in any way unfastening, or permitting or allowing to be in any way unfastened, any envelope immediately containing a ballot paper recording a vote permitted for his district under this section, the returning officer shall satisfy himself that that envelope has thereon, entered in the place prescribed, a legible ballot number, and, by examining the declaration of the elector upon that envelope that the declaration is in order, and, by comparing that declaration with the roll for his district used by him at the election in question, that the elector is qualified to vote for the district of that returning officer at that election.

(e) If, in respect of any vote permitted under this section, the returning officer is not satisfied in every respect as required by the provisions of paragraph (d) of this subsection, he shall reject that vote and shall, without in any way unfastening or permitting or allowing to be in any way unfastened the envelope containing it, set that envelope aside for separate custody.

The returning officer shall also reject and set aside for separate custody any and every envelope purporting to contain immediately a vote permitted under this section which does not bear thereon the form of declaration prescribed under this section or which has not thereon, entered in the place provided, a legible ballot number.

(f) If, in respect of any vote permitted under this section, the returning officer is satisfied in every respect as required by the provisions of paragraph (d) of this subsection, but not otherwise, he shall write the ballot number against the name of the elector concerned in the roll used by him at the election in question and, after so writing that number, open the envelope containing the ballot paper and, without then unfolding the ballot paper, place it in a ballot box and set the envelope aside for separate custody.

(9.) When the returning officer shall have dealt with all the envelopes immediately containing votes permitted under this section produced by him at the

scrutiny at any one and the same time, he shall open the ballot box and count such and so many ballot papers recording those votes as he shall have placed therein; and shall so proceed, in respect of any such time, until the day when all votes permitted under this section for his district shall have been received and dealt with by him or until the day when no further ballot papers are to be counted, whichever sooner occurs:

Provided that he shall reject any of those ballot papers required by the provisions of paragraphs (a) and (b) of subsection one of section seventy-four of this Act to be rejected as the close of the poll."

(c) Subsection six of the said section seventy is renumbered subsection ten.

Amendments
of s. 71.

18. Section seventy-one of the Principal Act is amended as follows:—

(i.) The second paragraph of subsection three of that section is repealed and, in lieu of that repealed paragraph, the following paragraphs are inserted, namely:—

"Before so delivering or causing to be sent the certificate endorsed upon an envelope and postal ballot paper the returning officer or electoral registrar shall—

- (a) Enter in the place provided on that envelope the ballot number of that paper;
- (b) Fold down the right-hand upper corner of that paper so as to entirely conceal the ballot number; and
- (c) Securely fasten the fold with gum or otherwise in such a manner that the number cannot be discovered without unfastening the fold.

Every postal ballot paper shall be of the description and in the form prescribed for use in voting under this section."

(ii.) Subsection four of that section is amended by inserting therein after the words "issued by him" the words "and in relation to the particulars so shown in respect of any and every postal vote certificate issued by him the ballot number of the postal ballot paper delivered or caused to be sent to an elector with that certificate".

The said subsection four is further amended by repealing therein all words from and including the words "Upon receipt" to the end thereof and by inserting,

1952.

Elections Acts, Etc., Amendment Act.

in lieu of those repealed words, the words "Every returning officer or electoral registrar shall initial separately the particulars as aforesaid in respect of each postal vote certificate issued by him set out in the aforesaid record and copy".

(iii.) Subsection 5A of the said section seventy-one is repealed and, in lieu of that repealed subsection, the following subsection is inserted, namely:—

"(5A.) A person (whether the elector in question or any other person whomsoever) who tears off, obliterates or in any manner whatsoever tampers with—

(a) The ballot number entered upon an envelope endorsed with the certificate under this section granted by a returning officer or electoral registrar in respect of an elector; or

(b) The ballot number of any postal ballot paper, shall be guilty of an offence against this Act and liable to a penalty of not more than one hundred pounds."

(iv.) Paragraph (ii.) of subsection nine of the said section seventy-one is amended by repealing therein the words "shall enter thereon the postal ballot number and".

