

COMMONWEALTH ELECTORAL.

No. 9 of 1934.

An Act to amend sections three, twenty-nine, forty-one, forty-seven, ninety-three, one hundred and twenty-three, one hundred and thirty-three, one hundred and thirty-five, one hundred and seventy-seven and two hundred and twelve of, and the Schedule to, the *Commonwealth Electoral Act 1918-1929*, and relating to Enrolment and the Removal of Names from Electoral Rolls.

[Assented to 27th July, 1934.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title and citation.

1.—(1.) This Act may be cited as the *Commonwealth Electoral Act 1934*.

(2.) The *Commonwealth Electoral Act 1918-1929** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Electoral Act 1918-1934*.

Repeal.

2. Section three of the Principal Act is amended by omitting sub-section (3.) thereof.

Electoral Rolls.

3. Section twenty-nine of the Principal Act is amended by omitting sub-section (2.) thereof.

Claims for enrolment or transfer of enrolment.

4. Section forty-one of the Principal Act is amended by adding at the end of sub-section (3.) the words “, or to have his name placed on a Roll in respect of any address other than the address at which he is living at the date of lodgment of the claim.”

Alteration of Rolls.

5. Section forty-seven of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) Where the name of an elector has, pursuant to a claim, been incorrectly placed on the Roll for a Subdivision other than the

Act No. 27, 1918, as amended by No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 10, 1924; No. 20, 1925; No. 17, 1928; and No. 2, 1929.

Subdivision in which he was living at the date of the claim, and the elector was entitled on that date to have his name placed on the Roll for the Subdivision in which he was living—

- (a) if the two Subdivisions are in the same Division, the Divisional Returning Officer may direct the Registrar keeping the Roll on which the elector is enrolled to remove the name of the elector from that Roll, and the Registrar keeping the Roll for the Subdivision in which the elector is living to place the name of the elector on that Roll and to notify the elector of the change of enrolment, and the respective Registrars shall comply with those directions accordingly ; and
- (b) if the two Subdivisions are not in the same Division, the Commonwealth Electoral Officer shall forward a certificate setting forth the facts to the Divisional Returning Officer for the Division in which the elector is enrolled and to the Divisional Returning Officer for the Division in which the elector is living, and thereupon the Divisional Returning Officer for the Division for which the elector is enrolled shall direct the Registrar keeping the Roll on which the elector is enrolled to remove the name of the elector from that Roll, and the Divisional Returning Officer for the Division in which the elector is living shall direct the Registrar keeping the Roll for the subdivision in which the elector is living to place the name of the elector on that Roll and to notify the elector of the change of enrolment, and the respective Registrars shall comply with those directions accordingly.”.

6. After section forty-seven of the Principal Act the following section is inserted :—

“ 47A. Where a person, whose name has been placed on the Roll for a Division, is not entitled to enrol for that Division and that person secured enrolment pursuant to a claim in which he made a false statement, the Divisional Returning Officer for that Division, upon receipt of a certificate from the Commonwealth Electoral Officer setting forth the facts, may, at any time between the date of the issue of the writ for an election for that Division, and before the close of the polling at that election, direct the Registrar keeping that Roll to remove the name of that person from that Roll and the Registrar shall comply with that direction accordingly.”.

Incorrect
enrolment.

7. Section ninety-three of the Principal Act is amended by adding at the end thereof the following sub-section :—

“(2.) An authorized witness shall not influence, or attempt to influence, in any way, the vote of an elector voting by post before him.

Duty of
authorized
witness.

Penalty : One hundred pounds or imprisonment for six months.”.

Marking of
votes in a
Senate election.

8. Section one hundred and twenty-three of the Principal Act is amended—

(a) by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph :—

“(a) Where his ballot-paper is a ballot-paper in accordance with Form E in the Schedule—he shall place the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the numbers 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them ;” ; and

(b) by inserting at the end thereof the following sub-section :—

“(2.) Where a candidate dies between the date of nomination and polling day, and the number of candidates remaining is greater than the number of candidates to be elected, a ballot-paper shall not be informal by reason only—

(a) of the inclusion on the ballot-paper of the name of the deceased candidate ;

(b) of the marking of any consecutive number opposite that name ; or

(c) of the omission to place any number opposite that name, or of any resultant failure to indicate in consecutive order the voter's preferences.”.

Informal
ballot-papers

9. Section one hundred and thirty-three of the Principal Act is amended—

(a) by inserting in sub-section (1.) after the word “ provided ” (first occurring) the words “ by section one hundred and twenty-three of this Act, and ” ; and

(b) by omitting paragraph (b) of sub-section (1.) and inserting in its stead the following paragraph :—

“(b) In a Senate election, it has no vote indicated on it, or it does not indicate the voter's first preference for one candidate and the order of his preference for all the remaining candidates ;”.

Scrutiny of
votes in Senate
elections.

10. Section one hundred and thirty-five of the Principal Act is amended—

(a) by omitting from sub-paragraph (e) of paragraph (5.) the word “ unexhausted ” ;

(b) by omitting from sub-paragraph (a) of paragraph (6.) the words “ , if unexhausted, ” ;

(c) by omitting from the proviso to paragraph (7.) the words “ , if unexhausted, ” ;

(d) by omitting paragraphs (8.) and (9.) and inserting in their stead the following paragraph:—

“(8.) In any case to which sub-section (2.) of section one hundred and twenty-three of this Act applies, any vote indicated on a ballot-paper opposite the name of a deceased candidate shall be counted to the candidate next in the order of the voter’s preference, and the numbers indicating any subsequent preferences shall be deemed to be altered accordingly.”; and

(e) by omitting from paragraph (12.) the words “and exhausted”.

11. Section one hundred and seventy-seven of the Principal Act is amended by adding at the end thereof the following sub-sections:—

Disorderly
behaviour at
meeting.

“(3.) The chairman of any meeting to which this section applies may direct any member of the Police Force of a State or Territory, or of the Commonwealth, to remove from the room or building in which the meeting is being held any person who, in the opinion of the chairman, is preventing the transaction of the business for which the meeting is held, and thereupon the member may take such steps as are necessary for the removal of the person from the room or building.

“(4.) Any person—

- (a) who has been removed from a room or building in accordance with a direction given under the last preceding sub-section; or
- (b) whose removal from a room or building has been directed under the last preceding sub-section and who has left that room or building,

and who, without the authority of the chairman (proof whereof shall lie upon that person) returns to that room or building while the meeting is in progress, shall be guilty of an offence.

Penalty: Ten pounds or imprisonment for one month.

“(5.) A member of the Police Force of a State or Territory, or of the Commonwealth, may arrest without warrant any person who commits an offence against the last preceding sub-section.”.

12. Section two hundred and twelve of the Principal Act is repealed and the following section inserted in its stead:—

“212. Telegrams despatched after an election and containing the names of Divisions and Subdivisions, the names of candidates, the number of votes polled by each candidate, and the number of informal votes may, subject to the regulations, be transmitted at the rates set out in paragraph (a) of Part II. of the Second Schedule to the *Post and Telegraph Rates Act 1902-1931*, if the telegrams are transmitted from one State to another State, and at the rates set out in paragraph (b) of Part II. of that Schedule for telegrams within any State, if the telegrams are transmitted within any State.”.

Rates for
telegrams.

The Schedule.

13. The Schedule to the Principal Act is amended—

- (a) by omitting from Form C the words and figures “from and after the day of 19 .”; and
- (b) by omitting from Form E the words from and including the word “*Directions*” to and including the words “already used by him” and inserting in their stead the words “*Directions*.—The elector should mark his vote on this ballot-paper by placing the number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and must place the numbers 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.”.

WHEAT GROWERS RELIEF.

No. 10 of 1934.

An Act to amend section twelve of the *Wheat Growers Relief Act 1933*.

[Assented to 27th July, 1934.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

Short title and citation.

1.—(1.) This Act may be cited as the *Wheat Growers Relief Act 1934*.

(2.) The *Wheat Growers Relief Act 1933** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Wheat Growers Relief Act 1933–1934*.

Special grant to Tasmania.

2. Section twelve of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) In addition to the financial assistance granted to the State of Tasmania under the foregoing provisions of this section, there shall be granted to that State, by way of financial assistance, the sum of Eight thousand pounds.”.