(v.) Paragraph (iii.) of the said section nine is repealed and, in lieu of that repealed paragraph, the following paragraph is inserted, namely:—

"(iii.) If the returning officer is satisfied that the voter is enrolled and if the vote is allowed, the returning officer shall, before opening the envelope, write the ballot number against the name of the voter concerned in the roll used by him at the election in question and, after so writing that number, open the envelope containing the ballot paper and, without then unfolding the ballot paper place it in a ballot box. Forthwith upon so doing he shall attach the said envelope by gum or otherwise to the application relating thereto."

(vi.) Paragraph (iv.) of the said subsection nine is amended by adding to that paragraph the words "or which is enclosed in an envelope which has not entered thereon in the place provided a ballot number".

(vii.) The following subsection is added to the said section seventy-one, namely:—

"(10.) When the returning officer shall have dealt with all the envelopes containing votes permitted under this section produced by him at the scrutiny at

any one and the same time, he shall open the ballot box and count such and so many ballot papers recording those votes as he shall have placed therein; and shall so proceed in respect of every such time until the day when all votes permitted under this section shall have been received and dealt with by him or until the day when no further ballot papers are to be counted, whichever sooner occurs:

Provided that he shall reject any of those ballot papers required by the provisions of paragraphs (a) and (b) of subsection one of section seventy-four of this Act to be rejected at the close of the poll."

Amendments
of s. 74.

19. Section seventy-four of the Principal Act is amended as follows:—

(a) The words and brackets "(not including a postal vote or any other absent vote)" are repealed where those words appear in subsection one of that section.

(b) The following subsection is inserted after subsection one of the said section seventy-four, namely:—

"(1A.) Where it is prescribed that a vote under section 35A, or section sixty-nine, or section seventy, or section seventy-one of this Act shall be recorded by writing the name of the candidate for whom the vote is cast on the ballot paper (or a specified page of the ballot paper) of the description and in the form prescribed for voting under the section in question then, if the voter writes the names of more candidates than one upon the ballot paper (or the specified page thereof), one below the other, the ballot paper shall not be rejected for that reason only, but the voter shall be deemed to have voted for the candidate whose name is first in the order in which such names are so written."

Amendment
of s. 84.

20. Section eighty-four of the Principal Act is amended by adding thereto the following subsections, namely:—

"(7.) Upon the certificate of the Attorney-General or Solicitor-General stating that any of the ballot papers declarations, or other things contained in any such sealed packet are required by a member or members of the Police Force for purposes stated in that certificate of an investigation being made by that member of the Police Force into an alleged offence under this Act or The

1952. *Elections Acts, Etc., Amendment Act.*

PART II.—
AMENDMENTS
OF “THE
ELECTIONS
ACTS, 1915
TO 1948.”

Criminal Code, the Speaker may in writing authorise the said Clerk to produce those ballot papers, declarations or things to that member or members of the Police Force, and thereupon that said Clerk shall do so.

The Speaker may, having regard to the nature of the alleged offence, impose conditions with respect to the dealing by the member or members of the Police Force concerned with ballot papers declarations, or other things produced to him or them by authority as aforesaid.”

21. Subsection one of section one hundred and eight of the Principal Act is repealed and, in lieu of that repealed subsection, the following subsection is inserted, namely :—

Amendment
of s. 108 (1).

“(1.) The trial of an election petition or reference shall be held at the place of nomination or at some other place, within or without the limits of the district concerned, at which it appears to the Judge that trial could most conveniently be held having regard in particular to the saving of time and expense to the petitioner and other parties, if any, to the trial.”

22. Section one hundred and nine of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted, namely :—

Repeal of
and new
s. 109.

“[109.] The Judge may adjourn the trial from time to time and from place to place.”

Adjourn-
ment of
trial.

23. Section one hundred and thirty-seven of the Principal Act is amended by repealing therein the words “two hundred pounds” and by inserting, in lieu of those repealed words, the words “five hundred pounds”.

Amendment
of s. 137.

PART III.—AMENDMENT OF * “THE CRIMINAL CODE”.

PART III.—
AMENDMENTS
OF “THE
CRIMINAL
CODE.”

24. This Part of this Act shall be read as one with “The Criminal Code”.

Construction
of Part III.

25. Section one hundred and fifteen of * “The Criminal Code” is amended by adding thereto the following paragraph, namely :—

Amendment
of s. 115.

“Neither this section nor section one hundred and fourteen hereof shall apply with respect to a member of the police force acting under lawful authority in the course of his official duty.”